

# HAMPSHIRE COLLEGE

## ANNUAL CLERY ACT CAMPUS SAFETY AND FIRE SAFETY REPORT *Calendar Year 2021*



Dispatch Phone: 413-559-5424

Emergencies: 911 (there is a small delay from campus office phones, don't hang up) 413-559-6151

General business line:

Address:

Campus Safety & Wellbeing Office,  
Harold F. Johnson Library, Ground Floor

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## A NOTE TO OUR READERS:

This report has been prepared to comply with the Jeanne Clery Disclosure of Campus Safety & Wellbeing Policy and Crime Statistics Act. This document is available online at the Campus Safety & Wellbeing website.

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and non-campus property sites, the offices of the Dean of Students, Residence Life and Housing, Student Life, and Health Services.

Campus crime, arrest and referral statistics include those reported to the Campus Safety & Wellbeing Department, designated campus officials (including but not limited to directors, deans, department heads, etc.) and to local law enforcement agencies.

U.S. Department of Education Clery Campus Crime data website: <http://ope.ed.gov/security>

Campus Safety and Wellbeing Website: <https://www.hampshire.edu/student-life/campus-safety-and-wellbeing>

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## **COLLEGE STATEMENT OF NON-DISCRIMINATION**

Hampshire College reaffirms its commitment to a policy of equal opportunity in education and employment.

Hampshire College does not discriminate on the basis of race, age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, religion, national origin, disability, previous military service or any other protected category in the admission of students, employment, access or treatment in its programs and activities or the administration of its educational and employment policies. Discrimination or harassment on the basis of these factors is in direct conflict with the mission of the College and strictly prohibited. Hampshire College is strongly committed to building an inclusive environment and will not tolerate any actions of any individual or group that violate this policy.

Hampshire College is an Equal Opportunity Employer. All applicable federal and state laws and guidelines are followed, including Title VI and VII of the Civil Rights Act of 1964; Executive Order 11246 of 1965, as amended by Executive Order 11357 of 1967; Title IX of the Educational Amendments Act of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and the Americans with Disabilities Act of 1990.

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## **DEPARTMENT BIAS BASED PROFILING POLICY**

It is Hampshire College's policy that, except in "suspect specific incidents," Campus Safety and Wellbeing staff are prohibited from considering the race, gender, national or ethnic origin, sexual orientation, or disability of members of the public in deciding to detain a person.

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## **CAMPUS SAFETY AND WELLBEING MISSION STATEMENT**

Our mission is to support the learning, teaching and work of the entire community by protecting life and property and providing services to students, faculty, staff, and visitors. The department is committed to community safeguarding, and respects and protects the civil rights of all individuals, with strict adherence to the principles of accountability and transparency. We are united in our commitment to address social injustice, and quality of life issues by engaging one another in problem-solving partnerships.



## CAMPUS SAFETY & WELLBEING VISION STATEMENT

The new Campus Safety & Wellbeing department was created after a yearlong assessment of the safety needs of our campus and instituted on January 1st 2019. The department practices community safeguarding that focuses on fostering personal relationships and working closely with everyone on campus as partners in safety & wellbeing.

24 hours a day, 7 days a week, 365 days a year, the department delivers these essential services to students, staff, faculty and visitors:

- responding to medical and fire emergencies
- responding to accidents, or other calls for vehicular assistance
- securing and providing access to buildings
- monitoring events and providing crowd control
- supervising student EMTs
- registering vehicles, overseeing compliance with parking regulations, and
- responding to and investigating reports of threats or crimes against people or property.

This is not a sworn police force so does not have the power to arrest and instead utilizes the Amherst and Hadley Police Departments when necessary for serious infractions.

The Department is committed to hiring and promoting talented Campus Safety Assistants and Health and Wellbeing Advocates, employing the highest standards of accountability, performance, progressive safeguarding strategies, and reflecting the institutional values of Hampshire College.

Campus safeguarding strategies and programs are driven by accurate, timely and reliable information and sustained through the Department's engagement of all of our colleges' diverse populations and organizations.

The Department seeks to make its policies and operations as transparent as possible. When there are complaints involving the Campus Safety & Wellbeing, both the community members and the Assistants/Advocates are best served by a system of accountability that is expeditious and fair to all involved.

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### BACKUP AID & EXTERNAL SUPPORT

The Department has back-up aid from and telephone contact with the Amherst Police Department. Campus Safety & Wellbeing handles most incidents that occur on Hampshire College property. Amherst Police are notified of any criminal incidents that occur on campus; this is based on a policy agreement with the Amherst police department.

Under Massachusetts law, the State Police are notified of any death on campus and can have jurisdiction over any criminal incident that occurs on campus. Generally, The Amherst fire department responds to fire and medical emergencies as a supplement to Campus Safety & Wellbeing services.

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### CRIMES IN OR ON NON-CAMPUS BUILDINGS OR PROPERTY

Statistics reported in the “on-campus” category include those crimes occurring on property owned or controlled by the campus that is within the contiguous geographic area of the campus. The College does not recognize any student organizations that control or own any buildings or property off campus.

Reported crime statistics include incidents that occurred at non-campus property (property owned or operated by the college but not within the main campus’s contiguous borders). This includes the President’s House.

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## HOW TO REPORT A CRIME OR EMERGENCY

The College strongly encourages every member of the community—faculty, staff, students, and visitors—to report any crime accurately and promptly. To report a crime or emergency on campus, members of the community should call the Campus Safety and Wellbeing Department. Professionally trained assistants and advocates are available for emergency response 24 hours a day, seven days a week, 365 days a year. To report a crime off campus, dial 911 in most areas in the U.S.

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### FOR EMERGENCIES:

- Dial 911 from a campus phone (small delay from campus office phones, so please wait for the ring.)
- To reach CSS Dial (413) 559-5424 from a cell phone or x5424 from a campus phone
- Activate a blue-light phone

### Call Campus Safety & Wellbeing if you see...

- Suspicious behavior in or around a residence hall or other building – people looking in windows, trying to open windows, trying to access doors they do not have access to, etc.
- Anyone trying to open car doors or tampering with a motor vehicle.
- Vehicles parked with the motor running.
- Damaged doors or windows in residence halls or other buildings.
- Loiterers in dark or secluded areas.

- Someone peering into windows.
- Someone displaying a weapon.

Call Campus Safety & Wellbeing if you hear...

- Someone is screaming.
- Breaking glass.
- A stranger trying to enter your building.
- A call for police or for help.
- Loud or obscene shouting indicating a disturbance.
- An explosion or gunshots.

If you notify Campus Safety and Wellbeing the staff will send assistance (and ambulances, if necessary) to any section of the campus. Please try to have the following information:

- What you see or hear.
- The address or location of the incident.
- The number of people involved.
- A description of the people involved or, photos/video you may have taken of the incident
- License numbers and descriptions of cars involved.
- The direction of fleeing suspects.
- Your name and address (if you wish to give it.)

The behaviors listed above are non-exhaustive examples. Similarly, you do not have to have every piece of information listed above before contacting Campus Safety & Wellbeing. All of the information in this section is designated to be a helpful guide but, when in doubt, please contact Campus Safety & Wellbeing with your concerns.

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## **CONFIDENTIAL REPORTING POLICY**

A Campus Safety & Wellbeing Authority (see following section) is not required to disclose to Campus Safety & Wellbeing confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for their identity to remain confidential. However, the crime must be reported to Campus Safety & Wellbeing as a statistic only.

The Clery Act prescribes how the College collects and reports crime statistics and provides for confidential reporting of criminal incidents. Other laws and regulations mandate the College take action to prevent sexual harassment, sexual assault, and other criminal acts. In those cases, the College will attempt to respect an individual's desire for confidentiality and will work to maintain the privacy of the individual to the degree possible. However, the College may be legally required to take action depending on the nature of the grievance or complaint and may not be able to honor the request for confidentiality. The individual will be informed if, in the course of satisfying this obligation, the College may be unable to comply with the request for confidentiality.

## **CAMPUS SAFETY & WELLBEING AUTHORITIES**

The Campus Safety & Wellbeing Department is responsible for compiling Clery Act crime and fire statistics for incidents reported on campus. While the Department encourages victims to report crimes occurring on the campus directly to Campus Safety & Wellbeing, we also collect crime data from other administrators on campus who are required to report crime statistics to the Campus Safety & Wellbeing Department for inclusion in the annual Clery document as well as for the issuance of Safety Alerts (see below).

Designated “*Campus Safety Authorities*” are defined in the Clery Act as “any individual who has responsibility for campus safety but who does not constitute a Campus Safety & wellbeing department, or who has significant responsibility for student and campus activities.” This includes, but is not limited to the:

- Dean of Students
- Director of Residence Life & Housing, Area Coordinators, Residence Hall Directors, Community Facilitators and Resident Advisors
- Title IX Coordinators and Deputy Coordinators
- Director of Athletics and Coaches
- Study Abroad coordinators
- Field Study coordinators
- Students and employees monitoring building entrances and events
- Faculty and staff advisors to student groups and organizations
- Directors of Health Services & Counseling Services
- Other program directors

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## **RESPONSIBILITIES OF CAMPUS SAFETY & WELLBEING AUTHORITIES**

A Campus Safety & Wellbeing Authority is not always required to disclose to Campus Safety & Wellbeing confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for their identity to remain confidential. However, the crime must be reported to Campus Safety & Wellbeing immediately. Keep in mind, that Campus Safety & Wellbeing Authorities may also be responsible employees and, under Title IX and the Violence Against Women Act (VAWA), may be required to provide more information than is otherwise required in their role as a Campus Safety and Wellbeing Authority.

Professional and pastoral counselors are explicitly not campus safety authorities, which means they are exempt from the requirement to report crimes to Campus Safety & Wellbeing when that information is received by them while they are acting in that pastoral or counseling role. However, they are encouraged to provide non-identifying information to allow for inclusion in the annual crime statistics when it will not sacrifice victim confidentiality.

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## CONFIDENTIAL REPORTING POLICY

The College has a policy to accept third-party anonymous reports of crimes on campus which can be reported to Campus Safety & Wellbeing, Title IX Coordinators and Deputy Coordinators, and Health and Counseling Services (students). The statistics are forwarded to Campus Safety & Wellbeing for inclusion in the annual Safety report. Remember that all employees, except where confidentiality is governed by law, should report to Campus Safety and Wellbeing any crime brought to their attention. The survivor's name is not required. This allows Campus Safety & Wellbeing to keep accurate records of incidents involving members of the community, to include those statistics in our annual safety report, and to alert the community of potential danger.

- Although the College recognizes the importance of confidentiality, federal law requires us to record and act upon certain information affecting the safety of the entire community. This includes, where necessary, the sharing of elements of crimes reported on campus to Campus Safety & Wellbeing when a community notification must be sent concerning any ongoing threat to members of the community. Details revealing the identity of a reporter choosing not to go to Campus Safety & Wellbeing will be withheld.
- The Campus Safety & Wellbeing Department operates under federal and Massachusetts general laws and has statutory requirements imposed for confidentiality, privacy, and public disclosure of investigatory material. As a general matter of law, the department must acknowledge that an alleged crime has been reported and release basic information about location and time of occurrence. Disclosure of this information is done as carefully as possible to protect the victim's privacy.
- The names of survivors of sexual assault, dating and domestic violence, and stalking will be maintained in confidence except as required by law.

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## CAMPUS CRIME STATISTICS REPORTING POLICIES

Preventing crime and protecting life and property on campus is a priority. To maintain and provide accurate information, under the federal Crime Awareness and Campus Security Act of 1992, amended, and Massachusetts General Law Chapter 6, Section 168C, the Campus Safety & Wellbeing Department documents reports of crimes that occur on campus according to the Federal Bureau of Investigation Uniform Crime Reporting (NIBRS edition) Hate Crime Data collection guidelines and standards.

These statistics are gathered from Campus Safety & Wellbeing reports, from Campus Safety Authorities, and from police departments with jurisdiction over public property immediately surrounding the campus and from those having jurisdiction for non-campus property. The statistics are collated by Campus Safety & Wellbeing and reviewed for inclusion in this annual report. Statistics must be shared with Campus Safety & Wellbeing immediately when a crime reported to a Campus Safety authority represents a threat to the community or portion thereof (See Campus Safety Authorities above.)

The Campus Safety & Wellbeing Department is the campus agency required to compile Clery Act crime statistics for incidents reported on campus. The Department annually submits its Clery Crime data to the Department of Education website. Data from our institution and others throughout the U.S. is available online at <http://ope.ed.gov/security/>.

A copy of these statistics, which are contained in the annual safety report, are available by request at the Campus Safety & Wellbeing department's website at <https://www.hampshire.edu/campus-safety>

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, & STALKING

Hampshire College prohibits all forms of sexual misconduct, including sexual assault, sexual exploitation, and sexual or gender-based harassment; relationship violence (also known as dating violence, domestic violence or intimate partner violence); stalking; complicity; and retaliation.

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### SEXUAL ASSAULT

Sexual Assault is prohibited by state and federal laws as well as by college policy. It is crucial that survivors report crimes of sexual assault so that offenders can be apprehended and prevented from repeating their actions.

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#### WHAT IS SEXUAL ASSAULT UNDER MASSACHUSETTS LAW?

The Clery Act, as amended by the reauthorization of the VAWA Act, breaks sexual assault into four categories: rape, forcible fondling (called indecent assault & battery in Massachusetts), incest, and statutory rape.

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of males, females and otherwise self-identified.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

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

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts.)

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#### WHAT IS CONSENT?

Consent is:

- Informed (knowing)
- Voluntary (freely given)
- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

Consent cannot be obtained by Force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

- a) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, pushing, restraining, choking, and brandishing or using any weapon.
- b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation or cause a person academic or economic harm.
- c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider: (i) the nature of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the frequency and duration of the pressure. To constitute coercion, conduct must result in wrongfully impairing another individual's freedom of will to participate in sexual activity.

Consent cannot be gained by taking advantage of the Incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. Mentally helpless means a person is incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to communicate willingness or unwillingness to an act. A person may be incapacitated as a result of the consumption of alcohol or other drugs, even where voluntary, or due to a temporary or permanent physical or mental health condition.

**The College offers the following guidance on Consent and assessing Incapacitation:**

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Lack of protest, lack of resistance, and silence and/or passivity do not constitute Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this policy. It is important to not make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants should stop and clarify a mutual willingness to continue that activity.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. In addition, Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases of prior or ongoing relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on evaluating the presence of Consent, but any sexual activity must still be mutually agreed-upon.

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

In evaluating Consent in cases of alleged incapacitation, the College asks two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated? and if not,* (2) *Should a sober, reasonable person under the same circumstances have known that the other party was incapacitated?* If the answer to either of these questions is “YES,” Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is an extreme form of intoxication. Incapacitation can also be caused by certain medical conditions. A person is not necessarily incapacitated merely as a result of ingesting alcohol or other drugs. The impact of alcohol and other drugs varies from person to person; each individual may have a different level of tolerance or metabolism. One is not expected to be a medical expert in assessing incapacitation. Instead, one must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person’s level of intoxication can change rapidly, and a person can reach incapacitation within a short time span. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know who you are with?”

The introduction of alcohol or other drugs may create ambiguity for all involved as to whether Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

**Being impaired by alcohol or other drugs is not a defense to any violation of this policy.**

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## WHAT SERVICES DOES CAMPUS SAFETY & WELLBEING OFFER TO SURVIVORS?

The Campus Safety & Wellbeing Department has Assistants and Advocates who have received specialized training in handling such offenses.

- Campus Safety & Wellbeing staff will assist survivors by obtaining medical attention for any injuries, and serving as a liaison with local law enforcement.
- College personnel, including the sexual offenses services counselor, deans, Student Life staff, Title IX Coordinators and Deputy Coordinators, and Campus Safety & Wellbeing staff will assist survivors in notifying appropriate law enforcement authorities upon request.
- College staff will also advise survivors of their rights to counseling and other services offered by the College and the community.

Survivors are involved in all decisions about proceeding with criminal charges. If the survivor of a rape or sexual assault, domestic violence, dating violence, or stalking chooses to proceed in this manner, Campus Safety & Wellbeing Department will provide assistance and guidance and will serve as a liaison with local law enforcement agencies.

Pursuant to Title IX, Hampshire College is committed to providing a campus environment free of sexual discrimination, sexual harassment and sexual assault. Sexual assault is a form of sex discrimination that violates Title IX; accordingly, anyone who has been assaulted may contact the Dean Of Students who is currently the Title IX Coordinator at 413.559.5412.



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## DOMESTIC & DATING VIOLENCE AS DEFINED BY MASSACHUSETTS LAW AND THE CLERY ACT

Domestic and dating violence can happen to anyone at any time in any type of relationship.

- Campus Safety & Wellbeing is available to assist survivors of on- and off-campus domestic violence.
- Assistants and advocates are trained to respond to survivor's needs, including by helping them obtain information on restraining orders from the courts to prevent further violence. If someone is harming you, call Campus Safety & Wellbeing for help. Health and Counseling Services, Spiritual Life Staff, Center for Women and Community at UMASS and the Victim Advocates at the Hampshire District Court are also resources.

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## WHAT ARE DOMESTIC VIOLENCE AND DATING VIOLENCE?

**Domestic Violence** is personal violence directed at someone who is, or was:

- In a substantive dating relationship with the offender
- Is or was a family or household member of the offender
- Shares a child in common with the offender

**Dating Violence** is defined by the Clery Act as violence committed 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
- The frequency of interaction between the persons involved in the relationship

**Note:** "Dating violence" is not a specifically-defined crime in Massachusetts, but is being used for the purposes of this report to meet federal Clery Act requirements. Statistics in this category are gathered from crimes meeting this Clery Act definition.

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## STALKING & CYBER STALKING

Stalking and cyber stalking are behaviors prohibited by college policy and Massachusetts law. In Massachusetts, such actions are felonies.

**Stalking** is defined under Massachusetts law as (1) willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) making a threat with the intent to place the person in imminent fear of death or bodily injury.

Anyone can be the victim of a stalker, including college students and employees from any economic, ethnic, or religious group. A few victims are picked at random by their stalker, but most stalking victims know their stalker, usually having had some type of present or past relationship. The perpetrator can be an intimate partner or former partner, classmate, roommate, or other acquaintance. A victim can be stalked for several days or for many years. The stalker's actions can also affect family, friends, and coworkers. Stalking and criminal harassment can be difficult to distinguish.

- If you or someone you know is experiencing a similar situation, please get help.
- If you feel frightened or uncomfortable about someone's specific behavior, pay attention to your instincts! Seek help.
- If you are the victim of a stalker, in addition to getting help, let those close to you know about the situation; maintain logs of contacts received and retain any emails, letters, or communication; take basic steps for safety such as parking in well-lit areas, walking with a friend, etc.

## SEXUAL VIOLENCE PREVENTION

The College is committed to the prevention of Sexual Misconduct, Relationship Violence, and Stalking through education and awareness programs. Incoming students and new employees receive primary education and prevention training as part of their orientation, and returning employees and students receive ongoing training and related programs.

The College has designated the Title IX Coordinator and Deputy Title IX Coordinators with oversight of providing education, prevention and training programs as required by Title IX, Clery and VAWA.

Resources are also available through the Department of Campus Safety & Wellbeing website. The website offers safety information including: locations of blue light call boxes, transportation services, programs and workshops on sexual assault prevention, and general safety tips.

Training on sexual assault, relationship violence, bystander intervention, harassment, and College policies and procedures is offered to employees and RAs. The College is committed to maintaining an education and employment environment free from harassment and discrimination and offers regular and ongoing education and awareness programs. Contact the Dean of Students – [deanofstudents@hampshire.edu](mailto:deanofstudents@hampshire.edu) for more information.

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## WARNING SIGNS OF ABUSIVE BEHAVIOR

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Use these warning signs of abuse to see if your relationship is going in the wrong direction. If the person you have a relationship with:

- Is checking your cell phone or email without permission
- Is constantly putting you down
- Is extremely jealous or insecure
- Has an explosive temper
- Is isolating you from family or friends
- Is making false accusations
- Has mood swings
- Is physically hurting you in any way
- Is possessive
- Is telling you what to do

See <http://www.loveisrespect.org/> for more information and resources.

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## **RISK REDUCTION FOR SEXUAL ASSAULTS**

With no intent to victim-blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment:

1. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
2. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
3. Make sure your cell phone is with you and charged and that you have cab money.
4. Isolation is a strategy of some assaulters. Meet new acquaintances in public places you are familiar with.
5. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
6. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
7. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
8. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
9. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
10. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

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## **REPORTING INCIDENCES OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING**

When an incident involving domestic violence, dating violence, sexual assault, or stalking occurs, report the incident to local police **911**, and Campus Safety & Wellbeing 413-559-5424.

Some survivors may not feel comfortable reporting the situation to a Campus Safety & Wellbeing Assistants/Advocates and may report the incident to:

- The Title IX Coordinator or Deputy Coordinators
- Dean of Students Office
- Health and Counseling Services (confidential)

- Prevention & Education (confidential)

Any of these offices will offer survivors the option to report the crime to the appropriate law enforcement department (on campus and/or local) if the survivor chooses to file a report; however, survivors are not required to report to a police department. Filing a report does not mean the survivor has to press charges, and survivors may decline notifying law enforcement agencies.

Campus Safety & Wellbeing can arrange for investigation and preservation of evidence for a survivor (see **Maintaining Evidence below**), provide treatment of any injuries, arrange for any further medical treatment, and can assist a survivor with legal remedies.

**Other contact and resources that are available:**

For medical assistance on campus, contact:

- Hampshire College Health Services 413.559.5458. Clinic hours are 8:30 a.m. to 4:30 p.m. weekdays. When Health Services is closed during the academic year (nights, weekends, and during vacation periods), students with emergencies may be seen at one of the locations listed below.
- On weekends, a student-run Emergency Medical Service on-call, staffed by student EMTs, and supervised by Campus Safety & Wellbeing can provide emergency medical services, and can direct students to any of the locations below, 413.559.5424.
- Law Enforcement: All Hampshire community members have the right to report Sexual Misconduct Violations that may constitute a crime to local law enforcement (“Police”). Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations, to obtain cell phone and electronic records, and to make an arrest when supported by probable cause to believe a crime has been committed. Police are also able to provide assistance in seeking Emergency Protective Orders (see below).
  - Hampshire College Campus Safety & Wellbeing can be reached by dialing 413.559.5424. Students seeking medical attention at Hampshire College Health Services can ask that police be called on their behalf.
  - Town of Amherst Police can be reached by dialing “911” (for emergencies) or 413.259.3000 (for non-emergencies).
- Crisis Resources (Support and Counseling): All Hampshire community members are urged to seek immediate emotional support after any Sexual Misconduct Violation. There are a number of resources and “hotlines” for crisis counseling, both at the College and in the local community. Some of these resources are able to maintain legally-protected confidentiality. Crisis counselors can provide trauma-informed support and offer information about reporting options.

**Confidential** College Crisis Resources:

These individuals may provide confidential counseling and support without disclosing the reported incident to the Title IX coordinator or other employee of the College:

- Hampshire College Health and Counseling Services 413.559.5458
- Hampshire College Spiritual Life Professional Staff 413.559.5282

- University of Massachusetts Health Services 413.577.5000 (students may receive free transportation provided by Hampshire Campus Safety & Wellbeing or UMass Campus Police (when on UMass campus))

**Confidential** Community and National Crisis Resources:

- These individuals may provide confidential counseling and support without disclosing the reported incident to the Title IX Coordinator or other employee of the College:
- Cooley Dickinson Hospital 413.582.2000 (students may receive free transportation provided by Hampshire College Campus Safety & Wellbeing)
- Holyoke Medical Center 413.534.2500
- Baystate Medical Center 413.794.0000
- Center for Women and Community at UMass 24-hour hotline 413.545.0800
- Safe Passage Domestic Violence Program 24-hour hotline 413.586.5066 or 888.345.5282 (toll-free).
- Rape and Incest National Network (RAINN) Hotline (800) 656-4673 <https://rainn.org/>
- Students and Employees may also visit their own health and counseling providers.

**Private** College Support Resources: These individuals will disclose the reported incident to the Title IX coordinator, but may be able to maintain the anonymity of the person seeking assistance:

- Janeen Mantin Director of Prevention and Education
- [jsmSA@hampshire.edu](mailto:jsmSA@hampshire.edu)
  - Additional College Support Resources: These individuals will disclose the reported incident and all available details of the report to the Title IX coordinator, but will maintain the privacy of any resources provided:
- Office of the dean of students, Merrill student life center, second floor, 413.559.5412
- **Resident Advisors**, paraprofessional residence life staff who provide student support and programming.

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## COLLEGE SUPPORT FOR SURVIVORS

The college provides assistance to survivors of sexual assault, domestic violence, dating violence, and stalking. Interim measures may be put in place before the end of a campus or criminal proceeding if necessary for the protection of the survivor.

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## SAFETY MEASURES AND CAMPUS AND COURT ORDERS

The College will provide written notification to and will work with the survivor to put in place safety measures appropriate to the situation, regardless of whether the crime was reported to campus or local police and regardless of whether the incident occurred on or off campus both in the interim from when they notify the college through the conclusion of college or legal action when necessary. These may include, and will be provided when appropriate and reasonably available:

- The College will assist the survivor with notifying campus or local police
- The College will facilitate campus housing or academic changes, as necessary.

- The College will facilitate changes in transportation, as necessary.
- The College will facilitate changes in working conditions, as necessary.
- The College will issue campus No-Contact Directives, as requested.
- The Campus Safety & Wellbeing office will issue Trespass Notices, as necessary.
- The College will assist survivors in obtaining harassment prevention or domestic violence prevention order through the local court under Massachusetts General Laws Ch. 258E or 209A.

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## **CAMPUS & COURT ORDERS**

Campus Safety & Wellbeing and the Dean of Students can assist survivors in obtaining protections:

- Campus No-Contact Directive: Issued by the Title IX office to limit contact between students.
- Restraining Order: Issued by the courts ordering the respondent to refrain from abusing or contacting a complainant. Issued when the court determines a domestic relationship. The courts have Victim Advocates that can assist survivors with the court process and to establish appropriate protections.
- Harassment Prevention Order: Issued by the courts ordering the respondent to refrain from contacting or harassing the complainant. Can be an option in dating violence and stalking situations as well as sexual assault situations where no long-term relationship exists between the respondent and complainant.

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## **HOUSING, ACADEMIC, AND OTHER CAMPUS CHANGES**

The college will provide written notification to and will change a survivor's or respondent's academic, living, transportation, or workplace situation after an alleged offense if the survivor requests such assistance and if such changes are reasonably available.

- Requests for these changes are coordinated through the Title IX Coordinator and the Office of the Dean of Students, or for workplace situations, these will be coordinated through the Human Resources office.
- The college will maintain as confidential any accommodations or protective measures provided to a survivor, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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## **ASSISTANCE IN CONNECTING WITH EXTERNAL RESOURCES**

Campus Safety & Wellbeing and the Title IX Coordinator, Dean of Students, and the Senior Director of C.A.P.E.S will assist survivors (students & employees) notifying and connecting with external resources, including the local police department, state police department, or personnel from the District Attorney's Office, include Safe Plan and survivor/witness staff only if the survivor wishes to utilize those services. The survivor has the right to decline notifying law enforcement; a decision to utilize law enforcement or to decline to utilize law enforcement will not impact the College's obligations under Title IX and its own policies.

Confidential, sensitive care, examination, and treatment are available for students at Health Services; students and employees can receive 24-hour care at local hospitals or other medical facilities. Campus Safety & Wellbeing can assist a survivor or friend in determining options.

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## **MAINTAINING EVIDENCE IN CASES OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING**

An important part of the criminal investigation is the collection of physical evidence.

- Survivors of sexual assault should go to Cooley Dickinson hospital as soon as possible after the incident (without showering, douching, or changing first, although they should bring a change of clothes if possible). Specially-trained Sexual Assault Nurse Examiners (SANE) will provide treatment and collect evidence that can be used later. If you choose to go forward with charges in the future, the hospital can then, with your permission, share your name with law enforcement.
- Survivors of sexual assault, domestic violence, dating violence, or stalking should seek treatment through Health Services or a local hospital.
- Campus Safety & Wellbeing Assistants/Advocates can assist with triage and can request transportation to on- or off-campus health resources.
- Any evidence collected by police or SANE nurses will be used only if the survivor chooses to prosecute.
- Preserve any text messages or other electronic or voice evidence. Provide investigators with any photos, items sent by the perpetrator, etc.

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## COLLEGE DISCIPLINARY PROCEDURES FOR DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

This policy is established to assure a fair and impartial process in the investigation of sexual assault, stalking, dating violence, and domestic violence cases.

The Sexual Misconduct, Relationship Violence and Stalking Policy, applies to students who are enrolled for credit- or non-credit-bearing coursework, including students taking courses at Hampshire College through the Five College Interchange (“Students”); Hampshire College employees and Five College employees working at Hampshire College, including all full-time and part-time faculty, staff, and administrators (including adjuncts and casuals) (“Employees”); and contractors, vendors, visitors, guests, or other third parties (“Third Parties”). This policy pertains to Sexual Misconduct Violations committed by Students, Employees, and Third Parties when:

- (1) the conduct occurs on Hampshire College premises or other property owned or controlled by the College;
- (2) the conduct occurs in the context of a Hampshire College employment or education program or activity, regardless of location, including, but not limited to Hampshire-sponsored study abroad, research, on-line or internship programs; or
- (3) the conduct occurs outside the context of a Hampshire employment or education program or activity, but has continuing adverse effects on or creates a hostile environment for Students, Employees, or Third Parties while on College premises or other property owned or controlled by the College, or in any College employment or education program or activity.

This policy applies to all Sexual Misconduct Violations occurring on or after the effective date of this policy. Where the date of the Sexual Misconduct Violation precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, as set forth in [Appendices A and B on the Title IX website](#), however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred. [The website](#) that describes disciplinary procedures for when a student is accused of committing a violation of this section and procedures for employees accused of violations.

All complaints of sexual assault, relationship violence, and stalking should be brought to the attention of the Dean of Students Office.

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### RIGHTS OF ACCUSER & ACCUSED

- Both the accuser and accused will be notified in writing simultaneously about the outcomes of the hearings and any sanctions imposed, procedures for appealing the results, and to any change to the results as well as the final outcome.
- The accuser and accused may both appeal the sanctions imposed and will be provided written instructions about how to file an appeal.
- The college will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim shall be treated as the alleged victim.



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## **TITLE IX INVESTIGATIONS AND POLICE INVESTIGATIONS**

The college will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its Title IX investigation and, if needed, will take immediate steps to protect the student in the educational setting. For example, the college will not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime. If the survivor or the district attorney chooses to pursue criminal charges based on the complaint of harassment or assault, the college may need to delay temporarily the fact-finding portion of a Title IX investigation while police are gathering evidence; once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the college will promptly resume and complete its fact-finding for the Title IX investigation. However, temporary safety measures, if needed, will be put into place.

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## **STANDARD OF EVIDENCE**

Other than where otherwise legally mandated, the College uses the preponderance of the evidence standard (more likely than not) as the threshold for determining responsibility for a campus violation or conduct issue.

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## **CASES ALLEGEDLY COMMITTED BY A HAMPSHIRE STUDENT**

The Sexual Misconduct, Relationship Violence, and Stalking Policy (<https://handbook.hampshire.edu/node/40>) applies to all student and employee sexual misconduct violations. Complaints may be filed with the Title IX Coordinator and Deputy Coordinators. Where students are respondents, Appendix A procedures will apply; where employees or third parties are respondents, Appendix B procedures will apply. For other types of violations that do not fall under the Sexual Misconduct Policy, the Student Handbook policies and processes apply to students and the Employee Policy Manual policies and processes apply to Employees.

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## **POTENTIAL SANCTIONS – STUDENTS**

The following is a list of outcomes for those found to have engaged in sex offenses, domestic violence, dating violence, and stalking:

The potential sanctions for a violation of the Policy, as set forth in the Outcomes and Sanctions set forth in the Norms for Community Living and Policies, could include: Deferred Sanction Statuses, Disciplinary Probation, Removal from Campus Housing, Housing Relocation, Housing Lottery Restriction, No Contact Order, Restitution, Suspension, and Expulsion. Any Student found responsible for Sexual Assault involving Sexual Intercourse will face a minimum sanction of suspension or expulsion.

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## **POTENTIAL SANCTIONS – EMPLOYEES**

Sanctions for Employee and Third-Party Respondents include, but are not limited to, verbal or written Warning, Censure, Education, Training, Removal of Privileges, No Contact Directive, Suspension, and/or Termination from Hampshire College employment. This list is not progressive and any sanction or combination of sanctions may be imposed. Any Employee or Third Party found responsible for Sexual Assault involving Sexual Intercourse will face a minimum sanction of suspension or termination from employment at Hampshire College. Sanctions are effective immediately, unless otherwise specified.

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## PROGRAMS ON CRIME AWARENESS & SAFETY TOOLS

The following is offered at Hampshire College and within the five-college system:

- Workshops on self-defense
- Crime awareness workshops
- Sexual assault, domestic violence, dating violence, and stalking awareness information is included as part of first-year orientation and throughout the year.
- Training for incoming students and employees
- Title IX Training for employees
- Sexual Harassment training for new faculty and staff
- Training for Resident Advisors and Community Facilitators on crime reporting and enforce policies

## RESOURCES FOR SURVIVORS

The college will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. Some of these resources are listed below.

### On Campus

- Campus Safety & Wellbeing Assistants and Advocates are trained to assist survivors | **413-559-5424**
- Health & Counseling Services | 413-559-5458 (confidential)
- Prevention & Education | 413-559-5673 (private)
- [Dean of Students Office](#) | 413-559-5412
- [Title IX Coordinator](#) | 413-559-5412
- Sexual Misconduct Policy in student handbook (<https://handbook.hampshire.edu/node/40>)

### Off Campus

- The Amherst Police Department | **911 or 413-259-3000**
- Cooley Dickinson Hospital | 413-582-2000
- [Northwest District Attorney Victim/Witness Advocates](#) (assistance in obtaining protective orders, assistance in preparing for court, referrals to mental health resources, etc.) | 413-586-5780
- [Safe Passage](#) (Support for victims of domestic violence) | 888-345-5282
- SAFEPlan (District Court Advocates) | 413-586-4545
- [Victim Rights Law Center](#) | 617-399-6720 in Massachusetts (general legal assistance including visa and immigration assistance and financial stability)
- [Center for Women and Community](#) - Counselor/Advocate Program provides free and confidential crisis services in Hampshire County and the Five College Community. Supports survivors of rape, sexual assault, stalking, domestic violence, emotional, psychological and verbal abuse

- [Massachusetts Office of Victim Assistance](#) – One of MOVA’s most important functions is to provide direct assistance to crime victims
- [Jane Doe Inc.](#) – The Massachusetts Coalition Against Sexual Assault and Domestic Violence
- [Survivor Arts Collective](#) – Peer, trans and queer led collective. Trauma informed care, bystander intervention, and transformative justice community education training, as well as our grassroots community mutual aid and care network.

## SEXUAL OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

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

In Massachusetts, convicted sex offenders must register with the state’s Sex Offender Registry Board; this includes anyone enrolled at or employed by the College, even if they are registered in their home jurisdiction in one of three categories (Level 1—considered a low-risk offender, Level 2—considered a moderate risk offender, and Level 3—considered a high- risk offender). Any member of the public who is at least 18 years of age may request sex offender information.

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### MASSACHUSETTS SEX OFFENDER REGISTRY BOARD

<http://www.mass.gov/eopss/agencies/sorb/>

The Sex Offender Registry Board is the state agency responsible for keeping a database of convicted sex offenders and classifying each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The goal of the Sex Offender Registry is to educate the public and to prevent further victimization. Members of our community may also contact the Amherst or Hadley police departments to ask for information on sex offenders in those communities.

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### NATIONAL SEX OFFENDER REGISTRY

<http://www.nsopw.gov/Core/Portal.aspx?AspxAutoDetectCookieSupport=1>

This Web site is provided as a public service by the U.S. Department of Justice. Using this Web site, interested members of the public have access to and may search participating state Web site public information regarding the presence or location of offenders, who, in most cases, have been convicted of sexually-violent offenses against adults and children and certain sexual contact and other crimes against victims who are minors. The public can use this Web site to educate themselves about the possible presence of such offenders in their local communities.

## BEING AN ACTIVE BYSTANDER

Regardless of how close to the situation they are, bystanders have the power to stop relationship and sexual violence, insensitivity, and oppression from occurring and to get help for people who have been affected.

Understand, we are not advocating that people risk their own safety in order to be an active bystander, though we also believe that the creation of the inclusive campus we want takes all members of the community to be involved in the work of change. Remember, there is a range of actions that are appropriate, depending on the situation.

### WHAT CAN I DO IF I BELIEVE SOMEONE IS IN AN UNSAFE SITUATION?

- First, assess the situation to determine what action, if any, might be appropriate & safe.
- Second, evaluate options and choose strategies for responding either at the time or later.
- Whether or how an Active Bystander takes action will depend on the situation. Such actions may include:
  - Explain to the victim that you are concerned for their safety and why – they may not recognize they are in an unsafe situation, or may not realize they can get help stopping the unacceptable behavior.
  - Interrupting the behavior – if it is safe for the bystander, tell the victim that you have an important call for them, or that it is time for “that meeting”
  - Calling for help when needed – see grid below
  - Support the victim – offer, if they are willing, to accompany them to report the situation
  - If the person is not willing to accept help, you can talk to the Title IX Coordinator, Deans Office, or Campus Safety & Wellness for more strategies and how to support to help the victim, keeping in mind that all of these individuals are responsible employees who may need to respond to the information you share to ensure a safe campus. Additional resources include:

If Incident Involves:	Contact:
Another student	<ul style="list-style-type: none"><li>● Residence Life and Housing staff</li><li>● Dean of Students</li><li>● Campus Safety &amp; Wellbeing</li><li>● Health &amp; Counseling Center (confidential)</li><li>● Prevention and Education (private)</li></ul>
A faculty member	<ul style="list-style-type: none"><li>● School Dean</li><li>● Office of the Dean of Faculty</li></ul>
A staff member	<ul style="list-style-type: none"><li>● The director of that employee’s department or the Director of Human Resources</li></ul>

### IMPORTANT CAUTIONS:

- **Do not** engage a violent person and endanger your safety; step back and call Campus Safety & Wellbeing to respond.
- For **immediate help** from police or Campus Safety & Wellbeing **dial 911** or (413) 559-5424.

## FIVE COLLEGE EMERGENCY RESOURCES

If you are taking a course at, or are visiting one of the other four colleges, their campus safety departments will help you in an emergency on their campus.

**Safety & Wellbeing Contacts:**

Amherst College Campus Police Hampshire	413-542-2291
College Safety & Wellbeing Mount Holyoke	413-559-5424
Public Safety and Service Smith College	413-538-2304
Campus Police	413-585-2490
UMASS Campus Police	413-545-2121

**Municipal Police Departments:**

Amherst Police	413-259-3000
Northampton Police	413-587-1100
South Hadley Police	413-538-8231

## CLERY ACT CRIMES 2019 – 2021

These statistics are compiled from all incidents recorded by Campus Safety & Wellbeing after January 1, 2019 and prior to January 1, 2022, as well as any third-party reports forwarded by other campus officials, as well as any reported to police departments with concurrent jurisdiction over on campus and non-campus College property.

Hampshire Clery Crime Statistics	All On-Campus Property			Non-Campus Property			Public Property			Residential Only		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	1	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	1	1	0	0	0	0	0	0	0	0	0
Burglary	1	0	6	0	0	0	0	0	0	0	0	6
<b>Sex Offenses</b>												
Rape	0	3	3	0	0	0	0	0	0	0	3	3
Fondling	0	4	0	0	0	0	0	0	0	0	3	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>												
Domestic Violence	1	1	0	0	0	0	0	0	0	0	1	0
Dating Violence	3	3	0	0	0	0	0	0	0	0	2	0
Stalking	0	1	1	0	0	0	0	0	0	0	1	1
<b>Arrests &amp; Disciplinary Referrals</b>												
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2	3	13	0	0	0	0	0	0	0	0	13
Drug Law Arrests	0	0	1	0	0	0	0	0	0	0	0	1
Drug Law Violations Referred for Disciplinary Action	7	1	27	0	0	0	0	0	0	1	1	27
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions Referred for Disciplinary Action	0	1	6	0	0	0	0	0	0	0	1	6

## NOTES

- Residential statistics are a subset of the total incidents reported on campus.
- Non-campus property includes: any college-owned property not within the direct jurisdiction of the campus proper.
- Public Property is the area immediately surrounding the campus, including the sidewalk on the campus side, the road, and the sidewalk on the non-campus side of the road.
- One arson incident in 2015 involved jeans set on fire in a residential kitchen; one involved burning of a small amount of toilet paper on campus.

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## FEDERAL LAW BIAS INCIDENTS

Colleges are required to report any crimes in the categories above that included any bias toward the victim's race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability, as well as for the following additional crimes if they have a bias component: larceny (theft), simple assault, intimidation, vandalism and other crimes involving bodily injury.

Year	Number & Location		Category of Bias
2021	On Campus	1	Race Based Harassment
	In a Residence	0	
	Non-Campus	0	
	Public Property	0	
2020	On Campus	1	Gender Based Harassment
	In a Residence	1	Gender Based Harassment, stalking
	Non-Campus	1	Gender Based Harassment
	Public Property	0	
2019	On Campus	0	
	In a Residence	0	
	Non-campus	0	
	Public Property	0	

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## EMERGENCY RESPONSE

Any life-threatening emergency should be promptly reported to the Amherst Police by dialing **911 or 5424** from a campus phone, or by cell phone dialing (413) 559-5424, alerting Campus Safety & Wellbeing on the nature and location of the emergency, and following instructions provided.

Should a campus emergency exist, Campus Safety & Wellbeing will activate the Core Emergency Response Team, which is composed of senior leaders; the Core Emergency Response Team will handle initial notifications to the campus community, and will convene a full Emergency Response Team appropriate for the emergency. The college has a comprehensive emergency response plan that is activated any time an emergency occurs that will require Emergency Response Team oversight to provide guidance for the College's response.

The College's Emergency Response Team assures appropriate response to any campus emergency. This team is made up of members of Campus safety, Facilities Management, Student Services, and other vital staff and meets regularly to plan campus emergency response, to conduct table-top and live drills to prepare for a variety of campus emergencies, assess and evaluate emergency plans and capabilities, and to debrief after any campus emergency.

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## BUILDING EVACUATION

Every person in a building where the fire alarm is sounding or when directed to do so by emergency officials, regardless of known or suspected cause, is required to evacuate immediately, including employees, students, visitors, and contractors. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. Exits are posted throughout each building. If a safe exit is not possible, building occupants should locate an area of refuge or shelter in place, and alert emergency personnel as to their location and status.

**Elevators:** Elevators cannot be used by any person as a means of emergency evacuation. Elevators in most buildings are pre-set to return automatically to the bottom floor. Use of an elevator can result in opening on the fire floor, exposure to life-threatening levels of fire or gasses, and being trapped in a malfunctioning elevator.

**Assembly:** Once outside the building, all occupants should proceed to the designated assembly areas to check in with staff, CSS or fire fighters.

- Each department is responsible for determining the assembly areas for all buildings that their participants and staff may be using, especially the housing areas.
- These areas should be at least 50 feet away from the building and should leave access for emergency personnel to enter the building.
- The building liaison and/or faculty/instructor will take the roll call and report back to the emergency coordinator.
- Checking/roll call is an important function as town emergency personnel responding to the incident need to determine if anyone is missing and may be in the building.
- If students or employees are missing, do not re-enter the building! Notify emergency response personnel and/or the emergency coordinator and inform them of the missing person's name and last known location.
- Re-entry into the area can only occur after all-clear is given by emergency coordinator or a designee.

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## PERSONS WITH DISABILITIES



Students with health concerns that may make it difficult to exit a building in an emergency should work with the Office for Accessibility Resources and Services Office to develop a plan to ensure safe egress in the case of fire or other emergency forcing the evacuation of a campus building.

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## **CAMPUS-WIDE EVACUATION**

1. Evacuation of all or part of the campus will be announced by the Campus Safety & Wellbeing Department or other appropriate agency (local authorities, Senior Director of Operations, Emergency Response Team, Deans, etc., depending on the circumstances).
2. All persons (students and staff and their visitors) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds or off campus as directed.
3. The college in collaboration with the other campuses in Five College, Inc. has agreements and plans of mutual aid for relocation of residents should shelter be needed off campus.

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## **EMERGENCY INFORMATION AND DRILLS**

Emergency Procedures are posted in each building and provided to new employees at orientation. All Hampshire College residential buildings have a fire drill each semester. Academic buildings generally have drills once per year. These activities are overseen by the Director of Environmental, Health and Safety and conducted in collaboration with Residence Life and Housing, Facilities and Grounds, as well as Campus Safety & Wellbeing.

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## **EMERGENCY RESPONSE AND NOTIFICATION**

Upon the confirmation of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees, and considering the safety of the campus community, Campus Safety & Wellbeing and/or a member of the Core Emergency Response Team will notify the campus community, without delay, via the college's emergency notification system. This notification is made via RAVE emergency alerts, which can also be opted in to by campus visitors.

The notification will be made unless doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate safety during an emergency. In cases of isolated emergencies that do not have the potential to affect a large portion of the campus, the Core Emergency Response Team may elect to limit the distribution of notifications to specific segments of the campus community. The Core Emergency Response Team will determine what information is appropriate to disseminate at different points in time and to which segments of the community.

Depending upon the situation, alerts may also be sent to the parent/guardian contacts within the emergency notification system as registered by students. The larger community can view information posted on the college website or provided to the media.

Emergency notifications can be simultaneously broadcast in multiple formats depending on the type of incident, such as:

- Voice messages to cell, office, and home phones
- Text messages to mobile devices capable of receiving text messages
- E-mails to all campus email addresses and an alternate provided by individuals

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## PROCESS TO CONFIRM THAT THERE IS A SIGNIFICANT EMERGENCY AND NOTIFICATION

On-duty Assistants and Advocates notify the supervisor on duty or on call. The supervisor on duty or on call determines the alert level required (emergency notification, timely warning, other).

- Should the emergency pose an imminent danger to the community that supervisor will, without delay, and based on the situation requiring the use of the notification system, determine the content of an alert and initiate the college's emergency notification system and/or contact the Core Emergency Response Team to issue an alert.
- Notification may only be delayed when, based on the professional judgment of responsible authorities, it would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. In such cases, notification will be sent out as soon as immediate response and evaluation needs are met so members of the community receive the information promptly.
- Notifications will be worded with clear, concise instructions as to what actions members of the community should take to remain safe in the event of an emergency and may be crafted based on pre-set templates or crafted to meet the specific needs of the emergency.
- Plan activation begins at the determination of the Director of Safety & Wellbeing or his/her designee upon receipt of information of an emergency event or threat of an emergency.
- Based on confirmation from Campus Safety & Wellbeing and information obtained from local first responders and/or the National Weather Service, the Director of Campus Safety & Wellbeing or his/her designee will assess the emergency and activate the emergency management plan to the extent necessary to control the situation.
- Notifications for some incidents may be limited to those affected by the emergency, for example loss of power in a specific building.

Every student and staff member is responsible for providing and maintaining their up-to-date emergency contact information by logging in to [The Hub](#) using your network username and password and update your emergency contact information. This allows you to be included most efficiently in emergency broadcasts via the emergency notification system. Full-scale tests of emergency notification system are conducted and publicized at least annually.

More information about Hampshire's Emergency Notification System can be found online at:

<https://www.hampshire.edu/campus-police/emergency-notification-system>.

### TIMELY WARNING POLICY

In the event that a Clery Act crime that creates a serious or continuing threat to students and/or employees is reported in Clery geography, a "Campus Safety Alert" (timely warning) may be distributed by the Director of Campus Safety & Wellbeing or their designee. Decisions to issue a warning are made on a case-by-case basis considering the nature and circumstances of the crime and the danger posed to the community. Community members receiving reports of crimes or incidents requiring the issuance of a Timely Warning shall report such incidents to Campus Safety.

- The Campus Safety & Wellbeing Department will post a campus-wide Timely Warning alert especially in all situations that could pose an immediate, serious, or continuing threat to the students, faculty, staff, and individuals in the community and is reported to a Campus Security Authority or the Campus Safety & Wellbeing Department.

- The substance of the Timely Warning is carefully determined. The Warning will be published via bulletin boards, emails, texts, or on the college's website to inform the college community of the known facts of an incident or to publicize patterns of criminal activity in order to assist members of the campus community in preventing further incidents.
- Campus Safety Alerts also include reminders of services available, such as walking or vehicle escorts, emergency phones, and other recommendations. It is irrelevant whether the victims or perpetrators of a crime are members of the campus community.
- When issuing a Timely Warning, the names of the victims remain confidential. If information is known, and if the inclusion of such information would not compromise law enforcement efforts, Timely Warnings include a description of the crime, its location, and injuries, if any, to victim(s).

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## TESTING OF THE EMERGENCY MASS NOTIFICATION SYSTEM

The notification system will be tested at least once a year. Tests may be announced or unannounced. Campus Safety & Wellbeing maintains a record of all tests conducted including date, time, description of the test, and whether it was announced or unannounced. At least once a year, the college will publicize its online procedures in conjunction with one of these tests. Residence hall evacuation drills are documented by Residential Life. More information about [Hampshire's Emergency Notification System can be found online](#).

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## EMERGENCY CONTACT INFORMATION

Emergency contact information is collected from each new student and employee. Students are directed to the Hub during 'e-check-in.' Faculty/staff members receive an email annually asking that they go to the Hub and complete or update the information.

## DAILY CRIME AND FIRE INCIDENT LOGS

Incident logs are posted on the Campus Safety & Wellbeing website. Logs older than 60 days will be made available within two business days of a request for inspection.

- The Campus Safety & Wellbeing incident logs detail incident and arrest reports (including nature of the incidents, incident and reporting dates, times, general locations, and case status, if known) that occur on campus.
- In instances where the release of information would result in an adverse effect—such as jeopardize an ongoing criminal investigation or the safety of an individual, affect an individual's right to privacy, cause a suspect to flee or evade detection, or result in the destruction of evidence—information will not be released. However, once the adverse effect is no longer likely to occur, information will be released in the log consistent with existing state and federal laws.
- When changes in incident case statuses are known, the log will reflect such changes within two business days.

- The log is posted at <https://www.hampshire.edu/campus-safety-and-security/daily-incident-log> and is available by request at the Campus Safety & Wellbeing office in Johnson Library during normal business hours.

## ANNUAL CLERY ACT REPORT

Each year the Campus Safety & Wellbeing Department is responsible for preparing and posting an annual security report (this document) containing security policies and statistics. Statistics are gathered from Campus Safety & Wellbeing reports, campus security authorities, and from local police departments. Policy statements are gathered from responsible offices.

- Annually, all enrolled students and current employees will receive a notice of the availability of the College's annual security report on the department's web site via the college's electronic announcements; paper notices are mailed to employees in departments not traditionally utilizing computers in their workspaces.
- This notice will include the exact web site address of the College's Clery Law-compliant publication as well as information that additional copies can be requested from the Campus Safety & Wellbeing Department during normal business hours.
- Notices are also provided to prospective students and staff through the Human Resources and Admissions offices.
- A copy of these statistics, which are contained in the annual security report, are available at the Campus Safety & Wellbeing Department during normal business hours and anytime on the department's website at <https://www.hampshire.edu/campus-safety-and-security/crime-statistics-and-daily-log>
- Hard copies can also be requested by contacting Campus Safety & Wellbeing at (413) 559-6151.
- The Department annually submits its Clery Crime data on the Department of Education website. Data from our institution and others throughout the U.S. is available online at <https://ope.ed.gov/campussafety/#/>.

## ACCESS TO CAMPUS BUILDINGS AND GROUNDS

The College has the right to restrict access to campus grounds, academic and administrative buildings, and campus houses, which are open to faculty, staff, students, and invited guests.

- Building hours are generally business days during class hours, and unauthorized individuals may be asked to leave.
- Campus Safety & Wellbeing has the authority to issue trespass notices to unauthorized people, which is usually done upon receipt of a complaint and to call local police when anyone returns to campus after receiving such a notice.
- Most academic buildings are secured and closed between 11:00 pm and 7:00 am. Campus Safety & Wellbeing checks that only people with authorization are in buildings after hours.
- Some academic buildings have nonpublic hours for members of the community.
- When a building has nonpublic hours, the outside doors are secured and members of the community (who have been authorized) can use their key to enter the building until closing time.
- Visitors and others may be asked to leave College buildings during nonpublic hours.
- During College recesses (low occupancy periods, holidays, etc.), all building hours are subject to change.

- Both academic and administrative buildings are generally secured at 6:00 pm on weekdays and closed on weekends and holidays during recesses. The card access privileges are limited in campus houses that are closed during recesses.

Campus residences are always locked; each student is issued a key to their room.

- Campus residence student room doors and windows are provided with locking devices.
- During low-occupancy periods, Residence Life distributes to students who remain on campus information about safety protocols and specific emergency procedures.

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## SECURITY CONSIDERATIONS IN THE MAINTENANCE OF FACILITIES

Safety is very important in the maintenance of campus facilities. The College's Facilities and Grounds department processes repair orders on a priority system that places safety items as most important. Trees are cut back from lights, outdoor lighting is checked weekly, and shrubs are cut back from building entrances and paths on a regular basis. These items are also reviewed annually during the campus lighting walk. Members of the community are invited to join Campus Safety & Wellbeing, IT and Facilities and Grounds staff as they walk the campus reviewing lighting, blue-light phone needs, and other security considerations.

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## ACCESS TO CAMPUS PROGRAMS

Hampshire College is a member of the Five College Consortium (along with Amherst, Smith, and Mount Holyoke Colleges, and the University of Massachusetts) that shares some faculty, programs, and services. Students from the Five Colleges regularly attend member institution programs, classes, events, etc. Additionally, the campus welcomes visitors and guests to many programs and events.

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## ACCESS TO CAMPUS RESIDENCE HALLS

Merrill and Dakin Houses are traditional residence halls. These buildings are kept locked. Residents are provided keys and a campus access card that open exterior doors as well as their individual room.

The other three residential areas, Greenwich, Enfield and Prescott, are apartments. All of Greenwich and a portion of Prescott have automatic lock systems in place. Hampshire College strongly encourages residents to keep both apartment and bedroom doors and windows locked. During winter recess, the residential areas are closed.

Access to residential facilities must be granted by the student host residing in that building. Guests must be registered with the appropriate area office and their vehicles must be registered with Campus safety. Guests are permitted for up to one week. [Guest policy can be found in the student handbook.](#) While on campus, guests are expected to abide by the college's Norms for Community Living and Policies. Ultimate responsibility for behavior of guest's rests with the student host.

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## OFF-CAMPUS STUDENT ORGANIZATIONS

Hampshire College does not have any recognized off-campus student organizations (such as social sororities) or student organizations with off-campus housing facilities.

## CRIME PREVENTION PROGRAMS

The Campus Safety & Wellbeing Department is actively involved in student life on campus, providing Safety information, planning, and training for large events such as orientation, spring jam, and commencement, as well as sporting events and various College assemblies.

Campus Safety & Wellbeing staff work with campus organizations to clarify roles, relevant campus policies and state laws, and behavior expected from participants. In addition, Campus Safety & Wellbeing Assistant and Advocates are available to present crime prevention programs on such topics as:

- Prevention of crime (orientation & throughout the year)
- Alcohol and drug awareness, and
- Active Threat workshops (as requested)
- Crime awareness programs (often provided to a student group, residential student groups, or campus department)
- Office security audits (as requested)

Programs are provided in cooperation with student and employee groups.

A common theme among crime prevention programming is that not only do students and employees have a responsibility for their own personal Safety, but we are responsible for the safety of others. We encourage students and staff to call Campus Safety & Wellbeing if they are concerned about something that threatens the security of themselves and others.

The Department makes these programs available to employees, and also offers active threat training and safety assessments for departments to increase safety awareness and aid in improving safety procedures. Such programs are available throughout the year at the convenience of the requesting department.

The Department also participates in events such as Orientation and Alcohol Awareness events when requested.

## STUDENTS' AND EMPLOYEES' RESPONSIBILITIES UNDER THE LAW

Students have the same rights and responsibilities as other citizens and are expected to follow College policies and applicable federal, state, and local laws.

## DRUGS AND ALCOHOL ON CAMPUS

Hampshire College complies with the federal Drug-Free Schools and Communities Act of 1986 as amended in 1989, and the Drug-Free Workplace Act of 1988 as amended, as well as all current laws regarding the sale, use, and possession of illegal narcotics and alcohol. Hampshire College policies attempt to provide a healthy environment by preventing the use of illegal drugs or abuse of alcohol within the College community and in response to the federal drug-free legislation.

- The College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances and alcohol by any member of the faculty, staff, or student body on College property or at any College-sponsored function, whether on or off the campus, and requires the cooperation of the entire campus community in its pursuit to maintain a drug-free environment in all phases of campus life.

- Any faculty, staff member, or student who violates this prohibition, or who does not cooperate with the College in its attempts to maintain a drug-free environment, will face disciplinary action up to and including expulsion or dismissal from the College and may be required, as a condition of continuing the faculty/staff/student relationship with the College, to enroll at her or his own expense in a substance abuse counseling and treatment program.
- In accordance with federal law, if you were convicted of a drug offense in any criminal proceeding while you were receiving federal student aid (such as grants, loans, or work-study), it may affect your eligibility for financial aid.
  - Refer to the Student Handbook and the employee Policy Manual for more information about the federal, state, local, and campus sanctions against illegal drug and alcohol use and abuse, possession, distribution and dispensation offense.
- In addition, the Drug-Free Workplace Act of 1988 requires any employee (including students working under the Federal Work Study Program) directly engaged in working at Hampshire College under provisions of a federal grant or a contract who is convicted under a criminal drug statute for conduct in the workplace (site for performance of work done in connection with a particular federal grant or contract) must report this conviction to the College no later than five days after the conviction.
  - Once informed of such a conviction, the College is required by law to notify the federal contractor or grantor within ten days after an employee's conviction or within ten days after it has actual knowledge of such conviction, whichever is earlier.
- Possession of kegs of alcohol is permitted only with a permit from the town of Amherst. A town permit must be applied for from the Amherst police chief at least one week prior to the event.
  - Beer kegs are not permitted on campus without the prior approval of the area coordinator for the area for parties in student residences and the appropriate student life professional for all campus events. In all cases, a copy of the completed permit must be provided to Campus Safety & Wellbeing prior to the event.

Guidelines for community responsibility, specific rules and regulations governing the consumption of alcoholic beverages at College social functions, sanctions against infractions of norms of community living or violations of College policies by any member of the College community, and descriptions of campus drug and alcohol abuse programs are outlined in The Student Handbook and the Employee Policy Manual. If questions arise related to any of these guidelines or policies, direct them to the appropriate College department.

Faculty, staff, and students are encouraged to familiarize themselves with the local resources for substance abuse, counseling, and treatment. In addition, Health and Counseling Services are available to assist students with substance-related problems; in emergency situations, faculty and staff may also request their services.

## STATE PENALTIES FOR OPERATING UNDER THE INFLUENCE

	Administrative Penalties	Criminal Penalties
First Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: 45 to 90 days.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ License suspension for 1 year.</li> <li>▪ \$500 - \$5,000 fine.</li> <li>▪ Possible jail time up to 2 1/2 years.</li> <li>▪ Possible alcohol education program.</li> <li>▪ Drivers under 18 years old must attend a Youth Alcohol Program (YAP) and serve an additional suspension period of 1 year.</li> <li>▪ Drivers between 18 and 21 years old must attend a YAP and serve an additional suspension period of 180 days.</li> </ul>
Second Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device.</li> </ul>	<ul style="list-style-type: none"> <li>▪ License suspension of 2 years.</li> <li>▪ \$600 - \$10,000 fine.</li> <li>▪ Possible jail time between 60 days and 2 1/2 years. The judge can suspend this sentence to a minimum of 30 days; otherwise, you aren't eligible for parole until you serve 30 days.</li> <li>▪ Possible alcohol education program.</li> </ul>
Third Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device</li> </ul>	<ul style="list-style-type: none"> <li>▪ Felony charge.</li> <li>▪ License suspension for 8 years.</li> <li>▪ \$1,000 - \$15,000 fine.</li> <li>▪ Possible jail time between 180 days and 2 1/2 years, or prison time between 2 1/2 years and 5 years. Your judge can reduce the sentence to 150 days; otherwise, you aren't eligible for parole until you serve 150 days.</li> <li>▪ Possible alcohol education program (see below).</li> <li>▪ Mandatory installation of an ignition interlock device.</li> <li>▪ Possible vehicle registration revocation.</li> </ul>
Fourth Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device</li> </ul>	<ul style="list-style-type: none"> <li>▪ Felony charge.</li> <li>▪ License suspension for 10 years.</li> <li>▪ \$1,500 - \$25,000 fine.</li> <li>▪ Between 2 years and 2 1/2 years in jail, or between 2 1/2 years and 5 years in prison. Your judge can reduce the sentence to 12 months; otherwise, you aren't eligible for parole until you serve at least 12 months.</li> <li>▪ Possible alcohol education program (see below).</li> <li>▪ Mandatory installation of an ignition interlock device.</li> <li>▪ Possible vehicle registration revocation.</li> <li>▪ Possible motor vehicle forfeiture.</li> </ul>
Fifth Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Felony charge.</li> <li>▪ License revocation: up to lifetime.</li> <li>▪ \$2,000 - \$50,000 fine.</li> <li>▪ Possible jail time of at least 2 1/2 years, or prison time between 2 1/2 years and 5 years. Your judge can reduce this to 24 months; otherwise, you aren't eligible for parole until you serve at least 24 months.</li> <li>▪ Possible vehicle registration revocation.</li> <li>▪ Possible motor vehicle forfeiture.</li> <li>▪ Possible alcohol education program.</li> </ul>



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## CAMPUS, LOCAL, AND STATE SANCTIONS CONCERNING ALCOHOL & DRUGS

Local, state and federal laws make the illegal use of drugs and alcohol a criminal offense. Conviction can lead to imprisonment, fines and other penalties. Courts do not alter sentences so that convicted persons may attend college or continue their jobs. A felony conviction may prevent one from continuing or entering certain professions. Local towns have ordinances forbidding the possession of an open container of alcohol on any public street by a person of any age. Anyone choosing to violate such ordinances can be subject to arrest.

*No person under the age of 21 may possess or use alcohol in Massachusetts.*

- Massachusetts law (M.G.L. ch. 138 s. 34) prohibits the sale or delivery of alcoholic beverages to persons under age 21. The penalty for violating this law may be a fine of up to \$2,000 or one year imprisonment, or both. Misrepresenting one's age or falsifying an identification to obtain alcohol is punishable by fine.
  - Massachusetts law also prohibits the possession of an open container of alcohol in the passenger area of any motor vehicle.
- There are criminal penalties for the possession and/or distribution of controlled substances or drugs without valid authorization, with penalties varying as to the type of drug.
- Sale and possession of drug paraphernalia is illegal. Under both Massachusetts and federal law, penalties for possession, manufacture, and distribution are greater for subsequent conviction, and include mandatory prison terms, with the full minimum term being served. Paraphernalia is defined as items "one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled substance."
- It is illegal to be in a place where heroin is kept and to be in the company of a person known to possess heroin.
- The penalty for drug possession under state or federal laws are ineligible for federal student grants and loans for up to one year after the first conviction and up to five years after the second.
- The penalty for unlawful distribution of drugs is loss of benefits for five years after the first conviction and for a longer period after the second.
- Under federal law, penalties may be doubled when a person at least 18 years old distributes drugs to persons under age 21 within 1,000 feet of a public or private elementary or secondary school or a public or private college.
- These penalties may include a mandatory one year prison term.
- Drug trafficking involves the illegal manufacturing, supplying, transporting, storing and/or distribution of drugs; drug possession involves having drugs for personal consumption while possession of large quantities may be deemed an intent to distribute which is subject to larger penalties.

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## **PRESCRIPTION & OVER-THE-COUNTER MEDICATIONS**

Nationally, non-medical use of prescription medication is the second most common category of illicit drug use (second only to marijuana). The four most common categories of medications used non-medically are (in order of magnitude of abuse) opioids (pain killers), benzodiazepines (anti-anxiety medications), amphetamines/stimulants (ADHD medications), and over-the-counter medications (often, cough and cold medications).

Prescription medications are often obtained (shared, stolen, or purchased) from someone with a prescription. Many prescription medications are also illegally "pharmed" on the internet; these medications are potentially counterfeit, adulterated, or contaminated. The effects of prescription and over-the-counter drug abuse vary according to the medication, the dose, the method of consumption, the user's mental and physical characteristics, and other factors. Misuse of any drug can lead to dependence. Some medications, used alone in sufficient doses, or in combination with alcohol, can be lethal.

### *Opioid-Related Deaths*

The number of drug overdose deaths decreased by 4% from 2017 to 2018, but the number of drug overdose deaths was still four times higher in 2018 than in 1999.<sup>1</sup> Nearly 70% of the 67,367 deaths in 2018 involved an opioid. From 2017 to 2018, there were significant changes in opioid-involved death rates. In 2018, more than 31,000 deaths involving synthetic opioids (other than methadone) occurred in the United States, which is more deaths than from any other type of opioid. Synthetic opioid-involved death rates increased by 10% from 2017 to 2018 and accounted for 67% of opioid-involved deaths in 2018.

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## **POSSESSION OF MARIJUANA**

While marijuana was legalized in Massachusetts for persons over 21, it is still against Federal law to possess marijuana on college campuses regardless of state laws. Manufacturing, distributing, and other related crimes involving marijuana remain illegal. Students in possession of marijuana or paraphernalia face, minimally, referral to the Deans.

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## **STATEMENT ON MEDICAL MARIJUANA**

Hampshire College receives federal funding through Title IV in the form of student financial aid (grants, loans, and work-study programs) and through federal research grants. As a condition of accepting this money, Hampshire is required to certify that it complies with the Drug-Free Schools and Communities Act (DFSCA) (20 U.S.C. 1011i; 34 C.F.R. part 86). The federal government regulates drugs through the Controlled Substances Act (CSA), which does not recognize the difference between medical and recreational use of marijuana. Thus, to comply with the Federal Drug Free School and Communities Act and avoid losing federal funding, Hampshire College prohibits all marijuana use, including medical marijuana, and students may be subject to disciplinary action for its use.

Therefore, marijuana prescribed for medical purposes is prohibited at Hampshire College even though Massachusetts state law permits its use. Students with medical marijuana prescriptions may request a waiver of the campus residency requirement by contacting Accessibility Resources and Services.

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## **DRUG & ALCOHOL TREATMENT PROGRAMS**

Health & Counseling Services and the College's Health Services are available to assist students with substance-related problems; in emergency situations, faculty and staff may also request their services.

Services offered include:

- Alcohol and substance abuse assessments
- Anonymous self-assessments
- Counseling
- BASICS harm reduction program
- Our Shared Wounds, a booklet of narratives from Hampshire community members on drug and alcohol use

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## DRUG AND ALCOHOL RESOURCES

- Health & Counseling Services | 413.559.5458 (for students)
- Wellness Center | 413.559. 5743 (for students)
- Employee Assistance Program (EAP) (for employees) | 800-828-6025
- Alcoholics Anonymous | 413-532-2111
- Al-Anon and Ala-Teen (for family and friends of alcoholics) | 413-253-5261
- Narcotics Anonymous | 866-624-3578
- Hampshire HOPE | 413-587-1219
- Massachusetts Substance Abuse Hotline | 800-327-5050
- National Alcohol and Drug Abuse 24-Hour Helpline | 800-252-6465
- Cocaine Abuse 24-Hour Hotline | 800-222-0828
- Tapestry Health | (413) 586-0310
- Wildflower Alliance Peer Support Line | 888.407.4515
- Never Use Alone | 800-484-3731
- Harm Reduction Works 413 | <https://www.hrh413.org/>
- WEConnect | [One-on-One Peer Support](#)

## FIREARMS AND OTHER WEAPONS ON CAMPUS

In accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the College with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the College.

For the purposes of this policy, the term "weapons" includes, but is not limited to, firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paint ball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

Because these weapons may pose a clear risk to persons and property on the campus, violation of the regulations may result in administrative action from the college and/or prosecution under the appropriate state or federal laws.

## PERSONAL SAFETY

Make it a habit to be cautious around campus, in buildings, and in transit. Campus Safety & Wellbeing hopes you will make the following steps part of your daily routine.

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### AROUND CAMPUS

- **Walk safely.** Don't walk alone at night, especially in dark, vacant areas. Avoid shortcuts. If you must walk alone, proceed directly to your destination on well-lit paths. Look alert; be aware of your surroundings. Leave buildings on the hour or the half-hour, when most people are walking. Ask a friend to walk with you.
- **Help others** walk safely. Team up with another person walking alone at night.
- **Use safety escorts.** Students may request a safety escort after dark by calling Campus Safety & Wellbeing. This service is only available at night and is not available for groups. Campus emergency response always has a higher priority so Campus Safety & Wellbeing advises the student to wait in his/her car or inside the building until the officer enters the lot. If in a vehicle in a parking lot, keep your lights on and flash your vehicle lights when the cruiser enters the lot. Campus Safety & Wellbeing provides this service on a first come, first served basis as staffing allows.

If you are concerned about your walking safety on campus at night, walk with a friend, let your hall or mod mates know that you are leaving a building and will be arriving in a specific time frame, or walk on the hour or half hour when there is more campus pedestrian traffic. Campus Safety & Wellbeing encourages members of the community to report suspicious behavior by calling 413-559-5424 from a cell phone when on campus. Assistants and Advocates are on patrol 24 hours a day and will respond quickly to emergencies.

- Don't jog alone in remote areas during the day and never jog alone at night.
- Carry a whistle or other device that makes noise and keep it ready to use.
- Don't hitchhike. Ask a friend for a ride or use the Five College, or PVT bus.
- Report suspicious behavior or circumstances to Campus safety & Wellbeing.
- Don't sunbathe in remote areas.
- Carry your cell phone. Pre-program the Campus Safety & Wellbeing number (413-559-5424).

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### IN TRANSIT

- Watch for strangers around your car before entering your vehicle. Look around the vehicle from the ground up & front to back. Use caution when your vehicle is parked next to other cars or vans. Look inside your car before getting in.
- Play it safe on the road. While driving, keep doors locked and windows up. Do not pick up hitchhikers.
- If another driver harasses you, blow your horn continuously to attract attention & discourage the other driver. Drive to a police station or Campus Safety and Security if necessary.
- Park safely in a lighted area. Call Campus Safety & Wellbeing or use a blue-light phone to request a safety escort from the lot to your residence hall.
- Wear your seatbelt. Massachusetts has a mandatory seatbelt law; failure to use your seatbelt could result in a fine.

- Keep your vehicle in good running condition, with a full gas tank and good tires.

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## **PROTECTION OF PROPERTY**

- Take steps to protect your belongings. Most theft on campus is opportunistic—someone sees an unlocked room or vehicle and takes advantage. A surprising amount of theft takes place while the victim is on the same floor but has just stepped out for a minute.

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## **IN AN EMERGENCY**

- Rehearse in your mind how you would react in an emergency so your response will be automatic if something should happen.

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## **IF YOU ARE FOLLOWED...**

- Remain calm.
- Cross the street.
- Change direction.
- Walk in lighted areas.
- Enter an open, lighted building.
- On campus, use a blue-light phone or dial 413-559-5424.
- Off campus dial 911.
- Go to the Campus Safety & Wellbeing office or the local police station. If you do not know where a police station is located, go to a busy area, fire station, or hospital. Find a place where you can get help.
- Above all, do not go home (giving away your address).

## IF YOU ARE ATTACKED...

- Don't be passive; most attackers expect a passive victim.
- Do or say whatever you can to throw the assailant off guard—be creative.
- Attract attention—scream, break a window.
- Do whatever you can to break the hold, then run and scream.
- Use a blue-light phone, dial 911 or 413-559-5424 from a cell phone.

CRIME PREVENTION TIPS		
	Don't	Do
In Buildings	<ul style="list-style-type: none"> <li>• Leave valuables visible in a room</li> <li>• Leave valuables unattended in an unlocked area, even briefly</li> <li>• Let strangers into a building, even delivery personnel</li> <li>• Prop open outside doors to any building</li> </ul>	<ul style="list-style-type: none"> <li>• Lock your door</li> <li>• Keep your keys and OneCard on you at all times</li> <li>• If your OneCard is stolen, report it immediately to <a href="mailto:onecard@hampshire.edu">onecard@hampshire.edu</a> and <a href="mailto:campussafety@hampshire.edu">campussafety@hampshire.edu</a></li> <li>• Report strangers in your residence hall</li> <li>• Keep windows locked, particularly if you are on a ground level or your window opens to a fire escape</li> <li>• Report burned-out lights to Facilities Management (after hours to Campus safety)</li> </ul>
Automobiles	<ul style="list-style-type: none"> <li>• Leave valuables visible in your car – take them with you; if you cannot take them with you, lock them in your trunk</li> </ul>	<ul style="list-style-type: none"> <li>• Register your car with Campus safety</li> <li>• Park in well-lit areas</li> <li>• Take your keys and <b>lock doors</b></li> <li>• Install anti-theft devices (locks, alarms) for ignition, steering wheel, and brake and clutch pedals.</li> <li>• Record serial numbers of mp3 players, cellular phones, GPS devices, satellite radios, and other easily removable accessories. Engrave valuables with your driver's license number. Call Campus Safety and Security for assistance.</li> <li>• Report suspicious activity to Campus safety, including people looking into cars.</li> </ul>
Bicycles	<ul style="list-style-type: none"> <li>• Leave your bicycle unlocked.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Register</b> your bicycle with Campus Safety; affix the issued decal to your bike. Unregistered bicycles are periodically removed from campus.</li> <li>• Notify Campus Safety &amp; Wellbeing immediately if your bicycle is stolen</li> <li>• Use a hardened steel lock; lock the entire bicycle to a bike rack, including quick-release wheels</li> </ul>

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## **RUN! HIDE! FIGHT!**

Quickly determine the most reasonable way to protect your own safety. Students and visitors are likely to follow the lead of faculty and staff during an active shooter situation. Always flee first and hide second when possible.

1. Evacuate
  - a. Have an escape route and plan in mind
  - b. Keep your hands in plain sight
2. Hide out
  - a. Hide in an area out of the shooter's view
  - b. Lock the doors—most classrooms and lecture halls can be locked. All offices and residence hall rooms can be locked.
  - c. Blockade doors
3. Fight back
  - a. As a last resort and only when your life is in danger
  - b. Attempt to incapacitate the shooter

Call law enforcement when you safely may do so.

**Campus Safety & Wellbeing** | 413-559-5424  
**Amherst Police** | 413-259-3000 or 911 from a cell phone  
**Massachusetts State Police** | 413-585-3000 or 911

Make Campus Safety & Wellbeing a speed dial function on your cell phone (413)559-5424. **Seconds count in emergencies**

What to do when law enforcement arrives:

- Remain calm and follow officers' instructions
- Immediately raise hands and spread fingers wide
- Keep hands visible at all times
- Avoid making sudden movements towards police or grabbing them
- Do not stop Assistants and Advocates to ask for assistance or directions in evacuating; just proceed to the area from which Assistants and Advocates are entering
- If possible provide law enforcement with the location, number, and description of the shooters



## MISSING PERSON POLICIES AND PROCEDURES

The following policies regarding Missing Persons are being provided according to requirements of the 2008 Amendments to the Higher Education Opportunity Act.

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### REPORTING PERSONS MISSING

Any person (student, staff or faculty) believed to be missing from the campus unexpectedly shall be immediately reported to Campus Safety & Wellbeing.

- It is the policy of Hampshire College that the Campus Safety & Wellbeing Department will investigate any report of a missing person that is filed by someone with knowledge of that student being missing or otherwise not where s/he is expected to be.
- This report may be filed by a parent/guardian or other family member of the person, by a roommate, a student services or Residence Life staff member (including student staff), Health Services staff member, faculty member, employment supervisor, or anyone else with information that indicates the person is missing.
- Campus Safety & Wellbeing will conduct an initial investigation to determine if the person appears to be missing, or has simply changed her or his routine unexpectedly, and whether or not there is reason to believe the person is endangered.
- Campus Safety & Wellbeing Assistants and Advocates will check student's login records, class schedules, interview fellow students and faculty, and use other methods to determine the status of a missing person. From this initial investigation, the scope will expand to make attempts to determine the location of the person reported missing to assure they are safe.

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### MISSING PERSON CONTACT

Each residential student at Hampshire College can identify, through The Hub, a person that the College can contact in the event that the student is reported missing. This person would be contacted within 24 hours of a missing person report being filed with Campus Safety & Wellbeing.

Should Campus Safety & Wellbeing not be able to locate a student reported missing, Campus Safety & Wellbeing would then notify your designated 'missing person' emergency contact within twenty-four (24) hours of the report.

**Confidentiality:** This contact information is confidential and is shared only with College administrators who would have responsibility for making connections with emergency contacts in the event of a determined emergency (such as student services staff, Campus Safety & Wellbeing staff, etc.)

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### NOTIFICATIONS

Should Campus Safety & Wellbeing not be able to locate a person reported missing within twenty-four (24) hours of the report, Campus Safety & Wellbeing would then notify your designated 'missing person' emergency contact.

- In the event that no separate emergency contact is identified, a parent or guardian as listed in college records will be contacted.

- Students should be sure that this contact knows how to reach them in the case of an emergency, and have a general idea of their daily routine and any travel plans.
- This person should be someone you trust to aid officers in determining your whereabouts, or verifying that further investigation and/or entry into national missing person databases is warranted.

Campus Safety & Wellbeing will also notify local law enforcement agencies within this 24 hour window, starting with the town sharing jurisdiction with the college, as well as any other agencies where the missing student may be.

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### **STUDENTS UNDER AGE OF 18 & NOT EMANCIPATED**

The College must notify a custodial parent or guardian no later than 24 hours after the time the student under 18 years old is determined to be missing, in addition to notifying any missing person contact provided by that student.

For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers continue to investigate.

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### **STUDENTS UNDER AGE OF 21**

Suzanne's Law requires that a student be entered into the national missing person database as soon as it is determined that student is missing.

Should a student be determined to be missing, within 24 hours of that determination, Campus Safety & Wellbeing will:

- Notify the Dean of Students
- Reconfirm with the student's emergency contact and/or parent or guardian to update them on information known at that time, efforts made to locate the person, and to get further information that may lead to the location of the missing person. (In the case of a student under 18, the parent or guardian must be contacted regardless of who is listed as the student's emergency contact.)
- Notify Amherst Police as well as police in any jurisdiction where the missing person may have gone.
- When circumstances indicate it would be beneficial, the State Police can activate an AMBER Alert.

## FIRES AND FIRE PREVENTION

Fire prevention is the responsibility of all members of the Hampshire College community. Students residing on campus are expected to carefully adhere to all fire safety regulations.

### STUDENT FIRE SAFETY EDUCATION PROGRAM

Hampshire College's fire safety education program is multi-faceted. Campus Safety & Wellbeing provide training to Resident Advisors (RAs) who then train the students residing in their areas annually. Additional information and reminders on fire safety zones and evacuation procedures is provided to all students prior to the start of fire drills for the year. New employees receive fire safety information and it is also available on the college's website. The college provides additional fire safety education to students who violate campus fire safety policies. College staff also conduct regular fire safety inspections in the halls.

Extensive fire safety information is also available in the student handbook.

### FIRE EVACUATION POLICY

Every person in the building, including staff, faculty, students, visitors, and contractors where the fire alarm is sounding, regardless of known or suspected cause, is required to evacuate immediately. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. All occupants will assemble at a safe distance from the building and await further instructions from fire and/or college personnel. No occupant will re-enter a building until clearance is given by fire and/or college personnel.

**College Policy on Reporting of Fires:** Fire alarms for College-owned buildings ring directly to Dispatch. However, any member of the community who becomes aware of any active or past fire must notify Campus Safety & Wellbeing immediately.

## FIRE SAFETY POLICIES

### PROHIBITED ITEMS IN RESIDENCE HALLS:

Items prohibited in the residence halls include, but are not limited to:

- Candles and incense are not permitted anywhere inside residential buildings.
- Smoking, including e-cigarettes, is prohibited in all campus buildings. Outdoor smoking is restricted to designated smoking areas (DSAs).
- Space heaters are not permitted in student rooms, with the exception of those provided by the College in response to a problem with the heating system.
- Use of non-College alarm systems or other than College-issued locks, including locks on storage closets
- The storage and use of flammable liquids (e.g. gasoline, paint thinner, spray paint, air brushes) and flammable gases (e.g. propane, acetylene), fireworks or other materials that pose an increased fire hazard

- Halogen lamps are a significant fire safety hazard if there are combustibles too close to the bulb. The use of these lamps are prohibited. Lamps with plastic shades must use LED bulbs.
- Extension cords are not permitted unless UL-approved with surge protectors. Electrical cords should be kept at least 12 inches (30.48 cm) away from heaters.

Toaster ovens may be used only in kitchens or lounges. Microwaves and slow cookers are permitted in student rooms. Appliances must be kept clean at all times and unplugged when not in use.

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## COMMUNITY RESPONSIBILITIES

Additionally, all members of the community are required to:

- Participate in fire drills and promptly leave a building when any fire alarm sounds. Follow any instructions of Campus Safety & Wellbeing or fire officials during a drill or an actual alarm.
- Report any condition that creates a fire hazard (trash in the corridors or stairwells, missing fire extinguishers, blocked floor exits or stairwells, etc.) to Campus Safety & Wellbeing who will communicate with the appropriate offices.
- Know where the fire extinguishers are located. Learn how to operate them. If you need training, contact the Director of Environmental Health and Safety.
- Know the location of the fire alarms and how to activate them.
- Know where the nearest exits are and be prepared to use an alternative exit, if necessary. Plan how you would escape through each of these exits in case of a fire.
- Know the location of the fire stairwells.
- Never use an elevator to evacuate a building.
- If you become trapped, dial 5424 from a campus phone or (413) 559-5424 from a cell phone and alert the Assistants and Advocates to your location.

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## WHAT SHOULD I DO IF I DISCOVER A FIRE?

Any person who discovers a fire, smoke, or an unusual amount of heat should do the following:

- Pull the nearest fire alarm.
- Exit the building immediately; notify those in the immediate area of the danger.
- Assist in removing any person needing assistance from the immediate area to the stairwells to wait for fire department personnel (or to the outside if that can be done safely). However, never place yourself in danger.
- Assemble outside your building at the predetermined alarm gathering location.
- Follow the instructions given by the Campus Safety & Wellbeing Assistants and Advocates and the Amherst Fire Department personnel

All fires must be reported to Campus Safety & Wellbeing.

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## TAMPERING WITH FIRE SAFETY EQUIPMENT

Fire extinguishers and fire detection and alarm systems are in place to protect the community. Tampering with fire safety devices is a serious violation of the Norms for Community Living and Policies and is prohibited. This includes, but is not limited to:

- disabling smoke detectors
- covering smoke detectors with any materials whatsoever
- activating an alarm when no hazard is present
- hanging items from sprinkler pipes
- discharging, tampering with or moving fire extinguishers

Tampering with fire safety equipment will result in the following disciplinary action:

- First offense: 20 hours community service (includes time devoted to educational project designed to inform community of pertinent fire safety issues); reflection paper; deferred probation.
- Second offense: probation and permanent removal from campus housing.

When the responsible individuals cannot be identified, all residents of that particular area may be assessed.

## CAMPUS FIRE STATISTICS

### RESIDENTIAL FIRES BY LOCATION 2020 - 2021

<i>Date</i>	<i>Time</i>	<i>Location</i>	<i>Cause</i>	<i>Fatalities</i>	<i>Injuries</i>	<i>Property Damage</i>
2021		Table Fire outside Franklin Patterson Hall building.	Damage under \$100.	0	0	Under \$100
2020		Fire in trash can outside Franklin Patterson Hall building.	Damage under \$100.	0	0	Under \$100
2019		Fire in trash can outside Merrill House Dorm Building	Damage under \$100.	0	0	Under \$100

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## FIRE AND EVACUATION DRILL STATISTICS

Evacuations drills are conducted two times per year in residential buildings and periodically in other buildings. The purpose of these evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. Evacuation drills are used as a way to educate and train occupants on fire-safety issues specific to their building.

	2021	2020	2019
<b>Residence Hall Evacuation Drills Conducted</b>	11	15	32

Early Learning Center drills are conducted with assistance from Amherst Fire Dept. All others are conducted by the Hampshire College staff.

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## STUDENT RESIDENCE HALL FIRE SAFETY AND SPRINKLER SYSTEMS

Below is a listing of residence hall fire safety systems. There are no immediate plans for system upgrades, however systems are regularly inspected by an independent safety inspector.

Building	Monitored Fire Alarms	CO Detectors	Sprinklers
<b>Dakin</b>	X	X	X
<b>Enfield</b>	X	X	X
<b>Greenwich</b>	X	X	X
<b>Merrill</b>	X	X	X
<b>Prescott</b>	X	X	X

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## FIRE EXTINGUISHERS

Fire extinguishers are located in every residence, office and academic areas. Fire Extinguishers are inspected monthly and replaced when needed by the Director of Environmental Health and Safety. Residence Life and Housing, Campus Safety & Wellbeing Assistants and Advocates as well as RAs and other safety monitors are trained in the use of fire extinguishers by Amherst Fire Department and Umass fire safety training personnel.

## EMERGENCY CALL BOX PHONES

Hampshire College has several emergency call boxes. Their use is not restricted to emergencies; use them to report incidents or suspicious people, or to ask for assistance or an escort. Pressing the **Help button** on any emergency phone will connect you to Campus Safety & Wellbeing automatically.

- Cole Science Center - yellow box on front entrance on greenhouse
- Film & Photo - yellow box on side of building facing arts barn
- Enfield Parking Lot - white & blue box in middle of lot
- Prescott Parking Lot - blue & red box in middle of lot
- Cole Science Parking Lot - blue & red box on pathway to Prescott
- Prescott Tavern - yellow box on front of Tavern
- 4 Corners - blue & red box on pathway leading to Blair Hall
- Emily Dickinson Hall - yellow box on rear of building near back door
- Greenwich Parking Lot - blue & red box in middle of parking lot
- Franklin Patterson Hall - yellow box under the bridge/walkway
- Merrill/Dakin - blue & red box in middle of lot
- Tennis Courts - Blue and red box next to tennis courts

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## IMPORTANT TELEPHONE NUMBERS

<i>Resource</i>	<i>Phone Number</i>
Campus Safety & Wellbeing dispatch	413-559-5424
Local fire, health and police Emergency	911
Health and Counseling Services	413-559-5458
Dean of Students Office	413-559-5412
University Health Services	413-577-5000
Campus Safety & Wellbeing Business and parking office	413-559-6151

Individuals with questions, comments, or concerns regarding the Campus Safety & Wellbeing Department at Hampshire College are encouraged to contact the Director of the Campus Safety & Wellbeing Department.

## BRIEF DEFINITIONS OF CLERY ACT CRIMES

To aid in the understanding of the crimes reported in this document, we are providing the following definitions. These are based on Massachusetts law unless otherwise noted.

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### AGGRAVATED ASSAULT

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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### ARSON

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

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### BURGLARY

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

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### CONSENT

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of this policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

- Consent requires a "Yes" in response to requests for sexual acts.
- Silence is not consent.
- "No" is not consent.
- By law, a person is incapable of consent if he or she is unconscious, asleep or younger than 16 years old.
- A person may also be incapable of consent if he or she is intoxicated (i.e. drunk, high) or mentally incompetent.
- Submission is not necessarily consent. There is a fine line between persuasion and coercion. For example, having sex with someone who reasonably believes that there is a threat of force meets the legal definition of rape in Massachusetts.



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## **DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY**

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

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## **DATING VIOLENCE (DEFINITION FROM THE FEDERAL VIOLENCE AGAINST WOMEN ACT, AME NDED 2013; THERE IS NOT A SPECIFIC CRIME DEFINED AS "DATING VIOLENCE" IN MASSACHUSETTS)**

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

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purpose of this definition, dating violence –
  - Includes, but is not limited to, sexual or physical abuse or the threat of such abuse
  - Does not include acts covered under the definition of domestic violence

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## **DOMESTIC VIOLENCE ( FROM 2013 VAWA ACT; THE DE FINITION UNDER MASSACHUSETTS LAW VARIES SLIGHTLY)**

A felony or misdemeanor crime of violence committed—

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

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## **FORCIBLE FONDLING**

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

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## **HATE CRIMES**

Hate crimes must also be reported by category of prejudice based on the following: Race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. For the purpose of reporting the statistics with respect to the crime statistics that must be compiled in accordance under the categories of: On campus, on non-campus building

or property; public property; and dorms/residences. Reportable hate crimes include crimes in the Clery crime categories with a bias component, as well as bias-involved larcenies (thefts), simple assault, intimidation, vandalism, and any other crime involving personal injury.

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#### **INCEST**

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

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#### **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. Counted only in bias statistics.

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#### **LARCENY (THEFT)**

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Counted only in bias statistics.

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#### **MOTOR VEHICLE THEFT**

The theft or attempted theft of a motor vehicle.

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#### **MURDER AND NON-NEGLIGENT MANSLAUGHTER**

The willful (non-negligent) killing of one human being by another.

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#### **NEGLIGENT MANSLAUGHTER**

The killing of another person through gross negligence.

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#### **RAPE (UCR DEFINITION)**

The penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration, or by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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#### **ROBBERY**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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## **SEX OFFENSES-FORCIBLE**

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Includes Rape & Forcible Fondling defined in this section.

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## **SEX OFFENSES-NON-FORCIBLE**

Unlawful, non-forcible sexual intercourse. Includes Incest & Statutory Rape defined in this section.

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## **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.

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## **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 purpose of this definition –
  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly or 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
  - Substantial emotional distress means significant suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- One incident of stalking is recorded for each year in which a course of conduct involving the same perpetrator and victim, and is recorded at the first location of the incident series.

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## **STATUTORY RAPE**

Non-forcible sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts).

## DEFINITIONS OF WEAPON LAW, DRUG ABUSE, & LIQUOR LAW VIOLATIONS

### *(Only Arrests & Referrals are Reportable)*

The law also requires that colleges and universities provide statistics for the following categories of arrest or referrals for campus disciplinary action (if an arrest was not made): Liquor law violation, drug law violation, and illegal weapons possession.

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### WEAPONS LAW VIOLATIONS

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

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### DRUG ABUSE VIOLATIONS

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use, including:

**Drug/Narcotic Violations**—the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

**Drug Equipment Violations**—the unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

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### 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; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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### HATE CRIMES

Hate crimes must also be reported by category of prejudice based on the following: Race, gender, religion, sexual orientation, ethnicity or disability. For the purpose of reporting the statistics with respect to the crime statistics that must be compiled in accordance under the categories of: On campus, non-campus building or property; Public Property; and Dorms/residential. Reportable hate crimes include crimes in the above categories with a bias component, as well as bias- involved larcenies (thefts), simple assault, intimidation, vandalism, and any other crime involving personal injury.

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## FIRE DEFINITIONS

These definitions come from the Department of Education Handbook for Campus Safety & Wellbeing:

**Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill:** A supervised practice of a mandatory evacuation of a building in the event of a fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.

**Fire-related death:** Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of a fire.

**Fire-safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.