



**Mount Wachusett
Community College**

444 Green Street, Gardner, MA 01440-1000

POLICY STATEMENT ON:

CAMPUS SEXUAL ASSAULT POLICY AND PROCEDURES

Department of Human Resources and Affirmative Action

Mount Wachusett Community College is committed to providing an atmosphere for learning that is free of any conduct that could be considered harassing, abusive, disorderly, or criminal. In order to assure that the College meets its obligation to all members of the college community, the procedures and programs set forth on the following pages have been established. Copies of these procedures are available in the offices of the Vice President's, Division Chairs, Counseling Staff, Library, Department of Human Resources and Affirmative Action, and the Office of Public Safety and Security.

Section 1: Policy

Sexual assault is a criminal offense. Sexual assault in any form, including acquaintance rape, will not be tolerated.

Sexual assault, as defined in the Federal Bureau of Investigation's Uniform Crime Reporting System, and as cited in the campus security act, includes forcible and non-forcible offenses.

Forcible offenses are defined as any sexual act directed against another person, forcible and/or against the person's will; or not forcible or against the person's will where the victim is incapable of giving consent. Forcible offenses include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling (see appendix A for definitions).

Non-forcible sex offenses are defined as "unlawful, non-forcible sexual intercourse." Non-forcible sex offenses include: incest and statutory rape (see appendix A for definitions).

The Crime Awareness and Campus Security Act of 1990, Section 485 (f) (1) (F) of 20 U.S.C. 1092 (a) (1) (Public Law 1010-542) requires that the College collect information with respect to sexual assault on a campus and, beginning in September 1993, include such information in an annual security report. The Higher Education Amendments of 1992 (Public Law 102-325) provide further that, as part of the annual security report, the college shall include, develop, and distribute a statement of policy regarding the college's sexual assault programs and the procedures to be followed once a sex offense has occurred.

When an allegation of sexual assault is made, the College will inform the alleged victim as to his or her rights to pursue criminal prosecution under the Massachusetts criminal statutes. In addition, appropriate campus disciplinary action may be pursued. Sanctions for sexual assault violations may include, in addition to criminal charges, suspension, dismissal, or expulsion from the College.

All allegations of sexual assault will be handled confidentially and will be investigated. Both the accuser and the accused will have equal opportunity to appeal under due process.

Section II: Prevention

Realistically, the crimes of rape and sexual assault cannot be totally eliminated from our society as a whole. Through the adoption of well-planned, pro-active prevention measures coupled with sexual assault education and awareness programs, however, we can reduce or minimize the number of these crimes on campus. These measures may include consideration of the following:

A. Security and Maintenance Measures

1. Mount Wachusett Community College will periodically examine its *grounds keeping* practices from a security perspective. It will assess outdoor facilities and major campus pathways with respect to plant growth and debris that may materially detract from security.
2. Mount Wachusett Community College will systematically monitor, on a regular basis, the adequacy and operation of its indoor and outdoor lighting. The monitoring system will include a program to replace defective or burned-out lights as soon as possible after being reported.
3. Mount Wachusett Community College has installed emergency telephones on every floor as well as three outside locations and will maintain and monitor procedures to insure that access to office, building, and master keys are adequately and appropriately restricted. Master keys will only be issued on the basis of clearly defined needs.
4. Mount Wachusett Community College will explore the possibility of installing emergency telephones/call boxes or electronic security devices in strategic locations on campus.
5. Mount Wachusett Community College provides an escort service for students and employees as necessary or by request.
6. Mount Wachusett Community College has an established pattern of effective communications and relations with the state and local police. Mount Wachusett Community College will develop a formal agreement with the state and local police departments that clarifies respective roles, jurisdictions, and the circumstances in which each is to advise and/or assist with security and law enforcement matters.
7. The key element in a comprehensive rape prevention program is the maintenance of an alert and effective office of public safety and security/campus police or law enforcement presence. The Mount Wachusett Community College officers will be trained in the

effective sexual assault prevention and response. Their general orientation will be towards positive, pro-active crime prevention and sensitivity to balancing law enforcement demands and the unique needs of victims.

B. Educational Programs

The College provides an excellent opportunity to educate men and women about human relations, living together, competition and fair play, human sexual education and awareness information should be provided to each member of the college community. To that end, Mount Wachusett Community College counseling staff will provide a comprehensive sexual assault education and awareness program in place and available to all students, faculty and staff.

Education will be provided through appropriate programs and educational booklets, and may include:

1. orientation programs
2. staff development/employee training, including contracted staff
3. student and employee handbooks
4. campus media, i.e., newsletters, newspapers, electronic bulletin boards
5. seminars, workshops, pamphlets and posters addressing specific issues, such as sexual assault, acquaintance rape, sexual harassment, self-protection for men and women, crime reporting; and domestic violence
6. self protection classes
7. individual responsibility for crime prevention and personal safety
8. R.A.D. (Rape Aggressive Defense) training is provided free to students.

Materials and programs will be designed specifically for the Mount Wachusett Community College campus, and will be developed in conjunction with off-campus authorities or may be pre-published, pre-packaged, or offered in conjunction with off-campus authorities.

- National Safety Council
- local law enforcement agencies
- criminal justice programs
- rape crisis centers
- American College Health Association
- Massachusetts Chapter of the National Safety Council

Unfortunately, in spite of all our efforts, some rapes and sexual assaults may still occur. It would be overly optimistic to think we can eliminate all such incidents. When a rape or sexual assault

is reported to campus authorities, it is critically important that the victim's welfare is paramount and that she or he is not victimized again by the system. This policy establishes procedures to follow in the event a rape or sexual assault occurs on campus. To insure proper attention and action, these procedures must be followed.

Section III: Procedures in the Event a Sexual Assault Occurs

Reporting Procedures

Introduction

An effective response to a report or incident of sexual assault on campus necessarily involves a number of offices and individuals concerned with the physical and emotional security of students, employees, and visitors. The procedures outlined below focus primarily on the roles of: (1) campus police in addressing incidents/reports of sexual assault; (2) faculty, staff and students making reports; and (3) the Designated College Official's involvement in these procedures.

I. Public Safety and Security/Campus Police

1. If a sexual assault is reported to or discovered by public safety and security/campus police, the following procedures must be followed:
 - a. If immediate medical attention is necessary or requested, campus police shall first call emergency medical services. This should be done even when the victim states that he/she does not want medical services as the person may be in shock or otherwise not competent to make such a decision.
 - b. The campus police officer should call a MWCC counselor to be present or, if no MWCC counselor is reachable, call the rape crisis hotline (1-800-970-5905) before gathering any information.
 - c. The Mount Wachusett Community College campus police officer should gather the following information on the Sexual Assault Information Report Form (Appendix B):
 - I. Name, address, telephone number;
 - II. Where and when the sexual assault occurred;
 - III. The location of the victim;

- IV. A brief description of what happened to the victim;
 - V. Name (if known) and description of the individual who committed the assault (include, if possible, sex, race, height, weight, clothing, build, hair color, and facial oddities);
 - VI. Location of the individual who committed the assault, if known, or description of where the individual went after committing the assault;
 - VII. Description of the vehicle in which the assailant left (if applicable and known, include make, model, year, color and license number) and the direction of travel.
2. If there is the potential for the immediate apprehension of the assailant, the campus police officer should call the state and/or local police next.
 3. If immediate apprehension is not likely, the campus police officer shall then call the Chief of Public Safety and Security/Designated College Official (DCO) or appropriate designee. The Chief of Public Safety and Security or her designee shall determine whether to call the local and/or state police.
 4. The campus police officer will advise the victim of the importance of preserving evidence. This means that no matter how uncomfortable this may be for the victim, he/she should not clean himself/herself, etc. If the victim requires non-emergency medical treatment, the campus police officer should nonetheless guide the victim to medical services and/or rape crisis services. The campus police officer shall provide the victim with a copy of the Victim Information Sheet (Appendix C), if possible.
 5. The campus police officer should refer all media inquiries to the Chief of Public Safety and Security/DCO or her designee.
 6. The campus police officer shall file a detailed report on the incident using the **Sexual Assault Information Report Form** (Appendix B) before the end of the shift in which the incident occurred.

II. MWCC Students and Staff

Any MWCC student or staff member who receives a report of, or discovers a possible sexual assault on campus, shall immediately report this to the appropriate campus services dependent upon the nature of the situation:

In Emergency Situations: Dial 111 to receive immediate response from campus police and health services. Stay with the victim in a safe place that allows for privacy. Do not leave the victim and, if possible, send someone to get additional support.

In Non-Emergency Situations: Remain with the victim and discuss the possible options for services including campus police, health services, counseling services, Vice President of Student Services and Enrollment Management, etc.

All reports, whether emergency or non-emergency, must ultimately be reported to the Chief of Public Safety and Security and the Executive Vice President.

The safety and care of the victim should be of the utmost importance in dealing with persons having experienced a sexual assault. Great care should be given in making the victim is comfortable as possible, and, in providing an understanding and safe environment as the necessary procedures are implemented. It is extremely important that these procedures are followed to insure that appropriate medical and administrative services be provided. Students and staff should utilize the Quick Reference Sheet for Assisting Victims of Sexual Assault (Appendix D) in assuring the proper care of the victim. The campus police will then be responsible for implementing the procedures specified in Section I, above.

III. The Designated College Official – Chief of Security and Executive Vice President

- a. The Chief of Public Safety and Security and the Executive Vice President or her designee shall be responsible for insuring that all College policies and procedures are followed.
- b. The Vice President of Advancement and Community Relations or her designee shall be the designated spokesperson for all media inquires.

Section III: Procedures in the Event a Sexual Assault Occurs Continued

- c. The Chief of Public Safety and Security and the Executive Vice President or her designee shall contact the Vice President of Student Services and Enrollment Management in instances where students are involved. The Vice President of Students Services and Enrollment Management shall determine whether College disciplinary action should be initiated.
- d. Whether the victim is a student or an employee, the Chief of Public Safety and Security and the Executive Vice President or her designee shall inform the victim of the following:
 - i. *the option of notifying proper law enforcement authorities, including on-campus and local and/or state police, and the option to be assisted by campus authorities in notifying such authorities, if the student or employee so chooses;*
 - ii. *existing counseling, mental health or student or employee services for victims of sexual assault, both on campus and in the community.*
 - iii. *the options for, and available assistance in, changing academic, work, and, or living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.*

Disciplinary Procedures

1. The college and/or the alleged victim may initiate College disciplinary action against the person accused of rape, or other sex offenses, forcible or non-forcible. Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, or other sex offenses, forcible or non-forcible. Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding

rape, acquaintance rape, or other sex offenses, forcible or non-forcible, include the following: warning, probation, suspension, dismissal for an indefinite period, permanent dismissal, restitution, special assignments, and restriction or revocation of privileges.

2. If on-campus disciplinary action is instituted, the College shall follow its disciplinary procedures as outlined in the MWCC Student Handbook or appropriate Collective Bargaining Agreements and Personnel Policies Handbook.

These procedures shall include the following:

- a. The disciplinary hearing shall take place, soon as possible, after the accuser has filed the initial report.
- b. The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.
- c. Both the accuser and the accused shall be informed of any outcomes of any campus disciplinary proceedings brought forth, alleging a sexual assault.

Appendix A

❖ Definitions of Forcible Sex Offenses

Forcible sex offenses are defined as “any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will when the victim is incapable of giving consent.” Forcible offenses include:

- A. **Forcible Rape:** the carnal knowledge of a person forcibly and against that person’s will; nor not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical capacity.
- B. **Forcible Sodomy:** oral or anal sexual intercourse with another person, forcible and/or against the person’s will; nor not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical capacity.
- C. **Sexual Assault with an Object:** to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person’s will; nor not forcibly or against the person’s will, where the victim is incapable of giving consent because of his/her youth, or, because of his/her temporary or permanent mental or physical incapacity.
- D. **Forcible Fondling:** the touching of the private parts body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

❖ Definitions of Non-forcible Sex Offenses

Revised 7/13/2009

Non-forcible sex offenses are defined as “unlawful, non-forcible sexual intercourse.”

Non-forcible sex offenses include:

- A. **Incest:** non-forcible sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.
- B. **Statutory Rape:** non-forcible sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts).