



University of Massachusetts Lowell Annual Security Report for 2018

Published in the Year 2019

Table of Contents

Office of the Chancellor	3
Message from the Chief of Police	4
Key Contact Information	5
Section 1: Introduction	6-12
Overview.....	6
Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction.....	6
Statement of Policy for Addressing General Procedures for Reporting a Crime or Emergency.....	8
Statement Addressing Counselors.....	10
Policy Addressing Limited Voluntary Confidential Reporting.....	11
Responsibilities of the University Community.....	12
Section 2: Timely Warning and Emergency Response & Evacuation	13-21
Statement of Policy for Addressing Timely Warning.....	13
Notification to the University Community About an Immediate Threat.....	14
Statement of Policy Regarding Immediate Emergency Response Procedures.....	17
Procedure for Testing Emergency Response and Evacuation Procedures.....	18
Shelter-in-Place Procedures.....	19
Active Threat Guidelines.....	20
Section 3: Campus Facilities Safety and Security	22-24
Statement of Policy Addressing Security and Access.....	22
Maintenance of Campus Facilities.....	22
Statement of Policy for Addressing Safety and Security in the Residence Halls.....	23
Statement of Policy for Addressing Safety and Security off campus.....	24
Statement of Policy for Addressing the Monitoring and Recording of Student Code (In, On and Non-Campus Residences).....	24
Missing Student Notification Policy.....	24
Section 4: Security Awareness and Crime Prevention Programs	25-30
Statement of Policy for Addressing Security Awareness and Crime Prevention Programs.....	25
Statement of Policy for Substance Abuse Education.....	28
Statement of Policy for Addressing Alcohol.....	29
Statement of Policy for Addressing Illegal Drugs.....	30
Statement Regarding Firearms and Weapons.....	30
Section 5: Sexual Assault Prevention and Response	31-69
Statement of Policy for Addressing Sexual Assault Prevention and Response.....	31
Statement of Policy Informing the Accuser and Accused of the Outcome of a Disciplinary Proceeding.....	69
Statement of Policy Addressing Sex Offender Registration.....	69
Section 6: Crime Statistics	70-82
Statement of Policy for Reporting the Annual Disclosure of Crime Statistics.....	70
Specific Information about Classifying Crime Statistics.....	71
Criminal Offenses and Crime Statistics.....	71
Hate Crime Statistics.....	75
Definitions of Reportable Crimes.....	76
Section 7: Fire Safety Report	83

[Date]

Message from the Chancellor



Office of the Chancellor
University Crossing
220 Pawtucket St., Suite 400
Lowell, MA 01854

Jacqueline F. Moloney
Chancellor

OFFICE OF THE CHANCELLOR

Dear UMass Lowell Community:

The newest numbers are in and I am pleased to report that UMass Lowell remains an incredibly safe place to live, learn and work.

The Annual Security Report provides campus crime statistics for the most recent three-year period and outlines the policies and procedures developed by the university to ensure a safe campus. The enclosed statistics reflect a period (2016-18) during which we continued to experience enrollment growth, more students living on campus and newly opened facilities.

A key reason for our safe campus is our highly competent and professional police department. UMass Lowell police are committed to ensuring the safety of our students, faculty and staff, and work closely with the Lowell Police Department, neighborhood organizations and other community members.

UMLPD also partners with the Office of Student Affairs to offer an array of crime prevention and security awareness programs and educational information on alcohol and drugs, sexual assault prevention, personal safety and crime prevention. These programs are open to students, faculty and staff and I encourage every member of our community to take advantage of them. Contact University Police at 978-934-2398 or Police@uml.edu for details on any of the above programs.

But just as important are the decisions we make and the actions we take. It is up to each of us to contribute to the safety of our community by protecting ourselves, avoiding actions that jeopardize our safety and the safety of others, and reporting criminal or suspicious activity to the UMLPD.

Thank you for contributing to the safety of our community.

Sincerely,

Jacqueline F. Moloney '75. '92
Chancellor

Message from the Chief of Police

The UMass Lowell Police Department is a full-service police department with 34 sworn officers. Our officers receive municipal police academy training and have full authority to enforce the laws of the Commonwealth. Each officer attends an annual in-service training program as well as a host of specialized training programs. The UMass Lowell Police Department operates 24 hours per day. Besides patrol, we also conduct criminal investigations and provide crime prevention and educational services at the UMass Lowell campus. We have built a strong tradition of community policing and community outreach. We serve to engender and maintain a campus community wherein the students, faculty, staff and visitors view the members of the police department as their partners in public safety. To ensure that safety, significant investments have been made in technology and emergency notification systems.



Our objective is for you to achieve your educational goals in a safe and secure environment. Additionally, we appreciate the importance of cultural and social growth. Therefore, we provide resources to support activities like performances at the Tsongas Center at UMass Lowell, athletic events, cultural events and other events around campus.

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

We invite your questions, concerns, and suggestions. You may visit our website for contact information at www.uml.edu/police, or email the University of Massachusetts Lowell Police Department at Police@uml.edu.

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

Sincerely,
Randy Brashears
Chief of Police

Key Contact Information

Emergency.....	911
Director/Chief of Police.....	(978) 934-2384
Non-Emergency Dispatch.....	(978) 934-2394
On Campus Emergency Dispatch.....	(978) 934-4911
UMLPD Rape Line.....	(978) 934-4213
Division of Student Affairs	(978) 934-2100
Office of Residence Life.....	(978) 934-5160
Counseling Services at the Wellness Center.....	(978) 934-6800
Health Services at the Wellness Center.....	(978) 934-6800
Human Resources.....	(978) 934-3560
Title IX Coordinator.....	(978) 934-3567
City of Lowell Police Department.....	(978) 937-3200
City of Haverhill Police Department.....	(978) 373-1212

UMass Lowell Police Department Location:

University Crossing
220 Pawtucket Street, Suite 170
Lowell, MA 01854

Section 1: Introduction

Overview

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

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

The full text of this report is available online at www.uml.edu/annual-security-report.

This report is prepared in cooperation with local law enforcement agencies, UMass Lowell's Division of Student Affairs (including the Office of Student Conduct), the Office of Residence Life and the Title IX Coordinator. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the UMLPD, designated campus officials (including but not limited to directors, deans, department heads, student conduct, advisors to students/student organizations, athletic coaches) and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty and staff. This notification provides information on how to access the Annual Security Report online; employees who do not have a campus email address receive a postcard through campus mail which provides similar information.

Copies of this report may also be obtained at the University Police Department located at University Crossing, 220 Pawtucket Street, Suite 170, Lowell, MA 01854 or by calling UMLPD at (978) 934-2384. All prospective employees may obtain a copy from the Human Resources Office in the Wannalancit Business Center, 600 Suffolk Street, room 301, Lowell MA 01854 or by calling (978) 934-3560.

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

Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction

The University of Massachusetts Lowell, one of five campuses of the UMass system, is a community of more than 17,000 students, staff and faculty within a city of approximately 100,000 people. UMass Lowell is both a center for higher education and a vibrant, active community. As with any community of similar size, criminal activity and emergencies do occur on campus. Although crime occurs in every community, the University has been fortunate to have few reported serious crimes. The University makes every attempt to be proactive and to prevent such incidents. We have a competent, professionally trained Police Department and Residence Life Staff, but it is also the responsibility of every individual to take appropriate measures to protect themselves and their possessions.

To combat crime and ensure public tranquility, the UMass Lowell Police Department is a visible part of campus life. UMLPD is organized, trained, and equipped to provide progressive law enforcement and emergency services to our community at the Lowell campus.

The University of Massachusetts Lowell entered into a “Lease” with Merrimack Street Owner, LLC to open a satellite campus in downtown Haverhill in the Harbor Place Development, 2-54 and 72-74 Merrimack St. whereby UMass Lowell would occupy the “entire second and third floors of the Building” as well as “twenty (20) parking spaces in the Parking Garage and/or parking spaces in the City Garage.” Our Haverhill location is home to the University’s second Innovation Hub focusing on technology startup companies. The Haverhill campus also offers Bachelor’s Degree Completion Programs as well as individual courses through our Online and Continuing Education Department. UMLPD is not the responding agency for crimes that occur on the Haverhill campus. This “Lease” provides for security to the building at all times “which in no event be less than one security officer at the security desk in the main lobby of the Building during the “Required Hours” and another security officer(s) conducting random roving tours and inspections throughout the Property during the Required Hours. As used herein, the phrase “Required Hours” shall mean Mondays through Fridays between the hours of 8 a.m. and 11 p.m. local time, subject to reduction in the number of hours per day from time to time as agreed to by the Tenant in its reasonable discretion based upon Tenant’s then-current schedule of classes in the Premises.” Security personnel at the Haverhill campus are not sworn law enforcement officers, cannot make arrests and do not carry weapons. Local or state police are called in cases of criminal activity. The security officers’ jurisdiction is limited to property that is owned and controlled by Merrimack Street Owner, LLC. There is not a formalized Memorandum of Understanding between the Haverhill Police Department (HPD) and the UMass Lowell Police Department.

UMass Lowell employs more than 30 sworn officers, all of whom have the authority to enforce State, Local and Federal laws and UMass policies and procedures and to make arrests within their jurisdiction which includes UMass Lowell owned, leased, or controlled property as well as property within Middlesex County. UMLPD officers cover the Lowell campus by foot, bicycle, and vehicle patrols. There is also an assistant security supervisor employed by the University whose primary responsibilities are to provide access control, patrol the buildings and grounds, and act as a liaison with a private contract security company. This private contract security service provides access control security for the residence halls on campus as well as to patrol the buildings and grounds. This service is also responsible for checking ID’s and providing “eyes and ears” for the UMLPD. This service does not have law enforcement authority and cannot make arrests. The security officers’ jurisdiction is limited to property that is owned and controlled by UMass Lowell.

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

In addition, UMLPD officers are fully sworn in as Middlesex County Deputy Sheriffs. This allows officers to perform police duties on the public ways of the county. Therefore, the officers of the UMLPD have the ability to act both on and off campus within the City of Lowell as well as all of Middlesex County, if there should ever be a need to assist another police agency. Officers also have the authority to issue motor vehicle citations for motor vehicle infractions as well as the authority to enforce Massachusetts General Laws both on and off the campus.

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

By mutual agreement with state and federal agencies, UMLPD maintains a NLETS terminal (National Law Enforcement Telecommunications Network). Through this system, police personnel can access the

National Crime Information Computer System as well as the Criminal History Systems Board for the Commonwealth of Massachusetts. These computer databases are used to enhance public safety by accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state and federal law enforcement information.

The UMass Lowell Police Department is among the best-supervised and most qualified and motivated police departments in the region and in the nation. We strive to maintain the highest ethical and performance standards in our policies, procedures, and actions.

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

The UMass Lowell Police Department works in collaboration with other state and federal level law enforcement agencies such as the Massachusetts State Police, the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the Bureau of Alcohol, Tobacco and Firearms (ATF) and the National Park Police on an ongoing basis. Meetings are held between the leaders of these agencies on both a formal and an informal basis. UMLPD also works in collaboration with local law enforcement. The UMLPD and the Lowell Police Department (LPD) communicate regularly on the scene of incidents that occur in and around the campus area. The UMLPD detectives work closely with the detectives from LPD when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. There is a formalized Memorandum of Understanding between the Lowell Police Department and the UMass Lowell Police Department where personnel from each agency support each other in the furtherance of their missions including "providing investigative, forensic, and tactical support for major crimes or disturbances when requested by the UMLPD." Additionally, Lowell Police and University Police attend bi-weekly meetings to exchange statistics, ideas and concerns of interest to our communities.

Feel free to contact the UMass Lowell Police Department regarding routine business, any questions, or suggestions. You may call the department at (978) 934-2394, or stop by and talk with us at our headquarters located at University Crossing, 220 Pawtucket Street, Suite 170, Lowell, MA 01854. You may also contact us via e-mail at Police@uml.edu.

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

It is imperative that all crime and suspicious activity be reported to the UMLPD accurately and promptly, including when the victim elects to, or is unable to, make such a report. By working together, the University community and the police can reduce crime on campus. UMLPD is responsible for providing police and security services to the Lowell campus. UMLPD is not the responding agency for crimes that occur on the Haverhill campus.

To report a crime or an emergency at the Haverhill campus, call the Haverhill Police Department. They can be reached at (978) 373-1212. Security personnel at the Haverhill campus are not sworn law enforcement officers. This company works with local and state police when incidents may require response of law enforcement officers.

To report a crime or an emergency at the Lowell campus call UMLPD. UMLPD can be reached from any campus phone at extension 42394 or, from outside the University phone system at (978) 934-2394. When using a cell phone, please remember that 911 will not reach the dispatchers at UMLPD. UMLPD's emergency phone number is extension 44911, or from outside the University phone system dial (978) 934-4911. UMLPD recommends pre-programming of cell phones with the UMLPD dispatch number (978) 934-2394. Dispatchers are available 24 hours a day, 7 days a week to answer your call.

In response to a call, UMLPD will take the required action, either by dispatching an officer to the caller's location or asking the caller to report to UMLPD to file an incident report. UMLPD incident reports may be forwarded to the Division of Student Affairs for review and referral to the Office of Student Conduct for potential action, as appropriate.

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

As an added security measure, over 250 emergency phones are located at strategic points on campus, both inside and outside campus buildings. The outside phones are easily identified by their blue poles with "EMERGENCY" stenciled on the side of the pole and topped with a blue light. The inside phones are easily identified with a silver face with a red emergency button on its face. When the red emergency button is pushed, the caller is in immediate contact with the UMLPD. In addition to providing voice contact with a police dispatcher, emergency phone use also enables a dispatcher to pinpoint the caller's location.

When calling for either emergency or non-emergency service, be prepared to:

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

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

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

TO REPORT A CRIME THAT OCCURS AT AN OFF-CAMPUS LOCATION:

UMLPD does not use the Lowell Police Department to monitor and record crimes at non-campus locations owned or controlled by recognized student organizations, however, LPD will respond to locations within Lowell that are occupied by students as a matter of their normal business practices because those locations would be within their typical police jurisdiction. A person reporting a crime to the UMLPD has the right to file a report with the Lowell Police Department by calling 911 or by calling 978-937-3200 or with the Haverhill Police Department by calling 911 or 978-373-1212. UMLPD officers will regularly discuss this option with the victim of a crime and will assist with that process if the victim of a crime elects to or is unable (physically/mentally) to make such a report. If LPD is contacted about incidents occurring off-campus involving UML students, including at non-campus locations of student organizations officially recognized by UMass Lowell, including non-campus housing facilities, LPD will typically notify UMLPD to respond with them or they will notify UMLPD after they responded to inform them of the situation. There is a formal Memorandum of Understanding with LPD requiring such notification. Students in these cases may be subject to arrest and University disciplinary proceedings through the Office of Student Conduct. There is not a formal Memorandum of Understanding with the Haverhill Police Department.



Contact	Number
EMERGENCY	911
Director/Chief of Police	(978) 934-2384
Non-Emergency Dispatch	(978) 934-2394
On campus Emergency Dispatch	(978) 934-4911
UMLPD Rape Line	(978) 934-4213
Lowell Police Department	(978) 937-3200
Haverhill Police Department	(978) 373-1212

Other on-campus resources available to provide assistance to the victim or witness of a crime include:
(Most offices listed below are open Monday-Friday during normal business hours.)

Contact	Number
Division of Student Affairs	(978) 934-2100
Office of Residence Life	(978) 934-5160
Counseling Services at the Wellness Center	(978) 934-6800
Health Services at the Wellness Center	(978) 934-6800
Human Resources	(978) 934-3560
Title IX Coordinator	(978) 934-3567
Athletics Department	(978) 934-2304

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

Statement Addressing Counselors

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities (CSA); a comprehensive list of University of Massachusetts Lowell CSA’s is available at www.uml.edu/campus-security-authority.

The rulemaking committee defines counselors as:

Pastoral Counselor

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

Professional Counselor

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

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such are not considered to be a campus security authority and are *not* required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at the University of Massachusetts Lowell are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes to the Office of Student Affairs or to Residence Life staff, on a confidential basis for inclusion into the annual crime statistics. Such Counselors should report concerns regarding sexual harassment or any kind of sexual misconduct, without providing names or any identifying information, to the Title IX Coordinator, Clara I. Reynolds, J.D., 978-934-3567. This will enable the Title IX Coordinator to monitor the existence of concerns and to put in place remedies for the larger campus community as may be appropriate. Counselors are also advised to share with the student that they may report such concerns to the Title IX Coordinator.

UMLPD sends a request each year to the Counseling Services at the Wellness Center that encourages counselors to inform the persons they are counseling of the procedures to report crimes of sexual assault on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, for those individuals who decided to remain confidential.

Policy Addressing Limited Voluntary Confidential Reporting

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

Due to the sensitive nature of certain types of crimes, victims of domestic violence and sexual assault may choose to confidentially report crimes to the Counseling Services at the Wellness Center, Health Services at the Wellness Center, or Campus Ministry. If a report of sexual assault is made to one of these entities, then a “Confidential Sexual Assault Report” is filled out and sent to the UMLPD and the victim’s name is not disclosed. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner do not contain any identifying information. They are counted and disclosed in the annual crime statistics for the institution. Victims of sexual harassment (including sexual violence) may also choose to confidentially report crimes to the Division of Student Affairs, Residence Life Staff or to the Athletics Department. If a report of sexual assault is made to one of these entities, then a “Confidential Sexual Assault Report” is filled out and sent to the UMLPD and the victim’s name is not disclosed. However, the Division of Student Affairs, Residence Life Staff and Athletics Department Employees are considered responsible employees and are required to send the report to the Title IX Coordinator for investigation. The request for confidentiality will be considered by the Title IX Coordinator who must weigh the individual’s request with the University’s obligations to end discriminatory behavior, prevent its recurrence, and remedy its effects. Confidentiality will be kept to the extent possible while complying with the requirements of state and federal law. See UMass Lowell’s Sexual Harassment and Sexual Misconduct Reporting and Concerns/ Complaint Procedure at:

www.uml.edu/docs/Sexual_Harassment_Sexual_Misconduct_Procedure_Aug_20_2019_tcm18-314197.pdf.

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

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

Responsibilities of the University Community

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

- Report all suspicious activity to UMLPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the UML shuttle service. They can be reached at (978) 934-2596.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call UMLPD, LPD or HPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Section 2: Timely Warnings, Emergency Response & Evacuation

Statement of Policy for Addressing Timely Warnings

The purpose of this policy is to comply with the Department of Education requirements regarding timely notice of certain events as described 20 U.S.C. s. 1092(f), known as the Jeanne Clery Disclosure of Campus Security Policy, and Campus Crimes Statistics Act. These acts along with the Higher Education Reauthorization Act (2008) require any acts which have occurred on or within the institution's Clery Geography, require campus police officers to keep the institution informed in a timely manner of crimes that may pose a serious or continuing threat to students and employees.

Crime alerts will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

The UMass Lowell Police Department is responsible for issuing Crime Alerts in compliance with the Clery Act. In an effort to provide timely notice to the UMass Lowell community, and in the event of a crime which poses a serious or continuing threat to members of the UMass Lowell community, a Crime Alert is sent by "University-wide email" or text message to all students and employees on campus. The alerts are generally written and distributed to the University community through the UMLPD and/or the Office of University Relations.

This e-mail or text message indicates that a Crime Alert has been issued and may provide a link to the UMass Lowell Police Department Crime Alert web page at <http://www.uml.edu/police>.

Additionally, a copy of this notice may be sent to UML Today. Updates to the UMass Lowell community about any particular case resulting in a Crime Alert may be distributed via blast email or text message, may be posted on the UMass Lowell Police Department's website, or may be shared with the student newspaper, *The Connector*, for a follow-up story. Crime Alert posters may also be posted by UMLPD in campus buildings when deemed necessary. When Crime Alerts are posted in campus buildings they are posted in the lobby/entrance area of the affected building(s) for a period of seven (7) days.

Crime Alerts are usually distributed for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: arson, murder/ Non-negligent manslaughter, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and whether there is a continuing danger to the campus community. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other UML community members and a Crime Alert would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the UMLPD. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The UML Police Chief or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Crime Alert is warranted. Crime Alerts may also be issued for other crime classifications, as deemed necessary.

A daily crime log is available for review at the UMLPD located at University Crossing, 220 Pawtucket Street, Suite 170, Lowell, MA 01854 from 8 a.m. to 3 p.m. Monday through Friday, excluding holidays. The information in the crime log typically includes the case number, classification, date reported, date occurred, time occurred, general location and disposition of each reported crime.

Notification to the University Community About an Immediate Threat

LOWELL CAMPUS:

All members of the University community are notified on an annual basis that they are required to notify UMLPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. UMLPD has the responsibility of responding to, and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, UMLPD has the responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

The decision to issue an alert shall be decided on a case by case basis in light of all the facts surrounding an incident or crime, including factors such as the nature of the incident/crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts.

The UMass Lowell Police Department and University Relations receive information from various offices/departments on campus, such as Environmental and Emergency Management (EEM) and Facilities. If UMLPD, EEM, Facilities or University Relations, in conjunction with other University administrators, local first responders and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the University community, they will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the University Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The UMLPD, EEM and/or Facilities in conjunction with University Relations will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: UMLPD, EEM, LPD, and/or the Lowell Fire Department and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action. The UMLPD will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community the notification targets, the content may differ.

In the event of a serious incident that poses an immediate threat to the health and safety of the University community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the University community. These methods of communication include *Rave*, a system that provides emergency communications and other important information via text message and email. Students, faculty and staff are automatically signed up for email alerts through their official UMass Lowell email address.

To add or modify your email address or phone number to this service, you must log onto <http://www.uml.edu/notify>. To login, enter your full UMass Lowell email address and password. *Rave* does not charge subscribers to send or receive SMS messages. Standard or other messaging charges apply depending upon your wireless carrier plan and subscription details. Once registered, you can opt out of SMS messages at any time by texting STOP to 67283 or 226787. Currently, *Rave* is only available to those in the UMass Lowell community. Other forms of communication include network emails, phone trees, face-to-face communications, bulletins posted on building entrances and exits, the fire alarm system, and outdoor sirens and PA system. In the event a situation requires the activation of the University's emergency notification system, updates are available on the UMass Lowell web site www.uml.edu. Members of the larger community who are interested in receiving information about emergencies on campus should use

social media or check the University's web site at www.uml.edu.

Students should take responsibility for regularly checking their e-mail. In order to receive campus-wide-e-mail announcements, students must have a University e-mail account, which may be obtained from the Office of Informational Technology located in University Crossing. Instructions for automatic forwarding of e-mail messages from a University account to another account are available from Informational Technology. Individuals with disabilities are encouraged to contact either the Office of Disability Services at (978) 934-4574 or the Help Desk at (978) 934-4357 for assistance in subscribing to Campus Alerts.

University Notification systems are administered by the following responsible authorities:

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving and Sending Messages	Primary Message Sender	Backup Message Sender
Primary					
Broadcast Email	UML Chief of Police or Designee	Emergency Management, University Relations & Facilities	University Relations, UML Chief of Police or Designee, Emergency Management & Facilities	University Relations	Emergency Management, University Relations & Facilities
Text Message					
Secondary					
Fire Alarm System	UML Chief of Police or Designee	Emergency Management, University Relations & Facilities	University Relations, UML Chief of Police or Designee, Emergency Management & Facilities	University Relations	Emergency Management, University Relations & Facilities
Phone Trees					
Bulletin					
Digital Signage					
Social Media					

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

HAVERHILL CAMPUS:

All members of the campus community are notified on an annual basis that they are required to notify the Haverhill Police Department and the UMass Lowell Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. The Haverhill Police Department will investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the UMass Lowell Police Department has the responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case,

Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

The decision to issue an alert shall be decided on a case by case basis in light of all the facts surrounding an incident or crime, including factors such as the nature of the incident/crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts.

The Haverhill Police Department receives information from various offices/departments on campus, such as the Innovation Hub or faculty and staff members. If the Haverhill Police Department or UMass Lowell Police Department in conjunction with UMass Lowell's EEM, local first responders and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat, which may affect the greater community surrounding the college (i.e. City of Haverhill, etc.), or the health or safety of some or all members of the campus community, they will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The UMLPD, EEM and/or Facilities in conjunction with University Relations will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: The UMass Lowell Police Department, the Haverhill PD and/or the Haverhill Fire Department and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole. There will be a continuing assessment of the situation and additional segments of the campus community may be notified if a situation warrants such action. The UMLPD will determine how much information is appropriate to disseminate at different points in time. Depending on what segments of the community the notification targets, the content may differ.

In the event of a serious incident that poses an immediate threat to the health and safety of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include *RAVE*, a system that provides emergency communications and other important information via text message and email. Students, faculty and staff are automatically signed up for email alerts through their official UMass Lowell email address.

To add or modify your email address or phone number to this service, you must log onto <http://www.uml.edu/notify>. To login, enter your full UMass Lowell email address and password. *Rave* does not charge subscribers to send or receive SMS messages. Standard or other messaging charges apply depending upon your wireless carrier plan and subscription details. Once registered, you can opt out of SMS messages at any time by texting STOP to 67283 or 226787. Currently, *Rave* is only available to those in the UMass Lowell community. Other forms of communication include network emails, phone trees, face-to-face communications, bulletins posted on building entrances and exits and the fire alarm system. In the event a situation requires the activation of the University's emergency notification system, updates are available on the UMass Lowell web site www.uml.edu. Members of the larger community who are interested in receiving information about emergencies on campus should use social media or check the University's web site at www.uml.edu.

Students should take responsibility for regularly checking their e-mail. In order to receive campus-wide-e-mail announcements, students must have a University e-mail account, which may be obtained from the Office of Informational Technology located in University Crossing. Instructions for automatic forwarding of e-mail messages from a University account to another account are available from Informational Technology. Individuals with disabilities are encouraged to contact either the Office of Disability Services at (978) 934-4574 or the Help Desk at (978) 934-4357 for assistance in subscribing to Campus Alerts.

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving and Sending Messages	Primary Message Sender	Backup Message Sender
Primary					
Broadcast Email	UML Chief of Police or Designee	Emergency Management, University Relations & Facilities	University Relations, UML Chief of Police or Designee, Emergency Management & Facilities	University Relations	Emergency Management, University Relations & Facilities
Text Message					
Secondary					
Fire Alarm System	UML Chief of Police or Designee	Emergency Management, University Relations & Facilities	University Relations, UML Chief of Police or Designee, Emergency Management & Facilities	University Relations	Emergency Management, University Relations & Facilities
Phone Trees					
Bulletin					
Social Media					

Statement of Policy Regarding Immediate Emergency Response Procedures

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

University Departments are responsible for developing contingency plans and continuity of operation plans for their own staff and areas of responsibility. The University conducts numerous announced or unannounced emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

The UMLPD Officers and Supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. The Incident Command System (ICS) is utilized when responding to critical incidents. When a serious incident occurs that causes an immediate threat to campus, the first responders to the scene are usually the UMLPD, EEM and LFD (Lowell Fire Department) who typically respond and work together to manage, mitigate, and recover from incidents. Depending on the nature of the incident, other UMass departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for UMass Lowell is publicized each year as part of the institution's Clery Act compliance effort and that information is available on the University of Massachusetts Lowell website at: <http://www.uml.edu/EEM/Emergency-Management/Emergency-response.aspx>

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

Please view and become familiar with the University of Massachusetts Lowell's Emergency Operations Plan. It can be viewed at <http://www.uml.edu/EEM/Emergency-Management/Emergency-response.aspx>

Procedure for Testing Emergency Response and Evacuation Procedures

LOWELL CAMPUS:

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

Evacuation drills are coordinated by EEM each semester for all residence halls, academic, research and business buildings (all buildings) on campus. Thus, the emergency response and evacuation procedures are tested at least twice each year. Students, faculty and staff learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each building for a short-term building evacuation. EEM does not tell individuals in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. EEM and staff on the scene will communicate information to individuals regarding the developing situation or any evacuation status changes. Fire drills are typically scheduled during the first 30 days of each semester (spring and fall).

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

EEM conducts announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. EEM coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. Each test is documented with a description of the exercise, the date/time of the exercise, and whether or not the test was announced or unannounced. UMass Lowell will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

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

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

HAVERHILL CAMPUS:

The college publicizes its emergency response and evacuation procedures on at least an annual basis using the college's broadcast e-mail system. The landlord will test all equipment and systems at least once annually. Each test will be documented with a description of the exercise, the date/time of the exercise, and whether or not the test was announced or unannounced. A copy of this test is provided to UMass Lowell's Emergency and Environmental Management Team.

Shelter-in-Place Procedures

What it Means to "Shelter-in-Place"

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

Basic "Shelter-in-Place" Guidance

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

How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, including UMLPD, EEM, Residence Life Staff members, other University employees, the federal or local government, LPD, HPD or other authorities utilizing the University's emergency communications tools.

How to "Shelter-in-Place"

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.

5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (Residence Life Staff, faculty, or other staff) to call the list in to UMLPD so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

Active Threat Guidelines

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

Quickly determine the most reasonable way to protect your own life:

Run – Hide- Fight

RUN:

If there is an accessible escape path, evacuate the premises.

Be sure to:

- Have an escape route and plan in mind, know your surroundings
- Evacuate regardless of whether others agree to follow
- Leave your belongings behind
- Help others escape, if possible
- Prevent individuals from entering area where active shooter is located
- Keep your hands visible
- Follow the instructions of any police officers or emergency responders
- Do not attempt to move wounded people

HIDE:

When Evacuation is Not Possible

If evacuation is not possible:

- Find a place to hide where the active shooter is less likely to find you.
- Be dynamic not static

Your hiding place should:

- Be out of the active shooter's view
- Provide protection if shots are fired in your direction (i.e., an office with a closed and secured/barricaded door)
- Not trap you or restrict your options for movement

Prevent an active shooter from entering your hiding place:

- Secure and **Barricade** the door with heavy furniture

Remember to:

- Secure and Barricade the door
- Dial 978-934-4911 if possible, to alert police to the active shooter's location

- If you cannot speak, leave the line open and allow the dispatcher to listen
- Silence (not place on vibrate) your cell phone
- Turn off any source of noise (i.e., radios, TVs)
- Hide behind large items (i.e., cabinets, desks)
- Remain quiet

FIGHT:

As a last resort, and only when your life is in imminent danger, attempt to disrupt and/or incapacitate the active shooter by:

- *Act as aggressively as possible against him/her*
- *Throw items*
- *Improvise weapons*
- *Yelling*
- ***Commit to your actions***

WHEN LAW ENFORCEMENT ARRIVES:

Law enforcement's purpose is to stop the active shooter as soon as possible.

*** Officers will proceed directly to the area in which the last shots were heard.**

- Officers usually arrive in teams of two to four
- Officers may wear regular patrol uniforms or external bulletproof vests, Kevlar helmets, and other tactical equipment
- Officers will be armed with rifles or handguns
- Officers may use pepper spray

***How to react when law enforcement arrives:**

- Officers may push individuals to the ground for their safety
- Remain as calm as possible, follow officers' instructions
- Put down any items in your hands (i.e. bags, jackets)
- Immediately raise hands and spread fingers
- Keep hands visible at all times
- Avoid making quick movements toward officers
- Avoid holding onto officers for safety
- Avoid pointing, screaming and/or yelling
- Do not stop to ask officers for help or direction when evacuating, just proceed in the direction from which officers are entering premises

***Provide information to law enforcement:**

- The location of the active shooter
- Number of shooters, if more than one
- As detailed description of shooter/s as possible (clothing, physical attributes)
- Number and type of weapons held by the shooter/s
- Number of potential victims at the location

If you are interested in training on this topic for your office or group, send an email to emergencytraining@uml.edu.

Section 3: Campus Facilities Safety and Security

Statement of Policy for Addressing Security and Access

LOWELL CAMPUS

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal hours of business, Monday through Friday, and for limited designated hours on Saturday, Sunday, and holidays. Facilities are maintained, and their security monitored, in the interest of students, staff, and faculty. Many cultural and athletic events held in University facilities, such as the Tsongas Center at UMass Lowell, the Campus Recreation Center, the UMass Lowell Inn and Conference Center (ICC), and the UMass Lowell Bellgarde Boathouse, are open to the public. Other facilities such as the bookstore, libraries, and cafeterias are also open to the public.

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

HAVERHILL CAMPUS

The University of Massachusetts Lowell offers Bachelor's Degree Completion Programs as well as individual courses through our Online and Continuing Education Department at our Haverhill campus. Our Haverhill location is home to the University's second Innovation Hub focusing on technology startup companies. The University of Massachusetts Lowell entered into a "Lease" with Merrimack Street Owner, LLC to open a satellite campus in downtown Haverhill in the Harbor Place Development, 2-54 and 72-74 Merrimack St. whereby UMass Lowell would occupy the "entire second and third floors of the Building" as well as "twenty (20) parking spaces in the Parking Garage and/or parking spaces in the City Garage."

UMLPD is not the responding agency for crimes that occur on the Haverhill campus. This "Lease" provides for security to the building at all times "which in no event be less than one security officer at the security desk in the main lobby of the Building during the "Required Hours" and another security officer(s) conducting random roving tours and inspections throughout the Property during the Required Hours. As used herein, the phrase "Required Hours" shall mean Mondays through Fridays between the hours of 8 a.m. and 11 p.m. local time, subject to reduction in the number of hours per day from time to time as agreed to by the Tenant in its reasonable discretion based upon Tenant's then-current schedule of classes in the Premises." Security personnel at the Haverhill campus are not sworn law enforcement officers, cannot make arrests and do not carry weapons. Local or state police are called in cases of criminal activity. The security officers' jurisdiction is limited to property that is owned and controlled by Merrimack Street Owner, LLC. There is not a formalized Memorandum of Understanding between the Haverhill Police Department (HPD) and the UMass Lowell Police Department.

Maintenance of Campus Facilities

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

Working with representatives from UCAPS, Facilities, Physical Plant, the Office of Student Affairs, and the Office of Residence Life, the UMass Lowell Police Department staff strives to enhance security for campus facilities with the planned implementation of a state-of-the-art card access system and secondary locking devices. These systems help ensure that faculty, staff, and students with the proper authorization, are granted access to University resources after established business hours. Currently there are 1548 card readers installed throughout UMass Lowell.

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

Statement of Policy for Addressing Safety and Security in the Residence Halls

LOWELL CAMPUS

The UMass Lowell Residence Life program is comprised of twelve on and off campus (non-campus) residential facilities. Within this program, undergraduate and graduate students are offered the opportunity to live in corridor style or suite/apartment style living in coed residence halls.

Access to the residence halls is limited to students and their guests according to University regulations (see the Student Conduct Code and Residence Life Guidelines). Each Residence Hall is supervised by an Area Coordinator or Resident Director. The Area Coordinators and Resident Directors in all Residence Halls are full-time professional staff at the University with significant experience in Residence Life. Each individual floor or area within a residence hall is supervised by a Resident Advisor at an approximate ratio of 30:1. All residence life staff receive extensive training prior to the academic year as well as ongoing training throughout the year on topics such as, but not limited to, safety and security, policy enforcement, counseling skills, crisis intervention, conflict mediation, activity planning, and community development.

All residence halls with the exception of our apartments located at Merrimack Street are equipped with electronic security systems and/or uniformed security personnel to promote a safe and secure environment on campus. Bourgeois, Concordia, Leitch, Donahue, Fox, Sheehy, University Suites, Riverview Suites, Middlesex apartments, Riverhawk Village and the ICC are each equipped with electronic security card access systems at the main entry to each building. All entry doors that lead to student living areas are secured 24 hours daily. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access cards.

All student bedrooms are equipped with locking devices, either a dead bolt type lock or an electronic locking system utilizing the student ID Card (Persona Locks). Suite style residence halls are equipped with locks on both entry and bedroom doors. In addition, all common access area doors have security viewers. All visitors and guests are required to identify themselves between 7 p.m. and 7 a.m. and abide by the appropriate procedures as outlined in the Residence Hall Guest Policy. Overnight guests are permitted as outlined in the Student Conduct Code and Residence Life Guidelines. This can be accessed via the web on the Office of Residence Life website:

<http://www.uml.edu/student-services/reslife/policies/default.aspx>

Special security procedures are in effect during vacation/low occupancy periods. Although all residence halls are open for the entire academic year including winter intersession, students are required to register (and sometimes an additional fee is required) during low occupancy periods. This can include Thanksgiving Break, Winter Intersession, and Spring Break. Special registration is required for safety and security purposes.

HAVERHILL CAMPUS

As a commuter campus, our Haverhill campus has no policy on the Safety of residence halls.

Statement of Policy for Addressing Safety and Security at off Campus Locations

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

These residences fall under the jurisdiction of the City of Lowell Police Department. To report a crime, call the non-emergency number at (978) 937-3200. In the event of an emergency dial 911. UMass Lowell Police Department personnel do not provide law enforcement services to off-campus residences unless requested by the Lowell Police Department, nor are activities off-campus recognized by University authority.

Statement of Policy for Addressing the Monitoring and Recording of Student Conduct In On and Non-Campus Residences

The University must consider student conduct, whether on or off campus, that is disruptive of good community relations or which interferes with, impairs or obstructs the University's mission, functions and processes or that are found to be offensive to generally accepted standards of sound behavior, as harmful and adverse to the University's interests. Because of this, the Lowell Police Department makes every effort to inform the University of off campus criminal activity involving our students including at non-campus locations of student organizations officially recognized by UMass Lowell, including non-campus housing facilities. If a violation of law occurs on or off campus, which is also a violation of University or local regulations (this includes Residence Life policies), the University may institute proceedings against the offenders. Such action by the University is independent of, and may proceed in parallel with, civil and/or criminal action.

Missing Student Notification Policy

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

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify UMLPD at (978) 934-2394. UMLPD will generate a missing person report and initiate an investigation.

After investigating the missing person report, should UMLPD determine that the student is missing and has been missing for more than 24 hours, UMLPD will notify the Lowell Police Department (LPD) and the student's missing person contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the University will notify the student's parent or legal guardian immediately after UMLPD has determined that the student has been missing for more than 24 hours.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University in the event the student is determined to be missing for more than 24 hours. This information will be accessible only to authorized campus officials, and may not be disclosed, except to law enforcement personnel in the furtherance of a missing person investigation. If a student has identified such an individual, the University will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so when registering for student housing.

Section 4: Security Awareness and Crime Prevention Programs

Statement of Policy for Addressing Security Awareness and Crime Prevention Programs

LOWELL CAMPUS:

The UMass Lowell Police Department believes that through crime prevention and safety awareness education, community members are better prepared to prevent crime and to respond if crime does occur. To inform students and employees about campus safety procedures and practices, and to encourage students and employees to be responsible for their own safety and the safety of others, UMass Lowell distributes information about crime prevention using a variety of media, including:

- UMLPD's website: www.uml.edu/police
- Periodic emails to students and staff
- Posting articles in UML Today
- Periodic programming offered by UMLPD, Student Activities or Human Resources.



A crisis can erupt at any time and in any form. A fire, explosion, medical epidemic, water leak, power outage, hurricane, or bomb threat – the possibilities are infinite and unpredictable. Nonetheless, planning for the unpredictable does help. Please view and become familiar with the University of Massachusetts Lowell's Emergency Operations Plan. It can be viewed at

<http://www.uml.edu/EEM/Emergency-Management/Emergency-response.aspx>

Members of UMLPD conduct crime prevention and general security and safety awareness presentations when requested by various community groups, including students and employees of the University. During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at UMass Lowell; information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/ safety and for the security/safety for others on campus. In addition, UMLPD organizes and sets up crime prevention and education display tables which are staffed by an officer(s) at various locations throughout the year. This activity provides an opportunity for UMLPD staff to hand out safety-related information, as well as to answer individual questions.

During New Student Orientation, students are informed of resources offered by the UMLPD. They are informed of crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees.

Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis. Periodically, during the academic year, the UMass Lowell Police Department, in cooperation with other University organizations and departments, presents crime prevention awareness sessions on sexual assault (rape and acquaintance rape), domestic violence, dating violence, stalking, drug and alcohol abuse, theft, and vandalism, as well as educational sessions on personal safety and residence hall security.

During the 2018 calendar year the UMass Lowell Police Department sponsored approx. 55 crime prevention and security awareness programs. The Division of Student Affairs conducted approx. 80 programs throughout 2018. These programs provided information on alcohol and drugs, sexual assault prevention, personal safety and crime prevention.

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

- The UMLPD offers **Operation ID** which is a program designed to discourage burglary and the theft of valuable property from your home, apartment or dorm room. The program provides a way for you and law enforcement officers to easily identify ownership of stolen property by engraving serial numbers or owner's recognized numbers (e.g. driver's license number) on items of value. To participate in Operation ID, students, staff and faculty are asked to contact UMLPD and make an appointment.
- The UMLPD provides a minimum of two **R.A.D. (Rape Aggression Defense)** classes per year to female students and staff. These classes are FREE OF CHARGE. The R.A.D. System is a 12-hour program designed to teach women about awareness, prevention, risk reduction and avoidance while progressing into the basics of hands-on defense training. Courses are offered each semester or upon request.
- The UMLPD conducts a **Crosswalk Safety Program**. The educational message for this program is Cross Safely, Drive Safely.
- The UMLPD also offers programs using **Impairment Goggles** which educate students about the consequences of alcohol misuse and abuse. Fatal vision goggles use special lens technology to allow the wearer to experience a realistic simulation of impairment.
- The UMLPD in conjunction with EEM and the Division of Student Affairs presented numerous workshops on **"Active Shooter, How to Respond"** to faculty, staff and students.
- The UMLPD in conjunction with the Office of Residence Life instituted a **Building Liaison Program** whereby police officers are assigned to a particular residence hall to provide programming and attend floor meetings in the building.
- Each year at student orientation (approximately 24 sessions), **Be well at UML** is presented which deals with alcohol and drug issues as well as personal safety.
- There are also several programs offered at UMass Lowell in conjunction with sexual assault awareness month.
 - Each year, the University displays the **Clothesline Project**.
 - UMass Lowell also participates in **Take Back the Night**. Take Back the Night is an international movement intended to combat rape and other forms of violence.
- The UMLPD provides a **Personal Property Registration Program**: Students/Faculty/Staff can fill out a form on the UMLPD website to register their personal property.
- The UMLPD in conjunction with the assistance of the UML Bike Shop instituted an **Abandoned Bicycle Retrieval Program** where damaged, hazardous and obviously abandoned bicycles are tagged and then at the appropriate time taken to UMLPD per policy.
- Bicycles are registered at UCAPS or UML Bike Shop and a decal is placed on bicycle for our **Bicycle Registration Program**.
- UMLPD addresses neighborhood concerns regarding potential University related issues with our **Neighborhood Outreach Program**.

In addition to the many programs offered by the University, the University has established a **Behavioral Threat Assessment Team** to enhance emergency preparedness and prevention efforts. The objective of the

Behavioral Threat Assessment Team is to systematically identify, evaluate, and manage potentially threatening situations, including persons of concern at the University. The multidisciplinary team is composed of professionals from the University campus.

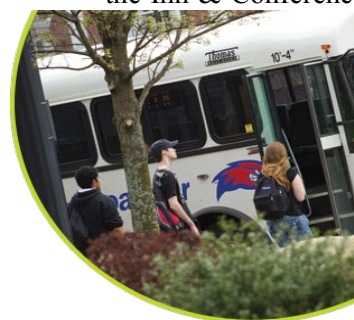
If you would like further information about the *Behavioral Threat Assessment Team*, please contact the UMass Lowell Police Department at (978) 934-2384.

Additional Security Services / Systems Include

LOWELL CAMPUS:

The University is responsible for providing access control to all on-campus facilities. Such control includes random foot and motorized patrol, stationary security check points, pre-approved access authorization screening, intrusion alarm systems, card access systems, the monitoring of strategically placed surveillance cameras, as well as the development of security plans for events held on campus.

- **Security Cameras:** UMLPD seeks to enhance public safety and security by utilizing security cameras in a professional and ethical manner, consistent with accepted legal rights of privacy. Currently, 815 security cameras are in use.
- **All Campus Alert (ACA):** Additional notification portal utilizing existing emergency phones across campus for localized notification in case of an extreme emergency.



- **UML Transportation Services:** During the academic semester, daytime shuttle services run Monday – Friday from 7:00AM to 7:00PM between East, North, South, 1001 Pawtucket Blvd and the Inn & Conference Center. Night service starts Sunday – Wednesday evening at 7:00PM and ends at 2:00AM the following day. Thursday – Saturday evening, the night service starts at 7:00PM and ends at 2:30AM the following day. Shuttles run between East, North, South and the Inn & Conference Center, as well as on-call service to satellite parking lots and other approved stops (please check out our web site for a complete list of approved stops at www.uml.edu/transportation.) The University also provides weekend service starting at 9:00AM and ending at 7:00PM (at which time the evening and night service starts). When the LRTA is not in service, UMass Lowell Shuttles provide service to the Gallagher Terminal on an on-call basis. In addition to the on-campus shuttle services, Transportation

Services has partnered with the LRTA and MVRTA. Students are able to use the LRTA and MVRTA line 01/41 at no charge by scanning their UCARD. For the most up to date information please check the UMass Lowell Transportation Services web site at www.uml.edu/transportation. Any changes to the schedule will be posted on line or call the Transportation Services office at (978)934-2222.

- **Emergency Medical Services:** The UMass Lowell E.M.S. is a licensed ambulance service with the Commonwealth of Massachusetts, Department of Public Health and is designated the primary ambulance service for UMass Lowell in the City of Lowell Service Zone Plan. Emergency response can be activated by dialing x 44911 on campus and (978) 934-4911 from off campus or cell phones. The University Police dispatches EMS to all medical emergencies. The EMS team staffs SUV's that are equipped with the latest lifesaving technology and state of the art medical equipment. If transport is needed, UMLPD can contact a private ambulance company for transport to the hospital.
- **Parking Enforcement Aides:** All student and Faculty/Staff parking lots are randomly patrolled by student parking enforcement aides. They assist in providing directions to community members and visitors/guests to the University as well as issuing parking violations.

HAVERHILL CAMPUS:

To inform students and employees about campus safety procedures and practices, and to encourage students and employees to be responsible for their own safety and the safety of others, UMass Lowell distributes information about crime prevention using a variety of media, including:

- **UMLPD's website** (<http://www.uml.edu/police>)
- **Periodic broadcast e-mails to students and staff**
- **The Office of Human Resources and Equal Opportunity and Outreach's website** (www.uml.edu/hr)

Statement of Policy for Addressing Substance Abuse Education

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

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

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

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

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

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

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

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

Contact	Number
Counseling Services at the Wellness Center	(978) 934-6800
Health Services at the Wellness Center	(978) 934-6800
Human Resource Office	(978) 934-3560
Office of Student Affairs	(978) 934-2100
Athletics Department, Athletics Health Care	(978) 934-2322

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

University employees, who may have a problem with substance abuse, can get assistance through the University of Massachusetts Lowell's Employee Assistance Program (EAP). The Employee Assistance Program is an UMass Lowell-sponsored program to provide employees with confidential assistance with stress, substance abuse, family concerns and other personal problems. This program is managed by ComPsych. EAP can be reached 24 hours a day, 7 days a week at 1- 844-393-4983 or by visiting their website at www.guidanceresources.com and enter your company ID: UMASS

The full text of the University Alcohol and Drug Policy can be found online at:
<http://www.uml.edu/student-services/reslife/policies/drugs-and-alcohol.aspx>

The Student Conduct Code can be found at:
<https://www.uml.edu/student-services/Student-Conduct/conduct-code/default.aspx>

Alcohol and Other Drug Education Program

Three levels exist for Alcohol Offenses

- The first is an on-line program (MSB) taken by the student within a two week period at a cost of \$25.00.
- The second level is a workshop (CHOICES) taught by a Health Educator at a cost of \$75.00.
- The third level (AOD 1 or 2) is an assessment meeting with either a UMASS Lowell staff counselor or an Addiction Specialist and a fine of \$100; this determination will be made by the Conduct Officer or the Associate Dean of Student Affairs or his designee.

Statement of Policy for Addressing Alcohol

The possession, sale or the furnishing of alcohol on both the Lowell campus and the Haverhill campus is governed by the University Alcohol Policy and Massachusetts state law. Laws regarding the possession, use, sale, consumption or furnishing of alcohol is controlled by the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC); however, the enforcement of alcohol laws on the Lowell campus is the primary responsibility of the UMass Lowell Police Department. The enforcement of alcohol laws on the Haverhill campus is the primary responsibility of the Haverhill Police Department. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and

federal laws. Such laws, including underage drinking laws, are strictly enforced by the UMass Lowell Police Department and the Haverhill Police Department. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is illegal.

The full text of the University Alcohol and Drug Policy can be found online at: <http://www.uml.edu/student-services/reslife/policies/drugs-and-alcohol.aspx>

Statement of Policy for Addressing Illegal Drugs

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

The full text of the University Alcohol and Drug Policy can be found online at: <http://www.uml.edu/student-services/reslife/policies/drugs-and-alcohol.aspx>

Statement Regarding Firearms and Weapons

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

Section 5: Sexual Assault Prevention and Response

Statement of Policy for Addressing Sexual Assault Prevention and Response

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

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

For a complete copy of UMass Lowell's Sexual Violence, Sexual Discrimination, and Sexual Misconduct Guidelines please visit: https://www.uml.edu/HR/Equal/EO-Guidelines.aspx#Nondiscrimination_Guidelines

For a complete copy of UMass Lowell's Sexual Violence, Sexual Discrimination, and Sexual Misconduct Complaint Procedure please visit: https://www.uml.edu/docs/Sexual_Harassment_Sexual_Misconduct_Procedure_Aug_20_2019_tcm18-314197.pdf

The Office of Student Conduct's website addresses the student process: <https://www.uml.edu/student-services/Student-Conduct/sexual-misconduct-policy.aspx>

For more information, to ask a question, or to report sexual misconduct please visit in person or write to one of the following Title IX Coordinator or Deputy Title IX Coordinators listed below.

Reporting sexual misconduct to one of the following persons may obligate UMass Lowell to respond. If you want help, but want the information to remain confidential, visit an on or off campus counselor, medical doctor, licensed nurse, rape crisis center, or religious advisor (pastor, clergy).

For questions or complaints against faculty, staff, vendors, contractors or any other third party:

- Clara I. Reynolds, J.D., Director of Equal Opportunity and Outreach & Title IX Coordinator, Wannalancit Mills, 600 Suffolk Street, Suite 301, Lowell, MA 01854...1-978-934-3567, Clara_Reynolds@uml.edu.
- Rebecca Hall, Sr. EOO/Employment Specialist Human Resources and Equal Opportunity & Outreach, Deputy Title IX Coordinator, Wannalancit Mills, 600 Suffolk St, Suite 301, Lowell, MA 01854...978-934-3563, Rebecca_Hall@uml.edu.

- Donna Vieweg, Sr. EOO/Employment Specialist Human Resources and Equal Opportunity & Outreach, Deputy Title IX Coordinator, Wannalancit Mills, 600 Suffolk St, Suite 301, Lowell, MA 01854...978-934-3566, Donna_Vieweg@uml.edu.

For questions or complaints against students:

- Ann Ciaraldi, Assoc. Dean of Student Affairs, Deputy Title IX Coordinator, University Crossing, 220 Pawtucket Street, Suite 200, Lowell, MA 01854...978-934-2100...Ann_Ciaraldi@uml.edu.

For questions or complaints against student-athletes, athletics department coaches, staff, administrators or any other third party vendor or consultant directly associated with intercollegiate program (team physician, bus driver, tutor, etc.):

- Sandra Niedergall, Senior Associate Athletics Director/ Senior Women's Administrator, Deputy Title IX Coordinator, 1 University Avenue, Costello Athletic Center, Lowell, MA 01854...978-934-6805...Sandra_Niedergall@uml.edu.

A. DEFINITIONS

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

Consent is defined by our Student Code of Conduct as “informed; freely and actively given; mutually understandable words or actions; which indicate a willingness to engage in mutually agreed upon sexual activity (or in more plain language--to agree to do the same thing, at the same time, in the same way, with each other). **One may not engage in sexual activity with another who one knows or should reasonably know to be physically or mentally incapacitated.**”

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

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

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

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

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

Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.

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

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

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

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

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

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

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

Domestic Violence: The term “domestic violence” means

1) Felony or misdemeanor crimes of violence committed—

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

(v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Massachusetts General Law also defines Domestic Violence under the statute contained in Ch. 209A § 1

Domestic Violence Definitions

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

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

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

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

“Family or household members”, persons who:

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

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

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

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

MGL c. 265 s.13M:

Assault & Battery on a family or household member

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

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

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

- 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) the existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating violence is not defined specifically in Massachusetts General Law.

Stalking: The term “stalking” means

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

(i) fear for the person’s safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

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

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

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

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

Section 43. (a) Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$1,000, or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

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

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

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

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

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

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

B. Education and Prevention Programs

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity using the definition of consent found in the Student Conduct Code;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Information regarding:
 - i. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
 - ii. How the institution will protect the confidentiality of victims and other necessary parties;
 - iii. 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;
 - iv. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective; and
 - v. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

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

The University offered the following **primary prevention and awareness programs for all incoming students in 2018:**

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Access Ally Training	1/17/18	University Crossing	DoV, S*
International Students- New Student Orientation	1/19/18	University Crossing	DoV, DaV, SA & S*
Campus Safety for Navitas Students	1/19/18	Ball 314	DoV, SA, & S*
Student Affairs Meet & Greet International TEA Fellows (Safety on Campus)	1/29/18	University Crossing	DoV & SA*
Healthy Hawks	1/28/18	University Crossing	DoV, DaV, SA & S*
Sexapalooza	2/13/18	University Crossing	DoV, DaV, SA & S*
Healthy Hawks presentation	3/8/18	University Crossing	DoV, DaV, SA & S*
Alcohol Safety Talk	3/21/18	Riverview Suites	DoV, DaV, SA & S*
It's On Us	4/3/18	University Crossing	DoV, DaV, SA & S*
Healthy Hawk #MeToo	4/10/18	McGauvran	DoV, DaV, SA & S*
Summer International Students Safety Talk	5/18/18	Southwick	DoV, DaV, SA & S*
Orientation/ Campus Safety & Active Shooter Presentations	On-going through June, July and August	University Crossing	DoV, DaV, SA & S*
Welcome Presentation- Overview of City/ Campus Safety	6/25/18	East Campus	DoV, DaV, SA & S*
Engineers in Residence	7/9/18	Falmouth	DoV, DaV, SA & S*
Life Teen Safety	7/9/18	East Campus	DoV, DaV, SA & S*
International Student Resource Fair	8/31/18	University Crossing	DoV, DaV, SA & S*
New Student Resource Fair	8/31/18	University Crossing	DoV, DaV, SA & S*
No Zebras, No Excuses	9/2/18	CRC	DoV, DaV, SA & S*
Walk a Mile in Her Shoes	9/4/18	Tsongas Center	SA

Engagement Fair	9/4/18	Tsongas Center	DoV, DaV, SA & S*
ISSO Coffee Hour	9/5/18	ETIC	DoV, DaV, SA & S*
All Are Welcome Here Campaign	9/8/18	University Crossing	DoV, DaV, SA & S*
First Year Seminar	9/8/18 9/13/18 (5 classes) 9/20/18 9/27/18 9/28/18 (2 classes) 10/1/18 (4 classes) 10/3/18 (2 classes) 10/4/18 10/11/18 10/5/18 (2 classes) 10/9/18 (5 classes) 10/10/18 10/16/18 (2 classes) 10/22/18 (2 classes) 10/25/18 (2 classes) 11/28/18	McGauvran Coburn Dugan Dugan PTB PTB PTB Riverview Riverview Riverview PTB PTB PTB PTB PTB Riverview	DoV, DaV, SA & S*
Healthy Hawks	9/16/18	University Crossing	DoV, DaV, SA & S*
Residence Hall Talk	9/18/18	Riverhawk Village	DoV, DaV, SA & S*
Safety Talk	10/4/18	Southwick	DoV, DaV, SA & S*
Gambling After Dark	11/26/18	University Crossing	DoV, DaV, SA & S*
Let's Taco 'Bout Sex	28 presentations	Various	SA & DaV
MyStudentBody.com By the Hazeldon Organization	Ongoing: all incoming students were directed to the website	On line	DoV, Dav, SA*

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

The University offered the following **primary prevention and awareness programs for all new employees in 2018:**

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
New Employee Orientation	1/7/18 and held every Monday after (except Holidays)	Lydon Library 110	DoV, DaV, SA, & S*

Intersections: Anti-Harassment & Title IX	1/1/18-10/18/18	On line www.uml.edu/diversity/equity.aspx	DoV, DaV, SA, & S*
Safety Talk	12/18/18	Wellness Center	DoV, DaV, SA & S*
Intersections: Anti-Harassment & Title IX-Supervisory Version	On-going for new employees	On line www.uml.edu/diversity/equity.aspx	DoV, DaV, SA, & S*
Campus Security Authority and Title IX Training for CSA's and Responsible Employees	On-going for new employees	On line	DoV, DaV, SA, & S*

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

The University offered the following **ongoing prevention and awareness campaigns for students in 2018:**

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
CAPE Training	1/16/18-1/18/18	University Crossing	DoV, DaV, SA & S*
Access Ally Training	1/17/18	University Crossing	DoV, S*
RA Training	1/18/18	University Crossing	SA*
Healthy Hawks	1/28/18	University Crossing	DoV, DaV, SA & S*
RAD	2/28/18 3/7/18 3/21/18 3/28/18	University Crossing	DoV, DaV, SA & S*
Sexapalooza	2/13/18	University Crossing	DoV, DaV, SA & S*
RAD	3/3/18 3/24/18	University Crossing	DoV, DaV, SA & S*
Bystander Exhibit	3/8/18-3/23/18	Rotating (Lydon Library, University Crossing, O'Leary Library)	DoV, DaV, SA & S*
Healthy Hawks presentation	3/8/18	University Crossing	DoV, DaV, SA & S*
Alcohol Safety Talk	3/21/18	Riverview Suites	DoV, DaV, SA & S*
Clothesline Project	3/27/18	O'Leary Library	DoV, DaV, SA & S*
Women's Self Defense Talk	3/29/18	Lowell Senior Center	DoV, DaV, SA & S*
Sorority Event- Self Defense & Safety	4/2/18	University Crossing	DoV, DaV, SA & S*
Clothesline Project	4/2/18-4/6/18	University Crossing	DoV, DaV, SA & S*

It's On Us	4/3/18	University Crossing	DoV, DaV, SA & S*
Take Back the Night- rally & march	4/4/18	City-Wide	DoV, DaV, SA & S*
Take Back the Night- speak out	4/4/18	University Crossing	DoV, DaV, SA & S*
RAD	4/4/18 4/11/18 4/18/18 4/25/18	University Crossing	DoV, DaV, SA & S*
Healthy Hawk #MeToo	4/10/18	McGauvran	DoV, DaV, SA & S*
Orientation/ Campus Safety & Active Shooter Presentations	On-going through June, July and August	University Crossing	DoV, DaV, SA & S*
CAPE/ It's on Us pledge table	9/2/18	CRC	DoV, DaV, SA & S*
Walk a Mile in Her Shoes	9/4/18	Tsongas Center	SA
Welcome Back ISSO Coffee Hour	9/7/18	ETIC	DoV, DaV, SA & S*
All Are Welcome Here Campaign	9/8/18	University Crossing	DoV, DaV, SA & S*
Meet the CAPES	9/26/18	O'Leary Library	DoV, DaV, SA & S*
RAD	10/2/18 10/10/18 10/17/18 10/24/18	University Crossing	DoV, DaV, SA & S*
Fresh Check Day, Elephant in the Room	10/4/18	SC Quad	DoV, DaV, SA & S*
Safety Talk	10/4/18	Southwick	DoV, DaV, SA & S*
The Clothesline Project (LGBTQ+)/ Election Day Awareness	10/17/18	SC Quad	DoV, DaV, SA & S*
Messages of Hope	10/22/18	O'Leary Library	DoV, DaV, SA & S*
Vigil in honor of survivors of Sexual Assault	10/23/18	University Crossing	DoV, DaV, SA & S*
The Clothesline Project (Trans Population)	11/7/18	O'Leary Library	DoV, DaV, SA & S*
RAD	11/13/18 11/20/18 11/27/18	University Crossing	DoV, DaV, SA & S*
Gambling After Dark	11/26/18	University Crossing	DoV, DaV, SA & S*
Sexual Violence & Harassment Presentation	11/27/18	Tsongas	DoV, DaV, SA & S*
Let's Taco 'Bout Sex	28 presentations	Various	SA & DaV
It's on Us Campaign	On-going	various	DoV, DaV, SA & S*

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

The University offered the following **ongoing prevention and awareness campaigns for employees in 2018:**

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Supervisory Leadership Development Part 6: Legal Liabilities, Diversity Awareness, and Policies and Resources	5/16/18	Wannalancit 305	DoV, DaV, SA & S*
Understanding Title IX	6/12/18	Wannalancit 305	DoV, DaV, SA & S*
Clery Training- Athletic Staff	8/7/18	University Crossing	DoV, DaV, SA & S*
Preventing and Reporting Sexual Violence and Sexual Harassment- for Transportation Employees	8/27/18	Lydon Library 101	DoV, DaV, SA & S*
Bystander Awareness Training	11/14/18 12/6/18 12/11/18 12/12/18	Wannalancit 305	DoV, DaV, SA & S*
Intersections: Anti-Harassment and Title IX	On-going	On-line https://www.uml.edu/diversity/equity.aspx	DoV, DaV, SA & S*
Clery Act Basics Training for Campus Security Authorities	On-going	On line https://www.uml.edu/diversity/equity.aspx	DoV, DaV, SA, & S*

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

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

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the University Police Department or local law enforcement. To request accommodations, students and employees should contact **Clara I. Reynolds, J.D.**, Director of Equal Opportunity and Outreach & Title IX Coordinator, 1-978-934-3560 Wannalancit Mills, Suite 301, 600 Suffolk Street, Lowell, MA 01854.

After an incident of sexual assault, domestic violence, dating violence or stalking, the victim should consider seeking medical attention as soon as possible at one of the hospitals listed below. It should be noted that the SANE certified site to receive forensic evidence collection is at Lowell General Hospital's Main Campus or Lawrence General Hospital.

<u>Lowell General Hospital~ Main Campus</u> <i>*SANE Certified Site</i> <u>Lowell General Hospital~ Saints Campus, Emergency Room</u> <u>Lawrence General Hospital</u> <i>*SANE Certified Site</i>	295 Varnum Ave. Lowell, MA 01854	Phone: (978) 937-6000 Website: www.lowellgeneral.org/
	1 Hospital Dr. Lowell, MA 01852	Phone: (978) 934-8346 Website: www.lowellgeneral.org/
	1 General St. Lawrence, MA 01841	Phone: (978) 794-3531 (978) 683-4000 X2500 Website: www.lawrencegeneral.org/

In Massachusetts, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to proving that the alleged criminal offense occurred and/or that may be helpful to obtaining a protective order. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. For assistance with notifying law enforcement authorities, including on campus and local police, contact Lt. Melissa Mullen (978)934-4212, 220 Pawtucket Street, Suite 170, Lowell, MA 01854.

<u>Local Police</u>	Lowell Police Dept. 50 Arcand Dr. Lowell, MA 01852	Phone: 978-937-3200 Website: http://www.lowellma.gov/police/Pages/default.aspx
	Haverhill Police Dept. 40 Bailey Blvd. Haverhill, MA 01830	Phone: 978-373-1212 Website: http://www.ci.haverhill.ma.us/departments/police_department/

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Clara I. Reynolds, J.D. by calling, writing or coming into the office to report in person and to the University Police Department (if the victim so

desires.) The University will provide resources, on campus, off campus or both, to include medical, health, counseling, visa and immigration assistance, legal assistance and victim advocacy to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy.

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

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

Incident Being Reported:	Procedure UMASS-Lowell Will Follow:	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care; 2. Institution will assess immediate safety needs of complainant; 3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department; 4. Institution will provide complainant with referrals to on and off campus mental health providers; 5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact" directive between both parties; 6. Institution will provide a "No trespass" directive to accused party if deemed appropriate; 7. Institution will provide written instructions on how to apply for Protective Order; 8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution; 9. Institution will inform the complainant of the outcome of the 	Preponderance of the evidence

	<p>investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is;</p> <p>10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</p>	
--	---	--

Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant; 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department; 3. Institution will provide written instructions on how to apply for Protective Order; 4. Institution will provide written information to complainant on how to preserve evidence; 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate; 6. Institution will provide a "No trespass" directive to accused party if deemed appropriate. 	Preponderance of the evidence
-----------------	--	-------------------------------

Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant; 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department; 3. Institution will provide written instructions on how to apply for Protective Order; 4. Institution will provide written information to complainant on how to preserve evidence; 	Preponderance of the evidence
------------------------	--	-------------------------------

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

D. Assistance for Victims: Rights & Options

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

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

In Massachusetts, a victim of domestic violence, dating violence, sexual assault or stalking has rights. The Massachusetts Victim Bill of Rights (M.G.L. c.258B) provides the following rights and services to crime victims and survivors in order to ensure a meaningful role for them in the criminal justice system. While the Bill of Rights applies to all crimes, victims and survivors of violent crimes are given priority status for services. If you wish to be notified of the status of a pending criminal case, you must provide your victim

witness advocate, prosecutor and others in the criminal justice system with a current address and phone number at which you can be reached. For a complete listing of your rights, please refer to the Victim Bill of Rights (M.G.L. c258B).

For a complete guidebook to your rights as a crime victim in the Commonwealth of Massachusetts, visit the Massachusetts Office for Victim Assistance at <http://www.mass.gov/mova/advocacy-assistance/> or access the guidebook here at <http://www.mass.gov/mova/docs/aftermath-of-crime.pdf>.

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

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

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

1. Abuse Prevention Orders

Limited to someone with whom you have a specific types of relationship (family, intimate, residential) – see below. You may ask for an Abuse Prevention Order (a “209A Order”) from a judge if:

If the person abusing you is:

- ✓ A person to whom you are or were married,
 - ✓ Someone with whom you are or were living,
 - ✓ A family member related by blood or marriage,
 - ✓ The parent of your child even if you were never married, or
 - ✓ Someone with whom you are or have been in a serious dating relationship.
- and you are suffering from abuse because your abuser has:
- ✓ Harmed or attempted to harm you physically,
 - ✓ Caused you to fear that you are likely to be physically hurt at any moment, or
 - ✓ Forced you to have sex or threatened you into having sex.

2. Harassment Prevention Orders

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

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

- ✓ that were willful and malicious. This means it was done on purpose and was done for cruelty, hostility or revenge.
- ✓ and were aimed at you,

- ✓ and were intended to cause you fear, intimidation, abuse or damage to property, “Abuse” means causing or attempting to cause physical harm, or causing fear of imminent serious physical harm.
- ✓ and did in fact cause you fear, intimidation, abuse or damage to property;

OR

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

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

Who Can I Be Protected Against? You cannot get an abuse prevention order against any person you wish. You may only obtain an order against:

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

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

Can I get an abuse prevention order without telling the defendant? The court may issue an abuse prevention order without the defendant having notice if there is a substantial likelihood of immediate danger of abuse. Such an order is called an *ex parte* order. You file a complaint form that includes an affidavit (described below) and a hearing is held right away without letting the defendant know. The court can issue an *ex parte* order that can last for up to ten business days. The court will schedule a hearing within ten business days and then notify the defendant about the *ex parte* order. The defendant has a right to attend that hearing to argue that all or part of the order should not be continued. At that hearing, often referred to as the 10 day hearing, the judge will hear from you and the defendant, if the defendant appears.

The judge may also decide not to issue an *ex parte* order at that time. If the judge does not think that there is a basis to grant an abuse prevention order, the request will be denied. If the judge thinks that there is not a substantial likelihood of immediate danger of abuse, the request may be put off and a hearing set up at a later time. The defendant will be given notice of that hearing and have the right to attend that hearing. At this hearing both you and the defendant will have the right to tell the court why an abuse prevention order should or should not issue. If the judge does not issue an *ex parte* order but wants to set up a hearing where the defendant will be present, you may decide not to go forward with your complaint and ask that the hearing not be scheduled.

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

- The defendant shall not physically assault or threaten you.
- The defendant shall not do anything that makes you reasonably fear that the defendant might cause you physical harm.

- The defendant shall not use force or a threat of any kind to make you have sex unwillingly.

You can request that the defendant be ordered to have no contact with you. This means that:

- The defendant shall not live with you.
- The defendant must stay a specific number of feet/yards away from you. The distance that the defendant must remain away from you is listed on the order.
- The defendant shall not contact you in any way. This includes, but is not limited to, phone calls, text messages, emails, gifts and contact through friends, relatives, neighbors or anyone else, sending or posting messages on Facebook, twitter or any other social media site, unless specifically allowed in the order.

If you are already at a place and the defendant comes to that same location, the defendant must leave that place as quickly as possible.

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

- The defendant must leave your residence immediately and stay away from that residence while the order is in effect. The defendant must stay away from the residence even if you are not there at the time. If the residence is an apartment, the defendant may be ordered to remain away from the entire building, even if the lease is in the defendant's name.
- The defendant shall not damage the residence in any way.
- The defendant shall not shut off any utilities or interrupt your mail delivery.

You can request that the defendant be ordered to stay away from your work. This means:

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

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

You can request that you be given custody of children. This means:

- The children will live with you unless or until a judge changes that order.

You can request that the defendant be also ordered to have no contact with the children. This means:

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

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

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

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

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

If the judge issues a 209A order, the defendant will be ordered to surrender (give up) firearms. This means:

- The defendant must immediately transfer possession of any firearms, ammunition, and license to carry a firearm or firearms identification card that he/she has to the police department listed on the order. The defendant may not purchase any firearms or ammunition while the order is in effect.

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

Getting help

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

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

Where do I apply for an abuse prevention order? During regular business hours on weekdays, you can go to the Boston Municipal, District, Probate and Family or Superior Court whose jurisdiction covers where you live. See Court Locator. If you are unsure what court covers where you live, you can call the closest court on the list and they will be able to direct you to the right place.

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

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

What forms do I file? You will always file:

Complaint for Protection from Abuse including an affidavit in support of your request

Defendant Information Form

Plaintiff Confidential Information Form

You may also need:

If you have children:

Complaint for Protection from Abuse page 2

Affidavit Disclosing Care or Custody Proceedings

If you want custody of your pets, or an order to keep the defendant from abusing your pets:

Petition and Order Issued Pursuant to GL c.209A, s.11 Relative to Domesticated Animals

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

Going into court

After you file your papers, you will appear before a judge. If you have asked for an order without the defendant knowing, the defendant will not be there. The judge will look over your papers and ask you some questions. The judge will decide whether or not to give you the order while you are still there. You will be given a copy of the order by the Clerk's office after the hearing is over. The police will attempt to serve the defendant with a copy of the order. Your local police department receives a copy of the order. You should also keep a copy of the order with you at all times.

How Long Does the Order Last? The first order you get, if the defendant is not present, is only good until you have a court hearing where the defendant has an opportunity to tell his side of the story. This is scheduled within 10 business days, so it is commonly called a "10-Day Hearing." It may be in fewer than 10 days. The judge will tell you when this hearing will be held at the time he or she issues the first order. The date of this hearing will also be on the order.

If you get an emergency order when the court is not in session from a judge over the telephone and the defendant is also arrested, the defendant might be at the same court where you go to get the order extended. In that case, the judge will hold a hearing with both you and the defendant present and may grant an order for up to a year.

10 Day Hearing

The date and time for the next court hearing will be listed on the order. The name and location of the court that issued the order is listed at the top right hand corner of the order. During that hearing, the judge will listen to the evidence and decide if the order should continue to remain in effect, be amended in some way(s), or be terminated (ended). Both the plaintiff and the defendant have a right to be heard at the hearing and to present evidence that the judge finds is relevant. If you do not appear at the next scheduled court hearing, the order will expire at the end of that court day.

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

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

What Happens if the Defendant Does Something He or She is Not Supposed to Do? If the police witness or have probable cause to believe that the defendant violated a restraining order, the police are required to arrest the defendant.

A restraining order is a civil order but violation of certain parts of the order is a criminal offense. If the defendant violates the no abuse, no contact, leave the home, stay away from home/work or surrender firearms terms of the order, you should contact the local police department immediately and tell them that you have a restraining order and what happened.

Failure to pay money owed. If the defendant does not pay support, child support or any money damages ordered, you will need to go back to the court that issued the order and ask for a hearing to see if the defendant should be held in contempt of court.

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

More Information for People Seeking Abuse Prevention Orders

Help- Off Campus:

1. Safelink is a Massachusetts 24/7 toll-free domestic violence hotline. Advocates are multilingual, and conversations are free and confidential. The advocates can assist victims with safety planning, locating shelters, providing emotional support, and finding local community services. Call 1-877-785-2020.
2. Local Police- You don't have to call the police, but it is important for you to know you can call them if you feel you need their protection, especially in emergencies.
3. Jane Doe, Inc. is the statewide coalition against sexual assault and domestic violence. Their website includes information for victims and survivors of domestic violence.
4. Mass. Office for Victim Assistance coordinates the SAFEPLAN programs on a statewide basis. SAFEPLAN is a court-based program that provides advocates to help victims of domestic violence who are seeking protection from abuse. SAFEPLAN Advocates are available in 41 district and probate courts across the state. The services they provide to victims are free. SAFEPLAN Advocates can help you with getting a 209A order or go with you to a protective order hearing. For information on SAFEPLAN Advocates, what they do, and how to reach them, read the SAFEPLAN FAQs.

Help- On Campus:

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

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

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact:

- The Division of Student Affairs via phone at (978)934-2100 or in person at University Crossings, 220 Pawtucket Street, Suite 200, Lowell, MA 01854. Offices are open Monday through Friday from 8:30 a.m. to 5:00 p.m.

- The Office of Residence Life via phone at (978)934-5160 or in person at University Crossings, 220 Pawtucket Street, Suite 120, Lowell, MA 01854. Offices are open Monday through Friday from 8:30 a.m. to 5:00 p.m.
- Human Resources via phone at (978)934-3560 or in person at Wannalancit Business Center, 600 Suffolk Street, Suite 301, Lowell, MA 01854. Offices are open Monday through Friday from 8:30 a.m. to 5:00 p.m.
- The UMass Lowell Police Department via phone at (978)934-2394 or in person at University Crossings, 220 Pawtucket Street, Suite 170, Lowell, MA 01854. Offices are open 365 days a year, 24 hours a day.

If the victim wishes to receive assistance in requesting these accommodations, she or he should contact:

- The Division of Student Affairs via phone at (978)934-2100 or in person at 220 Pawtucket Street, Suite 200, Lowell, MA 01854.
- The Office of Residence Life via phone at (978)934-5160 or in person at University Crossings, 220 Pawtucket Street, Suite 120, Lowell, MA 01854. Offices are open Monday through Friday from 8:30 a.m. to 5:00 p.m.
- Human Resources via phone at (978)934-3560 or in person at Wannalancit Business Center, 600 Suffolk Street, Suite 301, Lowell, MA 01854. Offices are open Monday through Friday from 8:30 a.m. to 5:00 p.m.
- The UMass Lowell Police Department via phone at (978)934-2394 or in person at University Crossings, 220 Pawtucket Street, Suite 170, Lowell, MA 01854. Offices are open 365 days a year, 24 hours a day.

Additionally, personal identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (i.e. - providing accommodations or protective measures.) UMass Lowell will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Victims may request that directory information on file be removed from public sources by contacting the University Police Department, IT, or the Title IX Coordinator.

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

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, UMass Lowell will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

On-Campus Resources

<u>ON CAMPUS</u>	<u>Type of Services Available</u>	<u>Address/ Location on Campus</u>	<u>Service Provider</u>	<u>Contact Information</u>
<u>Police</u>	University Police (Lowell Campus) Haverhill Police Dept. (Haverhill Campus)	University Crossing Suite 170 220 Pawtucket St. Lowell, MA 01854 40 Bailey Blvd. Haverhill, MA 01830	Full service police department providing patrol, investigative, specialized and emergency response as well as crime prevention and educational services.	Emergency Phone: 978-934-4911 Non-emergency Phone: 978-934-2398 Website: http://www.uml.edu/police Email: Police@uml.edu Emergency Phone: 911 Non-emergency Phone: 978-373-1212 Website: http://www.ci.haverhill.ma.us/departments/police_department/
<u>EMS</u>	University EMS	Donahue Hall EMS Office First Floor 91 Pawtucket St. Lowell, MA 01854	Provides medical care to the University community.	Emergency Phone: 978-934-4911 Non-emergency phone: 978-934-4785 Website: http://www.uml.edu/uml-ems/ Email: UMass_EMS@uml.edu
<u>Counseling</u>	Counseling Services at the Wellness Center	University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854	Provides mental health counseling, consultation and referrals.	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/ Email: Counseling@uml.edu
<u>Health</u>	Health Services at the Wellness Center (including Health Wellness)	University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854	Provides diagnosis and treatment of episodic illnesses, evaluation and treatment of minor injuries as well as gynecologic care, contraceptive management and counseling, diagnosis and treatment of sexually transmitted infections, and health and wellness counseling.	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/health Email: Health_Services@uml.edu
<u>Mental Health</u>	Counseling Services at the Wellness Center	University Crossing Suite 300 220 Pawtucket St. Lowell, MA 01854	Provides mental health counseling, consultation and referrals to help students achieve	Phone: 978-934-6800 Website: http://www.uml.edu/student-services/counseling/

	ComPsych (Employee Assistance Program)		personal and academic success. Provides employees with confidential assistance with stress, substance abuse, family concerns and other personal problems.	Email: Counseling@uml.edu Phone: 1- 844-393-4983 Website: www.guidanceresources.com
<u>Victim Advocacy</u>	N/A			
<u>Visa and Immigration Assistance</u>	International Students & Scholars Office	Cumnock Hall 1 University Ave. Suite 208 Lowell, MA 01854	Provides assistance with work authorization, social security applications, compliance with academic and immigration regulations.	Phone: 978-934-2383 Email: isso@uml.edu Website: http://www.uml.edu/ISSO/
<u>Student Financial Aid</u>	Financial Aid Office	University Crossing Suite 280 220 Pawtucket St. Lowell, MA 01854	Helps qualified students reach their educational goals by providing a variety of financial aid programs and resources.	Phone: 978-934-4220 Email: TheSolutionCenter@uml.edu Website: http://www.uml.edu/financialaid/
<u>Other</u>	Campus Ministry & Religious Organizations	<p>Catholic Ministry University Crossing Suite 380 220 Pawtucket St. Lowell, MA 01854</p> <p>Protestant Ministry University Crossing Suite 380 220 Pawtucket St. Lowell, MA 01854</p> <p>Christian Student Fellowship University Crossing Suite 380 220 Pawtucket St. Lowell, MA 01854</p>	<p>Seeks to grow in greater love and knowledge of God, of self and others.</p> <p>Provides Christian witness to the University community, promotes spiritual welfare of university personnel, and build community among students, faculty, staff and administration.</p> <p>Gives students the opportunity to grow in relationship with Jesus Christ, while also giving them the opportunity to grow in relationship with friends at UML.</p>	<p>Phone: 978-934-5032</p> <p>Email: Catholic_Center@uml.edu</p> <p>Website: http://www.uml.edu/student-services/Campus-Ministries/Religious-Organizations.aspx</p> <p>Phone: 978-934-5104</p> <p>Email: Catholic_Center@uml.edu</p> <p>Website: http://www.uml.edu/student-services/Campus-Ministries/Religious-Organizations.aspx</p> <p>Phone: 978-934-5063</p> <p>Email: Catholic_Center@uml.edu</p> <p>Website: http://www.uml.edu/student-services/Campus-Ministries/Religious-Organizations.aspx</p>

	Office of Equal Opportunity & Outreach	Wannalancit Room 301 600 Suffolk St. Lowell, MA 01854	Provides consultation to the campus community on the implementation of best practices in diversity and inclusion.	Phone: 978-934-3565 Website: http://www.uml.edu/equal Email: Clara_Reynolds@uml.edu
	Human Resources (Title IX Coordinator)	Director of Equal Opportunity & Outreach, UMASS Lowell Title IX Coordinator Wannalancit Suite 301 600 Suffolk St. Lowell, MA 01854	Provides employee benefits and labor unit information. Is responsible for training employees in the prevention of sexual harassment and sexual violence. The Title IX Coordinator has primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX.	Phone: 978-934-3567 Email: Clara_Reynolds@uml.edu Website: http://www.uml.edu/equal
	Office of Multicultural Student Affairs	University Crossing Suite 366 220 Pawtucket St. Lowell, MA 01854	Provides support, services, mentoring and programs for underrepresented students, while creating an awareness and appreciation for diversity.	Phone: 978-934-4336 Email: Multicultural_Affairs@uml.edu Website: http://www.uml.edu/student-services/multicultural/
	Division of Student Affairs	University Crossing Suite 200 220 Pawtucket St. Lowell, MA 01854	Provides a system of support that encourages development of the individual as a whole, including physical, emotional, social, academic and career goals.	Phone: 978-934-2100 Email: Ann_Ciaraldi@uml.edu Website: http://www.uml.edu/student-services

Off Campus Resources

<u>OFF CAMPUS</u>	<u>Type of Services Available</u>	<u>Address/ Location on Campus</u>	<u>Service Provider</u>	<u>Contact Information</u>
<u>Police</u>	Lowell Police Dept.	50 Arcand Dr. Lowell, MA 01852	Full service police department providing patrol, investigative, specialized and	Phone: 978-937-3200 Website: http://www.lowellma.gov/police/Pages/default.aspx
	Haverhill Police Dept.	40 Bailey Blvd. Haverhill, MA 01830		Phone: 978-373-1212

			emergency response.	Website: http://www.ci.haverhill.ma.us/departments/police_department/
<u>Courts</u>	Lowell District Courthouse	41 Hurd St. Lowell, MA 01852	Prosecutes cases as well as provide programs which offer legal assistance, education and victim advocacy. Assists with the restraining order process.	Phone: 978-459-4101 Website: http://www.mass.gov/courts/court-info/courthouses/ipswich-marl/lowell-district-court-generic.html
	Haverhill District Courthouse	James P. Ginty Blvd. Haverhill, MA 01830		Phone: 978-374-0380 Website: http://www.mass.gov/essexda/about-the-office/courthouses/haverhill-district-court.html
<u>Health/ Hospitals</u>	Lowell General Hospital~ Main Campus <i>*SANE Certified Site</i>	295 Varnum Ave. Lowell, MA 01854	Provides quality health care. Services include emergency & urgent care, women's health services, health & wellness programs, counseling & support groups for rape victims. <i>*SANE Certified Site.</i>	Phone: (978) 937-6000 Website: www.lowellgeneral.org/
	Lowell General Hospital~ Saints Campus, Emergency Room	1 Hospital Dr. Lowell, MA 01852		Phone: (978) 934-8346 Website: www.lowellgeneral.org/
	Lawrence General Hospital <i>*SANE Certified Site</i>	1 General St. Lawrence, MA 01841		Phone: (978) 794-3531 (978) 683-4000 X2500 Website: www.lawrencegeneral.org/
<u>Counseling</u>	Center for Hope and Healing (Rape Crisis Center)	114 Merrimack St. Suite 304 Lowell, MA 01852	Provides survivors of rape and sexual assault with counseling, advocacy, and education.	24 hour Hotline: 1-800-542-5212 Phone: 978-452-7721 Website: http://www.chhinc.org
	YWCA OF Greater Lawrence (Rape Crisis Center)	38 Lawrence St. Lawrence, MA 01840	Provides counseling, support services, legal supports in the court.	24 hour Hotline: (877) 509-9922 Phone: (978) 682-3039 x 1023 Website: http://ywcawlawrence.org/programs-services/womens-services/rape-crisis/

<u>Mental Health</u>	Mental Health Association of Greater Lowell, Inc.	99 Church St. Lowell, MA 01852	Provides mental health, counseling and domestic violence services.	Phone: 978-458-6282 Website: http://www.mhalowell.org/
<u>Victim Advocacy</u>	Middlesex District Attorney's Office Victim/ Witness Advocacy	151 Warren St. Lowell, MA 01852	Provides victim/witness advocacy services as well as community-based prevention and intervention.	Phone: (781)897-8900 Website: http://middlesexda.com/
	Essex District Attorney's Office Victim/Witness Advocacy	James P. Ginty Blvd. Haverhill, MA 01830	Provides a wide range of services to crime victims, families and witnesses. Advocates offer specialized services for families of homicide victims, domestic violence, child abuse and other victims of abuse.	Phone: 978-374-0380 Website: http://www.mass.gov/essexda/
<u>Legal Assistance</u>	Victim Rights Law Center	115 Broad St. 3rd Floor Boston, MA 02110	Provides direct civil legal services to victims of rape and sexual assault.	Phone: 617-399-6720 Website: http://www.victimrights.org/
	Northeast Legal Aid	35 John St. Suite 302 Lowell, MA 01852	Provides free legal advice & representation for Middlesex County/ Essex County.	Phone: 978-458-1465 Toll Free: 1-800-336-2262 Hotline: 978-458-1465 Website: http://www.northeastlegalaid.org/
<u>Visa and Immigration Assistance</u>	USCIS	2 Mill St. Lawrence, MA 01840	Provides Visa & Immigration assistance.	Phone: 800-375-5283 (National Customer Service Center) Website: http://www.uscis.gov
<u>Student Financial Aid</u>	Federal Student Aid		A part of the U.S. Dept. of Education, it is the largest provider of student financial aid in the nation.	Phone: 1-800-557-7394 Website: https://studentaid.ed.gov/sa/
<u>Other</u>	Women's Resource Center- YWCA- Haverhill	107 Winter St. Haverhill, MA 01830	Provides women's health advocacy, as well as transitional housing to domestic and/or sexual violence survivors.	Phone: (978)-373-4041 Website: http://ywcawlawrence.org
	YWCA Advocacy Group- Lowell	206 Rogers St. Lowell, MA 01852	Provides women's health advocacy, as well as transitional	Phone: 978-454-5405 Website: http://www.ywca.org

			housing to domestic and/or sexual violence survivors.	
	Alternative House	PO Box 2100 Lowell, MA 01851	Provides short term emergency shelter for domestic violence as well as free legal advocacy services.	Phone: 978-937-5777 Toll Free: 1-888-291-6228 Hotline: 978-454-1436 Website: http://www.alternative-house.org/
	Asian Task Force Against Domestic Violence Lowell Initiative	PO Box 7259 Lowell, MA 01853	Provides legal resources, domestic violence victim advocacy and shelter and rape crisis intervention to the Cambodian community in Lowell.	Phone: 978-454-3651 Hotline: 617-338-2355 Website: http://www.atask.org/site/
	MA Alliance of Portuguese Speakers	11 Mill St. Lowell, MA 01852	Provides medical and legal advocacy, crisis intervention, safety planning and related services around domestic violence and sexual assault.	Phone: 978-970-1250 Website: http://www.maps-inc.org/
	The Cambodian Mutual Assistance Association of Greater Lowell, Inc.	120 Cross St. Lowell, MA 01854	Provides Cambodian Americans and other minorities with educational, cultural, economic and social programs.	Phone: 978-454-6200 Website: www.cmaalowell.org

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

<https://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved

but have the choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

Risk Reduction

With no intent to victim blame and with full recognition that the only one responsible for rape is the rapist, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Dont allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Dont leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. **Dont accept drinks from people you dont know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

² Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

- with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
 16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
 17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

E. Adjudication of Violations

Whether or not criminal charges are filed, the University or a person may file a complaint under the Sexual Violence, Sexual Discrimination, and Sexual Misconduct Complaint Procedure or the Student Conduct Code alleging that a student or employee violated the University's policy. Once complainant reports to the Title IX Coordinator or any Deputy, the institution then has "notice" of a complaint. "Notice" can be verbal or in writing. Once notice is received, UMass Lowell will investigate or otherwise determine what occurred and if a possible violation of the institutions policies or Code of Conduct potentially occurred, then the complaint is resolved utilizing a hearing board (in cases of student misconduct) or through UMass Lowell's Title IX Complaint Procedure for faculty and staff.

Reports of all domestic violence, dating violence, sexual assault, stalking and sexual harassment made to University Police Department will automatically be referred to the Title IX Coordinator for investigation regardless of whether or not the complainant chooses to pursue criminal charges.

All alleged violations of Title IX are reviewed by the Title IX Coordinator for assessment regarding further investigation and for referring for investigation as appropriate to a trained investigator in Student Conduct or Equal Opportunity and Outreach. All investigations follow the Sexual Violence, Sexual Discrimination, and Sexual Misconduct Complaint Procedure. The Title IX Coordinator also monitors all Title IX reports to implement additional remedies as appropriate for the University Community. At the point of resolution the University disciplinary processes for University Employees and Students differ in procedure.

The University disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial process from the initial investigation to the final result. All proceedings will be conducted in a manner that is transparent to the accuser and the accused; includes timely notice of meetings at which the accuser or accused, or both, may be present; and provides timely and equal access

to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

Usually, the resolution of complaints involving Domestic Violence, Dating Violence, Sexual Assault and Stalking are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. All officials involved in disciplinary proceedings (from the initial investigation through any appeals) are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and resolution process that protects the safety of the victim and promotes accountability. The policies/student conduct process provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The institution will allow for timely and equal access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the advisor does not represent the student; instead the role of the advisor is limited to consulting and advising his or her advisee, but not speak for the advisee at any meeting or hearing.
5. A decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the process asks: “is it more likely than not that the accused violated the applicable policy?”
6. The accuser and the accused will be notified simultaneously, in writing, of the result of any disciplinary proceeding; and
7. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously, in writing, of the procedures for the accused and the accuser to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously, in writing, of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved. Whether or not criminal charges are filed, the university³ or a person may file a complaint under the following policies, depending upon the status of the accused (student or employee):

Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

³ Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution’s sexual misconduct policy was violated, then the “University” may assume the role of the complainant.

THE STUDENT CODE OF CONDUCT IS APPLICABLE TO STUDENTS ACCUSED OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

1. Complaints regarding the student disciplinary process can be filed with the following offices:
 - a. Office of Student Conduct, 1-978-934-2100, University Crossing, 220 Pawtucket Street, Suite 200, Lowell, MA 01854
 - b. Office of Residence Life, 1-978-934-5160, University Crossing, 220 Pawtucket Street, Suite 120, Lowell, MA 01854
 - c. University Police, 1-978-934-2394, University Crossing, 220 Pawtucket Street, Suite 170, Lowell, MA 01854

To review the Student Conduct Code procedure please see: <https://www.uml.edu/student-services/Student-Conduct/conduct-code/>

2. An investigation occurs, by annually trained investigators, to gather all information possible. The investigator will review all information and make a determination if a policy has been violated.
3. Steps in the process:
 - a. Initial Complaint – a complaint is received and is reviewed to see if it warrants an investigation.
 - b. Notification Meeting – the respondent is notified that he/she is under investigation for a possible conduct code violation. All rights are explained to the student.
 - c. Investigation – All information is gathered and Investigator will make a determination of responsibility and sanctions if applicable.
 - d. Review Meeting – Complainant and Respondent meet (separately) with a staff member to review the investigation. The respondent may accept the findings and the case is closed. If the findings are not accepted the respondent and complainant may submit a written addendum to the investigative report which will be presented to a two member panel for review.
 - e. Panel Review: Panel will review all information and make a determination.
 - f. Appeals: Either party is allowed to appeal the outcome of the Panel Review.
4. Total timeline for resolution is approximately 60 days, unless there are extreme circumstances:
 - a. Initial Complaint to Notification Meeting: 3-5 business days
 - b. Notification Meeting through investigation 10 – 20 business days
 - c. Investigation through Review Meeting 3-5 business days
 - d. Review Meeting through Panel Review (if applicable) 3-7 business day
 - e. Appeals (if applicable) 3-7 business days
5. Investigation is one person making the decision of a more likely than not basis. If a review panel is needed it is a consensus decision.
6. Our conduct process does not have any opportunity for the complainant and the respondent to be in the same room or speak to each other.

THE POLICY ON PREVENTION OF SEXUAL VIOLENCE, DISCRIMINATION AND MISCONDUCT IS APPLICABLE TO ALL EMPLOYEES, REGARDLESS OF CLASSIFICATION, ACCUSED OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

- 1.) A UMass Lowell community member or representative may put a Responsible Employee on notice, file a report expressing concern, or file a complaint, on the basis of any type of non-compliance with Title IX in any act, policy, or practice, including domestic violence, dating violence, sexual assault, stalking, sexual discrimination, sexual harassment, sexual violence, or retaliation. Any individual who wishes to file a report or complaint on behalf of him/herself or on

behalf of another, may contact the University Title IX Coordinator or a Deputy Title IX Coordinator. The Title IX Coordinator is:

Clara I. Reynolds, J.D., Director and Title IX Coordinator, Equal Opportunity and Outreach,
Wannalancit Business Center, 3rd floor, 600 Suffolk Street, Lowell, MA 01854
(978)934-3565, Clara_Reynolds@uml.edu

To review the University Employee policy statement and procedures please see UMass Lowell's Sexual Violence, Sexual Discrimination, and Sexual Misconduct Guidelines and UMass Lowell's Sexual Violence, Sexual Discrimination, and Sexual Misconduct Complaint Procedure at:

https://www.uml.edu/docs/Sexual_Harassment_Sexual_Misconduct_Procedure_Aug_20_2019_tcm18-314197.pdf

- 2.) UMass Lowell responds to concerns that potentially may constitute a violation of the Sexual Violence, Sexual Discrimination, and Sexual Misconduct Guidelines whether or not a complaint has been filed.

The Title IX Coordinator reviews gender- and sex-related concerns and determines whether an investigation is warranted; that is, whether the concerns, if true, may constitute a violation of the Sexual Violence, Discrimination, and Misconduct Guidelines. If so, the process will proceed as described in the Sexual Violence, Sexual Discrimination and Sexual Misconduct Complaint Procedure. If the situation could not potentially rise to the level of a violation of the Sexual Violence, Sexual Discrimination, and Sexual Misconduct Guidelines, depending on the situation, it may be referred to another University resource for review and response. For example, it may be referred to an Equal Opportunity review not related to sex or gender, or to Employment Services or the Dean of Student's Office (if the concerned party is a student) for other intervention and support.

- 3.) Steps in the process:
 - a. Initial Complaint – a complaint or concern is received and is reviewed by the Title IX Coordinator to determine whether its general nature is related to a concern or that may fall under the purview of Title IX. If not, the matter is referred to another University resource for review and response.
 - b. Preliminary Review- Neutral trained investigator(s) will assess the reported facts and may conduct preliminary interviews to determine, based on this information, whether the allegations, if true, could constitute a finding that prohibited behavior occurred. The assessment of the investigators will be reviewed by the Title IX Coordinator. If it is possible that prohibited behavior occurred, the procedure will proceed. If not, the complaint will be closed and may be referred to other appropriate sources of review or support.
 - c. Notification Meeting – A copy of the procedure with a list of support resources is provided to the accused party and to the concerned or reporting party or complaining witness. Both parties are also provided with a Notification of Rights form.
 - d. Investigation- The investigator(s) meet with both parties and witnesses. Throughout the inquiry, both parties will be given the opportunity to identify witnesses and provide evidence. The concerned or reporting party may indicate any remedy sought, if relevant.
 - e. Finding – After reviewing the accounts, evidence, and any other relevant facts, a finding will be made based on whether it is more likely than not that the conduct occurred. The outcome of the inquiry will be provided to both parties in writing, concurrently, to the extent possible.
 - f. Response: If the final status of the report or complaint is a finding that behavior occurred which is prohibited by the Guidelines, the Title IX Coordinator will confer with appropriate University administrators to implement prompt and effective steps to end the prohibited behavior, prevent its recurrence, and address its effects on anyone effected.

- g. Appeals: Either party may request an appeal if either party has reason to believe there was a procedural error impacting the outcome; or if relevant documentation becomes available, if that documentation was not previously available and could not have been discovered through the inquiry exercise of reasonable diligence that could significantly impact the outcome of the matter. The Associate Vice Chancellor for Human Resources and Equal Opportunity and Outreach will determine whether the grounds for appeal are sufficient to accept the appeal.
- 4.) Total timeline for resolution is approximately 60 days, unless there are extreme circumstances:
 - a. Initial Complaint to Notification Meeting: 3-5 business days
 - b. Notification Meeting through Investigation 10 – 40 business days
 - c. Investigation through Finding 3-5 business days
 - d. Finding through Response (if applicable) 3-7 business day
 - e. Appeals (if applicable) 3-5 business days
- 5.) The investigator(s) will review all sources of information, including but not limited to accounts of parties, accounts of witnesses, hearing testimony, reports, written documentary evidence, photos, etc. They will provide their finding and rationale for that finding to the Title IX Coordinator, for review. The Title IX Coordinator will assess this information and make a determination as to the finding.
- 6.) Upon notification of a concern, UMass Lowell may take steps to prevent any further concerns from arising, such as separation of the parties. Such steps may also be put in place at a later stage of the investigation or after a finding, as may be appropriate. Steps may involve any appropriate measure such as task reassignment, temporary transfer, or paid leave of absence for the responding party, and safety escorts, no-contact orders, or barring from the University premises.
- 7.) No step in the process requires the complainant and the respondent to be in the same room or speak to each other. Interviews are scheduled at separate times to prevent bringing the parties into sight of or contact with each other. Measures are also put in place to ensure that the individual(s) affected continue to have full access to UMass Lowell's programs and services. A list of support services is provided. Comprehensive services are available, including medical, counseling, and academic support services; and other remedies to assist with the completion of work. An employee may also request paid leave.

Prohibitions against retaliation are provided to both parties and all witnesses.

Additionally, employees are trained to avoid stigmatization and re-traumatization. This information is provided during an in-person training and as part of a resource handbook, Key Information for Employees and Responsible Reporting Employees Regarding Sexual Violence and Sexual Harassment, which is available at https://www.uml.edu/HR/Equal/EO-Guidelines.aspx#Nondiscrimination_Guidelines. Employees are specifically trained: to not make or imply inferences as to responsibility, to not disclose the information to others beyond the required officials, to be respectful and neutral, to not retaliate, and to take preventative measures from third parties engaging in social marginalization or retaliation. Active Bystander training is also provided.

UMASS Lowell strictly prohibits retaliation and will swiftly respond to reports.

The Student Conduct Code prohibits retaliation against students and/or staff who have filed a complaint. The Code specifically states, "An adverse action taken against a student for filing a complaint, or participation in the review of a complaint or disciplinary proceedings in any capacity. Retaliation includes taking action which may have an adverse impact on the student's academic success or the

learning environment of the student if such action is taken because of the student's filing of, or participation in the review of a complaint, whether or not such complaint is determined to be valid. Any student who believes that retaliation has taken place or is taking place, should immediately report the matter as provided herein."

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the University's ability to respond to the complaint may be limited.

Confidentiality

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this report.

Sanctions and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of the Sexual Violence, Sexual Discrimination, and Sexual Misconduct Guidelines or the Student Conduct Code occurred will lead to the initiation of disciplinary procedures against the accused individual.

University sanctions for employees include: no contact orders, required participation in training, counseling, and/or intervention; verbal or written apology; change in job duties including in supervisory responsibilities, change in work schedule and/or location, reduction of regular and/or overtime hours, reduction in pay, transfer, or demotion, with all related changes including but not limited to changes in parking options; leave without pay; suspension; termination; barring from campus, may be imposed upon those determined to have violated this policy.

For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

Sanctions for Students

<u>Sanction Type</u>	<u>Dating Violence</u>	<u>Domestic Violence</u>	<u>Sexual Assault</u>	<u>Stalking</u>
Expulsion	X	X	X	X
Suspension	X	X	X	X
Housing Ban	X	X	X	X
Campus Restrictions	X	X	X	X
Probation	X	X	X	X
Mandated Assessments	X	X	X	X
Educational Sanctions	X	X	X	X
Written Reprimand	X	X	X	X

Sanctions for Employees

<u>Sanction Type</u>	<u>Dating Violence</u>	<u>Domestic Violence</u>	<u>Sexual Assault</u>	<u>Stalking</u>
No contact order	X	X	X	X
Required participation in training	X	X	X	X
Counseling and/or intervention	X	X	X	X
Verbal or Written Apology	X	X	X	X
Change in job duties including supervisory responsibilities	X	X	X	X
Change in work schedule or location	X	X	X	X
Reduction of regular and/or overtime hours	X	X	X	X
Reduction in pay	X	X	X	X
Transfer	X	X	X	X
Demotion	X	X	X	X
Suspension	X	X	X	X
Termination	X	X	X	X
Changes in parking/ transportation	X	X	X	X
Leave with or without pay	X	X	X	X
Barring from campus	X	X	X	X

The Title IX Coordinator or his/her designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by UMass Lowell.

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

The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

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

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

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

Statement of Policy Addressing Sex Offender Registration

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

How to Inquire

Members of the University of Massachusetts Lowell community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board, telephone (978) 740-6400 or www.state.ma.us/sorb/.

Penalties For Improper Use Of Sex Offender Registry Information

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

Section 6: Crime Statistics

Statement of Policy for Reporting the Annual Disclosure of Crime Statistics

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

As required by federal law, UMLPD's yearly crime statistics for this report are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on campus and were reported to the UMass Lowell Police, the Lowell Police, the Haverhill Police, the National Park Service Police and other campus security authorities.

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

Statistical information is requested by UMLPD to the employees at the Counseling Services at the Wellness Center and Health Services at the Wellness Center, even though they are not required by law to provide statistics for the compliance document.

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

UMLPD sends an e-mail to every enrolled student and current employee on an annual basis. The e-mail includes a brief summary of the contents of this report. The e-mail also includes the address for the UMLPD website where the "Annual Security Report" brochure can be found online at: https://www.uml.edu/docs/2018-Security-Report_tcm18-315362.pdf; employees who do not have a campus email address receive a postcard through campus mail which provides similar information.

Copies of this report may also be obtained at the University Police Department located at University Crossing, 220 Pawtucket Street, Suite 170, Lowell, MA 01854 or by calling UMLPD at (978) 934-2384. All prospective employees may obtain a copy from the Human Resources Office in the Wannalancit Business Center, 600 Suffolk Street, room 301, Lowell, MA 01854 or by calling (978)934-3560.

The UMLPD Daily Crime Log is available at the University Police Department located at University Crossing, 220 Pawtucket Street, Suite 170, Lowell, MA 01854.

Specific Information about Classifying Crime Statistics

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

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

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

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

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

The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of people who are referred to the Judicial System in the Office of Student Affairs.

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

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

Criminal Offenses and Crime Statistics

LOWELL CAMPUS

OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Murder/Non Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Rape	2018	9	3	0	12	7
	2017	3	1	0	4	3
	2016	3	1	0	4	3
Fondling	2018	1	0	0	1	1
	2017	3	1	0	4	3
	2016	4	2	0	6	3
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	0	0	1	1	0
	2017	0	0	4	4	0
	2016	0	1	1	2	0
Aggravated Assault	2018	1	1	0	2	0
	2017	1	0	1	2	1
	2016	0	6	1	7	0
Burglary	2018	1	0	0	1	1
	2017	1	1	0	2	0
	2016	3	0	0	3	0
Motor Vehicle Theft	2018	1	0	0	1	0
	2017	0	1	2	3	0
	2016	1	0	2	3	0
Liquor Law Arrests	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	3	3	0
Drug Law Arrests	2018	3	2	0	5	2
	2017	1	4	0	5	0
	2016	0	1	2	3	0
Weapons Law Arrests	2018	0	0	0	0	0
	2017	0	0	2	2	0
	2016	0	0	1	1	0
Liquor Law Violations Referred for Disciplinary Action	2018	150	0	0	150	145
	2017	213	2	2	217	209
	2016	216	0	0	216	214
Drug Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	2	1	0	3	2

OFFENSE (Crimes Reported By Hierarchy)	YEAR	ON CAMPUS	NON-CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0	0
	2017	1	0	0	1	1
	2016	0	1	0	1	0

OFFENSE (Crimes Not Reported By Hierarchy)	YEAR	ON CAMPUS	NON-CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES*
Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Domestic Violence	2018	4	1	0	5	3
	2017	1	0	2	3	1
	2016	5	0	1	6	3
Dating Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Stalking	2018	1	0	0	1	0
	2017	7	0	0	7	3
	2016	1	0	0	1	1

**Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

As a result of the 2013 Reauthorization of the Violence Against Women Act, institutions are now required to report unfounded statistics in the crime statistics chart. There were a total of 2 unfounded crimes in 2016, 2 in 2017 and no unfounded crimes in 2018 at the Lowell Campus.

HAVERHILL CAMPUS:

OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON-CAMPUS	PUBLIC PROPERTY	TOTAL
Murder/Non Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL
Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Fondling	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Incest	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	2018	0	0	0	0
	2017	0	0	1	1
	2016	0	0	0	0
Aggravated Assault	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Burglary	2018	0	0	0	0
	2017	0	0	0	0
	2016	3	0	0	3
Motor Vehicle Theft	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Liquor Law Arrests	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Drug Law Arrests	2018	0	0	3	3
	2017	0	0	0	0
	2016	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2018	0	0	0	0
	2017	1	0	0	1
	2016	0	0	0	0

OFFENSE (Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL
Weapons Law Violations Referred for Disciplinary Action	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

OFFENSE (Crimes Not Reported By Hierarchy)	YEAR	ON CAMPUS	NON- CAMPUS	PUBLIC PROPERTY	TOTAL
Arson	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Domestic Violence	2018	1	0	0	1
	2017	0	0	0	0
	2016	0	0	0	0
Dating Violence	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Stalking	2018	0	0	0	0
	2017	0	0	0	0
	2015	0	0	0	0

As a result of the 2013 Reauthorization of the Violence Against Women Act, institutions are now required to report unfounded statistics in the crime statistics chart. UMass Lowell had no unfounded crimes at the Haverhill Campus in 2016, 2017 or 2018.

Hate Crime Statistics

LOWELL CAMPUS:

2018~ There were no reported hate crimes.

2017~ There were no reported hate crimes.

2016~ There were no reported hate crimes.

HAVERHILL CAMPUS:

2018~ There were no reported hate crimes.

2017~ There were no reported hate crimes.

2016~ There were no reported hate crimes.

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

Definitions of Reportable Crimes

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

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

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

22: Rape

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

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

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

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

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

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

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

1) Felony or misdemeanor crimes of violence committed—

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

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

Massachusetts General Law also defines Domestic Violence under the statute contained in Ch. 209A § 1

Domestic Violence Definitions

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

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

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

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

“Family or household members”, persons who:

- (a) are or were married to one another;
- (b) are or were residing together in the same household;
- (c) are or were related by blood or marriage;
- (d) having a child in common regardless of whether they have ever married or lived together; or
- (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

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

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

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

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

MGL c. 265 s.13M:

Assault & Battery on a family or household member

(a) Whoever commits an assault or assault and battery on a family or household member shall be punished by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not more than \$5,000, or both such fine and imprisonment.

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

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

- i. are or were married to one another;
- ii. have a child in common regardless of whether they have ever married or lived together
OR
- iii. are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors:
 - The length of time of the relationship;
 - The type of relationship;
 - The frequency of interaction between the parties;
 - Whether the relationship was terminated by either person;**AND**
 - The length of time elapsed since the termination of the relationship.

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

ordered or unless the batterer's intervention program determination determines that the defendant is not suitable for intervention.

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

1) who is or has been in a social relationship of a romantic or intimate nature with the victim and

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

For the purposes of this definition-

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

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

Dating violence is not defined specifically in Massachusetts General Law.

■ **Stalking:** The term "stalking" means

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

(i) fear for the person's safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

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

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

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

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

that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

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

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

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

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

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

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

apply to any person seventeen years of age or over charged with a violation of this subsection. The provisions of section thirty-one of chapter two hundred and seventy-nine shall not apply to any person convicted of violating any provision of this section.

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

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

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

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. The University of Massachusetts Lowell is required to report statistics for

hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex assault (rape, fondling, statutory rape and incest), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

- **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

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

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

Geography definitions are taken directly from the Clery Act

- **On-Campus-Defined as:** 1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institutions educational purposes, including residence halls; and 2. Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
- **Non-Campus Building Or Property-Defined as:** 1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institutions educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property-Defined as:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

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

For a list of all buildings and properties owned or controlled by UMass Lowell and addresses for these buildings/properties, please go to: <http://www.uml.edu/maps>

All policy statements in this Annual Security Report apply to the Haverhill Campus unless otherwise stated in the report.

Section 7: Fire Safety Report

Annual Fire Safety Report

The federal Higher Education Opportunity Act of 2008 includes provisions known as the Campus Fire Safety Right-to-Know Act. These provisions require colleges and universities to report fire safety information to the U.S. Department of Education, and to make annual fire safety reports available to the public and the campus community.

The complete Annual Fire Safety Report is available at:
<http://www.uml.edu/EEM/Life-Safety-Systems/default.aspx>



We hope that you have found this information beneficial. We invite your questions, concerns, and suggestions. You may visit our website for contact information, or email the UMLPD at Police@uml.edu.