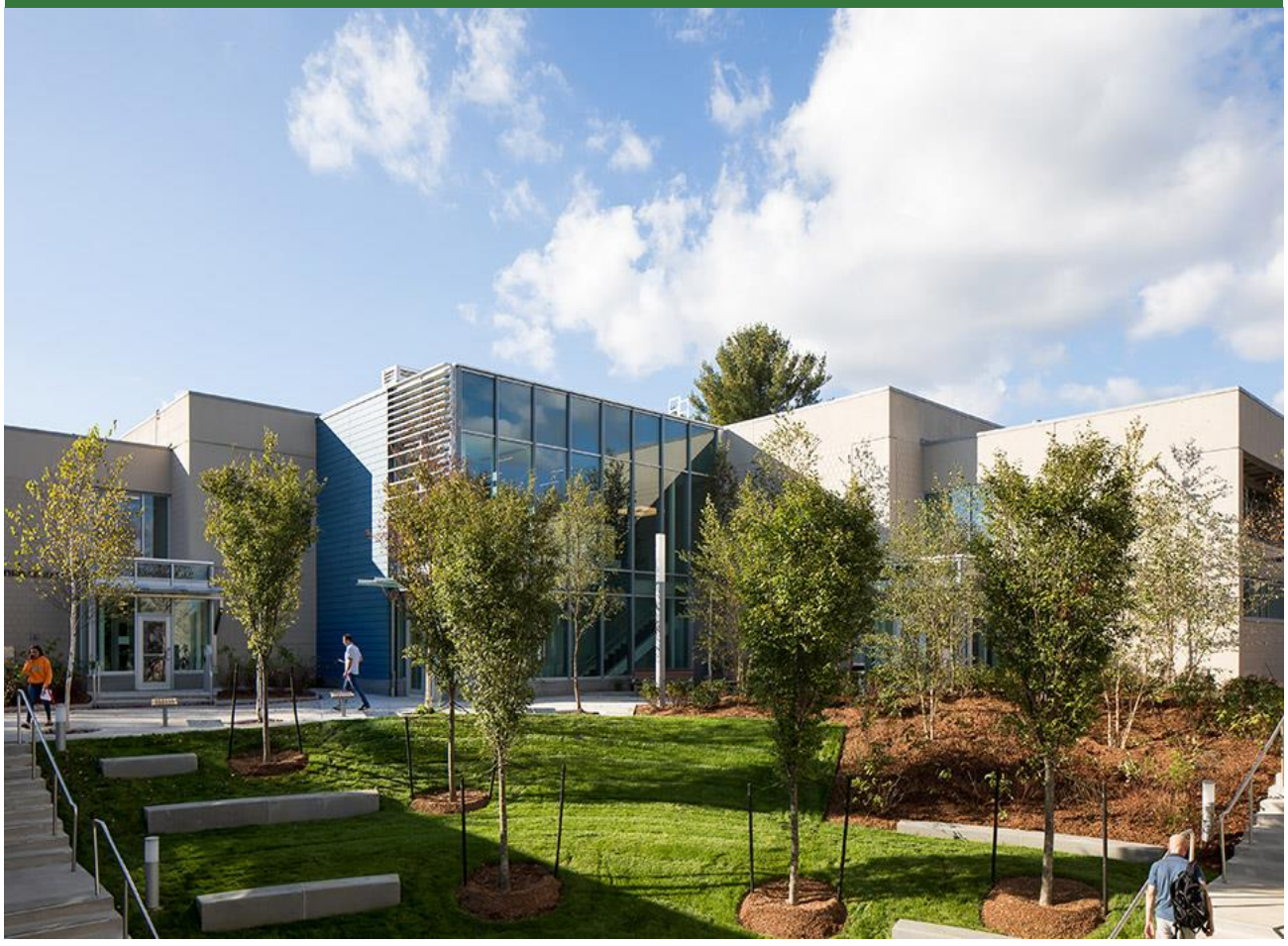
# Berkshire Community College

## 2024

## Annual Security Report

## Clery Compliance Document

(Contains Statistics from 2021,2022 and 2023)



This information is provided in compliance with State and Federal Law and the Clery Act specifically. This report, covers the years 2021, 2022 &2023 published in October 2024, and is available on the Berkshire Community College website at [www.berkshirecc.edu/safety.](www.berkshirecc.edu/safety)

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# Introduction

As required by federal law, Office of Safety & Security 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 Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning reported crimes that occurred on campus to the Office of Safety & Security. 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 Berkshire Community College as well as public property within or immediately adjacent to and accessible from the campus are collected or requested from the Pittsfield, Great Barrington, and North Adams Police Departments as well as the Massachusetts State Police. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported.

Please visit for the most up to date Crime Statistics: ope.ed.gov/security/.

**Preparation for the Annual Security Report and Disclosure of Crime Statistics.**

The Office of Safety & Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the Berkshire Community College Office of Safety & Security, information provided by other College departments, Campus Security Authorities, and information provided by state and local law enforcement agencies. This report provides statistics for the previous three years concerning reported crimes that occurred on campus, as well as in certain off-campus buildings or property owned, leased or controlled by Berkshire Community College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol and other drugs.

**Violence Against Women Reauthorization Act and Campus SaVe Act**

On March 7, 2013, President Obama signed into law the Violence against Women Reauthorization Act (VAWA) which imposed new requirements on colleges and universities under its Campus Sexual Violence Elimination Act (SaVE). The requirements act to add to, refine, clarify and amend the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and act to reinforce Title IX. The Campus SaVE Act adds offenses involving domestic violence, dating violence and stalking to the crimes that institutions must report in the Annual Safety & Security Report. The Campus SaVE Act also expands the categories of reportable "hate crimes" to include those based on bias against gender identity or national origin consistent with Federal statutes.

The Campus SaVE Act amended the definition of sexual offenses and the category of reportable "sex offenses" to include: rape, sodomy, sexual assault with an object, fondling, incest and statutory rape consistent with the uniform crime reporting system of the Federal Bureau of Investigations. The Annual Safety & Security Report must also include detailed descriptions of the institution's internal procedures to resolve issues of domestic violence, dating violence, or stalking, resources on-and-off-campus, as well as descriptions of its educational and preventative programs.

**Annual Security Report Distribution and Request**

The Annual Security Report is widely available to all current and perspective students and employees of Berkshire Community College. The Report is issued annually via email by October 1st and can be found at the Office of Safety & Security, The Office of the Assistant Dean of Students and the Office of Human Resources throughout the year. It is also available to the public upon request or at any of the following location:

- **Mail:** Berkshire Community College Safety & Security Department, 1350 West St Pittsfield, MA 01201

- **Phone:** 413-236-1010
- **Online:** www.berkshirecc.edu/safety
- **U.S. Department of Education:**
  Office of Post-Secondary Education Campus Safety & Security website
  ope.ed.gov/security

## Designation and Description of Campuses

This report covers Berkshire Community College (BCC) Main Campus in Pittsfield and satellite centers in Great Barrington, North Adams, and Pittsfield, Massachusetts. The College is a "commuter campus" and a "non-residential institution," as such, features no College-sponsored housing. Additionally, there are no off-campus student organizations, including student organizations with off-campus housing facilities that are recognized by the institution. BCC is not required to provide policy statements regarding missing persons and fire evacuation plans.

### Defined Geographic Location Definitions

#### On-Campus Property

On-Campus property encompasses any building or property that is 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.

#### Residential Facilities

The College does not maintain any residential facilities.

#### Public Property

Public property encompasses all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent and accessible from the campus.

#### Non-campus Property

Non-campus property is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or 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.

**Great Barrington:**

- Du Bois Middle School, 313 Monument Valley Road,
  Days of Operations: September – May (TU:'s & WE:'s).
- South Berkshire Regional Community Center, 15 Crissey Road,
  Days of Operation: September – May (TU:'s & WE:'s).
- St. James Place, 352 Main Street,
  Days of Operation: TBD

**Lee:**

- Lee Middle & High Schools, 300 Greylock Street,
  Days of Operation: September – May (TU:'s & WE:'s)

**Pittsfield:**

- St. Stephen's Church, 67 East Street
  Days of Operation: All Year (MO:'s, WE:'s & TH:'s)

# Safety & Security

## Overview

The Safety and Security Department is committed to crime prevention and ensuring the safety of all of our students, faculty, and staff. To accomplish these goals, we believe that it is important to forge partnerships with all segments of our community as well as to maintain strong relations with our neighbors and first responders.

Campus Security is staffed and operated by G4S Security Solutions. Officers are on duty at the main campus 24/7 to assist all members of the college community. In addition, BCC Campus Security officers are on duty at the South County Center in Gt. Barrington.

## Mission Statement

The Mission of the Berkshire Community College Safety & Security Department is to enhance the quality of life at BCC by providing a safe and secure environment that is conducive to learning, and is consistent with the educational goals of the College, while building community partnerships that foster trust, mutual respect, and cooperation. The BCC Safety and Security Department strives to achieve this mission by means of a community-friendly approach that enhances safety through the visibility of security personnel, preventive patrols, 24-hour accessibility, positive conflict resolution, and crime prevention and awareness programs.

## Departmental Values:

- **Professionalism** – We will always be aware of our image and role within the institution. We will use our skills, training, and knowledge to serve our community.
- **Integrity** – We will hold ourselves to the highest standard of truth. Our word is based on our bond and our behavior is above reproach.
- **Communication** – We will always listen to the needs and the concerns of our community and follow through to make sure those needs and concerns are addressed.
- **Service** – We will respond immediately to all calls for service, both routine and emergency in nature.
- **Respect** – We will treat everyone we encounter with respect and dignity.
- **Loyalty** – We will always remain loyal to those we serve: the entire Berkshire Community College Community.
- **Duty** – We will do our duty to the best of our ability. The welfare and safety of our students and community members is our top priority.

## Security Contractor Authority

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 and escort violators from campus facilities.

The security contractor also provides staffing and equipment necessary to perform the services required to meet the security needs of the College. The Security Contractor assists with access to the College; patrols in and around college buildings and grounds using a tour management system as necessary; enforces traffic and parking regulations as directed; monitors and operates fire and intrusion alarm systems; helps to establish and maintain a safe environment and prevent theft of College or personal property; and performs other related duties as may be required by authorized College personnel in accordance with established BCC policy and contractual agreement with the college.

## Law Enforcement – Interagency Relationships

The Office of Safety & Security enjoys a close working relationship with the Pittsfield Police Department, Great Barrington Police, Massachusetts State Police, and several other city and town agencies on court proceedings, investigations and matters pertaining to more than one agency of the Commonwealth or a surrounding municipal authority.

There is no formal agreement between the Office of Safety and Security and local and state police however; jurisdiction is shared with the aforementioned.

### Daily Crime Log

The Office of Safety & Security maintains a Daily Crime Log that records each date an incident was reported as well as all crimes and other serious incidents that occur on campus and or within the department's patrol jurisdiction.

The Daily Crime Log is available for public inspection at the department's headquarters or at. Berkshirecc.edu/safety. The Daily Crime Log includes the nature, date, time, and general location of each crime reported to the department, as well as the disposition of the complaint, if this information is known at the time the log is created.

The department posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from the log in certain circumstances.

## Facility Access and Maintenance

### Access to Campus Facilities – Main Campus

The college campus, located at 1350 West Street, Pittsfield, MA, 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.).

Emergencies may necessitate changes or alterations to any posted schedules. Areas of the College may be off limits due to any number of reasons including, but not limited to, hazardous conditions, threatening situations or security concerns. An assessment of the situation may require the Office Safety & Security to shut down access to an area for a period of time.

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.

### Access to Campus Facilities – Off Site Location

Since the off-campus locations are not owned by Berkshire Community College the College cannot authorize access to these facilities outside of regular operating hours. Requests for access during regular operating hours are made to the Coordinator of Adult Learning.

**Great Barrington:**

- Du Bois Middle School, 313 Monument Valley Road,
  Days of Operations: September – May (TU:'s & WE:'s).
- South Berkshire Regional Community Center, 15 Crissey Road,
  Days of Operation: September – May (TU:'s & WE:'s).
- St. James Place, 352 Main Street,
  Days of Operation: TBD

**Lee:**

- Lee Middle & High Schools, 300 Greylock Street,
  Days of Operation: September – May (TU:'s & WE:'s)

**Pittsfield:**

- St. Stephen's Church, 67 East Street
  Days of Operation: All Year (MO:'s, WE:'s & TH:'s)

For information about these sites please call Anna Suffish, Coordinator of Adult Learning programs 413-236-5260.

### Securing the Campus Grounds and Facilities – Main Campus

Campus Security is staffed and operated by Allied Universal. Officers are on duty at the Main Campus 24/7 to assist all members of the college community.

The Facilities Department will only issue keys to college employees with current ID's. All key requests must be authorized by the department head and submitted on a key request form to the BCC Facilities Office. Keys will only be issued to authorized individuals and are for the sole use of the individual to whom they are issued. Individuals are required to sign the key request form acknowledging the receipt of all keys. The issued key becomes the responsibility of the individual signing for the issued key. Work-study students are not authorized to be issued keys

Security officers perform lockup procedures 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 non-scheduled 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 Security Officer will then meet the person(s) and unlock the requested areas.

### Securing the Campus Grounds and Facilities – Off Site Locations

### Campus Maintenance – Main Campus

The Office of Safety & Security, with the Facilities Office, reviews the campus regularly to identify and correct safety and security hazards. The Director of Safety & Security along with the Director of Facilities are involved with a College-wide safety committee that meets bimonthly to discuss any issues or concerns. Security Officers maintain vigilance while on patrol to ensure hazards are reported and, if necessary, contained until corrected. Community members are encouraged to report any hazards or on–the-job injuries immediately to Office of Safety & Security, Director of Safety & Security, Facilities Office, Director of Facilities and the Vice President for Human Resources.

Facilities Department staff 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.

## Reporting Criminal & Emergency Incidents

BCC students, faculty and staff as well as visitors are encouraged to immediately report any incidents of criminal activity, sexual harassment, racist behavior, or other emergencies to the Massachusetts State Police and the Office of Safety & Security.

Security officers may be approached at any time or may be contacted in the following manner:

- By calling 413-499-4660, Ext. 6100 which rings to the radio carried by the Security officers at all times. (It takes several rings for the call to reach BCC security.)
- By using emergency phones located throughout the campus (which automatically dials security upon lifting of the handset). (See Page 18)
- If security officers cannot be reached during normal business hours, incidents can be reported to the Director of Safety & Security, located in A-123, Ext. 1011; to the VP for Administration and Finance, located in F-224, Ext. 3002; or to the Dean of Students Affairs located in A-114, Ext. 1601.
- Dial 911 for medical emergencies, then follow up with Security officers at Ext. 6100. Security officers are trained to provide the necessary medical assistance and will summon Emergency Medical Services if needed.

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 a victim's wish to keep the matter confidential, while taking steps to ensure the future safety of all. With such information, the College can keep an accurate record of the number of 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 Dean of Student Affairs or by submitting a report through the college website at: http://www.berkshirecc.edu/about-bcc/public-safety/submit-a-concern.php

Crimes concerning sexual violence are discussed in the Sexual Violence Policy and Procedures section of this report.

### Incident Reporting Procedures for Safety & Security Officer

Office of Safety & Security gather as much information as they can on each reported incident through investigation and by obtaining investigatory information and reports from other agencies involved with the investigation of crime or other emergency response on campus (i.e. local and state police). Incident reports are submitted to shift supervisors for review and approval and ultimately to the Director of Safety & Security. The Director or his/her designee coordinates additional follow-up as needed. Officers are required to utilize the campus incident reporting system to enter reports. Incidents of a severe nature are reported to the Director of Safety & Security immediately, as soon as it is safe to do so. All other incidents occurring after normal business hours require the officer to complete a preliminary report before the conclusion of that shift whenever possible. Initial crime reports are entered and a draft is forwarded to the Director of Safety & Security within 24 hours of the incident having occurred. Follow-up information is added throughout the investigation. All final reports are reviewed by the Director of Safety & Security. Copies of all incident reports are made available to the President, Vice President of Administration & Finance, Title IX coordinator and other individuals as deemed necessary. Incident report information deemed to be public record will be released in accordance with the Massachusetts Public Records Laws upon request. Information that is not public record, such as names of victims and witnesses, may be redacted prior to release.

### General Procedures for Voluntary/Confidential Reporting a Crime or Emergency

Berkshire Community College community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to the Office of Safety & Security in a timely manner. Crimes involving sexual violence shall be reported/referred to the College's Title IX Coordinator and shall be addressed pursuant to the College's Policy on Affirmative Action. Due to the sensitive nature of crimes involving sexual violence, victims may choose to confidentially report such crimes. While all Clery Act reportable crimes are accounted for in the annual crime statistics, no personal identifying information of a victim or accused will appear in the Annual Security Report.

To report a crime or an emergency from an on-campus phone a, call the Office of Safety & Security, extension 6100 or, from outside the College phone system, 413-499-4660 ext. 6100. When using a cell phone, please remember that 911 will not reach the College Office of Safety & Security. The Office of Safety & Security recommend that pre-programming of cell phones with the phone numbers is a quick way to contact them in an emergency. The Office of Safety & Security non- emergency business line is 413-236-1010.

Berkshire Community College has added additional security measures, by installing emergency phones strategically placed around the inside of campus buildings. These phones are easily identified. The caller is put in immediate contact with the Office of Safety & Security.

### College Policy on Affirmative Action

Due to the sensitive nature of crimes involving sexual violence, victims may choose to confidentially report such crimes. While all Clery Act reportable crimes are accounted for in the annual crime statistics, no personal identifying information of a victim or accused will appear in the *Annual Security Report*.
When calling for emergency or non-emergency service, be prepared to:

- Clearly identify yourself
- State where you are calling from
- State briefly the nature of your call

Crimes may also be reported by filing a security report at the Office of Safety & Security in the SBA Building in room A123.

### Counselors and Confidential Crime Reporting

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. Campus "Pastoral Counselors" and campus "Professional Counselors" when acting as such are not considered to be campus security authorities and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, Berkshire Community College have professional counselors and pastoral counselors that will encourage persons being counseled of the procedures to report crimes on a voluntary basis in order to maintain personal and public safety for inclusion into the annual crime statistics.

### Campus Security Authorities

While Berkshire Community College prefers that community members promptly report all crimes and other emergencies directly to the Office of Safety & Security, we also recognize that some may prefer to report to other individuals or College offices. Under this law, "Campus Security Authorities" (CSAs) are mandated to report crimes brought to their attention for immediate action by the Office of Safety & Security and for inclusion in the Annual Security Report.

A Campus Security Authority is an *"official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."*

The following are Campus Security Authorities (CSAs) for Berkshire Community College:

- Berkshire Community College Safety & Security Department
- President's Cabinet & Assistants
- Athletic Coaches
- Club Advisors
- Academic/Student Advisors
- Others – As deemed appropriate.

If a report or suspicion of crime is made to a CSA, a crime report will be filled out at Office of Safety & Security.

## Crime Prevention, Education, and Awareness

### Security Awareness – Practices

Each community member plays an important role in adopting a preventive and pro-active approach to their own safety. Each individual must assume responsibility for their personal belongings as well as for their personal safety. They can do this by using common sense practices and precautions.

All vehicles should be locked while on campus and unoccupied. Bicycles should be locked using a sturdy lock.

Students, faculty, staff, and administrators should always immediately report any suspicious activity or individual to the Office of Safety & Security. To enhance personal safety, and especially after an evening class, walk with friends or someone from class that you know well, or call the Office Safety & Security to make use of the safety escort service.

The Office of Safety & Security participates in various programs which helps promote Community Policing.

### Prevention & Awareness Programming

FORUM programs are advertised through social media, emails, flyers or brochures, and posted on college bulletin boards.

- Education will be provided through appropriate programs such as Sexual Assault & Domestic Violence Awareness "Clothesline Project," February's Love Carefully Day (tabling which includes visits from several agencies in the community addressing sexual assault, prevention, community health and counseling services) special FORUM presentations during April and October, a week-long event on "Relationship Violence" in collaboration with the Elizabeth Freeman Center as well as campus visits throughout the semester from Elizabeth Freeman Center and Tapestry personnel.
- Programs on personal safety and crime prevention are sponsored by various campus organizations throughout the year. During Crime Prevention Month (September), safety tips are offered on BCC's Facebook as well as in the publication "The Stall."
- Website links to domestic violence and sexual assault support services are provided through the Personal Counselor's web page found online at http://www.berkshirecc.edu/PersonalCounseling.
- Each year staff and students will be provided ongoing opportunities to participate in relationship-violence prevention programs.
- General educational information (such as self-help pamphlets) is available in the Student Support Center in the Susan B. Anthony Building.

### Campus Escort Program

The Berkshire Community College Escort Program provides walking escorts for students, faculty and staff during the calendar year. A Safety & Security Officer will escort you to your mode of transportation.

Escorts respond to both calls for service through the Office Safety & Security at 413-236-1010 or by being asked in person by students, faculty and staff in need of an escort.

### Contract Security Officers are available 24/7

When requested, security will also 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 Facilities.

## Emergency Response & Evacuation Procedures

### What is an Emergency?

An emergency is an unforeseen event or condition requiring prompt action. Emergencies at Berkshire Community College can be generally classified as medical emergencies, fire/fire alarm emergencies, public safety emergencies, and environment emergencies. Emergency conditions either effect an individual, a small group, or the entire college.

In the case an emergency affects entire college an evacuation of the College Campus and satellite facilities may be necessary.

### Campus Evacuation

There are many reasons a Campus are evacuated. The most common cause is due to a fire alarm activation. Other reasons may include, but are not limited to, a bomb threat, environmental condition, or physical threat. If asked to evacuate the facility by Security, Administrator, or if the fire alarm sounds.

1. Stay calm
2. Take personal belongings in your immediate vicinity
3. Immediately exit the building
4. Close doors as you leave
5. Proceed directly to emergency assembly areas
6. Follow directions you are given by emergency assembly area coordinator

### 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 Web-Advisor account and fill in your contact information in the "Emergency Notification" link under "User Account." For more information, contact the ENS Help-Desk (ext. 3014).

### Emergency Response Plan

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 http://www.berkshirecc.edu. The College conducts emergency response exercises each year, such as table-top exercises, tests of the ENS system and fire drills.

### Emergency – Drills, Testing, and Evacuation Procedures.

Berkshire Community College annually conducts an emergency management exercise to test emergency procedures and preparedness. The scenarios for these exercises change from year to year, and include departments from across campus as well as external agencies such as the Massachusetts State Police, Pittsfield Police Department, Pittsfield Fire Department, Berkshire Health Systems, and County Ambulance.

To ensure the College's emergency management plans remain current and actionable, the College will conduct an emergency management exercise, at a minimum of once yearly. These exercises may include tabletop drills, emergency operations center exercises or full-scale emergency response exercises. The College also conducts after-action reviews of all emergency management exercises to ensure continual refining and improvement in response.

In conjunction with at least one emergency management exercise each year, the College will notify the Berkshire Community College community of the exercise and remind the community of the information included in the College's publicly available information regarding emergency response procedures

## Emergency Phone Locations

**INTERIOR emergency phones:**

Hawthorne:
- Near H-321
- Near H-428
- Near H-303
- Near H-111
- Near H-206

Melville:
- Near M-103
- Near M-214
- Near M 430
- Near M-402

**EXTERIOR emergency phones:**

Susan B. Anthony College Center:
- Between SBA & Field Admin. Buildings
- Outside Cafeteria Entrance
- Loading Dock

Koussevitzky Arts Center:
- Between Koussevitzky & Field Admin.
- Outside Southeast Door – Near Library
- Outside Northwest Door – Near K-111

Paterson:
- Pool Deck
- Stanley Power Plant
- Next to Garage Doors

## Timely Warnings

The Office of Safety & Security is responsible for issuing Crime Alerts in compliance with the Clery Act. In the event a situation arises, either on or near the campus, these alerts are issued to keep the campus community informed about safety and security matters. The decision to issue a Crime Alert is decided on a case-by-case basis in light of all the facts surrounding an incident, including factors such as the nature of the crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts. Crime Alerts are issued for specific crime classifications: arson, aggravated assault, criminal homicide, robbery and sex offenses. Crime Alerts may also be posted for other crime classifications as deemed necessary. To issue a Crime Alert, the Office of Safety & Security informs the campus community via a campus-wide e-mail which is addressed to students, faculty and staff.

In addition, Berkshire Community College has an "**opt in**" system (BCC-Alert Emergency Notification System) to communicate rapidly with students, faculty and staff by sending a voice message and/or instant text message to home and cell telephones. In the event a situation arises, either on or off campus, these alerts are issued to keep the campus community informed about safety and security matters. The decision to issue a timely warning is decided on a case-by-case basis in light of all facts surrounding an incident, including factors such as the nature of the crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts.

While the system is active and ready for use, it is only as good as the contact information it contains. In order to send emergency text messages and voice mail alerts, students must provide cell phone information. Users must log into their MY BCC Portal at berkshirecc.edu and update their contact information. The information supplied is confidential and will not be shared.

BCC will contact users through the system in the event of an emergency. Users will be notified of delays and/or non-emergencies only if they elect to be notified. The College conducts tests of the Alert Emergency Notification System on a semester basis, or twice annually.

Also used to communicate in emergencies are other appropriate method(s) which can include any of the following: posting on the campus web site at berkshirecc.edu and/or email notification. Notices may also be

posted in visible locations in academic buildings, the Student Engagement Center and key classroom locations. In some situations, door-to-door notification may be conducted.

All BCC community members and guests are expected to read all emergency warnings and to follow the instructions of Campus Security Officers and responding emergency personnel. Emergency response and evacuation procedures are available on the Office Safety & Security website at berkshirecc.edu/safety. The assessment and evaluation of the current emergency plan and capability are conducted through regularly scheduled drills, exercises and appropriate follow-through activities.

### Bomb Threats

All bomb threats received by any staff member should be immediately reported to the Office of Safety & Security at (413) 236-1010 or by dialing Ext. 1010 from any college phone. Bomb Threat Cards are available in the Office Safety & Security, Room A-123.

A person receiving a bomb threat should try to obtain as much information as possible, keeping the caller on the telephone as long as possible. Facts such as the time the device will go off, what building or area of the building is involved, why is the area targeted and, if possible, where the person is calling from.

All relevant information obtained will be forwarded to the President, by the Director of Safety & Security

## Affirmative Action, Equal Opportunity & Diversity

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, gender identity, sexual orientation, age, disability, genetic information, maternity leave, military service and national origin ("protected class(s)/classification(s)." Further, this policy prohibits retaliation and incorporates by reference, and where applicable, the requirements of Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act (USERRA); Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967, as amended; Family and Medical Leave Act of 1993; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; directives of the BHE, the Boards of Trustees of the Community Colleges and the Commonwealth of Massachusetts; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

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 a protected classification. 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 socio-economic, 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 the Affirmative Action component of this Policy is to establish a set of programmatic objectives, which shall provide for the recruitment, access and advancement of qualified persons from within the protected classes/classifications recognized under this Policy with respect to employment and enrollment opportunities. The intent of this Policy 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 victims of such discrimination, 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 a protected classification.

In response to that recognition, the Colleges, through their Boards of Trustees and Presidents, fully endorse the plan of action set forth in this Policy and shall oversee and monitor its implementation through the Affirmative Action Officer and other assigned personnel.

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 applied broadly with the goal of promoting equal opportunity and 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 laws and regulations and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities, where applicable. The complete policy can be viewed at berkshirecc.edu/about-bcc/public-records/. You can also obtain a hard copy by contacting the Security Department, Human Resources or the Office of the Dean of Students.

## Affirmative Action Officer and Title IX Coordinator

### Affirmative Action Officer

The Affirmative Action Officer ("AAO") shall have the task of infusing affirmative action into all aspects of the College. He/she shall be responsible for the development, administration and evaluation of affirmative action policies, procedures, programs and goals; serve as monitor of local, state and federal laws and regulations relating to affirmative action and equal opportunity and compliance thereof; and administer to all segments of the College - students and employees.

The AAO will analyze the College's work force composition. The AAO may also analyze specific work areas or divisions within the College to determine if under-utilization of any protected group exists. The development of goals and timetables to correct any identified under-utilization shall be the responsibility of the AAO with input from the appropriate administrative officers. Although the basic responsibility for implementation of the affirmative action/equal opportunity program necessarily rests with the administrative officers of the College, the Affirmative Action Officer is responsible for providing advice and assistance.

The AAO shall be an ex-officio member of the Affirmative Action Committee and shall facilitate this Policy's Complaint Procedures.

### Title IX Coordinator

The College shall employ a Title IX Coordinator. The Title IX Coordinator may also serve as the College's AAO. The College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits all Title IX Offenses in all College operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator shall be adequately trained to perform her/his duties, including understanding the legal aspects of Title IX, conducting investigations of Title IX Offenses, administering an investigative process that protects the safety of victims and promotes accountability and providing campus-wide training to members of the College community.
Members of the College community should contact the Title IX Coordinator in order to:

- seek information or training about students' and employees' rights and courses of action available to resolve complaints that involve Title IX Offenses;
- file a complaint or make a report of a Title IX Offense;
- notify the College of an incident that may raise potential Title IX concerns;
- provide information about available resources; and
- periodically evaluate and review the College's policies and procedures related to Title IX Offenses.

The Title IX Coordinator's functions and responsibilities include:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;
- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the College;
- Provide ongoing training, consultation, and technical assistance on Title IX for all students including: students' rights under Title IX, identifying behaviors that constitute Title IX Offenses ; how to report Title IX Offenses ; reporting options; understanding the College's Policy Against Sexual Violence and Policy on Affirmative Action's Complaint Procedure; the potential consequences for violating College policies; the role of alcohol and/or drug use; amnesty; consent; the importance of seeking prompt medical attention; prohibition against retaliation; and Bystander Intervention training;

- Provide ongoing training, consultation, and technical assistance on Title IX for all employees in areas including: how to identify and report Title IX Offenses; the College's responsibilities to address Title IX Offenses; recognizing warning signals; reporting Title IX Offenses to appropriate College officials; and information regarding confidential reporting options.
- Provide ongoing training, consultation, and technical assistance on Title IX for all Responsible Employees including: understanding their reporting obligations; confidentiality; students' rights and remedies; and available student services.
- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex discrimination;
- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the College community of Title IX rights, responsibilities and resources both within and external to the College;
- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact, and timely resolution of all Title IX Offenses made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
- Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;
- Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;
- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
- Serve as principal contact for government inquiries pursuant to Title IX.

The College's Affirmative Action Officer and Title IX Coordinator is La Wanza Lett-Brewington, M.Ed. She may be contacted at 1350 West St, Field Administration Building, Pittsfield, MA 01201, or by emailing llett-brewington@berkshirecc.edu or calling 413-236-1027

Notice of Nondiscrimination

Berkshire Community College is committed to the principles of fairness and respect for all, as well as providing a secure campus environment that is free from discrimination. Berkshire Community College does not discriminate in its admission, financial aid, education programs, athletic or other activities, or in the terms and conditions of employment, on the basis of race, color, age, ethnic or national origin or ancestry, sex, pregnancy, physical or mental disability, sexual orientation, religion, gender identity or expression, genetic information, veteran or military status, membership in the Uniformed Services, and all other categories protected by applicable state and federal laws, in accordance with Title IX of the education Act Amendment of 1972, Title VII of the 1964 Civil Rights Act,Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other applicable federal and state laws. Furthermore, any form of harassment based on protected categories is strictly prohibited.

Harassment includes but is not limited to actions based upon race, color, age, ethnic or national origin or ancestry, sex, pregnancy, physical or mental disability, sexual orientation, religion, gender identity or expression, genetic information, veteran or military status, or membership in the Uniformed Services.
Depending upon the circumstances, examples of unlawful discrimination and/or harassment may include the following:

- Epithets, slurs, negative stereotyping, jokes, or threatening or intimidating acts concerning a person being in a legally protected category
- Verbal abuse or use of derogatory words concerning a person being in a legally protected category

- Denying an employee a promotion, or denying a student an opportunity to participate in an academic opportunity, because he or she is in a legally protected category
- An open display of objects or pictures designed to create a hostile working or learning environment based on a person's being in a legally protected category

## Drugs & Alcohol Policy

### Standards of Conduct

As stated in the Student Policy Guide: When enrolling at Berkshire Community College, a student agrees to abide by College regulations which are described below. Violations of these regulations or the aiding, abetting, inciting, encouraging or supporting such violations constitute an offense for which students may be subject to disciplinary action."

### Drugs on Campus

Any student found possessing, using, selling, or involved in any way with narcotics, psychedelic drugs or chemicals, or other substances on this campus, unless prescribed by a physician, may be subject to disciplinary action. In addition, the College remains cognizant of its responsibilities to the civil authorities. Operating within this framework, students who seek information, advice or counseling regarding drugs are urged to contact members in the Student Support Office. Complete confidentiality will be maintained. Also, the Personal Counselors is prepared to refer students to appropriate professionals (medical, legal, psychiatric, etc.) according to the needs of the individual student.

### Alcoholic Beverages

Consumption of alcoholic beverages is prohibited anywhere on Berkshire Community College property including the parking lots. If any student under age 21 is found in violation of this policy, parents/legal guardians may be notified

Club or activity advisors or other appropriate college official should take all reasonable steps to insure that alcohol is not available during or on route to a college-sponsored event. An exception is the Hospitality Sciences Management Program Dinners.

### Marijuana Policy

Although Massachusetts law permits the use of medical marijuana and the possession, use, distribution and cultivation of marijuana in limited amounts, federal law, including the Federal Controlled Substances Act of 1970, the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act of 1989, prohibits the possession, use, distribution and/or cultivation of marijuana at educational institutions. Further, as marijuana remains classified as an illegal narcotic under federal law, institutions of higher education that receive federal funding are required to maintain policies prohibiting the possession and use of marijuana on their campuses. Accordingly, the possession, use, distribution or cultivation of marijuana, even for medical purposes, is prohibited on all Community College property or at College sponsored events and activities. Also prohibited is the operation of a motor vehicle while under the influence of marijuana on Community College property or at College sponsored events or activities. Further, this policy prohibits the possession, use, or distribution of all marijuana accessories and marijuana products. Marijuana accessories shall include, but are not limited to, any devise or equipment used for ingesting, inhaling, or otherwise introducing marijuana into the human body. Marijuana products shall include, but are not limited to, products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products. Violations of this policy by any student or employee shall result in disciplinary action, up to and including expulsion or termination in accordance with applicable College policies or collective bargaining agreements.

### FERPA – Parental Notification Policy

In compliance with **Family Educational Rights and Privacy Act** (FERPA) regulations, Berkshire Community College, has adopted a Massachusetts Board of Higher Education recommendation that the parents or legal guardians of students under twenty---one years of age may be notified when the student has violated the BCC alcohol or drug policies. Section 952 of the 1998 Higher Education Amendments, authorizes institutions of higher education to

disclose to parents and guardians of students under age twenty---one, violations of institutional policies or rules, as well as local, state, and federal laws governing the use or possession of alcohol or a controlled substance.

### Sanctions for Violation of College Policies

Also, as stated in the Student Policy Guide:
"A student who ignores opportunities for help and assistance and who willfully violates College regulations and the law faces disciplinary action."

The College will impose disciplinary sanctions on students (consistent with local, state, and federal law) which may include discipline up to and including expulsion and referral to appropriate authorities for prosecution. The disciplinary procedure for due process is outlined in the Student Handbook.

### Health Risks Associated with Use of Drugs and Alcohol

It is a known fact that a person's physical and emotional health can be affected by the abuse of drugs. Stimulants (such as cocaine/crack or amphetamines) and depressants (such as alcohol and tranquilizers) are the most commonly abused drugs.

Alcohol, even in small amounts, can slow reflexes, reduce coordination, impair judgment and cause mood changes. [1]Survey statistics have shown that the majority of violent behaviors exhibited by college students including vandalism, acquaintance rape, fights, and driving accidents have involved alcohol. Prolonged alcohol consumption can result in brain damage, heart problems, and liver damage. Alcohol use during pregnancy may cause birth defects in the child.

Marijuana may affect short-term memory, coordination, depth perception, male sperm production, and the immune system. THC, the active ingredient in marijuana, is stored in the body's fat cells and testing will still show residue evidence even after a month. (THC can also be recovered in hair when tested as long as six months after use.)

Tranquilizers (such as barbiturates, benzodiazepines) are prescribed to relieve anxiety, tension, and sleep problems; however, when taken in excessive amounts, can cause impaired judgment, slurred speech, and loss of motor control. Tranquilizers are highly addictive, even at lower doses, and in combination with alcohol or other drugs may cause coma or death.

Cocaine/Crack, though effects are unpredictable, may cause confusion, hallucinations, destruction of nasal membranes and, when smoked, lesions in the lungs. Addiction to cocaine occurs rapidly. Cocaine withdrawal results in severe depression and fatigue. Convulsions, coma and death are possible with even small amounts.

Hallucinogens (PCP, LSD, and Mescaline/Peyote) cause illusions and hallucinations, poor perception of time and distance, paranoia, anxiety and loss of control. Since the drugs block pain receptors in the brain, violent episodes of self-inflicted injury may result. "Flashbacks" may also occur even after use of the drugs has stopped.

Opiates (Heroin, Morphine, Opium, Codeine, Methadone, Meperidine (Demerol), Hydromorphine (Dilaudin), Percocet, Percodan, Darvon, Talwin, Lortab, Lorcet, Anexia, etc) are powerful painkillers and initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possibly death. Long-term opiate use changes the way the brain works by changing the way nerve cells communicate with one another. If opiates are taken away from opiate-dependent brain cells, many of them will become overactive. Eventually, cells will work normally again if the person recovers, but they cause wide range of withdrawal symptoms that affect the mind and the body.

Inhalants are substances such as nitrous oxide (“laughing gas”), amyl nitrate, butyl nitrate (found in asthma inhalants), chlorohydrocarbons (used in aerosol sprays), and hydrocarbons (found in gasoline, glue, and paint

[1] Core Institute of Southern Illinois University

thinner). Immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays decrease heart and respiratory rates and impair judgment. Amyl and butyl nitrite (asthma inhalant) cause rapid pulse and feces. Long-term use may result in hepatitis or brain hemorrhage. Deeply inhaling the vapors or using large amounts over a short period of time may result in disorientation, violent behavior, unconsciousness, or death. High concentration of inhalants can cause suffocation by displacing oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

### Drugs and Alcohol Abuse Prevention Program

Berkshire Community College provides programs and services that stress prevention of drug and alcohol abuse through education and outreach activities. Workshops, guest speakers, informational materials dealing with health related issues and behavioral risks associated with drugs and alcohol are presented throughout the school year.

Appropriate referrals to community service agencies and treatment programs are available through the Personal Counseling for students and employees who have alcohol and/or drug related problems and who need help with confidential support services and counseling.

### Summary of Legal Sanctions for Alcohol and Drug Abuse

The illegal use of drugs and alcohol is a serious crime under local, state, and federal laws and may be prosecuted. Additionally courts do not lift a prison sentence so that a convicted person may attend college or continue a job. A felony conviction for a drug or alcohol offense could prevent a person from entering many professions or other areas of employment.

State and local ordinances in Massachusetts prohibit public consumption of alcohol and impose fines for violation. Massachusetts laws prohibit the sale or delivery of alcoholic beverages to a person under age 21. A fine and/or imprisonment may be imposed. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is also punishable by a fine. Fines, revocation of driver's license, possible prison sentence, and mandatory alcohol rehabilitation may be imposed for a conviction of driving under the influence of alcohol.

Penalties in Massachusetts for the illegal use of controlled substances or drugs vary with the type of drug. In general, narcotic, addictive, and drugs with a high potential for abuse have heavier penalties.

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

It is illegal in Massachusetts to be in a place where heroin is kept and to be "in company" of a person known to possess heroin. Anyone in the presence of heroin at a party or dormitory suite risks a serious drug conviction. The sale and/or possession of "drug paraphernalia" are illegal under Massachusetts law.

A person convicted of drug possession under state or federal law is ineligible for federal student grants and loans up to one year after the first conviction and five years after a second conviction, and permanent loss after a third conviction.

In or within 1000 feet of a college or school, under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty with a mandatory sentence of one year in prison. A third conviction is punishable by mandatory life imprisonment.

Severe prison sentences are set under federal law for the manufacture and distribution of drugs if death or serious injury results for the use of the substance.

## Resources for Substance Use Concerns

For any member of the Berkshire Community College community who is experiencing substance use /addiction issues, BCC stands ready to offer supportive services and referral for treatment, as appropriate and available. Information concerning substance use and treatment or recovery programs are available at the Student Support Center or Human Resources office, located in the Susan B. Anthony College Center. Additional counseling is available in the community through the following agencies:

| | | |
|---|---|---|
| BCC Personal Counseling | **For BCC Students / Student Support Ctr.** | **413-236-1609** |
| | | **413-236-1660** |
| Berkshire Ctr for Children & Fam. | 480 West St., Pittsfield, MA | 413-488-8281 |
| Brien Center | 333 East St., Pittsfield, MA | 413-499-0412 |
| Brien Center | 124 American Legion Dr., North Adams, MA | 413-499-0412 |
| Brien Center | 60 Cottage St., Gr. Barrington, MA | 413-499-0412 |
| Clean Slate Addiction Treatment Ctr | 294 First St., Pittsfield, MA | 413-341-1780 |
| Clinical & Support Options | 877 South St., #200 Pittsfield, MA | 413-236-5656 |
| Counseling Ctr. in the Berkshires | 34 Depot St., Pittsfield, MA | 413-499-4090 |
| Counseling Ctr. in the Berkshires | 906 Main St., Williamstown, MA | 413-458-3279 |
| Counseling Ctr. in the Berkshires | 314 Main St., Great Barrington, MA | 413-429-6612 |
| Cross Roads | 42 Summer St., Pittsfield, MA | 413-442-6700 |
| Narcotics Anonymous | | 413-443-4377 |
| McGee Recovery Unit | 725 North St., Pittsfield, MA | 413-445-9228 |
| Al-Anon Family Groups | | 413-445-5852 |
| Alcohol Anonymous | | 413-443-0212 |
| Experience Wellness Ctr., Inc. | 42 Summer St., Pittsfield, MA | 1-866-231-4673 |
| Right Choice Health Group | 152 North St., Pittsfield, MA | 413-344-0170 |
| Service Net Outpatient Behavioral Health | 139-141 North St., Pittsfield, MA | 413-442-4003 |
| Spectrum Health Systems | 390 Merrill Rd., Pittsfield, MA | 1-877-697-3422 |
| 24-Hour Helpline | | 1-800-274-8435 |
| More information @ www.masshelp211.org | | |

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:

- When a covered student 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 60 days of inpatient treatment and 24 outpatient visits during each 12 month period.
- Outpatient services may be provided by a licensed hospital, mental health or substance abuse clinic licensed by the Department of Public Health, community mental health center or professional office, providing services are rendered by a licensed mental health professional acting within the scope of her/his license.

The College shall conduct a biennial review of these policies and programs and implement changes as necessary. (Revised 8/12)

## Public Disclosures

### Behavioral Assessment Team

BCC's Behavioral Assessment Team is committed to promoting a safe and welcoming campus through a pro-active, collaborative, and thoughtful process in addressing the diverse psycho-social, emotional and behavioral needs of our students.

Our purpose is to assist students experiencing behavioral or emotional difficulties, by evaluating their needs and providing appropriate support and referrals. Our team meets twice monthly and on a as needed basis to review student issues and follow-up on any concerns.

Our team is intentionally comprised of members of diverse areas of the college with expertise in areas that will best support our students.

The members are: Dean of Student Affairs, Personal Counselor, Director of Safety & Security, Director of Trio Program and Staff Assistant to the Dean of Student Affairs.

### Berkshire Community College Good Neighbor Policy

Berkshire Community College strives to be a good neighbor in the community where we are located, and we need your help in this regard. Please refrain from loitering on the abutting property of all nearby residents without their permission. If you do so, you may be trespassing and could face prosecution to the fullest extent of the law.

### Hazing Policy

The practice of hazing is prohibited by law in the state of Massachusetts. Hazing is defined as any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.

A copy of the law pertaining to the practice of hazing is printed below and is also available in the Assistant Dean of Student Affairs office. This policy will be distributed to every club or organization at Berkshire Community College. For further information contact the Dean of Students Affairs.

269:17. Hazing: organizing or participating: hazing defined.

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing," as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, of any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

269:18. Failure to report hazing

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

269:19. Issuance to students and student groups, teams and organizations; report.

Section 19. Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institutions' recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually to the institution, an attested acknowledgment stating that such group, team, or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organization and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

### Smoking Policy

Recent national studies overwhelmingly conclude that not only is smoking injurious to health of the smoker, but that secondary smoke is harmful to all those in the environment. Therefore, in consideration of the health of students, employees and the public, the following policy is in effect:

"Smoking is prohibited on all property owned or operated by Berkshire Community College (BCC). This consists of all buildings, all grounds, including exterior open spaces, parking lots, on-campus sidewalks, roadways and driveways, recreational spaces and practice facilities; and in all College-owned or leased vehicles. Smoking will only be allowed in private vehicles, lawfully parked on campus lots (North, Central, East Road and/or South lots), in which the smoker is authorized to be".

A complete copy of the College's smoking policy is included in the Student Policy Guide.

### Weapons Policy

It is the policy of Berkshire Community College to prohibit the possession, display of, or attempt or threat to use unauthorized firearms, knives or other weapons on campus. This includes but is not limited to explosives, ammunition, replica or facsimile weapons, or objects not originally intended as a weapon, but used as such or to imitate a weapon.

Firearms are not permitted in College buildings or on College grounds. In accordance with Massachusetts General Laws, Chapter 269, Section 10, the carrying of firearms on any grounds or in any building of the College is expressly forbidden with the exception of law enforcement officers duly licensed and authorized to carry firearms on campus.

Any violation of this law should be immediately reported to Office of Safety & Security and Room A123, (413) 499-4660 ext 6100 or by dialing extension 6100 from any college phone.

## Sex Offender Information

### Community Notification and Distribution

When the College receives notification from the Sex Offender Registration Board that a student or employee has been classified as a Level 2 or 3 sex offender, the Dean of Students shall meet with the offender to

- Inform the offender of the College's knowledge of his/her final classification;
- Outline the College's obligation to provide public access to Level 2 & 3 offender information through its Office of Safety & Security;
- Inform the offender of the College's policy of community notification; and
- Provide the offender with a copy of the public notification the College intends to release.

Level 3 offender notices shall be posted in the following locations: Jonathan Edwards Library, Campus Security office, Paterson Fitness Center and other areas as appropriate. Community notification will be made within 2 days of receiving notice from the Board of a final classification of a Level 3 offender.

### 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 Office of Safety & Security 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 Office of Safety & Security.

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 Dean of Students, extension 1601

### Sex Offender Registry Information (SORI) Checks

Students interested in participating in an academic, community or clinical program that involves working with a vulnerable population (children, the disabled, or the elderly) will be required to undergo a Criminal Offender Record Information (CORI) check and a Sex Offender Registry Information (SORI) check. Students found to have certain criminal convictions or pending criminal actions will be presumed ineligible to participate in such activities unless cleared by BCC's CORI Review Committee following procedures set forth by the Commonwealth's Department of Criminal Justice Information Services (DCJIS). The College is authorized by the DCJIS, pursuant to Massachusetts General Laws, Chapter 6, Sections 167A, 172, Chapter 30A, and regulation 803CMR2:00 to review and assess criminal history records. Sex Offender checks shall be performed pursuant to Massachusetts General Laws, Chapter 6, Section 178J. For more information regarding the College's CORI/SORI check process, please contact the CORI Administrator at extension 1602.

## Sexual Violence, Domestic & Dating Violence

The College maintains a Policy against Sexual Violence as part of its Policy on Affirmative Action. The College's Policy on Affirmative Action is available to all students, employees and members of the general public at the College's website at: https://www.berkshirecc.edu/about-bcc/public-records-and-disclosures/docs/affirmative-action-plan_december_2014.pdf or by hard copy through the Office of Human Resources. The College's Policy Against Sexual Violence is enforced by the College's Title IX Coordinator and states as follows:

### Introduction

Sexual violence is prohibited under state law and the College's Policy on Affirmative Action. Sexual violence is prohibited pursuant to Title IX of the Educational Amendment Act of 1972, which states: *No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance*.

All reported or suspected cases of sexual violence shall be reported to the College's Title IX Coordinator. Please refer to the Complaint Procedures for specific complaint procedures and guidelines (see page 33).

The College prohibits retaliation against any person who presents a formal or informal complaint of sexual violence or who testifies or offers evidence connected with a complaint. Retaliation is a violation of this policy whether or not the underlying claim of sexual violence is confirmed.

### Sexual Violence Defined

**Sexual Violence**: Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be perpetrated by employees, students, or third parties. All such acts of sexual violence are forms of sex discrimination and are prohibited by Title IX.
Sexual Violence under this Policy includes, but is not limited to:

A. **Rape** - Defined by the Federal Bureau of Investigation as follows: 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.

B. **Sexual Assault** - Actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;

- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and

- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

C. **Sexual Exploitation** - Occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

D. **Aiding in the Commission of Sexual Violence** - The aiding or assisting in the commission of an act(s) of sexual violence is prohibited.

E. **Dating Violence** - 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; and (iii) the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

F. **Domestic Violence -** A felony or misdemeanor crime of violence including, but not limited to, attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; or causing another to engage involuntarily in sexual relations by force, threat or duress, which is committed by (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) 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 (e) 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.

G. **Stalking -** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, "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. For the purposes of this definition, "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### Reporting Complaints of Sexual Violence

A victim of sexual violence has the right to file (or not file) an Affirmative Action Discrimination Complaint Form with the College. The process for filing a complaint is outlined under the Policy on Affirmative Action's Complaint Procedure. For more information or assistance with filing a complaint, please contact the College's Title IX Coordinator. If the Title IX Coordinator is the subject of a complaint, the President shall designate another College official to administer the Complaint Procedures. A victim may also choose to file a criminal complaint, in which case the Title IX Coordinator and/or Campus Security can assist the victim with that process. Reporting the incident to the Title IX Coordinator or the Office of Safety and Security does not obligate the victim to file criminal charges.

### College Investigation

The College is obligated to investigate all allegations of sexual violence, even if the alleged victim chooses not to file a formal complaint and/or participate in the investigation. Additionally, a complaint filed in another forum, including a criminal or civil complaint, shall not delay the College's investigation of a complaint of sexual violence. The College shall promptly and thoroughly investigate all such allegations in accordance with the Policy on Affirmative Action's Complaint Procedure and shall provide the victim with periodic updates on the status of the investigation. A person found to have committed an act of sexual violence shall be subject to disciplinary action ranging from mandatory counseling and/or training, verbal or written warnings, suspension, expulsion from the College or termination from employment, as well as criminal prosecution.

### Victim Identification

Personal identifiable information about a victim will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the victim or as public safety requires. The College does not publish the names or other identifiable information of victims in the Office of safety and Securtiy Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, a victim may request that no directory information maintained by the College be released absent his/her prior, written consent.

### Interim Protective Measures

Title IX requires the College to take reasonable steps to ensure equal access to its education programs and activities and protect individuals from Prohibited Conduct, including taking interim protective measures before the final outcome of an investigation. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct, including sexual violence. Examples of interim protective measures include, but are not limited to, the following:

- access to counseling services and assistance in scheduling an appointment, on or off campus;
- imposition of an interim suspension or on-campus "no-contact" order;
- rescheduling of exams and assignments;
- providing alternative course completion options;
- changing class schedules, including withdrawing from a course without penalty;
- changing work schedules or job assignments;
- limiting access to certain College facilities or activities pending resolution of the matter;
- voluntary leave of absence;
- providing an escort to ensure safe movement between classes and activities; and/or
- providing academic support services, such as tutoring.

The specific interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what interim measures to take, including, for example, the specific needs expressed by the victim; the severity or pervasiveness of the

allegations; any continuing effects on the victim; whether the victim and respondent share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect the victim (*e.g.*, civil protection orders).

In general, when taking interim protective measures, the College shall minimize the burden on the victim. To the extent permitted by law, the victim shall be notified of any interim measures taken by the College concerning the respondent. Even under those circumstances where a victim does not wish to pursue a complaint and requests confidentiality, the College must take immediate action to protect the victim while keeping her or his identity confidential.

### Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policies. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of sexual violence.

### Protections for Victims of Sexual Violence

A person subjected to sexual violence shall:

- Be provided with a copy of the College's *Sexual Violence – Victim's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus*;*
- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of a personal advisor during any disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;
- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;
- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

### Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.
- **Preserve Evidence -** It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

**BCC Procedure in the event of Sexual Violence Occurs**

In the event that you are the victim of sexual violence 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 Massachusetts State Police at (413) 743-4700
- Personal Counselor
- A friend
- Elizabeth Freeman Center Sexual Assault Crisis Line at 1-866-401-2425

Anyone who receives a report or discovers a possible sexual assault (or any type of sexual violence) on campus shall immediately report this to Campus Security personnel or any Campus Security Authority (CSA). **(See page 13)**

The security department will then be responsible for implementing the procedures specified below:

- The campus security 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 security officer will offer to contact the campus personal counselor, located in the Student Services Center, if available. If requested, the Elizabeth Freeman Center will be notified. The college will assist a student with notifying authorities (State and Local Police) if the student requests the assistance, though he/she has the right to decline notifying authorities. A detailed report of the incident shall be completed and filed by the campus security officer as soon as possible.

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

- The campus security officer should refer all media inquiries to the Manager of Marketing and Communications.

- The Vice President of Student Affairs and Enrollment Management, 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

If on-campus disciplinary action is instituted, the college shall follow its disciplinary procedures as outlined in the Code of Conduct and Sanctions section of this report. These procedures (per the Clery Act 34 CFR 668.46 (b) (11)) shall include the following:

- Conducted by officials who receive annual training on issues of sexual violence and know how to conduct an investigation that protects the safety of victims and promotes accountability.
- The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.
- Both the accuser and accused shall be simultaneously informed in writing of the outcome of any campus disciplinary proceeding alleging a sexual assault.
- 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).

### Rape Crisis Center Contact Information

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

### Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 800-841-8371 Hotline, 617-492-8306 TTY

### Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY
Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-7721 TTY
YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-687-0331 TTY

### Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY
Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905
Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY
Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

### Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233
Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline/TTY
Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY
Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

### Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY

Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline/TTY
YWCA, Springfield, 800-796-8711
YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and
- Provide primary prevention education; professional training; outreach.

### Domestic & Dating Violence Resources

**Elizabeth Freeman Center,** Pittsfield MA (866) 401-2425 (Hotline/TTY)

**SafeLink** - Statewide Domestic Violence Hotline - 877-785-2020, 877-521-2601 (TTY)

### Berkshire Community College Counseling Service

Lisa Mattila, Personal Counselor, Student Development Ctr., 413-236-1605

### Law Enforcement Agencies

Massachusetts State Police, Troop B Cheshire barracks, 413-743-4700
Pittsfield Police Department, 413-448-9700

### Duty to Report

### General Responsibility to Report Prohibited Conduct

No member of the College community who receives a complaint of prohibited conduct can ignore it; he or she should give to the person making the complaint as much assistance in bringing it to the attention of the Affirmative Action Officer or Title IX Coordinator as is reasonably appropriate given his or her position at the College and relationship with the person making the complaint. Therefore, all students, faculty, staff, and administrators are strongly encouraged to report to the Affirmative Action Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes a violation of this Policy.

### Reporting of Title IX Offenses by Responsible Employees

Allegations involving Title IX Offenses shall be reported by all "Responsible Employees" to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress Title IX Offenses; who has been given the duty of reporting Title IX Offenses to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus security, club/activity advisors, coaches, managers or supervisors.

### Mandatory Reporting of Abuse Under State Law

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College's Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where elderly

and disabled abuse or neglect is suspected. For more information on these reporting requirements please contact the College's Affirmative Action Officer. Any member of the College community who has a question about his or her responsibilities under this Policy should contact the Affirmative Action Officer or Title IX Coordinator.

## Complaint Procedure – General Information

### Application of Policy

The complaint procedure is intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedures outlined below are intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of discrimination without fear of retaliation. The complaint procedure is available to any employee or student who believes he/she has been discriminated against on the basis of a protected classification or retaliation. A complaint filed in another forum does not preclude a student or employee from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

### Confidentially of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in G.L.c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than a personal advisor, if applicable.

### Complainant Requests Confidentiality

Where a Complainant requests that no action be taken by the College or requests that her/his identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation includes the potential of an ongoing threat to the health, safety or security of the College or a potential adverse employment action, the Affirmative Action Officer shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

### Anonymous Complaints

To the extent possible, the College is obliged to investigate and respond to anonymous complaints.

### Off Campus Behavior

The College reserves the right to investigate alleged prohibited conduct under this Policy occurring off-campus when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a serious violation of state or federal law.

### Interim Action

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the College; or (d) is charged with a serious violation of state or federal law. In such cases, the College shall provide the employee or student of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

### Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the AAO and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer and Student Code of Conduct Officer may jointly investigate the complaint. Based on the findings of their joint investigation, the student may be subject to disciplinary action for violations of the Affirmative Action Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of the Affirmative Action Policy and/or for inappropriate and unprofessional conduct.

### Collateral Rights of Employees

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

## Complaint Procedure for Sex Discriminations, Sexual Harrassment or Sexual Violence

The Title IX Coordinator shall have the responsibility for administering this Policy relative to complaints of sex discrimination, sexual harassment and sexual violence.

### Informal Procedure

Where appropriate, the parties to a dispute and/or the Affirmative Action Officer, may attempt to reach an informal and prompt resolution of the potential complaint. Informal resolution is encouraged and any of the parties involved may request the intervention of the Affirmative Action Officer to assist in resolving the matter informally. An informal resolution is achieved through open dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve allegations of sexual harassment or sexual violence. Further, at no time shall a Responding Party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

### Formal Procedure

The following rules apply throughout all phases of the formal complaint process: (1) all parties to a complaint may have a personal advisor (for union employees this may be a union representative); (2) the role of a personal advisor is limited to providing discrete advice and counsel to the party; (3) the filing of a complaint under this Policy shall not preclude a Complainant from pursuing a complaint in a separate legal forum; (4) a complaint involving a grade dispute shall proceed under this Policy when a student alleges that a grade was improper because of discrimination, discriminatory harassment, sexual violence or retaliation; and (5) all findings reached under this procedure must be based on a "preponderance of evidence" (i.e.; more likely than not) standard.

At any point during the formal complaint procedure, either party may request mediation by contacting the Affirmative Action Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. Mediation shall be mutually agreed upon by the parties. The Affirmative Action Officer, or designee, shall select an impartial mediator, who shall be mutually agreed upon and not unreasonably refused by either party, and inform the parties in writing of the mediation process and schedule. The mediator must have training or experience in mediating matters subject to this complaint process. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation. If mediation is successful in resolving the complaint, the Affirmative Action Officer shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. The mediation process shall not be used in an effort to resolve allegations of sexual harassment or sexual violence. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

### Step 1 – Affirmation Action Officer Investigation

When a Complainant believes that he/she has been discriminated against because of his/her race, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, veteran status, maternity leave and/or subjected to sexual harassment, sexual violence, or retaliation , the Complainant may file a formal written complaint in writing with the Affirmative Action Officer. For student Complainants, a formal complaint may be filed within thirty (30) days following the end of the instructional period when the Complainant knew or should have known of the grievable act. For employee Complainants, a formal complaint may be filed within thirty (30) days from when the Complainant knew or should have known of the grievable act. The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Affirmative Action Discrimination Complaint Form (see Appendix A), which shall be available from the Affirmative Action Officer. If a student is involved, the Affirmative Action Officer shall notify the Vice President or Dean of Student Services.

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

Upon receiving a written complaint, the Affirmative Action Officer will notify the Responding Party in writing, of the complaint (see Appendix B), and provide the Responding Party with a copy thereof. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer shall conduct an investigation and prepare and issue a Report of Preliminary Findings to the parties. The investigation shall include, but is not limited to, an analysis of the allegations and defenses presented, consideration of all relevant documents, including materials presented by the parties, interviews of the parties and other individuals and/or witnesses, and/or reviewing certain documents or materials in the possession of either party that the Affirmative Action Officer has deemed relevant to the complaint. The Affirmative Action Officer's report shall specify the investigation undertaken and summarize his/her preliminary findings. The report shall be delivered to the parties in hand or by certified mail. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until its completion.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer. The parties may present no new allegations at that time. Where practicable, within seven (7) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer shall review the rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the President's Designee for consideration.

### Step 2 – Review and Decision by the President Designee

Where practicable, within ten (10) days of receipt of the Affirmative Action Officer's Report of Final Findings and Recommendations, the President's Designee shall issue a written decision to the parties. The written decision shall accept, reject or modify the Affirmative Action Officer's Final Findings and Recommendations. The Designee's written decision shall be delivered in hand or by certified mail and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designee to administer Step 2 of the Complaint Process.

### Step 3 – Appeal to the President

A party who is not satisfied with the Designee's written decision may file an appeal with the President within five (5) days of receiving the Designee's decision. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the Designee's decision. The President's decision is final provided that any corrective action and/or discipline imposed is subject to applicable collective bargaining agreements.

If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision

## Sexual Harassment

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees.
Because the Community Colleges take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

### Definition of Sexual Harassment

Sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

A. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or
B. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating, or humiliating to another may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and/or its pervasiveness:

A. Unwelcome sexual advances - whether they involve physical touching or not.
B. Repeated, unsolicited propositions for dates and/or sexual intercourse.
C. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess.
D. Displaying sexually suggestive objects, pictures, cartoons.
E. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
F. Verbal harassment or abuse on the basis of sex.
G. Inquiries into another person's sexual activities, practices or experiences.
H. Discussion of one's own sexual activities, practices or experiences.

The legal definition of sexual harassment is broad and applies to any individual of either gender who participates in the College Community, including a student, faculty member, administrator or any other person having dealings with the College. In addition, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a hostile, offensive, intimidating, or humiliating workplace or academic environment to male or female workers or students may also constitute sexual harassment.

All employees and students should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, or retaliation against individuals who have cooperated with an investigation of sexual harassment is unlawful and will not be tolerated by the Community Colleges.

### Complaints of Sexual Harassment

If any member of the College Community believes that he/she has been subjected to sexual harassment, he/she has a right to file a complaint under this policy, either in writing or orally.

All complaints of sexual harassment shall proceed under this Policy's Complaint Procedure. To file a complaint a person may do so by contacting the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy on Sexual Harassment and the complaint process.

### Sexual Harassment Investigation

A complaint of sexual harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Complaint Procedure and will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed sexual harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary action

### Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

### Consensual Relationships

### Faculty/Administrator/Staff Member Relationships with Students

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

### Relationships between Supervisors, Subordinates or Co-Workers

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

### State and Federal Regulation

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with the governmental agencies set forth below. Filing a complaint under this Policy does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

**United States Equal Employment Opportunity Commission ("EEOC")**
JFK Federal Building
475 Government Center; Boston, MA 02203
(800) 669-4000

**The Office For Civil Rights ("OCR")**
U.S. Department of Education
5 Post Office Square
Boston, MA 02109
(617) 289-0111

**Massachusetts Commission Against Discrimination ("MCAD")**

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

**Worcester Office:**
Worcester City Hall
484 Main St., Rm. 320
Worcester, MA 01608
(508) 799-8010

**Springfield Office:**
436 Dwight St., Rm. 220
Springfield, MA 01103
(413) 739-2145

**New Bedford Office:**
800 Purchase St., Rm. 501
New Bedford, MA 02740
(508) 990-2390

## 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 Dean of Students/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 Policy Statement on Affirmative Action, Equal Opportunity & Diversity (see pg. 17). For more information, please contact Deborah A. Cote, the College's Title IX Officer, at 413-236-1022.

### Off Campus Behavior

If a student is charged 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 Dean of Students/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.

All complaints under the Code of Conduct shall be filed with or by the Vice President/Senior Student Affairs Officer or designee. When the DOS/SSAO receives a complaint that a student has acted in a manner which may be in violation of the Code, the DOS/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 DOS/SSAO or designee may conduct an investigation.

If the Dean of Students/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 DOS/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 DOS/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 DOS/SSAO. [Due Process and Grievance Procedures may be seen in their entirety in the Student Policy Guide, located in the Office of Student Affairs in A107, or by viewing online at www.berkshirecc.edu/studentpolicyguide]

## Campus Crime Statistics

### Definitions of Reportable Crime and Hate Crimes

The Office of Safety & Security reports hate crimes as any occurrence of criminal homicide, sex offences, robbery, aggravated assault, burglary, motor vehicle theft, arson, intimidation, vandalism, simple assault and any other crime involving bodily injury, as reported to the Office of Safety & Security where the evidence suggests that the victim was intentionally selected because of the perpetrator's bias. These crimes are defined as follows according to the FBI's Uniform Crime Reporting Hate Crime Collection Guidelines:

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**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. (This includes all cases of motor vehicle theft in which automobiles are taken by persons not having lawful access even though the vehicles are later abandoned; this is often called "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, methadones); 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.)

**Larceny-Theft**: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples of larceny-theft include, but are not limited to: pocket-picking, purse-snatching, shoplifting, theft from building, theft from coin-operated machine or device, theft from motor vehicle, and theft of motor vehicle parts or accessories.

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

**Destruction/Damage/Vandalism of Property** (Except "Arson"): 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.

**Sex Offenses**: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape (except Statutory Rape**): Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age 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, 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 or physical incapacity.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Sex Offenses- Non-forcible**

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

**Domestic violence:** Includes felony or misdemeanor crimes of violence committed by

- a current or former spouse or intimate partner of the victim
- a person with whom the victim shares a child in common
- a person who is cohabitating with or has cohabitated with the victim
- as a spouse or intimate partner
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA)

- 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

**Dating violence**: Means violence by a person

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
- the length of the relationship;
- the type of relationship; and
- frequency of interaction between the persons involved in the relationship.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress.

**Unfounded Crimes**

The Clery Act requires the reporting of unfounded crimes statistics, effective in the 2014 report. Unfounded crimes are those crimes that occurred on-campus, in on-campus student housing facilities (not applicable to BCC), on or in non-campus property or buildings, and on public property. Unfounded crimes are reported for all crimes (not limited to Clery Act Crimes) that occurred on each campus or non-campus property and include all criminal offenses, hate crimes, arrests or disciplinary action referrals for weapons, drug or liquor law violations, and domestic violence, dating violence, or stalking incidents.

**Hate Crime**

A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived age, race, color, religion, national origin, ethnicity, gender, gender identity, disability, or sexual orientation of any person.

**Hate Crime Classifications**

Characteristics or groups of persons protected from discrimination by law and under this Policy, including:

- Age - Persons 40 years of age or older.
- Color - Variations in skin tone among persons of the same race.
- Disability - A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Examples include, but are not limited to, the following: Acquired Immune Deficiency Syndrome (AIDS), Alcoholism; Asthma; Blindness or other visual impairments; Cancer; Cerebral palsy; Depression; Diabetes, Epilepsy; Hearing or speech impairments; Heart Disease; Migraine Headaches; Multiple sclerosis; Muscular dystrophy; Orthopedic impairments; Paralysis; Thyroid gland disorders; Tuberculosis; loss of body parts.
- Ethnicity - See National Origin.
- Gender - A person's sex, either male or female.
- Gender Identity - Gender identity is a term that covers a multitude of sexual identities including, but not limited to, transgender individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.
- Genetic Information - Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
- National Origin - A "national origin group" or "ethnic group" is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.
- Persons of Color - Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.

- Race - Discrimination laws do not contain a definition of "race," but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of more than one race and the following racial classifications, are protected from discrimination:
    - Black: All persons having origins in any of the Black racial groups of Africa.
    - White (not of Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
    - Hispanic/Latino: All persons of Mexican, Puerto Rican, Cuban, Central, Latin or South American or other Spanish culture or origin, regardless of race.
    - Cape Verdean: All persons having origins in the Cape Verde Islands.
    - Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands, including, for example, the areas of China, India, Japan, Korea, the Philippine Islands and Samoa.
    - American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- Religion - "Religion" and "creed" have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.
- Sexual Orientation - Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.
- Veteran - Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National Guard.

If at any time subsequent to the implementation of this Policy, additional protected classifications are established under applicable law, individuals in those classifications shall be protected against discrimination under this Policy.

Incident Statistics

Per the Campus Security/Clery Act of 1990 as amended by the Violence Against Women Reauthorization Act of 2013 20 USC 1092 (f), an annual security report is published and made available each year detailing campus crime statistics for the previous 3 years. [Statistics described shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice FBI and modifications in such definitions as pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 400002(a) of the Violence Against Women Act of 1994 (42) USC 13925 (a). Such statistics shall not identify victims of crimes or persons accused of crimes. ]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 providing 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 office of Student Affairs, ext. 236-1602.

CRIME STATISTICS: CLERY DATA - The following annual Clery report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

| | 2021 | | | 2022 | | | 2023 | | |
|---|---|---|---|---|---|---|---|---|---|
| **OFFENSES** | On-Campus | Public Property | Non-Campus | On-Campus | Public Property | Non-Campus | On-Campus | Public Property | Non-Campus |
| Murder/Non-negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Sex Offense Forcible: Rape* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Sex Offense Forcible: Fondling* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Sex Offense Non-Forcible: Incest* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Sex Offense Non-Forcible: Statutory Rape* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | | |
| **VAWA OFFENSES** | | | | | | | | | |
| Domestic Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | | |
| **ARRESTS** | | | | | | | | | |
| Weapon Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alcohol Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | | | | | | | | | |
| **REFERRALS** | | | | | | | | | |
| Weapon Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alcohol Law Violation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | 2021 | | | 2022 | | | 2023 | | |
|---|---|---|---|---|---|---|---|---|---|
| **OFFENSES** | On-Campus | Public Property | Non-Campus | On-Campus | Public Property | Non-Campus | On-Campus | Public Property | Non-Campus |
| **HATE CRIMES** | | | | | | | | | |
| Murder/Non-negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sex Offenses | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Forcible Rape* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Non-Forcible Rape* | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| *Fondling* | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| *Incest* | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| *Statutory Rape* | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Robbery | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Aggravated Assault | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Burglary | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Motor Vehicle Theft | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Arson | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Larceny | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Simple Assault | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Intimidation | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Vandalism | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Hate Crime Key: (D) Disability € Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity | | | | | | | | | | | | | | | | | |
| *Total Unfounded Crimes 2021 0 2022 0 2023 0 | | | | | | | | | | | | | | | | | |
| **OFFENSES** | | 2021 | | | | | | 2022 | | | | | | 2023 | | | |
| **FIRES ON CAMPUS** | | On Campus | | Public Property | | Non-Campus | | On-Campus | | Public Property | | Non-Campus | | | | | |
| # of Fires | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| # of Deaths | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| # of Injuries | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Value of Property Damage | | N/A | | N/A | | N/A | | N/A | | N/A | | N/A | | N/A | | N/A | |
| Total # of Drills | | 2 | | 0 | | 1 | | 2 | | 0 | | 0 | | 0 | | 0 | |

## Appendix A – Affirmative Action Discrimination Complaint Form

### AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College's Affirmative Action Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the complaint procedure in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have a personal advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed:_____ Date(s) of Alleged Discrimination:_____

A. Name (Print):_____

B. Check One: Student:_____ Employee:_____
Department/Division:_____

Type of alleged discrimination or act:

| | | | | | |
|---|---|---|---|---|---|
| ☐ | Race/Color | ☐ | Religion/Creed | ☐ | Age |
| ☐ | National Origin | ☐ | Gender | ☐ | Disability |
| ☐ | Sexual Harassment | ☐ | Sexual Orientation | ☐ | Genetic Information |
| ☐ | Maternity Leave | ☐ | Gender Identity | ☐ | Military Service |
| | | ☐ | Retaliation | ☐ | Sexual Violence |

Other: _____

C. Name of individual(s) you believe discriminated against you: _____

_____

_____

List any witnesses:_____

_____

_____

## AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM – PAGE 2

Description of Complaint - please list the sequence of events, including dates, if possible, and any relevant facts and statements:

_____
_____
_____
_____
_____
_____
_____

(If additional writing space is needed, please attach additional sheets)

**To the best of my knowledge and belief, the above information is complete, true and accurate and not a "false charge" as defined under Section D II. of this Policy and I hereby submit this complaint under the College's Affirmative Action Complaint Procedure.**

_____

Signature of Complainant

Received by the Affirmative Action Officer on: _____

## Appendix B – Notice to Respondent

**Date:**

**To:** _____, Responding Party

**From:** _____, Affirmative Action Officer

**Subject:** **Affirmative Action Discrimination Complaint**

This is to notify you that on _____ a complaint alleging a violation of the College's Affirmative Action Policy was filed against you with the College. A copy of the complaint is attached, as is a copy of the complaint procedure. Within ten (10) days of your receipt of this notice, please submit to me a written response to the complaint.

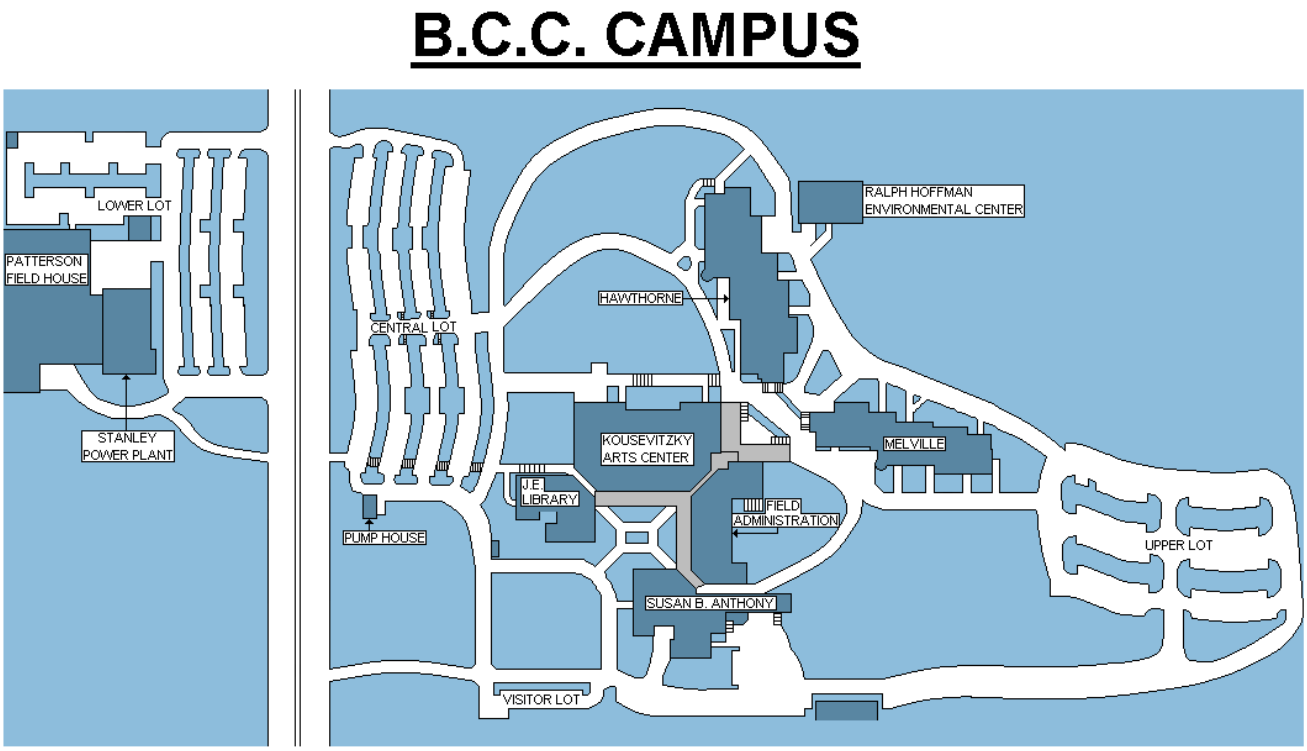
I will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during the complaint procedure in accordance with the Affirmative Action Policy. Further, if any disciplinary sanctions are imposed as a result of an investigation under the Affirmative Action Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements or personnel policies.

All questions concerning this matter should be addressed to the Affirmative Action Officer. Further, all parties to a complaint may have a personal advisor (for union employees this may be a union representative) assist them throughout the process.

## Campus Maps

Main Campus
Berkshire Community College
1350 West St. Pittsfield MA 01201



Main Campus
Berkshire Community College
1350 West St. Pittsfield MA 01201

*Berkshire Community College is an affirmative action/equal opportunity institution and does not discriminate on basis of race, creed, religion, color, gender, gender identity, sexual orientation, age, disability, genetic information, maternity leave, military service, and national origin in its education programs or employment.*

Policy Guide Updated September 2018

berkshirecc.edu/safety

1350 West St.
Pittsfield, MA 01201
Telephone: 413-236-1010
Fax: 413-443-5166