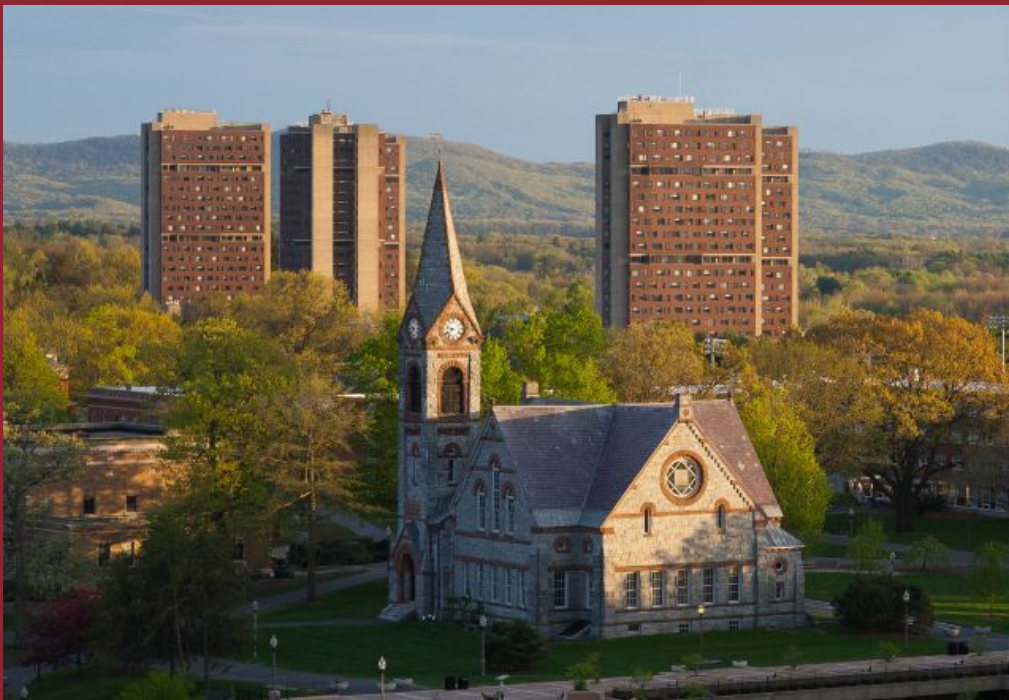


UMASS AMHERST



University of Massachusetts Amherst Annual Security Report for 2014

Published in the Year 2015

Message from the Chief

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

The University of Massachusetts Amherst Police Department is a full service police department with 60 sworn officers. Our officers receive municipal police academy training and have full authority to enforce the laws of the Commonwealth. We have built a strong tradition of effective crime fighting, traffic management and community outreach. The University has made significant investments in technology and emergency notification systems to ensure the safety of our students, community members, and visitors.

The University of Massachusetts Amherst Police Department has been accredited by the Massachusetts Police Accreditation Commission since 2011, and less than two years later, in November of 2012, was accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). These achievements serve as a testament to the high degree of professionalism of department members and their commitment to professional standards in policy and practice.

Ensuring the safety and security of our community requires the work of more than one group – we work in close partnership with many on-campus agencies such as the Dean of Students Office, Environmental Health and Safety, and the Center for Women and Community, just to name a few. The work of many of these agencies is detailed in this report.

We invite your questions, concerns, and suggestions. You may visit our website for contact information, or email me at umpd@admin.umass.edu.

Recognizing it takes a university community to grow scholars, we believe every member of the campus community has shared accountability for the success of the University of Massachusetts Amherst. As such, we are honored to participate in the academic process.

Sincerely,

Patrick Archbald
Interim Chief of Police

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Section 1 – Introduction

Introduction

The UMPD 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 Amherst; 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.

This report is available online at <http://www.umass.edu/umpd/pdf/ASR.pdf>. It is prepared in cooperation with local law enforcement agencies and with the assistance of many on-campus entities, including the Office of Student Affairs and Campus Life and the Center for Women and Community (formerly Everywoman’s Center, EWC). 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 UMPD, designated campus officials and local law enforcement agencies.

Each year, an email notification is made to all enrolled students, faculty and staff. This notification provides information on how to access the Annual Security Report online.

Copies of this report may also be obtained at the University Police Department located at 585 East Pleasant Street or by calling UMPD at (413) 545-2125. All prospective employees may obtain a copy from the Human Resources Office in the Whitmore Administration Building, Room 167, or by calling (413) 545-1396.

Statement of Policy for Addressing Campus Law Enforcement Authority and Jurisdiction

The University of Massachusetts Amherst is the flagship campus of the UMass system. With a population of over 35,000 including 14,000 resident students, UMass Amherst 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.

To combat crime and ensure public tranquility, the University of Massachusetts Amherst Police Department is a visible part of campus life. UMPD is organized, trained, and equipped to provide progressive law enforcement and emergency services to our community.

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, the University of Massachusetts Amherst Police Department participates in a multi-jurisdictional mutual aid pact with numerous cities and towns throughout Western Massachusetts, which gives UMPD officers the authority to take police action in those jurisdictions while on duty. Each department augments the other within their jurisdiction during mutual responses, investigations, arrests and prosecutions. It is a regular practice for UMPD to work together with our local law enforcement agencies

such as the Amherst Police Department and the Hadley Police Department, among others, on investigations that may cross jurisdictional boundaries. Local police and the University police attend weekly meetings with the Dean of Students' Office to exchange ideas and concerns of interest to both communities.

The University of Massachusetts Amherst Police Department operates 24 hours per day, seven days a week, providing all patrol, investigative, specialized, and emergency response, as well as crime prevention and educational services at the University of Massachusetts Amherst campus. University of Massachusetts Amherst police officers attend the municipal police training academies located throughout the Commonwealth. UMPD is amongst the best qualified, motivated, supervised, and led 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.

By mutual agreement with state and federal agencies, UMPD maintains a Criminal Justice Information Services terminal which provides department personnel with access to 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 sworn personnel and support staff of the University of Massachusetts Amherst Police Department are dedicated to ensuring that the Amherst campus 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 University of Massachusetts Amherst Police Department works in collaboration with state and federal law enforcement agencies on an ongoing basis.

Feel free to contact us for routine business or if you have any questions, concerns, or suggestions regarding the University of Massachusetts Amherst Police Department. You may call the UMPD at (413) 545-2121, or stop by and talk with us at our headquarters at 585 East Pleasant St., Amherst, Massachusetts 01003. You may also contact us with general questions via e-mail at umpd@admin.umass.edu





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

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the University of Massachusetts Amherst Police Department in a timely manner including when the victim elects to, or is unable to, make such a report.

To report a crime or an emergency from an on-campus phone, call UMPD at extension 5-2121 or, from outside the University phone system at (413) 545-2121. When using a cell phone, please remember that 911 will reach the State Police who then must transfer the call to UMPD. UMPD recommends pre-programming of cell phones with the UMPD dispatch number (413-545-2121). Dispatchers are available 24 hours a day, 7 days a week, to answer your call. UMPD officers respond to all requests for service and are the investigating authority for all crimes on campus. In addition to investigating crime reports, UMPD will, when deemed necessary, refer reports to the appropriate office (ex. Dean of Students Office, Office for Equal Opportunity and Diversity) or jurisdiction for review or disciplinary action.

As an added security measure, 130 emergency "HELP" phones are located at strategic points on campus. These phones are easily identified by their yellow boxes topped with blue lights. When the red emergency button is pushed, the caller is in immediate contact with the UMPD. In addition to providing voice contact with a police dispatcher, HELP 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 may also be reported anonymously at: <http://www.umass.edu/umpd/anonymouswitness> or

- Online at: <http://www.umass.edu/umpd/lead/start-report.html>

Crimes should be reported to UMPD for the purpose of assessing the incident for issuance of a Timely Warning Notice and for including the incident in the annual statistical disclosure. The following link lists our Campus Security Authorities (CSA), who are available to all community members for reporting of these crimes: <http://www.umass.edu/umpd/crimereporting/csa/>.

To report a crime that occurs at an off-campus location, contact the appropriate local police department. In the case of an emergency it is always best to dial 911 and follow the procedures outlined above. For the purpose of reporting a crime to the Amherst and Hadley police we include the business numbers for those departments, as well as other UMPD contacts below. UMPD staff will assist students with notification to local police agencies if requested.

Contact	Number
EMERGENCY	911
Director/Chief of Police	(413) 545-2125
Non-Emergency Dispatch	(413) 545-2121
Community Outreach Unit	(413) 545-9461
Amherst Police Department	(413) 259-3000
Hadley Police Department	(413) 584-0883

Other on-campus resources available to provide assistance to the victim or witness of a crime include:

Contact	Number
Dean of Students Office	(413) 545-2684
Center for Women & Community(formerly EWC)	(413) 545-0883
Center for Women & Community (24 Hour Crisis Hotline)	(413) 545-0800
Residential Life	(413) 545-1964
TIPS line	(413) 577-TIPS
Title IX Coordinator	(413) 545-3464

This publication contains information about on- and off-campus resources and is made available to all UMass Amherst community members. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for UMass Amherst. Crimes should be reported to the UMass Amherst Police Department to ensure a police response, providing a timely warning notice and inclusion in the Annual Security Report.

Policy Addressing Limited Voluntary Confidential Reporting

It is the policy of the University of Massachusetts Amherst that all crimes should be reported to the University of Massachusetts Amherst Police Department. Anyone who is the victim or witness to a crime

on campus is encouraged to promptly report the incident to the UMPD. Police reports are public records under state law, and therefore, the University of Massachusetts Amherst Police Department cannot hold all reports of crime in confidence. All reports of crime will be investigated by UMPD. When appropriate, violations of the law will be referred to the Dean of Students Office for review, as well as to the campus Title IX Coordinator.

Due to the sensitive nature of certain types of crime, victims of sexual assault, domestic/dating violence and stalking may choose to confidentially report crimes to the Center for Women and Community, Center for Counseling and Psychological Health (CCPH) or the University Health Services (UHS). 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 are counted and disclosed in the annual crime statistics for the institution. Reporting procedures applicable to allegations of sexual assault, dating/domestic violence and stalking are further discussed later in this report and can be found at the University Title IX Webpage: www.umass.edu/titleix/.

When a potentially dangerous threat to the University community arises, alerts will be issued to notify individuals of the threat in a timely manner. These alerts will also inform the community of any recommended action to be taken. (See Timely Warning Policy in Section 2).

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 UMPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night. Use the UMass Walking Escort service, available every night 7pm-3am. Call 413-545-2123 to schedule.
- 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 UMPD or APD 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 and Evacuation

Statement of Policy 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 in 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), involving any incidents that have occurred on or near campus, 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 University of Massachusetts Amherst Police Department is responsible for issuing Crime Alerts in compliance with the *Clery Act*. In the event of a reported crime which may pose a serious or on-going threat to members of the UMass-Amherst community, these alerts are written by UMPD Dispatchers and Command staff members, and issued to keep the campus community informed about safety and security matters. The decision to issue a Crime Alert is made on a case-by-case basis in light of all the factors surrounding an incident, including factors such as the nature of the crime, the continuing threat to the campus community, whether UMPD received a report of the crime in a timely manner, and the possible risk of compromising law enforcement efforts. Crime Alerts are typically issued for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, and criminal homicide, robbery, and sex

offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by UMPD.

For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other UMass-Amherst community members and a Crime Alert would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, and 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 UMPD. Crime Alerts may also be posted for other crime classifications as deemed necessary. To issue a Crime Alert the University police informs the campus community via a campus-wide email which is addressed to students, faculty and staff. This email indicates that a Crime Alert has been issued and may provide a link to the University of Massachusetts Amherst Police Department Crime Alert web page at <http://www.umass.edu/umpd/alerts/ca>. Additionally, a copy of this notice is posted in all affected residence halls.

In addition to these Crime Alerts, UMass Amherst is able to issue campus-wide alerts via text-messaging and e-mail, to the campus community in the event of an imminent or ongoing threat to the community. UMass campus-wide alerts are disseminated, campus-wide, with the goal of notifying as many people as possible, as rapidly as possible (i.e., active threats, bomb threats, or a dangerous chemical spill, etc.) Text Alerts are sent to individuals who subscribe to UMass campus-wide alerts.

All students, faculty and staff are encouraged to sign up to receive these notices by going to <https://spire.umass.edu/>. To learn more about the program please go to <http://www.umass.edu/alerts/>. Individuals with disabilities are encouraged to contact either the Office of Disability Services at (413) 545-0892 or the OIT Help Desk at (413) 545-9400 for assistance in subscribing to Campus Alerts.

Notification to the University Community About an Immediate Threat

All members of the University community are strongly encouraged to notify UMPD 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. UMPD 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, UMPD 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.

In the event of an emergency situation that poses an immediate threat to the health and safety of the members 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 campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone or other device (individuals can sign up for this service at www.umass.edu/alerts/) and outdoor sirens and PA system. In the event a situation requires the activation of the University’s emergency notification system, updates may be sent using some or all of the communication systems described above and will be available on the UMass Amherst Alerts web site (www.umass.edu/alerts/)

The University of Massachusetts Police Department receives information from various offices/departments on campus. If UMPD confirms, usually in conjunction with key administrators on campus, local first responders and/or the national weather service (this group typically includes the UMPD Chief/Deputy Chief, the Amherst Fire Department Chief, UM Environmental Health and Safety, and UM Emergency Management staff) 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, UMPD will collaborate with these

partners when appropriate to determine the content of the message. UMPD will use some or all of the notification systems 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. UMPD will, without unnecessary delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing notification will compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

All students, faculty and staff are encouraged to sign up to receive these notices by going to <https://spire.umass.edu/>. To learn more about the program please go to <http://www.umass.edu/alerts/>. Individuals with disabilities are encouraged to contact either the Office of Disability Services at (413) 545-0892 or the OIT Help Desk at (413) 545-9400 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					
Network E-mails	Police Command Staff	Dispatcher/ Deputy Chief	Police Command Staff	Dispatcher	Deputy Chief
Emergency Text Messages	Dispatcher/Police Command Staff	Dispatcher/ Deputy Chief	Police Command Staff	Dispatcher	Deputy Chief
Secondary					
Outdoor Sirens	Dispatcher/Police Command Staff	Dispatcher/ Deputy Chief	Police Command Staff	Dispatcher	Deputy Chief
PA Systems	Dispatcher/Police Command Staff	Dispatcher/ Deputy Chief	Police Command Staff	Dispatcher	Deputy Chief
Fire Alarm Systems	EH&S	EH&S	Police Command Staff	Dispatcher	EH&S
Face-to-face communication*	Police Command Staff	Police Command Staff	Police Command Staff	Police	Building Coordinator

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

Statement of Policy Regarding Immediate Emergency Response and Evacuation Procedures

University Departments are responsible for developing contingency plans and continuity of operation plans for their own staff and areas of responsibility. The University Police and EH&S (Environmental Health & Safety) conduct announced or unannounced emergency response exercises each year, such as 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.

All UMPD officers have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to campus, the first responders to the scene are usually the UMPD, EH&S and AFD (Amherst Fire Department) who typically respond and work together to manage the incident. 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 the University is publicized each year as part of the University's Clery Act compliance effort and that information is available on the UMPD website. Detailed information about, and updates on, Emergency Alerts are available on the website at www.umass.edu/alerts/.

Procedure for Testing Emergency Response and Evacuation

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At UMass Amherst, 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.

An evacuation drill is coordinated by Environmental Health and Safety (EH&S) each semester for all residence halls on campus. Thus, the emergency response and evacuation procedures are tested at least twice each year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each residence for a building evacuation. EH&S does not tell residents 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. In both cases EH&S and Residential Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The Residential Life Staff members are trained in evacuation and shelter-in-place procedures and act as an on-going resource for the students living in residential facilities.

EH&S conducts announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. EH&S 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.

UMPD performs Active Threat drills and exercises for all police officers. Officers also provide Active Threat presentations to faculty, staff and students. 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.

The University conducts table top and real time exercises as to test emergency preparedness, Business Continuity and Disaster Recovery Plans, often in conjunction with agencies in the local community.

Active Threat Guidelines

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.

If you can evacuate the building

1. Try to stay calm and determine the location of the threat.
2. Call 911 as soon as possible, although escaping is your priority.
3. If a safe exit does exist, take it as quickly as possible.
4. Continue running until you are well cleared from the location of the threat. Find a safe location and call 911 to tell the police of your location.

If the only exit is through a window, consider the consequences of the fall:

- How high are you from the ground?
- Can you land in shrubs or grass to decrease the potential for serious injury?
- Can you make an improvised rope out of clothing, belts or other items?

If you cannot evacuate the building

1. Try to stay calm and determine the location of the threat.
2. Take shelter in the nearest office, classroom, closet or other area which can be secured. Barricade the door using desks, bookshelves, or other heavy objects. If the door opens outward, attach one end of a belt to the door handle and the other end to a heavy object.
3. If the door has a window, cover it.
4. Look for other possible escape routes, such as windows, other doors.
5. Call 911 and tell them what is happening. Speak quietly and then set your cell phone to vibrate or silent.
6. Stay low to the ground and remain as quiet as possible.
7. Once in a secure location, do not open the door for anyone. Do not approach police officers as they attempt to locate and neutralize the threat. The police officers will return to assist you once the threat has been neutralized.
8. When University Police arrive, obey all commands. You may be asked to keep your hands in the air, you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

If an active threat is in your presence

If you are in a crowded room and the threat is shooting, “play dead” or quietly crawl to safety.

If you are with a group, as an action of last resort, you might choose to take the offensive:

1. If the shooter is entering the room, position yourself in a location that allows for an element of surprise.
2. Throw anything available at the threat. Aim for the face to distract him/her.
3. Attack as a group, swarming around the threat.
4. Grab the threat’s arms, legs or head and take him/her to the ground. Use body weight to secure him/her.
5. “Fight dirty” – kick, bite, gouge eyes.
6. Have somebody in the group call 911.
7. When University Police arrive, obey all commands. You may be asked to keep your hands in the air, you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

If you have incapacitated the threat

1. Make sure the suspect is secured (body weight, belts, etc.)
2. Move any weapons away from the threat.
3. Do not hold a weapon.
4. Call 911 and advise law enforcement that the threat/shooter is down.
5. Provide your location and stay on the line if possible.
6. When University Police arrive, obey all commands. You may be asked to keep your hands in the air, you may even be handcuffed until the police assess the situation. These steps are taken for safety reasons.

If you are interested in training on this topic for your office or group, contact Deputy Chief Ian Cyr of the UMPD at (413) 545-2121 or e-mail him at ipc@admin.umass.edu.

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 UMPD, Housing Staff members, other University employees, federal or local government officials, local police agencies, 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 (House Staff, faculty, or other staff) to call the list in to UMPD 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.

Section 3- Campus Facilities

Statement of Policy for Addressing Security and Access

The University's Physical Plant Department maintains all the University building 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.

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. Many cultural and athletic events held in University facilities, such as the Mullins Center, the Campus Center, and the Fine Arts Center, are open to the public. Other facilities such as the bookstore, libraries, and restaurants 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. Academic buildings are not monitored by police or security personnel. Only a limited number of academic buildings have security cameras. University police provide random patrols of all non-residential facilities 24 hours a day.

All University of Massachusetts Amherst residence halls are locked 24 hours per day. Residence Hall Security student personnel staff the lobbies from 8:00 P.M. to 12:00 A.M. on weekdays and from 8:00 P.M. to 3:00 A.M. on weekends. UMPD officers conduct patrols of the exterior areas of the residence halls, and check in regularly with the Residential Life staff members within the residence halls. Additionally, UMPD Cadet officers are assigned to residence hall lobbies on weekend nights to support the Residence Hall Security staff.

Maintenance of Campus Facilities

Working with representatives from Facilities and Campus Planning, Physical Plant, the Vice Chancellor for Student Affairs and Campus Life, and Residential Life, University of Massachusetts Amherst Police Department staff strive to enhance security for campus facilities with the 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.

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

Additionally, in conjunction with the Physical Plant, Residential Life, Student Affairs and Campus Life, and the Student Government Association, the University of Massachusetts Amherst Police Department conducts an annual safety walk – "Walk for Light" – to highlight and address areas of potential concern.

Family Housing

North Village, our on-campus family housing complex, is patrolled by the University of Massachusetts Amherst Police Department. Crime prevention programs and information are offered to residents.

Off-Campus Residences

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. Resources for off-campus students are available

through the Office of Family Resources, 428 Student Union, (413) 545-0865, and Off Campus Student Services, 314 Student Union at <http://www.umass.edu/studentlife/community/off-campus/ocss> (413) 577-1005.

Sorority and Fraternity houses are off-campus housing; officially recognized Sorority and Fraternity houses are considered “Non-Campus” property for the purposes of Clery reporting. These residences fall under the jurisdiction of the Town of Amherst Police Department. To report a crime call the non-emergency number, (413) 259-3000; in the event of an emergency dial 911.

Statement of Policy Addressing Safety and Security in the Residence Halls

The Residence Hall Security Program is a division of the University of Massachusetts Amherst Police Department which provides security during the evening hours in the 52 residence halls and apartment buildings across campus. The program is administered by the Residence Hall Security Manager who collaborates with UMPD and Residential Life to meet the ongoing and special security needs of the residence hall system.

During the academic year, over 200 students are employed as Security Monitors to check residents’ identification and register guests. During vacation periods, security is also provided in the occupied nine-month and year-round halls. All University of Massachusetts Amherst residence halls are locked 24 hours per day. Residence Hall Security personnel staff the lobbies from 8:00 PM to 12:00 AM on weekdays and from 8:00 PM to 3:00 A.M. on weekends.

Beyond their role inside of the residence halls, Residence Hall Security supervisors are on-call to provide the Walking Escort Service to and from any location on campus. Escorts may be requested by calling 5-2123 from any on-campus phone or (413) 545-2123 from any off-campus phone. Residence Hall Security supervisors also serve as an extra set of eyes and ears for the University of Massachusetts Amherst Police Department by reporting unusual conditions, safety or lighting concerns or other issues that require UMPD attention. During special events, Residence Hall Security personnel provide support for the UMPD by assisting with parking and directions during the semi-annual move-in process, and during Commencement each May. Residence Hall Security personnel are responsible for staffing 52 residence halls and apartment buildings, housing over 14,000 students.

The Police Cadets provide another level of security and further strengthen the department’s community policing efforts. These Cadet are trained in police techniques and de-escalation techniques, serve as foot patrol, perform ancillary functions, and free officers for other duties.

Security Cameras

UMPD 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, there are approximately 1,000 security cameras in use; 47% are installed in the residence halls and 53% installed in non-residential buildings. Information about camera use guidelines and locations can be obtained at:

<http://www.umass.edu/umpd/reshallsecurity/cameras/>

Statement of Policy for Addressing Safety and Security Off Campus

The Office of the Vice Chancellor for Student Affairs and Campus Life maintains contact with recognized fraternity and sorority organizations through the efforts of the Director for Fraternities and Sororities. University of Massachusetts Amherst Police Department personnel do not provide law enforcement services to off-campus residences of recognized fraternity and sorority organizations, nor are activities off-campus recognized by university authority. Criminal activity at recognized Fraternity and Sorority residences is monitored and recorded by the Amherst Police Department; as these recognized Fraternities

and Sororities are considered “Non-Campus” locations for reporting purposes, UMPD requests all reports of Clery-mandated crimes from the Amherst Police Department as part of our ongoing collaborative effort.

Statement of Policy for Addressing the Monitoring and Recording of Student Conduct In On and Off-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, our local police departments make every effort to inform the University of off-campus criminal activity involving our students, including at noncampus locations of student organizations officially recognized by UMass Amherst (including noncampus 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.

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 UMPD at (413) 545-2121. Depending on the circumstances, UMPD will generate a missing persons report and initiate an investigation.

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 UMPD in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, UMPD will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the UMASS Spire site. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should UMPD determine that the student has been missing for 24 hours, UMPD will notify the student’s emergency 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, UMPD will notify the student’s parent or legal guardian immediately after UMPD has determined that the student has been missing for 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the law enforcement agency that has jurisdiction in the area where the student is missing must be notified within 24 hours.



Section 4 – Security Awareness and Crime Prevention Programs

Statement of Policy for Addressing Security Awareness and Crime Prevention Programs

The University of Massachusetts Amherst 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. During New Student Orientation, all students and their parents are informed of resources offered by the UMPD. Crime Prevention Programs and Prevention Programs related to Sexual Assault, Domestic Violence, Dating Violence, and Stalking, are offered on a continual basis. Periodically, during the academic year, the University of Massachusetts Amherst Police Department, in cooperation with other University organizations and departments such as the Center for Women and Community and Residential Life, presents crime prevention awareness sessions on sexual assault (rape and acquaintance rape), theft, and vandalism. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others, and to be an active bystander. Information is disseminated to students and employees through residence hall dorm talks, crime prevention posters, security alerts, displays, videos, and articles in student newspapers.

During the 2014 calendar year UMPD sponsored numerous crime prevention and security awareness programs on campus and in the residence halls. These include Residence Hall talks, RAD programs, Active Threat talks with students, faculty and staff, Office Watch programs and others.

The following links to the UMPD website are some specific examples of crime prevention and security awareness programs:

- <http://www.umass.edu/umpd/communityoutreach/>
- <http://www.umass.edu/ewc>
- <http://www.umass.edu/umpd/emergency-preparedness>

Statement of Policy for Addressing Substance Abuse Education

Substance abuse and its related consequences undermine the University of Massachusetts Amherst's goals of academic success and civility. All students/employees at the University of Massachusetts Amherst 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 Amherst 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 code of student conduct, the hazing policy, the alcohol and other drug policies, etc. Copies of these campus regulations are available in the Office of the Dean of Students and on the web at: http://www.umass.edu/dean_students/codeofconduct

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 Code of Student Conduct 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, University apartments, and all other University premises. 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 or otherwise on University property.

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
University Health Services Online: www.umass.edu/uhs	(413) 577-5000
Center for Health Promotion Online: http://www.umass.edu/studentlife/health-safety/chp	(413) 577-5181
BASICS	(413) 577-5071
Collegiate Recovery Communities	(413) 577-5188

Center for Counseling and Psychological Health (CCPH)	(413) 545-2337
Dean of Students Office	(413) 545-2684

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. Individuals may also enlist the assistance of the Center for Health Promotion (CHP), the Center for Counseling and Psychological Health (CCPH), or the University Health Services (UHS) in identifying drug and alcohol rehabilitation programs.

The full text of the University Alcohol and Drug Policy and the Code of Student Conduct can be found at:

<http://www.umass.edu/studentlife/community/standards>

Alcohol and Other Drug Education Programs

BASICS (Brief Alcohol Screening and Intervention for College Students) helps students explore their alcohol and drug use in a non-judgmental environment. The program works to reduce risky behavior and the harmful consequences of substance abuse.

BASICS is required for those found responsible for violating University alcohol and drug policies; program fees apply. Students may also be referred by a healthcare provider, or can choose to take part in the program on their own, at no charge. BASICS is located in the Center for Health Promotion at University Health Services.

Statement of Policy for Addressing Alcohol

The possession, sale or the furnishing of alcohol on the University campus is governed by the University Alcohol Policies and Massachusetts state law. Laws regarding the possession, use, sale, consumption or furnishing of alcohol is controlled by the Department of Alcohol and Beverage Control (ABC); however, the enforcement of alcohol laws on-campus is the primary responsibility of the University of Massachusetts 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 University of Massachusetts 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.

Statement of Policy for Addressing Illegal Drugs

The University of Massachusetts campus has 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 University of Massachusetts Police. Violators are subject to arrest, criminal prosecution, University disciplinary action, fine and imprisonment.

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 Addressing Sexual Assault Prevention and Response

The University of Massachusetts Amherst (“UMass Amherst” or “the University”) 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 Amherst 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 Amherst prohibits the offenses of domestic violence, dating violence, sexual assault and stalking 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’s Policy and procedure prohibiting sexual misconduct visit:
www.umass.edu/titleix

UMass Amherst has always prioritized its efforts to combat sexual harassment and sexual violence by providing both proactive and reactive resources to ameliorate the devastating effects on victim/survivors and on our campus community as a whole. Additionally, the University has a Title IX Coordination Team to further evaluate, coordinate and address sexual harassment and sexual violence on campus.

The Title IX Coordination Team is comprised of members from the Office of Equal Opportunity and Diversity, the Center for Women and Community, the Department of Athletics, the Dean of Students Office, the Center for Counseling and Psychological Health, Residential Life, International Programs, Campus Activities and Involvement (SAI) and the UMass Amherst Police Department. These members meet weekly to review and evaluate specific incidents of sexual harassment and sexual violence to assure resources and responses are holistically coordinated while ensuring that both education and training is provided across the University.

For any questions or to report a Title IX matter you can contact the Title IX Coordinator or one of the Deputy Coordinators listed below:

Members of the UMass Amherst Title IX Team:

The Office of Equal Opportunity and Diversity (EO&D)

Executive Director, Débora D. Ferreira, Title IX Coordinator for the University.

Kelly Burgess, Assistant Director

Office of Equal Opportunity and Diversity (EO&D)

Phone: (413) 545-3464

Email: eod@admin.umass.edu

Dean of Students Office

Patricia Cardoso, Associate Dean of Students for Conduct and Compliance

Phone: (413) 545-2684

Email: doso@umass.edu

Web: http://www.umass.edu/dean_students/

The Center for Women and Community

Becky Lockwood, Associate Director, Counseling and Rape Crisis Services
24 Hour Sexual Assault Crisis Hotline: (413) 545-0800 TTY: (413)-577-0940
Main phone number: (413) 545-0883
Email: ewcmail@admin.umass.edu

University of Massachusetts Amherst Police Department

Brian Henault, Lieutenant
Non-emergency phone: (413) 545-2121
Email: brianh@umass.edu
Web: <http://www.umass.edu/umpd/>

Center for Counseling and Psychological Health (CCPH) (Confidential)

Jessi Bond – Psychiatric Social Worker
Email: jsbond@uhs.umass.edu
Phone: (413) 545-0333
Web: www.umass.edu/counseling

Residential Life

Jean Ahlstrand MacKimmie, Director of Residence Education
William Elum, Assistant Director of Residence Education for Community Standards
Phone: (413) 545-1964
Web: <http://www.housing.umass.edu>

Athletic Department

Jeff Smith, Associate Athletic Director for Student Athlete Enrichment
Phone: 413-577-0244
Email: jbsmith@admin.umass.edu
Web: www.umassathletics.com

Student Activities and Involvement

Michael Wiseman, Director of Greek Affairs
Phone: (413) 545-5176
Email: michaeldwiseman@umass.edu
Web: www.umass.edu/studentlife/involved

International Programs

Kalpen Trivedi, Director for Education Abroad
Phone: (413) 545-5181
Email: ktrivedi@ipo.umass.edu
Web: www.umass.edu/ipo

University Health Services (Confidential)

Dr. George Corey
Phone: (413) 577-5000
Email: gcorey@uhs.umass.edu

A. Definitions

Consent is defined in the University's Student Code of Conduct as informed, freely, and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent may be withdrawn at any time. Consent may never be given by minors (in

Massachusetts, those not yet 16 years of age), persons not legally competent to make their own decisions, and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary), or those who are unconscious, unaware or otherwise physically helpless, or in need of medical attention as a result of alcohol consumption or any other cause. Agreeing to a sexual act as a result of coercion, intimidation, threat of force, or force is not consent.

Provided below are US Department of Education and Massachusetts General Law definitions for the offenses of sexual assault, domestic violence, dating violence and stalking.

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.
- Fondling is defined as the touching of the private 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 non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

Massachusetts’s Criminal 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—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 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 (? #81), any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Massachusetts’s Criminal 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:

Dating violence is not defined specifically in Massachusetts' State criminal law.

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-

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- 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.

Stalking: The term “stalking” means

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

- fear for the person’s safety or the safety of others; or
- suffer substantial emotional distress.

2) For the purposes of this definition—

- 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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’s Criminal 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 education 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:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as Mass. State Law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in Massachusetts and/or using the definition of consent found in the Student Code of Conduct, if state law does not define consent;
- d. 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;
- e. 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.
- f. 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 a robust, 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 academic year 2013-2014:

Name of Program	Date(s) Held	Location Held	Which Prohibited Behavior(s) Covered?
NSO Fair- CWC Services, Volunteer Opportunities & Sexual Violence Prevention Materials	Summer Orientation Program	Tabling/Outreach	DaV; SA
NSO Transfer Fair-CWC Services, Volunteer Opportunities & Sexual Violence Prevention Materials	Summer Orientation Program (Transfer)	Tabling/Outreach	DaV; SA
New Student Orientation Festival	9/1/2013	New Africa House	DaV; SA
Graduate Student Fair	9/3/2013	SUB	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 academic year 2013-2014:

Harassment Prevention for New Faculty and Staff	9/19/13
Title IX and Bias Response (New Res Life Staff)	1/15/14
Harassment Prevention for New Faculty and Staff	2/27/14
Harassment Prevention for New Faculty and Staff	3/27/14
Harassment Prevention for New Faculty and Staff	4/24/14
New Employee Orientation	Held multiple times throughout the year

The University offered the following **ongoing awareness and prevention programs** for students in academic year 2013-2014:

Name of Program	Date(s) Held	Location Held	Which Prohibited Behavior(s) Covered?
Center for Women and Community Open House	9/11/2013	New Africa House	DaV; SA
Join the Dialogue: Violence/Silence	9/16/2013	Student Union 803	DaV; SA
Massachusetts Steps Up: Key Sexual and Domestic Violence Issues for College Administrators	9/18/2013	Campus Center	DaV; SA
Workshop for CERC Development Day	10/6/2013	CC 132	DaV; SA
My Body My Health TA Training	10/9/2013	Arnold 231	DaV; SA
Sociology 106: Race, Class, Gender and Ethnicity	10/15/2013	Wheeler Hall B-05	DaV; SA
Safe Passage Training: Rape and Sexual Assault/Childhood Sexual Trauma	10/16/2013	Smith College Seelye 311	DaV; SA
Relationship Violence and Bystander Intervention	10/21/2013	Outreach/Athletics	DaV; SA
Center for Women and Community Open House	9/11/2013	New Africa House	DaV; SA
Building Stronger and Healthier Relationships at Mary Lyon: Racial/Sexual Stereotypes in a Rape Culture	10/24/2013	Mary Lyon Hall	DaV; SA
Standing Up or Standing By	10/24/2013	Moore Hall	DaV; SA
Standing Up or Standing By	10/29/2013	Hasbrouck 130	DaV; SA
Sociology 222: The Family Presentation	10/29/2013	Thompson Hall	DaV; SA
Candelight Vigil	10/30/2013	New Africa House	DoV
Consent is Sexy	11/5/2013	Webster Dorm	DaV; SA
Alpha Chi Omega's Domestic Violence Luminary	11/5/2013	CC 101	DoV
Standing Up or Standing By (Off Campus Students)	11/7/2013	Student Union 314	DaV; SA
Round the World Women Workshop with UMPD	11/12/2013	UMPD	DoV; DaV; SA
Consent is Sexy	11/13/2013	John Quincy Adams Dorm	DaV; SA
Standing Up or Standing By with VOX	11/14/2013	CC 911	DaV; SA
Sexual Assault 101/Standing Up or Standing By for Communication Class	11/15/2013	Machmer Hall	DaV; SA

Consent is Sexy/Bystander Intervention with Peer Health Educators	11/22/2013	CC 8 th Floor	DaV; SA
Partner Abuse in LGBTQ/T Communities	1/14/2014	CWC	DoV; DaV; SA
No Blurred Lines: Getting Clear Consent	2/3/2014	Crampton Basement	DaV; SA
Vagina Monologues Workshops	2/1 and 2/2/2014	New Africa House	DoV; DaV; SA
Breaking Down Rape Culture	2/11/2014	Hampshire College	DaV; SA
CWC and UMPD Services for Sexual Assault Survivors at Mercy House	2/11/2014	Mercy House	SA
A Call To Me: Challenging the Social Norms that Define Manhood and Ending Men's Violence Against Women	2/26/2014	SUB	DoV; DaV; SA
RelationShip Wreck: Responding to Control & Violence	2/27/2014	North Apartments C	DoV; DaV; S
Breaking Down Rape Culture	3/3/2014	Crampton Basement	SA
No Blurred Lines: Getting Clear Consent	3/4/2014	Malcolm X Cultural Center	DaV; SA
International Coffee Hour CWC Services	3/5/2014	The Spot	DaV; DoV; SA; S
Dinner on Us (Child Sexual Abuse)	3/10/2014	Earthfoods	SA
No Blurred Lines: Getting Clear Consent	3/11/2014	Malcolm X Cultural Center	DaV; SA
Safer Spring Break Tabling	3/10/2014	Hampshire DC	DaV; DoV; SA; S
Safer Spring Break Tabling	3/11/2014	Berkshire DC	DaV; DoV; SA; S
Safer Spring Break Tabling	3/12/2014	Franklin DC	DaV; DoV; SA; S
Safer Spring Break Tabling	3/10/2014	Worcester DC	DaV; DoV; SA; S
Counseling with Survivors of Sexual Violence	3/21/2014	CWC	SA
Public Health 310 Bystander intervention Training	3/25/2014	Morrill Science Center IV	SA
Breaking Down Rape Culture	3/26/2014	CC 165-169	SA
Racial and Sexual Stereotypes in a Rape Culture Workshop	3/31/2014	CC 174-176	DaV; SA
International Coffee Hour CWC	4/2/2014	The Spot	DaV; DoV; SA; S
Breaking Down Rape Culture	4/2/2014	CC 165-169	SA
RelationShip Wreck: Responding to Control and Violence	4/3/2014	Crampton Basement	DoV; DaV; SA
Sexual Assault 101 for Public Health 160 (My Body My Health)	4/4/2014	Morrill 319	SA
Breaking Down a Rape Culture	4/7/2014	Malcolm X Cultural Center	SA

Film Screening and Discussion: Yelling to the Sky	4/8/2014	New Africa House	DoV
No Blurred Lines: Getting Clear Consent	4/16/2014	Dwight Classroom	DaV; SA
Understanding and Responding to Intimate Partner Violence	8/25/2014	All returning RAs	DaV; DoV
Understanding and Responding to Sexual Violence	8/25/2014	New RAs	SA

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

The University offered the following **ongoing awareness and prevention programs** for **employees** in academic year 2013-2014:

Sexual Harassment Prevention	9/8/13
Title IX, Diversity and Equity	1/10/14
Best Practices for First Response to Sexual Assault Reports/UMPD	1/9,10,14,15,15/2014
Title IX, Diversity and Equity	1/15/14
Title IX and Bias Response (Returning Res Life Student Staff)	1/16/14
Title IX, Diversity and Equity	1/24/14
Sexual Harassment Prevention	2/26/14
Title IX, Diversity and Inclusion Training	3/3/14
Title IX Training	3/5/14
Diversity, Inclusion and Equity	3/12/14
Sexual Harassment and Diversity Training	3/14/14
Sexual Harassment 101	3/20/14
Roundtable Discussion for Law Enforcement: Investigating Complex Sexual Assault Cases/UMPD	4/2/2014
Sexual Harassment and Title IX Training	6/27/14
Adjudicating Cases Involving Sexual Assault/Misconduct, Relationship Violence/Abuse & Stalking	8/29/2014

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. This includes 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, and student financial aid. Other services provided both on or off campus include remedies to prevent contact between a reporting and responding party, assistance with making changes regarding housing, academic, transportation and working situations. Assistance will be provided regardless of whether the victim chooses to report the crime to the University or the Police, as long as the remedies are reasonably available.

As you think about how you want to respond, it is most important to do what is right for you. The information below is meant to provide you information and resources so you can determine what is right for you.

Formal Reporting

UMass Amherst Police Department

The UMass Police Department serves as a resource for reporting and criminal investigation of incidents of sexual violence/harassment, relationship and dating violence and stalking. Additionally, the UMass Police Department provides prevention services such as Rape Aggression Defense courses, a night time escort service and other awareness raising and preventative information.

Emergency Phone: 911

Non-emergency phone: (413) 545-2121

585 East Pleasant Street

Web: <http://www.umass.edu/umpd/>

The Dean of Students Office

The Dean of Students Office provides investigative and disciplinary processes for incidents of student against student sexual misconduct/harassment, stalking, relationship and dating violence, in accordance with the Code of Student Conduct. The office can also assist victims/survivors in changing class schedule, moving to a different residence hall, talking with professors, withdrawing from classes etc.

Victims/survivors do not have to file a formal complaint under the student code of conduct to request these resources.

227 Whitmore Administration Building

Phone: (413) 545-2684

Email: doso@umass.edu

Web: http://www.umass.edu/dean_students/

The Office of Equal Opportunity and Diversity (EO&D)

The Executive Director, Débora D. Ferreira, for the Office of Equal Opportunity and Diversity (EO&D), is the Title IX Coordinator for the University. Matters dealing with Sexual Harassment, Sexual Assault, Relationship and Dating Violence and Stalking can be reported to EO&D. In accordance with the Sexual Harassment Policy and Procedures, EO&D provides both formal and informal means of resolving sexual harassment, (including sexual violence) complaints, which are either between employees or a student filing against an employee. Cases in which a student files against another student are handled through the Dean of Students Office. Additionally, EO&D provides training to raise awareness through understanding and identifying behaviors that may be considered sexual harassment/sexual violence.

243 Lederle GRC Lowrise

740 North Pleasant Street

Phone: (413) 545-3464

Email: eod@admin.umass.edu

Web: www.umass.edu/eod

Reporting through these resources means that staff will respect the privacy of the persons involved and will share information only as necessary with other university personnel. UMPD will only share information with others with the victims' consent.

Students and employees may be accountable to both civil authorities and to the University for acts which constitute violations of law and University Policies. Disciplinary action at the University will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

If you are not interested or sure if you want to formally report the incident to the Dean of Students Office or The Office of Equal Opportunity and Diversity you are encouraged to connect with one of the confidential resources. Confidential Resources can:

- Help you understand, explore and connect with the formal reporting options should you choose to
- Connect you with campus resources to receive any support you may need
- With your permission, advocate and request services on your behalf

Confidential Resources and Support

Disclosure to a confidential source will not result in the initiation of any investigative or disciplinary action. The information shared will be kept in confidence and cannot be share without your express consent unless there is an imminent risk of serious harm. These resources will share non-identifiable information to the UMass Amherst Police Department for Clery Reporting purposes in their role as Campus Security Authorities (CSA).

(a) The Center for Women and Community (CWC)

The Center for Women and Community is a free **CONFIDENTIAL** resource for people of all gender identities and expressions. The Center provides free, confidential crisis services, counseling and support groups for victim/survivors of sexual and relationship violence and stalking including 24/7 phone support, peer counseling, and assistance with: connecting with campus offices including the Dean of Students Office to request assistance and/or to use the student conduct process, talking to the police, courts, getting health care or going to the hospital. Services are also available to community members, Five College students, staff and faculty.

New Africa House

Phone: (413) 545-0883

Email: ewcmail@admin.umass.edu

24 Hour Crisis and Information Hotline: (413) 545-0800 TTY: (413) 577-0940

(b) Center for Counseling and Psychological Health (CCPH)

The Center for Counseling and Psychological Health provides **CONFIDENTIAL** supportive mental health services to survivors of sexual violence and harassment, as well as general mental health concerns. Services include: crisis intervention; short-term therapy for individuals, couples and families; support and therapy groups; behavioral medicine; psychiatric services; an eating disorders clinic; assessments for attention deficit/hyperactivity and learning disabilities; suicide prevention training; consultation and education; and assistance and advocacy connecting community with campus offices including the Dean of Students Office.

127 Hills North

Phone: (413) 545-2337

(c) University Health Services (UHS)

UHS is a designated SANE (Sexual Assault Nurse Examiner) site, providing **CONFIDENTIAL**, free, compassionate services for male, female, and transgender survivors. The Massachusetts Department of Public Health specially trains, certifies, and supports registered nurses and physicians to provide quality care and forensic evidence collection to sexual assault survivors.

150 Infirmary Way

Phone: (413) 577-5000

What will happen?

The Dean of Students Office will undertake all such investigations involving students as alleged perpetrators and The Office of Equal Opportunity and Diversity will undertake all such investigations, involving non-students as alleged perpetrators. All parties involved in any aspect of this process will act at all times to preserve the privacy of these proceedings and individuals involved. Information will be shared with those individuals who have a legitimate and operational need to be informed, and to the extent that it is necessary to maintain the effectiveness of this process. Individuals found to have violated the confidentiality of this process may be subject to disciplinary proceedings consistent with the provisions of Code of Student Conduct, Sexual Harassment policy, collective bargaining agreement or other applicable administrative rules and regulations.

Preservation of evidence in sexual misconduct cases

Individuals who experience sexual misconduct are strongly encouraged to seek immediate medical attention in order to treat injuries, test for and treat sexually transmitted infections, test for pregnancy, and access emergency contraception (if requested). In addition, a hospital can perform a rape evidence collection procedure and test for “date rape” drugs.

In Massachusetts, evidence may be collected even if you choose 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 University hearing boards/investigators or police. Although the University strongly encourages all members of our 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 the UMass Amherst Police Department or local police if they so desire.

As time passes, evidence may dissipate or become lost or unavailable, thereby making an 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 the UMass Amherst Police Department or other appropriate law enforcement entity to preserve evidence in the event that the victim changes her/his mind at a later date. 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 and to the UMass Amherst 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. The procedures set herein are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

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 Amherst will follow:	Evidentiary Standard
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), the University will provide complainant with access to medical care 2. The University will assess immediate safety needs of complainant 3. The University will assist complainant with contacting the UMass Amherst Police or local police, if complainant requests such 4. The University will provide complainant with referrals to both on and off campus resources 5. The University will assess the need to implement interim or long-term protective measures, such as housing changes, changes in class schedule, or a “No Contact” directive between both parties 6. The UMass Amherst Police will provide a “No Trespass Order” to the respondent party if deemed appropriate 7. The University will provide written instructions on how to apply for Protective Order 8. The University will provide a copy of the policy governing sexual misconduct to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution 9. The University will inform the complainant of the outcome of the investigation, whether or not the respondent will be administratively charged and what the outcome of the hearing is 10. The University will enforce the anti-retaliation policies and 	Preponderance of the evidence

	take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation	
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Stalking	<ol style="list-style-type: none"> 1. The University will assess immediate safety needs of complainant 2. The University will assist complainant with contacting the UMass Amherst Police Department or the local police if complainant requests AND complainant will be provided with contact information for the local police department 3. The University will provide written instructions on how to apply for Protective 209A Order (there is a Civilian Advocate in the UMass Amherst Police Department to assist employees and students in navigating this resource) 4. The University will provide written information to complainant on how to preserve evidence 5. The University will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. UMass Amherst Police will provide a “No Trespass Order” to respondent party if deemed appropriate 	Preponderance of the evidence
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Dating Violence	<ol style="list-style-type: none"> 1. The University will assess immediate safety needs of complainant 2. The University will assist complainant with contacting UMass Amherst Police or local police if complainant requests AND complainant provided with contact 	Preponderance of the evidence.
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	<p>information for local police department</p> <ol style="list-style-type: none"> 3. The University will provide written instructions on how to apply for Protective 209 A Order 4. The University will provide written information to complainant on how to preserve evidence 5. The University will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. UMass Amherst Police will provide a “No Trespass Order” to respondent party if deemed appropriate 	
<p>Domestic Violence</p>	<ol style="list-style-type: none"> 1. The University will assess immediate safety needs of complainant 2. The University will assist complainant with contacting the UMass Amherst Police or local police if complainant requests AND complainant provided with contact information for local police department 3. The University will provide written instructions on how to apply for a Protective 209A Order 4. The University will provide written information to complainant on how to preserve evidence 5. The University will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. The UMass Amherst Police will provide a “No Trespass Order” to respondent party if deemed appropriate. 	<p>Preponderance of the evidence.</p>

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 where you can be reached. For a complete listing of your rights, please refer to the Victim Bill of Rights (M.G.L. c.258B). 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/victim-rights-resources/> or access the guidebook here <http://www.mass.gov/mova/docs/aftermath-of-crime.pdf>

The University complies with Massachusetts State 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 UMass Amherst Police Department and the Office of the Title IX Coordinator. A complainant may then meet with the Dean's Office and others to develop a Safety Action Plan, which is a plan for the University and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: use of the walking escort service, special parking arrangements, changing classroom locations, housing changes, work location change, or allowing a student to complete assignments from home, depending on the course. The University cannot apply for an Abuse Prevention Order (209A) or Harassment Prevention Order (258E), the victim is required to apply directly for these services.

The following information is information on the District Attorney's Website that may be helpful when trying to get an Abuse Prevention Order (209A) and/or a Harassment Prevention Order (258E). 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 Orders available to victims:

1. Abuse Prevention Orders

Limited to someone with whom you have a specific type 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 reasonably believes 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 home, workplace or school address you may request that these 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, 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?

If you need help with getting an Abuse Prevention or Harassment Prevention Order, the Mass. Office of Victim Assistance offers a program called [SAFEPLAN](#) that provides staff to help you. 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 in filing for these Orders. A list of domestic violence service providers can be found at [Jane Doe, Inc.](#) Staff 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 Municipal, District, Probate and Family or Superior Court whose jurisdiction covers the area where the incident occurred. See [Court Locator](#). For the University, the District Court that services this area is located in Belchertown, MA. a 25 minute drive from

campus. Public transportation (PVRTA) regularly travels to and from Belchertown. If you are unsure, please contact your local police department or UMass Amherst Police at (413) 545 2121.

If you are in crisis and the Courts are closed, you can call the UMass Amherst Police 24/7/365 at (413) 545 -2121 or come to the Police Station located at 585 East Pleasant Street, Amherst. You will be given advice, the necessary forms and any assistance with calling 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 UMass Amherst Police will tell you which court to appear in and when you need to be there. If transportation is necessary the UMass Police Amherst will assist.

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 at the District Court. 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 own record. Once this is done, you will be brought into the courtroom.

What happens when you go 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 present. You will be given a copy of the order by the Clerk's office after the hearing is over. UMass Amherst Police will attempt to serve the defendant with 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.

The “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 UMass Amherst Police Department immediately and tell them that you have a restraining order and what happened.

What if the defendant fails 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 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 and must be followed by all parties involved. 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

1. [Safelink](#) is a Massachusetts 24/7 toll-free domestic violence hotline at 1-877-785-2020. Advocates are multilingual and conversations are free and confidential. These advocates can assist victims with safety planning, locating shelters, providing emotional support, and finding local community services.

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 of 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 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 hearing. For information on SAFEPLAN Advocates, what they do, and how to reach them, read the [SAFEPLAN FAQs](#).

The University (UMass Amherst Police only issue Trespass Orders) may issue an institutional no contact order if deemed appropriate or at the request of the victim or the accused. To the extent of the victim's cooperation and consent, university officials will work cooperatively to ensure that the complainant's 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 may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim 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 (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution 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 maintain identifiable information regarding victims on the UMass Amherst Police Daily Crime Log. Victims may request that directory information on file with the University be removed from public sources by contacting the Dean of Students Office. There are additionally public records exemptions that allow for the University to protect the directory information for employees. Please contact Human Resources if you are an employee and crime victim who needs assistance with keeping your personal identifiable information confidential.

Resources for Sexual Harassment, Sexual Assault, Relationship Violence and Stalking:

Individuals who have experienced sexual misconduct may seek reasonable accommodations in their academic, living, transportation or working situations. Assistance is available regardless of whether the individual chooses to report the crime to campus police or local law enforcement or to file a formal complaint with the University. In addition, University officials can also assist individuals to contact relevant local authorities to obtain civil no contact orders and/or orders of protection.

The following resources are available to discuss incidents and issues related to sexual misconduct, stalking, domestic and dating violence. The confidential sources can advise individuals about resources, services, and options available both on- and off-campus. Because of the confidential nature of the relationship, disclosing information to or seeking advice from a confidential counselor does not constitute reporting an incident to the University and therefore will not result in any formal response or intervention by University Officials.

The Office of Equal Opportunity and Diversity (EO&D)

The Executive Director, Débora D. Ferreira, for the Office of Equal Opportunity and Diversity (EO&D), is the Title IX Coordinator for the University. Matters dealing with Sexual Harassment, Sexual Assault, Relationship Violence and Stalking can be reported to EO&D. In accordance with the Sexual Harassment Policy and Procedures, EO&D provides both formal and informal means of resolving sexual harassment, (including sexual violence) complaints, which are either between employees or a student filing against an

employee. Cases in which a student files against another student are handled through the Dean of Students Office. Additionally, EO&D provides training to raise awareness through understanding and identifying behaviors that may be considered sexual harassment/sexual violence.

On campus:

243 Lederle GRC Lowrise

740 North Pleasant Street

Phone: (413) 545-3464

Email: eod@admin.umass.edu

Web: www.umass.edu/eod

The Center for Women and Community (formerly known as Everywoman's Center)

The Center for Women and Community is a free **CONFIDENTIAL** resource for people of all gender identities and expressions. The Center provides free, confidential crisis services, counseling and support groups for victim/survivors of sexual and relationship violence and stalking including 24/7 phone support, peer counseling, and assistance with: working with the Dean's Office to request resources and/or to use the student conduct process, talking to the police, courts, getting health care or going to the hospital. Services are also available to community members, other Five College students, staff and faculty.

24 Hour Sexual Assault Crisis and Information Hotline: (413) 545-0800 TTY: (413)-577-0940

Main phone number: (413) 545-0883

Email: ewcmail@admin.umass.edu

<http://www.umass.edu/ewc/>

On campus:

180 Infirmary Way

New Africa House

University of Massachusetts Amherst Police Department

The UMass Police Department serves as a resource for reporting and criminal investigation of incidents of sexual violence/harassment, relationship violence and stalking. Additionally, the UMass Police Department provides prevention services such as Rape Aggression Defense courses, a night time escort service and other awareness raising and preventative information.

Emergency: Dial 911

Non-emergency phone: (413) 545-2121

On campus:

585 East Pleasant Street

Web: <http://www.umass.edu/umpd/>

The Dean of Students Office

The Dean of Students Office can assist victims/survivors in changing class schedule, moving to a different residence hall, talking with professors, withdrawing from classes, etc, as related to sexual and relationship violence. Victims/survivors do not have to file a formal complaint under the Student Code of Conduct to request these resources. The Office also provides investigative and disciplinary processes for incidents of student against student sexual violence/harassment, stalking, relationship violence and stalking, in accordance with the Code of Student Conduct.

On campus:

227 Whitmore Administration Building

Phone: (413) 545-2684

Email: doso@stuaf.umass.edu

Web: http://www.umass.edu/dean_students/

University Health Services (UHS)

UHS is a designated SANE (Sexual Assault Nurse Examiner) site, providing **CONFIDENTIAL**, free, compassionate services for male, female, and transgender survivors. The Massachusetts Department of Public Health specially trains, certifies, and supports registered nurses and physicians to provide quality care and forensic evidence collection to sexual assault survivors.

On campus:

150 Infirmary Way

Phone: (413) 577-5000

Web: <http://www.umass.edu/uhs/>

Center for Counseling and Psychological Health (CCPH)

CCPH provides **CONFIDENTIAL** supportive mental health services to survivors of sexual violence and harassment, as well as general mental health concerns. Services include: crisis intervention; short-term therapy for individuals, couples and families; support and therapy groups; behavioral medicine; psychiatric services; an eating disorders clinic; assessments for attention deficit/hyperactivity and learning disabilities; suicide prevention training; and consultation and education.

On campus:

127 Hills North

Phone: (413) 545-2337

415 New Africa House

Phone: (413) 545-0333

Web: www.umass.edu/counseling

Residential Life

Residential Life offers a residential experience that supports students' learning, personal growth, and academic achievement. We foster inclusive communities, create social and educational opportunities, and provide safe and well-maintained residence halls. Residential Life staff provides resources to survivors of sexual violence and harassment, including connecting students to other offices on campus, and facilitating room assignment changes or temporary moves. The Residence Director (RD) or the on-call RD can talk with survivors about options, support and campus services navigation. In some cases the RD on-call can also arrange for a temporary move on campus.

On campus:

210 Berkshire House

Phone: (413) 545-1964

Web: www.housing.umass.edu

Athletic Department

The Department of Athletics provides a comprehensive, challenging, professionally-managed intercollegiate athletics program that encourages student-athletes to achieve their highest academic, athletic and personal aspirations. Programs sponsored by the University adhere to the highest standards of integrity and ethics. The Department promotes principles of good sportsmanship, honesty and fiscal responsibility in compliance with university, state, NCAA, and conference regulations. The Department promotes and supports the University's comprehensive commitment to diversity and equity, providing equitable opportunity for all students and staff including women and minorities.

009 Boyden Building

Phone: (413) 577-0244

Email: jbsmith@admin.umass.edu

Web: www.umassathletics.com

Other Campus Resources:

Complaint Handlers

Department Heads and Chairs, Managers, Directors, Deans, Vice Chancellor and all administrators with line authority are designated complaint handlers. They receive sexual harassment complaints, offer information about options, resolve informal complaints, report complaints to EO&D and do appropriate follow-up to ensure non-retaliation. Every semester EO&D provides **complaint handler training** through Workplace Learning and Development. For more information about the training contact www.umass.edu/wld

Support and Referral Contacts

The Office of Equal Opportunity & Diversity maintains a current list of support and referral contacts that offer information about options for confronting sexual harassment, make referrals, do follow-up and provide support during the complaint resolution process. For information about the list contact www.umass.edu/eod

Ombuds Office

The Ombuds Office is available to all members of the University community to help resolve University-related conflicts impartially and without judging, rewarding, or punishing parties. Depending on the circumstances, the Ombuds Office informally mediates disputes, facilitates communication, explores claims of unfair treatment or erroneous procedure, listens, advises, and makes recommendations.

Carol Booth, University Ombudsperson

On campus:

823 Campus Center

Phone: (413)545-0867

Web: www.umass.edu/ombuds

Faculty & Staff Assistance Program (FSAP)

The Faculty & Staff Assistance Program is a free, **CONFIDENTIAL** service offering counseling, information, consultation and referrals for UMass Amherst faculty and staff. The FSAP helps resolve work-related and personal concerns through confidential assessment, counseling, consultation and referrals.

Tim Scott, M.S.W., L.I.C.S.W., Director

On campus:

202-205 Middlesex House, 111 County Circle

Phone: (413) 545-0350

Web: <http://www.umass.edu/humres/faculty-and-staff-assistance-program>

Collective Bargaining Units

If you are an employee represented by a collective bargaining unit, you should also contact the appropriate office for advice and assistance:

American Federation of State, County, and Municipal Employees (AFSCME), Council 93, Local 1776, AFL/CIO – For service/maintenance and skilled craft personnel, (413) 545-2831;

Graduate Employee Organization (GEO), Local 2322, UAW – for teaching assistants, research assistants, and graduate students with similar assignments, (413) 545-0705;

New England Police Benevolent Association (NEPBA) – For Police Officers, (413) 545-2121;

International Brotherhood of Police Officers (IBPO-B) – For police Sergeants and Lieutenants, (413) 545-2121;

The Massachusetts Society of Professors/Faculty Staff Union (MSP) – For faculty members and librarians, (413) 545-2206;

Professional Staff Union Massachusetts Teachers Association (PSU/MTA) for non-faculty professional personnel, (413) 545-4509;

Resident Assistant (RA) Union, Local 2322, UAW – for Resident Assistants, (413) 577-2629;

United Auto Workers (Postdocs) – For Post-Doctoral Research Associates and Senior Post-Doctoral Research Associates; and

University Staff Association, an Affiliate of the Massachusetts Teachers Association/NEA (USA/MTA/NEA) – For secretarial/clerical and technical/paraprofessional personnel; (413) 545-0165

Student Legal Services Office

The Student Legal Services Office provides **CONFIDENTIAL** advice, counsel, referrals and community legal education for students.

Corey Carvalho, Directing Attorney

On campus:

922 Campus Center

Phone: (413) 545-1995

Web: www.umass.edu/rso/slso

External (Off campus) Agencies:

Safe Passage Domestic Violence Program

Safe Passage provides free 24/7 phone crisis intervention, counseling, safety planning, advocacy, shelter, outreach and legal support for victims of domestic violence. The program has specialized services for survivors with disabilities, children, Latina survivors and immigrant women. Services are available to anyone who has experienced domestic violence, regardless of gender, gender identity, or sexual orientation.

24 hour Hotline: (413) 586-5066 or (888) 345-5282 (toll-free)

Web: <http://www.safepass.org/>

Northwestern District Attorney's Office

The Domestic Violence and Sexual Assault Unit works closely with police departments, courts and social service agencies to address the serious problem of domestic violence and sexual assault through prosecution of the offenders and the development of strategies for prevention and intervention for the victims.

Hampshire County Office

One Gleason Plaza

Northampton, MA 01060

Phone: (413) 586-9225

Fax: (413) 584-3635

Web: <http://northwesternda.org/>

Office for Civil Rights (OCR)/U.S. Department of Education

The OCR monitors: 1) Title IX, which specifies prohibitions against discrimination on the basis of sex in educational programs; 2) the Rehabilitation Act of 1973, which prohibits discrimination based on handicap in areas related to employment, program accessibility, and student programs. Anyone who has a complaint relating to sex discrimination or discrimination based on personal impairment may contact:

U.S. Department of Education

Office for Civil Rights

5 Post Office Square, 8th Floor/Suite 900

Boston, MA 02109-3921

Telephone: (617) 289-0111

TTY: (800) 877-8339

Massachusetts Commission Against Discrimination (MCAD)

Under Chapter 151B, Massachusetts General Laws Annotated, it is unlawful to discriminate against a person(s) on the basis of race, color, religion, creed, national origin or ancestry, handicapping condition, veteran status, or sexual orientation. The MCAD, a state agency, monitors discrimination in the areas of housing, employment, loans, and educational opportunities. Any person claiming to be aggrieved by an alleged unlawful practice may file a complaint with this agency. The offices to contact are:

Springfield Office:

Massachusetts Commission Against Discrimination
436 Dwight Street, Suite 220
Springfield, MA 01103
(413) 739-2145

Boston Office:

Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000
TTY (617) 994-6196

Cooley Dickinson Hospital

30 Locust Street, Route 9
Northampton, MA 01060
(413) 582-2000

Amherst Police Department

111 Main Street
Amherst, MA 01002
(413) 259-3000
Web: police@amherstma.gov

Massachusetts State Police

Troop B
555 North King Street
Northampton, MA 01060
(413) 587-5517
Web: <http://www.mass.gov/eopss/agencies/msp/>

How to be a good 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

The University is working to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Bystanders may not always know what to do even if we want to help. Below is a list of some ways to be a good Active Bystander. Further information regarding bystander intervention may be found here <http://www.umass.edu/umatter/>

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

Other tips:

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 the resources listed in this document for support in health, counseling, or legal assistance.

Risk Reduction

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

1. **Be aware** of your surroundings, know where you are and who is around you may help you to find a way to get out of a bad situation.
2. **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 money for a taxi if needed.
7. **Don't 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. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
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 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.

Adjudication of Violations

Whether or not criminal charges are filed, the University or any individual person may file a complaint under the University "Sexual Harassment Policy and Procedures" located here <http://www.umass.edu/eod/sexual.html> or the Student Code of Conduct available here http://www.umass.edu/dean_students/codeofconduct/ alleging that an employee or students, respectively, violated the University's policies.

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.

All alleged violations of the Title IX are investigated either by the Equal Opportunity and Diversity Office or the Dean of Students Office. At the point of resolution the University disciplinary processes for University Employees and Students differ in procedure.

Once a complaint is received, the University will investigate or otherwise determine what occurred and if a possible violation of policies or Student Code of Conduct potentially occurred, then the complaint is either heard and resolved by a hearing board or decided by a single administrator.

Below is an overview of the anticipated timelines, the decision-making process and a statement regarding how the institution will decide which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault or stalking involving. To access the full policies visit www.umass.edu/titleix/

Steps in the process:

- a. **Initial Complaint- a complaint or notice is reviewed by the Dean of Students Office and or the office of Equal Opportunity and Diversity**
- b. **Notice- all parties involved are notified of the initiation of an investigation**
- c. **Investigation- Information is gathered. Decision is made as to the route of resolution; single administrator or hearing board**
- d. **Decision is rendered. All parties are notified of the outcome and have right of appeal**
- e. **Appeal- All parties are notified of the outcome of any appeal**

The University disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the complainant and the respondent. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report,

however the proceedings timeframe allows for extensions for good cause with notice to the complainant and the respondent of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The University's Student Conduct procedures provide that:

1. The complainant and the respondent each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The complainant and the respondent will have timely notice for meetings at which the complainant or respondent, or both, may be present;
3. The institution will allow for timely access to the complainant, the respondent and appropriate officials to any information that will be used during and or after the fact-finding investigation
4. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent;
5. The institution provides the complainant and respondent the same opportunities to have others present during an institutional disciplinary proceeding. The complainant and the respondent 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;
6. A student conduct decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the respondent student violated the university's policies?"
7. The complainant and the respondent will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
8. The complainant and the respondent each have the right to appeal the outcome of the hearing by as described below and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

Retaliation

The University of Massachusetts Amherst strictly prohibits retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities under this policy, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct, domestic violence, dating violence and stalking. Therefore, the University will address any retaliation, intimidation, threats, coercion, or discrimination against any such individual in the most serious way. Anyone who is aware of possible retaliation or has other concerns regarding the response to a complaint should report such concerns to the Title IX Coordinator, who shall take appropriate actions to address such conduct in a prompt and equitable manner.

Interim Measures and Remedies

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. 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 the University.

Examples of interim protective measures include:

Staff/Faculty:

- A University no contact, a leave of absence, or reassignment to a different supervisor or position

Students

- Assignment/relocation to alternate housing,
- No contact directives
- Limitation of access to designated University housing facilities and/or other campus facilities by time and location
- The requirement to secure advance authorization to engage in a specified activity
- Change in parking situations
- Change in work location

List of Potential Outcome and Sanctions

Staff/Faculty

The penalties for those found to have violated this policy may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the personnel file, probation, suspension without pay, demotion, removal from administrative duties, and dismissal. Any disciplinary measures imposed will be consistent with applicable union contractual provisions.

Students

If the student is found in violation of the Code of Student Conduct policies related to Sexual Misconduct, Stalking, Domestic and Dating violence University official may impose one or more of the following sanctions along with educational sanctions including but not limited to harassment prevention workshop and counseling.

University Probation – University Probation is a specified period of time during which any further violations of the Code of Student Conduct will also result in a probation violation and could subject the student to suspension or expulsion.

Housing Removal – Housing Removal results in a removal of the student from University housing for a specified period of time.

Suspension – Suspension is a separation of the student from the University for a specified period of time, but not less than the remainder of the semester. Suspensions that take effect during a semester may result in the loss of academic credit for that semester. The student should not participate in any University sponsored activity and shall be barred from University premises. After the student completes the term of the suspension, the student must apply for readmission to the University. In order to enroll, the student must file a Readmission application, including the readmission fee, with the Registrar by the appropriate readmission deadline. When the outcome of a disciplinary action is suspension from the university, a restriction will be placed to prohibit the student from performing any registration transactions during the period of suspension. The restriction will not be removed and the student will not be allowed to perform university transactions until the stated period of suspension has expired and all disciplinary obligations are met.

Expulsion – Expulsion is a permanent separation of the student from the University. The student shall also be barred from University premises



Rape Aggression Defense (R.A.D.)

The R.A.D. System/Program is designed to teach women about awareness, prevention, risk reduction and avoidance while progressing into the basics of hands-on defense training. The R.A.D. System's objective is to "develop and enhance the options of self-defense, so they may become viable considerations to the woman who is attacked." Contrary to popular belief, rape is not a crime of sex. Rape is a violent crime and a devastating experience, but it is survivable. Rape affects all people, no matter what their age, race or economic status. It is one of the most rapidly growing crimes in American society. FBI projections suggest that one out of three women can expect to be sexually assaulted in their lifetime. In the United States, one forcible rape occurs every seven minutes. Each year, about 90,000 forcible rapes are reported to the police, but it is estimated that almost 90% of all rapes and attempted rapes are not reported.

Each situation is different, making rape prevention especially challenging. Steps can be taken, however, to lessen the chances of being raped. The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques. R.A.D. is dedicated to teaching women defensive concepts and techniques against various types of assaults, by utilizing easy, effective and proven self-defense tactics. This system of realistic defense will provide women with the knowledge to make an educated decision about resistance.

The University of Massachusetts Amherst Police Department invites female students and staff to take advantage of the woman's self-defense course that is provided **FREE OF CHARGE**. The course requires a 14-hour commitment from each participant. Certified R.A.D. instructors teach each course; courses are offered every semester or upon request. Similar programs are made available to men upon request.

Statement of Policy Informing the Complainant and the Respondent 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. In cases involving allegations of acts of sexual misconduct, Domestic violence, Dating violence, and Stalking the complainant(s) will be advised of the outcome of any conduct proceedings, subject to applicable privacy statutes and regulations and have the right of appeal pursuant to the Code of Student Conduct/the Sexual Harassment Policy.

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 respondent.

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).

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 Amherst are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes to the Dean of Students Office, the Center for Women and Community, or to Residential Life staff, on a confidential basis for inclusion into the annual crime statistics.

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. *The University of Massachusetts Amherst does not employ pastoral counselors; however, the Office of Religious and Spiritual Life (Student Union 302) serves as the liaison between the University and the private religious organizations and advisers who provide pastoral counseling and other religious services for our students.*

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.

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 of is a student.

How to Inquire

Members of the University of Massachusetts Amherst community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offender Registry Board, telephone (978) 740-6400, www.state.ma.us/sorb or on the UMPD website at www.umass.edu/umpd/masorb/. UMPD posts notices regarding all local Level 3 offenders in the lobby of police headquarters located at 585 East Pleasant Street, Amherst, as well as on our web site at www.umass.edu/umpd.

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 – 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, UMPD 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 Amherst 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 on-campus and non-campus locations owned or controlled, or closely associated with/by the University of Massachusetts Amherst, as well as public property within or immediately adjacent to and accessible from the campus, are collected or requested from a variety of jurisdictions, from our local area police departments (Amherst, Hadley, and others) as well as departments who hold jurisdiction over outlying UMass-Amherst properties (such as Springfield, Boston, Waltham, and others). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year during which the crime was reported.

All of the statistics are gathered, compiled, and reported to the University of Massachusetts Amherst community via this report, entitled “Annual Security Report” which is published by the UMPD via the UMPD website at: <http://www.umass.edu/umpd/pdffiles/ASR.pdf>. UMPD submits the annual crime statistics published in this report to the Department of Education (DOE). The statistical information gathered by the DOE is available to the public through the DOE website.

UMPD 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 UMPD website where the “Annual Security Report” can be found online at: <http://www.umass.edu/umpd/pdffiles/ASR.pdf>.

Copies of this report may also be obtained at the University Police Department located at 585 East Pleasant Street or by calling UMPD at (413) 545-2125. All prospective employees may obtain a copy from the Human Resources Office in the Whitmore Administration Building, Room 167, or by calling (413) 545-1396.

The UMPD Daily Crime Log is available at <http://www.umass.edu/umpd/dailycrimelog/>. In addition, a log kept specifically for Clery information is kept at <http://www.umass.edu/umpd/alerts/clerylog/>.

The crime statistics tables located within this report are reflective of the requirements mandated by the Clery Act, including the 2013 amendments of the Violence Against Women Act.

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, Forcible and Non-Forcible 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 is 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 Dean of Students Office and Residence Education for Code of Student Conduct and/or Community Living Standards violations.

UMPD's reported Hate Crimes 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, gender identity, religion, ethnicity, national origin, or disability, the assault is then also classified as a hate/bias crime.

Specific Information about Crime Statistics

Unless otherwise indicated, all statistics are from incidents that were reported to UMPD. These include incidents initially reported to other Campus Security Authorities (e.g. the Dean of Students and the Center for Women & Community). "On Campus Residence Halls" is a subset of the "On Campus" crime category. The law requires institutions to break out the number of "on campus" crimes that occur in residential facilities.



Criminal Offenses and Crime Statistics

Offense	Location	2012	2013	2014
Murder/Non-negligent Manslaughter	On-Campus	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	0	0	0
	Residence Hall	0	0	0
Negligent Manslaughter	On-Campus	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	0	0	0
	Residence Hall	0	0	0
Rape	On-Campus	14	21	10
	Non-Campus	0	0	1
	Public Property	0	0	0
	TOTAL	14	21	11
	Residence Hall	10	15	10
Fondling	On-Campus	1	1	2
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	1	1	2
	Residence Hall	1	1	1
Incest	On-Campus	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	0	0	0
	Residence Hall	0	0	0
Statutory Rape	On-Campus	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	0	0	0
	Residence Hall	0	0	0
Robbery	On-Campus	1	0	1
	Non-Campus	0	0	3
	Public Property	0	0	0
	TOTAL	1	0	4
	Residence Hall	0	0	0

Offense	Location	2012	2013	2014
Aggravated Assault	On-Campus	7	6	10
	Non-Campus	1	0	3
	Public Property	0	0	0
	TOTAL	8	6	13
	Residence Hall	3	2	5
Burglary	On-Campus	59	19	13
	Non-Campus	3	2	4
	Public Property	0	0	0
	TOTAL	62	21	17
	Residence Hall	24	13	9
Motor Vehicle Theft	On-Campus	1	2	3
	Non-Campus	0	0	1
	Public Property	0	0	0
	TOTAL	1	2	4
	Residence Hall	0	0	0
Arson	On-Campus	1	2	5
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	1	2	5
	Residence Hall	1	2	4
*Domestic Violence	On-Campus		10	15
	Non-Campus		1	1
	Public Property		0	0
	TOTAL		11	16
	Residence Hall		8	13
**Dating Violence	On-Campus		0	0
	Non-Campus		0	0
	Public Property		0	0
	TOTAL		0	0
	Residence Hall		0	0
*Stalking	On-Campus		1	0
	Non-Campus		0	0
	Public Property		0	0
	TOTAL		1	0
	Residence Hall		0	0

*As a result of the 2013 Reauthorization of the Violence Against Women Act, domestic violence, dating violence, and stalking are crimes for the purposes of Clery Act reporting and are required to be included in the institution's ASR from 2013 forward.

**Dating Violence is not defined specifically in Massachusetts' State laws. Incidents that would be categorized as "dating violence" typically fall under the Massachusetts definition of "domestic violence" and this is reflected in the above reporting.

Liquor, Drug, Weapons Arrest and Disciplinary Referrals

Offense	Location	2012	2013	2014
Liquor Law Arrests	On-Campus	289	176	229
	Non-Campus	41	0	4
	Public Property	8	6	1
	TOTAL	338	182	234
	Residence Hall	0	6	0
Liquor Law Referrals	On-Campus	609	780	675
	Non-Campus	0	0	0
	Public Property	0	0	1
	TOTAL	609	780	676
	Residence Hall	609	775	673
Drug Law Arrests	On-Campus	28	22	16
	Non-Campus	3	0	1
	Public Property	0	0	0
	TOTAL	31	22	17
	Residence Hall	10	6	0
Drug Law Referrals	On-Campus	35	57	42
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	35	57	42
	Residence Hall	35	43	38
Weapons Law Arrests	On-Campus	3	2	2
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	3	2	2
	Residence Hall	0	0	1
Weapons Law Referrals	On-Campus	0	0	0
	Non-Campus	0	0	0
	Public Property	0	0	0
	TOTAL	0	0	0
	Residence Hall	0	0	0

Hate Crime Statistics

In 2014, UMass-Amherst had two on-campus, within-residence-hall vandalism incidents that were characterized by racial bias. There was also one on-campus, within-residence-hall vandalism incident that was characterized by bias against national origin.

In 2013, UMass-Amherst had one on-campus vandalism incidents that was characterized by racial bias. There was also one on-campus vandalism characterized by bias against ethnicity/national origin.

In 2012 UMass-Amherst had one on-campus, within-residence-hall vandalism incident characterized by religious bias.

Unfounded Reports

The University of Massachusetts Police Department classified no reports as “unfounded” during the 2014 reporting period.

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.
- **Fondling** is defined as the touching of the private 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 non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined a non-forcible 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 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.

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 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 bias against the victim's 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 institution's 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 institution's 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.

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.

Fire Safety on campus is the responsibility of the Office of Environmental Health and Safety (EH&S). On-campus fire and ambulance response services are provided by the Amherst Fire Department.

The complete Annual Fire Safety Report is available at:

<http://www.ehs.umass.edu/campus-fire-safety-right-know-report-2014>





We hope you have found this information beneficial. We invite your questions, concerns, and suggestions. You may visit our website for contact information, or email umpd@admin.umass.edu.