2022

WHEATON COLLEGE

ANNUAL SECURITY REPORT AND CAMPUS FIRE SAFETY REPORT
In compliance with the
Jeanne Clery
Disclosure of Campus Security Policy and Campus Crime Statistics Act
and the
Higher Education Opportunity Act

Compiled by the
Wheaton College Department of Campus Safety

(508) 286-8213 / (508) 286-3333

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Message from the Director

Welcome to Wheaton College. The safety of students, faculty, staff and visitors is our highest priority. Our collective efforts as a community create and maintain a safer campus environment where we can live, work, study and play.

This report, compiled by the Department of Campus Safety in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act, was developed to provide information about crime and fire safety, and to provide information about reporting; services and other resources and; policies available to students, faculty, staff and visitors.

Wheaton College is located in the Town of Norton, a quiet New England town of approximately 20,000 residents with a low crime rate. Because of our environment, we are not subject to some of the problems of a large city campus; however, we are not insulated from crime. We encourage members of our community to partner with us in identifying and notifying us of risks and decreasing the opportunities for crime.

Most of the serious incidents reported on campus occur between students or parties known to one another, and many involve the use of alcohol. Theft is the most common crime on any college campus and most thefts occur when rooms and offices are left unlocked “for just a minute.” We encourage all members of the community to properly record, secure and mark valuables to prevent theft and facilitate recovery, if necessary. Information on crime prevention and awareness is available to all Wheaton College community members through various campus programs or with a phone call or e-mail. We encourage everyone to be actively involved in crime awareness and prevention.

We are prepared for and have responded to many emergencies and incidents and know that we must continue to plan and practice to ensure we provide the best possible campus environment. The College has a comprehensive Emergency Operations Plan to respond to the myriad of potential crises that can occur on a college campus. The College’s senior staff reviews the plan annually, has participated in emergency training, uses the plan when needed, and debriefs to ensure our response is appropriate.

During an emergency requiring immediate action, Wheaton College can notify registered community members via text, cell phone and/or e-mail through the Blackboard ConnectEd Emergency Notification system. The campus can also use an emergency siren and public address system, in addition to e-mail, telephone, and postings on the web.

The Department of Campus Safety is an integral part of the emergency response and management plan and campus life. Campus Safety Officers are on duty 24 hours a day year-round, patrolling campus and responding to emergencies and requests for assistance. Campus Safety Law Enforcement Officers have full authority of sworn law enforcement personnel granted by the Colonel of the Massachusetts State Police under Massachusetts General Law (MGL) Chapter 22c Section 63. Additionally, Campus Safety Officers have full authority to enforce college policies as granted by Wheaton College and its Board of Trustees.

Campus Safety is conveniently located at 30 Taunton Avenue and is open 24 hours a day. All Campus Safety Law Enforcement Officers attend either a full-time municipal police academy, the Special State Police Officer’s (SSPO) Academy. Additional in-service training is provided throughout the year on topics such as CPR/AED, First Aid, Incident Command, Critical Incident Management, Management of Aggressive Behavior (MOAB), cultural diversity, student development, communications, drug identification, and other programs.

Representatives from Campus Safety work with the Office of Residential Life, Physical Plant, the Norton Police
and Fire Departments, and many other stakeholders to ensure the safety of the entire Wheaton College community.

Information regarding Campus Safety at Wheaton College can be found at


I strongly encourage you to keep this information in a convenient location, as it may be helpful throughout the year. Please feel free to contact me by phone or e-mail if you have any questions.

Sincerely,

Emil R. Fioravanti
Director of Campus Safety

(508) 286-8213

fioravanti_emil@wheatoncollege.edu
Introduction

The Department of Campus Safety provides a variety of programs and services in an effort to deter crime, identify and mitigate risks, and educate the community.

Campus Safety operates 24 hours a day, seven days a week, and is responsible for the protection of life and property; responding to calls for assistance; facilitating the movement of persons and vehicles around campus; and documenting activity that violates state and federal laws or campus policies. We commit our efforts and design our operation toward:

1. Preventing and detecting crime;
2. Providing service to students, faculty, staff and guests;
3. Ensuring compliance with the policies and regulations of the College, the ordinances of the Town of Norton, and the laws of the Commonwealth of Massachusetts.

Mission Statement

The Wheaton College Department of Campus Safety works together with our community to create a safe and secure campus environment that encourages mutual respect, caring for others and responsible behavior. The department’s policies, practices and services are aligned with the College’s mission to provide a transformative liberal arts education for intellectually curious students in a collaborative, academically vibrant residential community that values a diverse world. We serve our community by providing professional police and campus safety services 24 hours a day, every day of the year and recognize our role to exercise good judgment and discretion in the enforcement of laws, policies and community expectations.

As a service-oriented team, our greatest asset is our personnel, and our greatest strength is our partnership with the College Community. This partnership is the foundation for maintaining a community that fosters rigorous intellectual, spiritual, ethical and personal formation of its students so they are prepared for citizenship, service, and leadership in a global society.

Vision

Our vision is to exemplify the best practices and professional standards in our field and to be recognized by our community and our profession as a leader among campus safety organizations. We will model ethical behavior and work in a partnership with all members of the College community to maintain a campus environment that is conducive to teaching, learning and personal growth.

Values

Leadership – We will provide leadership to our community through our involvement and commitment.

You – We will work with you to provide a safer community.

Opportunity – We look to capitalize on each opportunity to build relationships and educate.

Engagement – We look to have engagement within the community, to develop & solidify partnerships.

Service – We exist to provide service to our community in helping it achieve its goals.
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 requires the distribution of an annual security report to all current faculty, staff, and students, and notice of its availability to prospective students, faculty, and staff. The annual security 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 Wheaton College, and on public property within or immediately adjacent to and accessible from the campus. The 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 fires in campus residential buildings. Crime statistics, compiled throughout the year, are published annually, and this report is updated as necessary. You may obtain a paper copy of this report by contacting Campus Safety at 508-286-8213.

Each fall, e-mail notification is made to students and employees providing web site address access for this report. You can link directly to the site at Wheaton College Annual Security Report and Campus Fire Safety Report (https://wheatoncollege.edu/go/clery-report)

Developing Information for this Report

The preparation of crime statistics on an annual basis involves coordinating among Campus Safety, the Office of the Vice President of Student Affairs/Dean of Students, the Title IX Coordinator, and the Norton Police Department. This coordination also occurs in statistical gathering of data from those with “significant responsibility for students and campus activities.” Campus Safety contacts appropriate law enforcement agencies with jurisdiction over off-campus properties to collect annual statistics. Campus Safety prepares a crime log describing reported incidents. A copy of the media log may be viewed or obtained at the Campus Safety office.

Statement of Campus Enforcement Authority and Jurisdiction

Wheaton Campus Safety has both sworn and non-sworn personnel. Wheaton Law Enforcement Officers are sworn and granted special state police officer authority in accordance with the provisions of Chapter 22C, Section 63 of the Massachusetts General Laws. Sworn officers have the same power to make arrests as municipal police officers for any criminal offense committed in or upon lands or structures owned, used or occupied by Wheaton College.

In addition to sworn police officers Wheaton contracts with local security firms to provide non-sworn security services. Personnel in this non-sworn role therefore have no legal authority to exercise police powers.

A campus security authority is any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or campus security department. This includes officials of the College who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting in that capacity. Wheaton Campus Security Authorities complete yearly online training.
Wheaton Campus Security Authorities

<table>
<thead>
<tr>
<th>Athletics</th>
<th>508-286-3987</th>
<th>Haas Athletic Facility</th>
<th>Directors &amp; Coaches</th>
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<tr>
<td>Residential Life</td>
<td>508-286-8214</td>
<td>Balfour Hood Campus Center</td>
<td>Directors &amp; Staff</td>
</tr>
<tr>
<td>SAIL</td>
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<td>Balfour Hood Campus Center</td>
<td>Directors &amp; Advisors</td>
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<td>Conference &amp; Events</td>
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<td>Balfour Hood Campus Center</td>
<td>Directors &amp; Staff</td>
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<td>Student Employment</td>
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<td>Admissions</td>
<td>Manager &amp; Staff</td>
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<td>Health Services</td>
<td>508-286-8210</td>
<td>42 Howard Street</td>
<td>Director &amp; Staff</td>
</tr>
<tr>
<td>Dean of Students Office</td>
<td>508-286-8218</td>
<td>Park Hall</td>
<td>Deans, Advisors &amp; Staff</td>
</tr>
<tr>
<td>Provost’s Office</td>
<td>508-286-8215</td>
<td>Park Hall</td>
<td>Deans, Advisors &amp; Staff</td>
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<tr>
<td>Environmental Health &amp; Safety</td>
<td>508-286-5644</td>
<td>Old Science Center</td>
<td>Director &amp; Staff</td>
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<tr>
<td>SMART Coordinator</td>
<td>508-286-3374</td>
<td>Doll’s House-Ground Floor</td>
<td>Coordinator &amp; Staff</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>508-286-3261</td>
<td>Doll’s House-Ground Floor</td>
<td>Coordinator &amp; Deputies</td>
</tr>
</tbody>
</table>

Statement of Policy Addressing General Emergency Procedures

On observing a crime, act of violence, or suspicious persons:

- Call Campus Safety at 508-286-3333 or dial 911 and stay on the line to provide information
- Don’t intervene unless you can do so safely
- Seek safety, preferably inside a campus building.

If any faculty, staff, student, or guest of the College is injured:

- Call Campus Safety at 508-286-3333 or dial 911 and stay on the line to provide information
- Secure the area, and stay with the injured person
- If qualified, provide first aid – otherwise await emergency responders
- Do not move or transport the injured person unless absolutely necessary
- If the injured person is an employee, the supervisor must file an accident report with Human Resources.

In the event of a fire:

- Pull the alarm, and evacuate the building immediately along the marked and lighted routes
- If qualified, use an extinguisher – otherwise evacuate and await emergency responders
- Do not re-enter until the “all-clear” has been given from the fire department.

After an automotive accident in a college or rental vehicle:

- Secure the accident scene
- Call the police, and request medical assistance if needed
- Obtain and provide insurance information, and file an incident report with Campus Safety as
If a critical incident is declared:

- Members of the critical incident team will activate plan.
- Activation of departmental emergency plans
- Follow the instructions of college officers and emergency responders.

If an oil or chemical spill occurs:

- Call Campus Safety at 286-3333 or dial 911, and secure the area
- Do not attempt to control or clean up the spill unless you have been trained.

Important Campus Telephone Numbers

- Campus Safety (Non-Emergency) 508-286-8213
- Campus Safety (Emergency) 508-286-3333
- Norton Police Department 508-285-3300
- Norton Fire and Rescue 911
- Sturdy Memorial Hospital 508-222-5200
- Morton Hospital 508-828-7000
- Norton Medical Center 508-286-5400
- Wheaton Counseling Center 508-286-3905
- New Hope: Rape Crisis Hotline 1-800-323-4673
- Alcoholics Anonymous 617-426-9444
- Planned Parenthood 401-421-9620
- Suicide Hotline 617-247-0220
- Physical Plant Department 508-286-3876
- Dean of Students Office 508-286-8218
- Mansfield Health Center 508-339-4144
- Mass Drug Enforcement 617-557-2100
- Adult and Child Abuse 1-800-452-1999
- National Abortion Hotline 1-800-772-9100
- AIDS Hotline 1-800-851-2437
- Mass Department of Human Services 617-520-8700

Statement of Policy for Reporting Procedures

If you observe a crime or suspicious situation, or see a safety problem, immediately notify Campus Safety. Your awareness is essential to campus crime prevention. For non-emergency or business calls, dial 508-286-8213. For emergencies, dial 508-286-3333.

Campus Safety is responsible for the reporting and follow-up of any criminal incident that occurs on the Wheaton College campus, in coordination with the Norton Police Department, as necessary. Crimes committed in other jurisdictions should be reported to the police agency where the offenses occurred.
While there is no Memorandum of Understanding currently in place with Norton Police Department, Campus Safety coordinates closely on a case-by-case basis with Norton Police Department to address reported incidents, as necessary.

As part of its response to reports of criminal incidents, Campus safety, along with the Title IX Coordinator will provide written notice to student and employee victims about existing support services and supportive measures, which may include mental health counseling resources, physical health resources, victim advocacy and legal assistance resources, visa and immigration assistance, student financial aid and other services as available, both within the institution and community.

The College will, upon written request, and in accordance with FERPA, 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 results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense.

To ensure that timely warnings are issued, and that accurate statistics are included in this annual disclosure, any criminal offenses should be reported promptly to a member of Campus Safety, or to a respective dean, director, department head, or Campus Security Authority.

**On-Campus Reporting**

**Reporting an Incident**

In an effort to promote a culture of reporting, the College encourages anyone to report crimes or potential violations of College policy. Community Members can utilize a number of reporting options which include, but are not limited to:

**Community Reporting Options.** The Community Reporting Options available on the InsideWheaton portal for faculty, staff, and students under the Campus Life tab, that allows all members of the community to submit a variety of reports based on different incidents and concerns directly to the Dean of Students Office and/or appropriate office.

**LiveSafe App.** The LiveSafe App (https://wheatoncollege.edu/campus-life/campus-safety/campus-safety-department/safety/livesafe-app/) is available to the Wheaton community and provides a direct reporting line to Campus Safety, allowing community members to anonymously report tips as well as seek help.

**Campus Safety.** Campus Safety is located at 30 Taunton Avenue and reachable via telephone at (508) 286-8213 for non-emergencies or (508) 286-3333 for an emergency.

**Residential Life Staff.** Residential Life is located in Balfour Hood on the 3rd floor and reachable via telephone at (508) 286-8214. Each residence hall/residential area is comprised of a staff of Resident Advisors and an Area Coordinator who can help work through the issues associated with living in a community. All Residential Life Staff must report concerns related to the College’s Sexual and Gender-Based Misconduct Policy (https://wheatoncollege.edu/campus-life/campus-safety/sexual-and-gender-based-misconduct-response-and-resources/misconduct-policy-students/).

**Dean of Students Office.** Dean of Students Office is located in Park Hall on the 1st floor and reachable
via telephone at (508) 286-8218. The Dean of Students Office coordinates student support initiatives and the Student Conduct Process.

When members of the Wheaton community receive a report of criminal activity on campus, they should immediately contact Campus Safety. They may also contact a designated Campus Security Authority who will then consult with Campus Safety.

**Off-Campus Reporting**

If criminal activity takes place in an off-campus location, Wheaton College community members should contact the municipal, county, or state police department with jurisdiction. When a Wheaton student is involved in an off-campus offense, Campus Safety officers may assist in the investigation, in cooperation with municipal, county, state, or federal law enforcement authorities. Law enforcement authorities routinely work with and communicate with Campus Safety on any incidents occurring on campus or in the immediate neighborhoods and business areas surrounding campus. Campus Safety officers may respond to student-related incidents that occur in proximity to campus. Campus Safety officers have direct radio communications with the Norton Police, Fire and Rescue services to facilitate rapid response to any emergency situation.

**Statement of Policy for Confidential Reporting Procedures**

If you are the victim of a crime, or a witness to a crime, and do not want to pursue action within the Wheaton College student conduct process or the criminal justice system, you may still want to consider making a confidential report. With your permission, Campus Safety and/or a law enforcement agency can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter private, while taking steps to ensure the future safety of the community. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Wheaton College. To file an anonymous confidential report call the Campus Safety anonymous tip line 508-287-5700 or use the Silent Witness Form (https://wheatoncollege.edu/campus-life/campus-safety/campus-safety-department/forms/silent-witness-form). You may also file a report in person by contacting any Campus Security Responsibilities of Wheaton Community.

Accommodations or protective measures provided to a victim will remain confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Wheaton community members are encouraged to assume responsibility for their personal safety and security of personal property. Some suggestions to accomplish this are:

- Report all suspicious activity to Campus Safe
- Be aware of your surroundings at all times
- Utilize the LiveSafe app when walking alone
- Never leave valuables unsecured
- Always keep doors and vehicles locked

**Campus Facilities**

**Statement of Policy for Addressing Security and Access**

Campus academic and athletic facilities are open during normal business hours while classes are in session on limited hours weekday and during special events. Access to all residential halls and limited buildings by card access controlled and monitored by Campus Safety. Contact security performs patrols on each shift, each day of the year.

**Maintenance of Campus Facilities**

Maintenance of the campus is performed by both Wheaton employees and contact personnel. Generally, all mechanical, electrical and minor repairs are performed by in house personnel. Groundskeeping, landscaping and snow removal functions are completed by contact personnel.

**On Campus Student Housing and Statement of Policy Addressing Safety and Security in the Residence Halls**

There are 19 residence halls and 15 “theme” houses located on the campus. All residence halls are secured by card access and designated entry and egress point equipped with closed circuit television recorders.

Access to the residence halls is restricted to students and their guests. Both Residence Assistants (RA’s) and Residential Life Coordinators (RLC’s) to provide guidance and supervision.

**Statement of Policy for Addressing Safety and Security Off-Campus**

The College does not provide off campus housing for students and community members. Students who elect to live off campus are identified and provided guidance for situational awareness for safety concerns. Each year, off campus students meet with Campus Safety and Norton Police and Fire Officials as well as Student Affairs administrators to identify best practices for successful living while living in the area. Students are encouraged to report crimes immediately to Norton Police at 508-285-3300 or dial 911.

**Statement of Policy for Addressing the Monitoring and Recording of Student Conduct in On and Off-Campus Residences**

Any behavior that adversely affects the College community or the pursuit of its objectives or calls into question the suitability of a student as a member of the Wheaton College community is subject to the College’s Student Conduct Process. All matriculated students at Wheaton College are considered members of the Wheaton community and therefore must adhere to the Honor Code and Community Standards. The College’s community standards can be accessed at the following link:
Crime Prevention and Personal Safety and Security Awareness Programs for Students and Employees

Wheaton College Campus Safety strives to include all community members in safety awareness programs that will reduce the likelihood of victimization and if crime does occur, inform them on how to report the matter. Crime prevention programs and activities enlist the collaboration of community members to deliver informational presentations, concerning a variety of topics including alcohol awareness, personal safety awareness, and laptop registration. Wheaton College provides a range of resources and programs designed to reduce victimization and increase campus safety. Examples of such programs are listed below.

LiveSafe Application

Using the mobile app, employees and students can easily submit safety and security information, upload relevant photos or videos, and provide additional details through two-way chat with security. Users always control their privacy and can submit this information anonymously if preferred. This application will allow community members to notify another person that they are leaving one area of the campus and provide real-time communication acting as a Safe Walk. The software platform also provides a mechanism for addressing all registered users on campus.

Emergency Phones

Emergency phones are located throughout the Wheaton campus. Either a blue light or yellow emergency call box will help you identify these phones. To contact Campus Safety with one of these phones, simply press the large red button on the phone. When an emergency phone is activated, the Campus Safety Communications Officer will be alerted and an officer will be sent to the location of the phone. No dialing or conversation is required. If possible, try to describe the nature of the emergency to the dispatcher. A list of all blue light phone locations is listed below:

- Balfour Hood Center Elevator
- Mary Lyons Elevator
- Knapton Elevator
- Library Elevator
- Haas Elevator
- Watson Elevator
- Bookstore Elevator
- Nordin Turf Field
- Gebbie Hall Elevator
- Keefe Hall Elevator
- Keefe Hall
- Mars Meneely Elevator
- Mars Science Center Elevator
- Beard 2nd - 2nd Floor Balcony
- Beard Elevator
- Foot Bridge
- Lot #4 - Meadows West
- Mars Science Center Facing Kollett Callbox
- Mars Science Center Observation Roof Deck
- Pine Hall – Elevator

**Campus Safety Safe Walk Service**

An on-campus escort will be provided by a Campus Safety Officer upon request.

**Security Alerts**

In the event that criminal or hazardous activity requires timely public notice to alert community members of potentially dangerous situations, Campus Safety prepares and distributes security alerts via e-mail.

**Pedestrian Crosswalks**

Several of the crosswalks in front of campus on East Main Street have been equipped with crosswalk signs located adjacent to the crosswalk. The Howard Street crosswalk, President’s crosswalk and Lot #2 crosswalk have a flashing yellow light that is activated by the press of a button. This light alerts drivers and safeguard pedestrians. All members of the Wheaton community are encouraged to utilize the marked crosswalks when crossing East Main Street. Crosswalks located on the inner campus roadways are clearly marked, painted with college colors and bordered by caution yellow.

**Campus Lighting, Brush Surveys and Building Security Checks**

Lighting fixtures on campus are monitored for malfunctions. Work orders are submitted to affect repairs and these work orders are given priority. Areas where lighting could be enhanced to improve safety are reported to the Facilities Department for evaluation. Campus Safety officers also monitor town streetlights on public ways in neighborhoods bordering the campus. Malfunctioning streetlights on adjacent roads to the campus are immediately reported to the department of public works. Campus lighting fixtures that are not functioning properly are reported to the Physical Plant Department for repair by work orders completed by campus officers. All members of the Wheaton community are also encouraged to report lighting safety concerns to the Physical Plant Department or to Campus Safety.

Each year, community members meet with Campus Safety and Physical Plant administrators to survey the campus, identify brush and vegetation that obscures paths and schedule removal.

Contract security is required to complete physical checks of all buildings during their respective tours of duty. Utilizing electronic checkpoints compliance is measured electronically of campus locations. Officers are required to note and report any breach of security such as defective lock, hardware, and grounds and complete work orders to ensure repair.

**Residence Hall Staff Training**

This training includes crime prevention, safety awareness, fire prevention and policies and procedures to deal with safety concerns and reports of crime.
Laptop Theft Prevention

Register Your Laptop: Laptops and other portable electronic devices are easy targets for theft. In addition to the cost of replacement, they often have personal information and intellectual property that can be difficult or impossible to recover and protect.

The Wheaton College Department of Campus Safety is offering a free Laptop Registration Program to members of the campus community to deter theft and avoid the consequences or assist in the recovery of stolen property. Go to: Laptop and Tablet Registration (faculty/staff) (https://wheatoncollege.edu/campus-life/campus-safety/campus-safety-department/forms/laptop-tablet-registration-facultystaff/).

Once you register your laptop, we will have the basic information to quickly investigate the theft. Additionally, if your laptop is found or recovered, the registration record will help DPS return your laptop to you.

Other methods to protect your laptop:

- Keep the laptop with you, do not leave it unattended
- Keep the laptop out of sight; store it when not being used
- Label your accessories and carrying case
- Password protect your laptop

To report the theft of a laptop on campus, call Campus Safety at 508-286-8213.

Sexual and Gender-Based Misconduct Prevention

The College provides all first-year students with policy training on the definitions of Stalking, Domestic and Dating Violence and Sexual Assault. The training is paired with bystander intervention training via online education modules and in-person or remote orientation programming. The College also offers advanced bystander intervention training programs to student leaders like RAs and student athletes. Programs include safe and positive options to intervene and information on reducing risk. The College’s Sexual Misconduct and Assault Resource Team Coordinator also provides ongoing training, education, and prevention programming throughout the year, including programs centered around Healthy Relationships, Domestic Violence Awareness Month, and Sexual Assault Awareness Month. All new employees must complete online training regarding the College’s policy prohibiting Stalking, Domestic and Dating Violence and Sexual Assault.

Policy Statement on Emergency Notification System and Emergency Evacuation Procedures

The Wheaton Emergency Notification System (Blackboard Connect) currently uses a secure, web-based service to selectively store electronic contact information provided by students, faculty, and staff, through which the College is, able to communicate information and instructions in the event of an emergency.

Emergency messages are sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person.
In the event of a campus emergency, the College will, without delay, alert the Wheaton community to the nature of the emergency and provide safety instructions, unless the notification would, in the professional judgment of campus security authorities, compromise the efforts of emergency responders. Subsequent messages would be sent as necessary with further instructions and situational updates. Emergency messages would be sent simultaneously via voice mail, email, and/or text messaging to all of the numbers and addresses on file for each person. In addition, speakers are located throughout campus and are capable of sending the emergency message.

In an urgent but non-life-threatening situation, College administrators have the option to deliver a more selective emergency message directly to those listed on-campus telephone numbers and email addresses, as well as to a primary telephone number designated by the individual, to specific campus populations and/or the community as a whole.

As the effectiveness of this system is dependent on the accuracy of the information maintained on file, all members of the campus community are urged to regularly update their electronic contact numbers and addresses – students through the Registrar’s Office, and faculty and staff through Inside Wheaton Portal at https://cas5.wheatonma.edu/cas/login?service=https%3A%2F%2Fportal.wheatonma.edu%2Fc%2Fportal%2Flogin

This system is tested at least semiannually, typically in coordination with recommended informational contact information updates. Testing is announced in advance by the College using the Blackboard Connect System to send notice via email, phone, and text message. The College documents each test, including a description of the exercise, the date, time, and the fact that the test was announced. The College publicizes its emergency response and evacuation procedures at least annually, typically in conjunction with system testing.

**Shelter-in-Place Procedure**

The general procedure during a life-threatening emergency is to remain inside the building you are in and seek a place of safety. Remain in a locked interior room and stay away from windows. Leaving a building may expose you to danger.

If you are inside, stay where you are. Collect any readily available supplies and keep a telephone at hand.

If you are outdoors, go to the nearest campus building and seek shelter.

- Locate an interior room, above ground level, and with no windows, if possible.
- Close and lock all doors and windows (blinds) and stay away from them.
- Turn off air conditioners, heaters, and fans. Close vents to ventilation systems.
- Await further instructions from emergency services personnel.

If the building is unsafe to remain in, evacuate and seek shelter in the nearest campus building.

**Evacuation Procedures**
In the event that it becomes necessary to evacuate specific buildings to mitigate a life-threatening emergency, campus security authorities will coordinate their efforts with emergency responders as follows.

- At the direction of Campus Safety authorities or the responding On-Scene Commander, the building’s fire alarm will be activated (if it has not been already) and you will be evacuated according to established plans.
- Do not burden yourself with unnecessary items, or use the building’s elevators. Follow all instructions given by Campus Safety or response personnel.
- You will be directed away from the building to a designated safe zone, where you will be processed by emergency response services to address any injuries or other concerns.
- If the evacuation will be prolonged, College Administrators will arrange for the temporary relocation of the building’s occupants as necessary.
- No one will be allowed to reenter the building without express permission.

**Statement of Policy Addressing Timely Warnings**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Campus Safety will post timely warnings for the college community to notify members of the community about serious crimes that occur on campus. Having knowledge of such crimes will assist community members in making informed decisions about their personal safety and help prevent similar crimes from occurring. These warnings will be posted if a serious crime on campus constitutes an ongoing or continuing threat to the community. These crimes may be reported to Campus Safety, a campus security authority, or to the Norton Police Department. The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Clery Act. The decision is made by the Director of Campus Safety or designee, considering all available facts, including whether the crime is considered a serious or continuing threat to students or employees, and the possible risk of compromising law enforcement efforts. Campus Safety issues timely warnings for the following incidents:

- Criminal Homicide
- Sex Offenses
- Aggravated assault
- Robbery
- Burglary
- Motor Vehicle Theft
- Major incidents of Arson
- Other crimes as determined necessary by Director of Campus Safety, or designee

Campus Safety does not issue timely warnings for the above listed crimes if:

- The suspect(s) is apprehended and the threat of imminent danger to the Wheaton College community has been mitigated by the apprehension.
- A report was not filed with Campus Safety, or if Campus Safety was not notified by campus security authorities in a manner that would allow the office to post a “timely”
warning to the community. Unless there are extenuating circumstances, a report that is filed more than five days after the date of the alleged incident may not allow Campus Safety to post a timely warning to the community. This type of situation will be evaluated on a case-by-case basis.

A timely warning and updates may be distributed to the campus through any one or more of the following means:

- Emergency Notification System: A mass notification system that automatically sends brief voice, email and text alerts to the community regarding an emergency situation on the Wheaton campus.
  Wheaton students can enter their campus emergency contact information through the Wheaton WINDOW under the Personal Information tab.
  Faculty and staff can enter their campus emergency contact information numbers at: https://portal.wheatonma.edu
- College email and voicemail
- Fliers posted on bulletin boards in academic buildings, residence halls, outdoor boards and administrative buildings.

A copy of the timely warnings will be filed in the corresponding case file. Campus Safety may also issue “Safety Alerts,” when necessary, to apprise Wheaton community of safety issues and concerns. These alerts will include information and recommendations so that members of the Wheaton community may make informed decisions about personal safety.

Campus Safety also maintains a daily media log that contains crimes reported to the department. The daily crime log is available at the Campus Safety office located at 30 Taunton Ave.

**Statement of Policy Regarding Emergency Notifications**

In the event of a serious incident or event presenting an immediate threat to the safety of community members the College will utilize the Blackboard Connect system to notify the community by email, text and phone. Students, faculty and staff are enrolled in this system by default. There is no charge for SMS or other media for this service. There is an option to opt out of the system by using resources at https://portal.wheatonma.edu . Other methods of communication may be in the form of posted bulletins, face to face communications or the Loud Mouth exterior public address system. These methods are exercised by Campus safety at the start of each semester and are announced in advance.

Wheaton notification systems are administered by the Chief of Campus Safety as the primary message sender and has designated the Detective Lieutenant as a backup if needed.

Wheaton College exercises their evacuation plans by instructing community members to be aware of building exist locations and by utilizing fire alarm systems for purposes of evacuation of buildings. Fire alarm drills are conducted at the start of each semester and during the summer months for campus programs. Drills are conducted in conjunction with Residential Life staff, Campus Safety and Norton Fire department. Evacuation assembly points are posted and distributed as well as emergency procedures in each building.
Emergency Preparedness

Critical Incident Management Plan

The “Critical Incident Management Plan” is not intended to provide specific and detailed information nor information and procedures for handling all emergencies. Rather, this plan is intended to provide broad guidelines, so those who must make decisions during a critical incident can do so efficiently and effectively.

Objectives: provide a standard document that allows a key individual to communicate and champion a response for incident stabilization and recovery that is safe and immediate.

Defining and Categorizing Critical Incidents

Critical Incident: A “Critical Incident” is a situation or condition, which significantly disrupts or potentially disrupts the educational mission, residential or student life, and/or administrative function of a significant portion of the Wheaton College community.

Examples: A “Critical Incident” can be categorized in one of the following ways:

1. The sudden, unexpected death or serious injury of one or more members or guests of the college.
2. A weather–related incident (snowstorm, hurricane, etc.)
3. A Physical Plant-related incident (major power outage, damage to a building, fire, etc.)
4. An environmental or health-related incident (chemical spill, infectious disease, etc.)
5. A public/civic disturbance (bomb threat, sit-in, major criminal act on campus, etc.)
6. An act of national/global influence that affects our community and/or educational mission.

Emergency: An emergency is a situation which may negatively affect campus operations and/or administrative functions, academic-educational activities, residential life, or off campus programs (travel abroad). These situations may vary in complexity, but can typically be managed through department protocols and response plans. Collaboration among divisions-departments, and within response plans, often takes place and the disruption to our campus is of short duration.

Examples:

1. Residence hall flood due to a broken pipe.
3. Student whom is abroad and requires medical evacuation.

Work Request(s): A work request may take many forms. It may pertain to a repair to correct a deficiency within our physical facilities (inside or out). It may be a request for event support services. Other requests may ask for assistance to improve a particular space. Work requests are generated by contacting our Locksmith/Work Control Office of Physical Plant, x3880. The request will be created and logged into the college’s electronic work order system. Requests
that have a greater degree of urgency may be two-way radio dispatched. These may, but typically do not, rise to the level of an emergency. All such work is prioritized by its nature, impact on our community, and date of receipt.

Examples:

1. Repair a hole in a wall—Carpentry work order.
2. Deliver 8 six-foot tables to Atrium for an event on xx day/time—Building Services work order.
3. Install 6 coat hooks inside a faculty office—Carpentry work order.
4. Leaking sink in residence hall—Radio dispatch to Plumbing department.

Critical Incident Plan

Determining a category to initiate a response:

When a member of our community identifies a concern, they will initiate a notification process, which may take the form of a work request communicated to Physical Plant, through the standard work order process, OR it may be communicated through contact with Campus Safety. When contacted, the nature of the concern will be categorized by Physical Plant or Campus Safety. If the concern is found to be urgent, it will be treated as an emergency or critical incident, with corresponding response protocols.

If an employee determines that an emergency situation may exist, they must notify their Supervisor and/or Campus Safety, where the corresponding response protocol is initiated.

Once notified of an emergency situation, Campus Safety will respond. They will assist the Supervisor/Division Head in assessing the situation and determine if notifying a college officer is warranted.

In all situations that immediately threaten life or property, the Norton Fire/Rescue Department and Norton Police Department will be contacted.

If the emergency meets the definition of a "critical incident":

Responsibility for initial control and direction of the critical incident team will lie with the team member first responding to the scene and initiating team call-in (team coordinator). The Team Coordinator will remain in charge of the College response until relieved by a senior member of the Critical Incident Team.

Unless otherwise directed by the Critical Incident Team Coordinator, the Campus Safety Department will assume the responsibility to notify the Critical Incident Team, as well as other emergency response agencies, when an incident occurs. Notification of team members may be supplemented by other departments. In addition, the Campus Safety Department will normally serve as the initial point of coordination and communication for the critical incident response and contact with Town EMS. Campus Safety may also notify them of the command center location. The Critical Incident Team Leader or College Officer in charge determines that a critical incident exists. He/she is responsible for notifying the College President of the situation and of any actions being taken.
The Critical Incident Team will review the nature of the emergency and determine appropriate response actions. The Team Coordinator can modify the notification and response procedures of this policy as necessary and appropriate.

Critical Incident Stages for the Team Coordinator to consider:

1. Critical Incident Response
   - Stabilize situation to minimize damage and injury.
   - Pass leadership on to authorities (Police, Fire, and EMS).

2. Crises Management (natural, technical, human, contingency)
   - Communicate—assess situation, lead and control, coordinate internal & external.
   - Communication. Maintain positive image.

3. Business Recovery
   - Restore critical operation
   - Minimize confusion

Effect temporary and long-term recovery Wheaton College is committed to open communications and coordinated emergency management of incidents occurring in our community. Our Critical Incident Team (CEMT) operates under the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS). Planning, exercises, and actual campus incident response drive our application of various degrees of ICS coordination and oversight. It is our intent to hone our readiness and continuously improve our incident response by paying close attention to the needs of our organization and constituents, and by applying lessons learned from local, national and international crisis responses.

Wheaton College has a detailed all-hazard critical incident plan in place to manage the anticipated issues associated with a declared disaster on campus, defined as an event that has the potential to:

- Seriously impair or halt the operations of the College; or
- Result in mass casualties or extensive property damage; or
- Significantly impact the campus community or geographic region.

Examples of potentially disastrous circumstances could include a major storm, extensive fire or explosion, chemical release, prolonged utility failure, act of violence or terrorism, or epidemic disease. This planning conforms to the most recent recommendations of the Department of Homeland Security (DHS), and is coordinated with parallel efforts by local, county and state law enforcement, and emergency response agencies. The key components of the plan include:

- Preventative measures designed to protect the overall safety of the campus community;
- Phased decision-making guidance based upon real-time reporting at the international, national, regional, state, and local levels;
- Providing continuity of services for the on-campus population for the duration of any emergency; and
- Recovery and returning to normal operations as soon as feasible.

For more information about emergency planning, please
contact:

Chief Emil Fioravanti, Director of Campus Safety
fioravanti_emil@wheatoncollege.edu
508-286-8213

Detective Lieutenant Roy Mulcahy, Assistant Director of
Campus Safety Department of Campus Safety
508-286-8213
mailto:mulcahy_roy@wheatoncollege.edu

John Sullivan, Assistant Vice President of Business Services & Physical
Plant Business Services Office
508-286-3484
sullivan_john@wheatoncollege.edu

Statement of Policy for Addressing Building Access and Security

Academic and support buildings are available to authorized members of the campus community
and to official visitors and/or individuals who have legitimate business needs during hours the
buildings are open.

Buildings are secured on a set lock-up schedule. Entry after scheduled hours is only available to
faculty, staff, and authorized students, as determined by the appropriate academic or
administrative offices.

Buildings are patrolled regularly by Campus Safety officers.

Certain buildings are alarmed for the protection of contents and personnel and the alarms are
activated when any illegal entry is made. Immediate response to the alarm location is made by
Campus Safety officers or the Norton Police.

All Wheaton residence halls and houses are secured with keys or card access. The Wheaton I.D.
card allows authorized students to gain access to a building by swiping their card through a card
reader located on exterior and interior doors. Campus Safety routinely checks exterior door
locks during the normal shift patrols ensuring that doors may be properly secured by either
electronic or key locking mechanisms.

Residential Life staff members perform regular assigned building checks, in addition to regular
patrol checks made by Campus Safety.

Campus Safety will admit a specific individual or group to a building or room after hours, on
weekends, vacations and holidays, only if the office has received authorization from an
authorized department representative prior to the date the facilities are to be used. The person
in charge of the room or area involved should forward the authorization for an individual or
group to Campus Safety. A dean, director, department head, or his/her designate must request
the authorization. Authorized persons must not allow non-authorized individuals to enter.

All members of the Wheaton community are expected to immediately report suspicious activity,
suspicious persons, or crimes in progress within campus buildings and throughout the campus.

**Summer Programs**

Wheaton College hosts many non-matriculated students during the academic year and summer months for participation in special athletic camps and educational programs. The Office of Conference and Events oversees the participants’ orientation and housing arrangements. Orientation programs include information relative to campus safety and security. Additionally, visitors are encouraged to view the Campus Safety’s website, which details additional policies and information, including the most recent Clery Campus Crime Report.

**Noise Policy**

All residence halls and houses have 24-hour courtesy hours. All students must consider the other residents and neighbors living nearby, and must honor the request of any resident or staff member when asked that noise (stereos, radios, TVs, loud talking, etc.) be quieted. This includes reasonable requests from members of the surrounding community. Repeated failure to respect the reasonable requests of others may result in a conduct meeting.

**Quiet Hours**

Sunday through Thursday, quiet hours begin at 11:00 p.m.; Friday and Saturday quiet hours in all halls and houses begin at 2:00 a.m. The College exists so that a community of scholars can fully participate in the learning process. Students and groups may not engage in excessive noise that obstructs academic classes, College business and faculty offices, the neighboring community.

**Statement on Firearms and Weapons**

The General Laws of the Commonwealth, MGL, Chapter 269, Section 10j, of Massachusetts prohibit the possession of any of the following on the campus of any college or university: any firearm assembled or disassembled, ammunition, stiletto, dagger, dirk knife, any knife having a double-edge blade, a switch knife or any knife having an automatic spring release, any knife having a blade of over one and one-half inches, a sling shot, black jack, metallic knuckles or knuckles of any substance with a similar effect as metallic knuckles.

Only police officers are authorized to possess firearms on campus. The possession or storage of any dangerous weapon, explosives, incendiary devices or device considered hazardous on Wheaton College property is unlawful and may lead to judicial/criminal action against the offender. The Commonwealth of Massachusetts firearms laws are strictly enforced. In Massachusetts conviction for the illegal possession of a firearm carries a mandatory one-year jail sentence.

**Capacity & Crowd Manager Requirement**

Depending on the size and type of event, security and/or crowd managers may be required. If required every facility must have one crowd manager for every 250 occupants when the facility is open.
Alcohol Policy - SAMM (Safety Always Matters Most)

At Wheaton College, we value a healthy community and recognize that alcohol can be dangerous when abused, therefore we encourage students to make good choices. However, we also recognize that some students choose to drink, and in these situations, we believe that Safety Always Matters Most (SAMM). This is the philosophy and lens through which we hold all alcohol-related discussions. To that end, the policies outlined below attempt to reduce many of the risky situations that accompany alcohol use, keeping safety foremost in choices related to alcohol use while complying with state and local regulations:

- Persons under 21 years of age may not possess or consume alcohol.
- Persons under 21 years of age may not host other persons in their room, over-or-under the age of 21, who are possessing or consuming alcohol.
- No person over the age of 21 may possess or consume alcohol in any other place other than their room, unless the event is registered for alcohol. However, at these events, persons over 21 years of age or older may possess or consume alcohol that was registered and provided by the event hosts.
- Persons 21 years of age or older may not purchase or distribute alcoholic beverages to persons under 21 years of age.
- No person may provide or distribute alcohol to persons who are intoxicated.
- No person may possess a common source* of alcohol unless it has been approved as part of a registered event in a designated space.
- No person may possess or use funnels or play drinking games, with or without alcohol.
- Public intoxication and any problematic behavior are not permitted.

At Wheaton College, we believe that student health and safety is a responsibility shared by all members of the Wheaton community, and that our obligation as a community is to act with care and respect for each other; this is embodiment of the SAMM philosophy.

Towards that end, students who seek appropriate medical aid due to an incident of intoxication either for themselves or for other students generally will not be subject to disciplinary action for that incident with respect to the College’s alcohol policy. This policy will not apply if the student does not act with sincere effort to obtain medical assistance in addressing the alcohol use at issue.

In order for this policy to apply, the intoxicated student will participate in a meeting with a designated representative of the College who will determine what follow-up steps are necessary and the timeframe for the student to complete these steps. The student will be informed of the required follow-up steps and must agree to their timely completion. Such steps may include educational activities or alcohol assessment and/or treatment. The steps will depend on the nature of the incident and level of concern for the student’s health and safety. Serious or repeated incidents will prompt a higher degree of concern. If the follow-up steps are taken within the required time and the student demonstrates a genuine motivation, effort, and commitment to address her or his use of alcohol, the student will not be subject to disciplinary action for the incident with respect to the College’s alcohol policy.

The student’s failure to meet with a designated College representative or failure to complete
recommended follow-up steps in an appropriate and timely manner ordinarily will result in disciplinary action under the College's alcohol policy.

Depending upon the circumstances of a particular incident, other students, student groups, or organizations might be required to meet with a designated representative of the College and to complete follow-up steps. Failure to do so may result in disciplinary action.

It should be noted that this policy does not preclude disciplinary action regarding other violations of community standards, nor does this policy exempt students from any criminal, civil, or legal consequences of their behavior.

**Alcohol and Drug Counseling**

While the college does not employ a drug and alcohol counseling specialist, the Counseling Center clinicians are generalists with experience working with students with alcohol and drug related problems. Many times, the Counseling Center is able to adequately address these problems with a combination of counseling and referral to health education. However, there are times when the level of alcohol and/or drug problem requires the expertise or level of care beyond what is available in the Counseling Center. In the latter instance, the Counseling Center clinical case manager and/or counselor can assist students by referring them to providers/programs to adequately address the drug/alcohol problem.

**Illegal Drug Policy**

Wheaton College policy on drugs complies with the laws of the Commonwealth of Massachusetts and the Town of Norton, as well as with federal legislation that requires the College to provide drug prevention programs for students.

Wheaton College seeks to insure the health and well-being of all members of the Wheaton Community. Wheaton’s policy on drugs reflects the College's commitment to:

- Educate students to the health risks associated with the use of drugs
- Provide confidential counseling and/or referral for individuals concerned about their own use drugs, as well as those affected by the drug use of others
- Inform students of the applicable legal sanctions under federal, state and local laws for the unlawful possession or distribution of illicit drugs
- Prohibit the unlawful possession, use or distribution of illicit drugs on College property or at College- sponsored events

**The Risk to Personal Health and Well-Being**

The irresponsible use or abuse of drugs is dangerous and can lead to addiction or psychological dependence and serious physical health problems. Abuse is also harmful in other ways. It can destroy peer and family relationships. It results in reduced academic, athletic and work performance, and it increases the risk to personal safety because of the effect it can have on personal judgment and reaction time.

**Statement of Policy Addressing Substance Abuse Education**

The federal Drug-Free Workplace Act of 1988 requires employers who contract with or receive grants from agencies of the federal government to maintain a drug-free workplace. In addition, the federal
Drug-Free Schools and Communities Act of 1989, as a condition of the institution receiving federal funds or any other form of financial assistance under any federal program, requires all institutions of higher education to adopt and implement a program to prevent the use of illegal drugs and the abuse of alcohol by students and employees. The health risks associated with the use of alcohol and illegal substances are significant. Alcohol or any other drug used in excess over time can produce illness, disability, and death. The health consequences of substance abuse also can be immediate and unpredictable, such as cardiac arrest, or more subtle and long term, such as liver deterioration. In compliance with the requirements of these laws, and in order to provide a safe and healthy environment in which employees and students may work and study, Wheaton College has established a drug prevention program. That program is described in the policy statement included here. Students and employees of the college are notified annually of the requirements of this policy.

Prohibitions

Wheaton College prohibits the illegal use, possession, manufacture, distribution, dispensing, or other transfer of any controlled substances, in any amount, by any college employee or student while: (1) on college premises or property owned by the college, (2) performing any job-related activity, on or off college premises, or (3) participating in any college activity, on or off college premises.

The terms drugs and controlled substances, as used in this policy are defined in accordance with the federal Controlled Substances Act (CSA), and includes all substances classified as illegal drugs pursuant to the CSA. Those terms do not include medication prescribed by a properly licensed and authorized health professional, provided that the medication is taken strictly in accordance with the health professional’s instructions and provided that the possession and use of such drugs does not adversely affect job performance or the safety of students and employees or others. (Employees are to consult with their physicians about the effect of such prescribed medications on their fitness for duty and ability to work safely and disclose any work restrictions promptly to the Human Resources Department or their supervisor. Employees are not expected to disclose underlying medical conditions.)

Also prohibited is the use or possession of alcohol by any employee or student while: (1) on college premises, (2) engaged in any job-related activity, on or off college premises, or (3) participating in any college activity, on or off college premises. An exception to the prohibition on the use or possession of alcohol is made for the moderate and responsible consumption of alcohol by individuals of legal age at functions at which college authorization to serve alcoholic beverages has been obtained in accordance with college policies, and at other college sponsored events for employees that are primarily social in nature, provided that consumption at such functions is moderate and responsible, and limited to individuals of legal age and does not pose a risk to the safety of the individual or others. Faculty and staff members who live in college owned property shall be permitted to possess and consume alcoholic beverages in their residences.

In addition, no employee may be under the influence of alcohol or any drugs or controlled substances while operating a vehicle or equipment owned or leased by the college, or otherwise performing any work at or for the college.

Disciplinary Action and Sanctions for Non-Compliance

Employees who violate any provision of this policy may be subject to disciplinary action and sanctions, up to and including termination of employment. Students who violate any provision of this policy may be subject to disciplinary action and sanctions, up to and including expulsion from the college. Additionally, the college will notify law enforcement of violations of this policy, as appropriate in the
sole discretion of the college. Actions in violation of this policy, including unlawful possession, use, or distribution of drugs or alcohol may subject an employee or student to criminal penalties.

Legal Sanctions

In addition to disciplinary actions and sanctions imposed by the college, all students and employees should be aware that local, state, and federal laws make the illegal use of drugs and alcohol a serious crime. Conviction can lead to imprisonment, fines, and assigned community service. Felony and certain other convictions can prevent the convicted individual from eligibility for federal benefits, including student loans, from entering many fields of employment or professions, and may have to be listed on applications for employment or admission to graduate or professional schools. The overview of various relevant laws below is not complete, but provides a summary of the criminal penalties that employees and students may expect when convicted of the illegal use of drugs or alcohol. (Please note that these penalties may be subject to changes through the legislative and judicial process.)

Federal law imposes strict penalties for drug convictions, including mandatory prison terms for many offenses. Under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty, i.e., a mandatory one-year prison term; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans or for participation in federally sponsored research grants or contracts for up to one year after the first conviction, and up to five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction.

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are twice as severe. See 21 U.S.C. 841. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to $8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than $1,000 up to a maximum of $100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of $2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of $5,000.

Additional information on the substances regulated by the federal Controlled Substances Act, and the criminal penalties for the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is available on the U.S. Department of Justice, Drug Enforcement Administration, Office of Diversion Control website. Information on mandatory minimum penalties for federal trafficking of Schedule I, II, III, IV, and V controlled substances is available on the U.S. Department of Justice, Drug Enforcement Administration website.
Many cities and towns in Massachusetts, including Norton, have local ordinances and regulations which prohibit public consumption of alcoholic beverages or consumption of alcoholic beverages on private property without the owner’s consent. Massachusetts laws punish sale or delivery of alcoholic beverages to persons under 21 with a fine of up to $2,000- and six-months imprisonment, or both. Misrepresenting one’s age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of $300. First conviction of driving under the influence of alcohol has a penalty of a $500–$5,000 fine, one-year revocation of driver’s license, up to two-and-a-half years in prison, and mandatory alcohol rehabilitation. Massachusetts makes it illegal to be in a place where heroin is kept and to be “in the company” of a person known to possess heroin. Anyone in the presence of heroin risks a serious drug conviction. Sale and possession of “drug paraphernalia” is illegal in Massachusetts. Additional information about the penalties imposed for violations of Massachusetts law preventing the illegal use of alcohol and drugs can be found on the Massachusetts legislature website.

**Additional Employee Responsibilities**

Any employee who is found guilty, or pleads “no contest”, to a charge of violating a criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance in the workplace must inform the Director of Human Resources within five (5) days of such conviction or plea. Appropriate disciplinary action will be taken.

**Counseling and Rehabilitation**

The college strongly encourages employees and students to seek assistance for problems with drug and alcohol abuse. A number of counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling, and coordination with available community resources to address drug and alcohol abuse problems. Students may contact the College Counseling Center for confidential treatment and also for referrals. Employees may seek confidential referrals through the Employee Assistance Program, which provides assistance and referrals to employees and their families in handling problems such as alcoholism and chemical dependency.

The College provides regular programs of education and information for students and employees on the risks associated with the use of drugs and ways for individuals to seek assistance for themselves and others. Programs are sponsored by the Human Resources, Health Services, Counseling Services, Athletics, and the Office of Residential Life.

Wheaton College considers both the welfare of its students and compliance with state and local laws to be of central importance. The policy of the College is to help anyone who is seeking assistance with a drug problem. Anyone seeking assistance, advice or information may approach the Residential Life staff, Campus Safety officers, Counseling Services, Health Services, the Dean of Students office or existing peer support groups without fear of disciplinary action by the College.

**Drug Policy**

- The unlawful possession, use, or distribution of controlled substances is prohibited on college property and at all college-sponsored events.
- The use, possession, distribution, or cultivation of marijuana for medical or recreational purposes is strictly prohibited in any Wheaton College residence hall or on any other premises; nor is it allowed at any college-sponsored event or activity off campus or any Student Organized event of activity.
● The misuse of medication or prescription drugs, including opiates/pain-killers and other psychoactive drugs is prohibited. This includes taking medication or prescription drugs not prescribed to you, taking more than the recommended dose, sharing prescriptions, or the use of prescriptions for a reason other than the intended use.

● The use and possession of drug paraphernalia is strictly prohibited in any Wheaton College residence hall or on any college premises; nor is it allowed at any college-sponsored event or activity off campus or any student organization event of activity.

Individuals involved in the unlawful possession, use or distribution of controlled substances are in violation of the Honor Code and Wheaton Community Standards and are subject to disciplinary action by the college in accordance with established judicial procedures. Violators may also be subject to referral for prosecution. Behavior associated with the use of controlled substances is not considered a mitigating factor when it leads to other infractions of college regulations; it is considered a separate offense.

The education, counseling and referral services of the Health Services, Counseling Services, and the Office of Student Life are available to individuals who are concerned about their own drug use, or are affected by the drug use of others. Seeking confidential assistance from or being referred to these or other services will not in itself be cause for disciplinary action by the college. The confidentiality of the counseling process will be respected.

Enforcement

Responsibility for compliance with the college's Drug Policy rests with each member of the Wheaton community. Specific responsibilities for policy enforcement are as follows:

Campus Safety officers, as agents of the college, will investigate violation policies and regulations. Areas of jurisdiction include all grounds and property of the college.

Individual students are responsible for activities which occur within the privacy of their rooms and are expected to take responsibility for their residence hall/house environment.

The Student Affairs staff will intervene as appropriate when confronted with violations of this policy and will respond in any area (including student rooms) when there is evidence of violations, or when related behavior infringes upon the rights of other members of the college community or jeopardizes the health or well-being of any individual.

Violators of the college's Drug Policy are subject to disciplinary action in accordance with established college procedures through the Campus Life staff, the College Hearing Officer, the Dean of Students, and/or the College Hearing Board.

Sanctions may include:

● Admonition or written warning
● Fines and/or restitution for damages
● Mandated community service, educational sanction or assigned task relevant to offense
● Housing probation
● Disciplinary probation
● Parent/guardian notification
● Required drug counseling assessment
● Suspension from college housing
● Suspension from the college, held in abeyance
● Suspension from the college for a specified period of time*

Expulsion from the college*

Other sanctions if deemed appropriate:

● Restriction from college facilities or activities
● Removal from an athletic team or campus organization
● Removal from a campus position
● Revocation of a group’s charter

*Note that students who are suspended or expelled from the college are not entitled to any refund of tuition and fees and may not complete work for their classes in that semester. A student who is suspended or expelled will be assigned withdrawals for courses in progress. Violators may also be subject to referral for prosecution. Individuals involved in the unlawful distribution of controlled substances are subject to immediate separation from the college and referral for prosecution. The college will not protect individuals who violate federal, state, or local laws. Students may also be subject to investigations by the police and face criminal prosecution independent of the college’s judicial system.

In cases where a student is facing criminal investigation and/or charges for conduct which is the subject of a disciplinary proceeding, or if the conduct at issue is prohibited by local, state or federal laws, the college through the Chair of the College Hearing Board, the Dean of Students, and the Director of Campus Safety will, in their sole discretion, determine if the conduct at issue should be heard before the College Hearing Board. The college may choose, but is not required, to hold its disciplinary proceedings in abeyance, pending the outcome of such investigation and charges. In these cases, the college, through the Dean or her designee, may choose to place the student on an interim suspension from the college. (See Leaves of Absences and Withdrawals in the Student Handbook). In making such a decision, the Dean shall consider: 1) the safety and well-being of the college community or preservation of college property; 2) the student’s own physical or emotional safety and well-being; and 3) maintaining the normal operations of the college without disruption or interference.

The student may submit a written request to the Dean of Students of the college to resume the disciplinary process if the investigation and/or criminal matter is resolved or dropped. The college, in its sole discretion, through its Dean of Students, or her designee, will determine if the disciplinary process will proceed.

Wheaton College Resources

● Health Services General Business 508-285-9500
● Appointments x5400
● Student Life Office x8214
● Counseling Services x3905
● Dean of Students Office x8218

Any student or employee under the influence of illegal drugs or who possesses or consumes illegal drugs at Wheaton is subject to College disciplinary procedures and action, up to and
including dismissal from the institution. The illegal manufacture, distribution, or sale of illegal substances on the premises is strictly prohibited and will constitute an offense warranting dismissal. Any illegal substance found shall be turned over to an appropriate law enforcement agency. As part of the drug-free awareness program, Wheaton will continue to advise and inform students and employees of the dangers of drug use and abuse in the workplace.

**Counseling and Treatment**

The Counseling Center offers a variety of services including brief consultations, assessment, short-term individual counseling, group counseling, psycho-educational classes, crisis intervention, and outreach. We also offer the services of a Case Manager to assist students in accessing resources on and off-campus (e.g. referrals to off-campus counselors, making arrangements for a private room on campus to Skype with therapists at home, assisting with insurance and transportation questions, etc.). Services are offered to current enrolled full-time students. Our Counseling Center staff is also available to consult with any member of the Wheaton community, as well as family members, about students of concern.

Wheaton College staff members are licensed psychologists, licensed independent clinical social workers, licensed mental health counselors and graduate-level psychology/counseling/social work trainees under close supervision by our licensed staff members.

**Fees**

Counseling Center services at the counseling center are free of charge to enrolled Wheaton students. We also have a psychiatric nurse practitioner here one day per week. Appointments with the psychiatric nurse practitioner are made only by referral from Counseling Center staff. The psychiatric nurse practitioner is not a Wheaton employee, and thus, that’s a service that is not free of charge. The psychiatric nurse practitioner accepts a number of insurances and Counseling Center staff can discuss that more with students if they are referred for this service.

**Confidentiality**

State law mandates that services offered at the Counseling Center are confidential. Counseling Center records are kept completely separate from all other college records. The Counseling Center maintains all counseling records in a secure, confidential electronic medical record. The Counseling Center therapists consult with each other, as needed, in order to provide quality care. Consultation with other licensed mental health professionals is also permitted for the purpose of quality care, as long as no identifying information is provided.

In addition, as a training site, trainees at the Counseling Center are provided intensive supervision from Counseling Center staff and qualified faculty supervisors at their respective graduate program.

Finally, the exchange of information with past, concurrent, and/or future providers for the purpose of providing better care is considered ethical practice. You may therefore be asked to provide permission to allow for such an exchange. Refusal to do so may result in your counselor declining to continue to work with you.

Communications between you and your therapist are not shared with others outside of the
Counseling Center without your written permission, except under the following circumstances:

- If you are assessed to be suicidal or homicidal
- If there is suspected physical and/or sexual abuse or neglect of a minor, disabled person, or elderly person, we are required by law to inform the appropriate state agency. This includes any minor siblings and disabled/elderly family members at home.
- In the event of a court order or other mandatory legal process, we may be required to release records to the court.

Our Approach to Helping

As a service in an institution of higher education, the Counseling Center’s primary role is to decrease emotional, psychological or behavioral barriers in order to support the intellectual growth and academic success of students. We strive to promote a safe and healthy environment for students by providing developmentally-appropriate, culturally sensitive assessment, diagnosis, recommendations and treatment to full-time students free of charge. Our services are short-term and focused on resolving a particular problem(s) presented. Group counseling sessions have no session limits unless otherwise advertised.

If a student is seen in the Counseling Center, they have extended assessment (generally ranging from 1-3 appointments). The purpose of this extended assessment is to work with the student to better understand the student’s concerns, needs and strengths; to determine whether the Counseling Center can meet those needs and how; and to collaborate with the student to develop a mutually agreeable plan.

Alcohol Poisoning

The Wheaton College Campus Safety is responsible for your health and safety first. We have a relationship with our student body that is based on trust and mutual respect. Students will usually be the first to see that a fellow student is in danger from the abuse of alcohol or other drugs. Students should never hesitate to call Campus Safety at 508-286-8213. We rely on you. We are here to help our students and keep them safe.

How alcohol poisoning can be fatal:
- Intoxication increases the gag reflex. An intoxicated person who has passed out can choke on their own vomit.
- Alcohol is a depressant, inhibiting the brain’s ability to function. When a person has consumed too much alcohol the brain will start to shut down. Extremely intoxicated people may stop breathing or their heart may stop beating.
- Because it takes time for alcohol to enter the blood stream, some people tend to drink more than their body can handle because they don’t yet feel the effects.

Signs and Symptoms of Alcohol Poisoning:
- Unconscious or semiconscious
- Breathing at a rate of 8 breaths per minute or slower
- Breaths come every 8 seconds or slower
- Skin is cold, clammy, bluish, and/or pale
- Confused or altered mental state
- Vomiting
Seizures

What to do for someone with alcohol poisoning:
- NEVER leave the person alone
- Don’t allow the person to “sleep it off”
- To avoid choking, have the person lie down on his side or on his stomach
- Have someone get the /RA on duty
- Have someone call Campus Safety at 508-286-3333
- Keep the person awake. If the person falls asleep or passes out, wake them up
- Don’t give the person any medications; mixing medicine with alcohol can be fatal

Safe Drinking Advice:
- Never leave your drink unattended or with someone you don’t know and trust.
- Know who is pouring your drink and watch them pour it.
- Don’t drink anything that has an abnormally salty taste. The drink might contain GHB, a known date rape drug.
- Don’t drink anything that appears abnormally cloudy, because it could contain a drug.
- Alternate drinking alcoholic and non-alcoholic beverages. This will help keep you hydrated and allow your body time to process the alcohol.
- Eat well. Food absorbs some of the alcohol and slows its entry into the bloodstream.
- Go to parties with trusted friends who can be counted on to watch out for one another and see that you arrive home safely.
- Use a sober designated driver or invite a friend who agrees to stay sober.

If you suspect a friend might have alcohol poisoning, get help immediately by calling Campus Safety at 508-286-3333.

**Statement of Missing Student Policy and Suzanne’s Law**

The following policies regarding Missing Persons are being provided according to requirements of the 2008 Amendments to the Higher Education Opportunity Act. In 2003, President Bush signed into effect, “Suzanne’s Law” requiring the National Criminal Information Center (NCIC) when someone between 18 and 21 years of age is reported missing as part of the National “Amber Alert” bill https://www.amberalert.gov/

Campus Safety officers will check student’s records, class schedules, interview fellow students and faculty, local hospitals and use other methods to determine the status of a missing person. Campus Safety will coordinate with Norton Police Department if necessary. From this initial investigation, the scope will continue to expand to make attempts to determine the location of the person reported missing to assure their safety. Should Campus Safety not be able to locate a person reported missing within twenty-four (24) hours of the report, the college would then notify your designated emergency contact. Note that designated emergency contact information will be registered confidentially and may be accessed only by authorized campus officials. Those officials may disclose your designated emergency contact information only to law enforcement officials for the purpose of a missing student investigation.

- In the event that no separate emergency contact is identified, a parent or guardian as listed in college records will be contacted. This information concerning the emergency contact shall be stored in a secure manner and shall remain confidential and available to college officials who are so authorized. Further, it will not be disclosed to anyone other than police should the
investigation require this.

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

Campus Safety will also notify the Norton Police Department within 24 hours, as well as any other agencies where the missing student may be.

For any student under the age of 18 who is not emancipated, the College must notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing. For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers are continuing to investigate.

Should a student be determined to be missing for more than 24 hours, the following will occur:

- Campus Safety will notify the Dean of Students
- The college will again contact the student’s emergency contact and/or parent or guardian to update them on information known at that time, efforts made to locate the person, and to get further information that may lead to the location of the missing person. (In the case of a student under 18, the parent or guardian must be contacted regardless of who is listed as the student’s emergency contact.)

Any person (student, staff or faculty) believed to be missing from the campus unexpectedly shall be immediately reported to the Department of Campus Safety. The Department of Campus Safety will investigate any report of a missing person filed with the office that is filed by someone with knowledge of that student being missing or otherwise not where s/he is expected to be. This report may be filed by a parent/guardian or other family member of the person, by a roommate, or Residential Life staff member (including student staff), Health Services staff member, faculty member, employment supervisor, or anyone else with information that indicates the person is missing. Campus Safety will conduct an initial investigation to determine if the person appears to be missing, or has simply changed her or his routine unexpectedly, and whether or not there is reason to believe the person is endangered.

Investigation of such reports will be initiated immediately and procedures will be governed by federal, state, and local law, as well as internal Campus Safety standard operating procedure.

**Workplace Violence Prevention**

Wheaton College will not tolerate any form of violence in the workplace. Workplace violence may be defined as either physical or verbal aggression and may occur in various forms, including verbal threats and assaults. It is very important that all employees and supervisors are aware of this policy and report directly to Safety and Security any or all incidents that they perceive as potentially violent. The appropriate supervisor or department head should also be notified. In an effort to prevent workplace violence at Wheaton College, all reported threats will be thoroughly investigated through a cooperative effort by the appropriate supervisors, department heads, Human Resources and Campus Safety.

Caution and common sense can minimize the risk of workplace violence. All employees should
keep in mind the following Personal Safety Tips:

- Never open the door of your office to a stranger before or after regular business hours.
- Notify Safety and Security if working exceptionally early or late hours alone.
- When alone, do not mention this fact to telephone callers.
- Build a rapport with other employees to facilitate distinguishing strangers from co-workers.
- Report any strange or threatening looking individuals to Safety and Security.
- Make a mental note of suspicious strangers in case a later crisis does occur.

Any employee who engages in any form of workplace violence will be subject to disciplinary action up to and including immediate termination of employment. Supervisors must document any event or report of workplace violence in their areas and advise Security of the same, even if the threat or situation does not at first seem serious. The report should be thorough and contain as many detailed facts as possible including:

- Name of person reporting the incident
- Name of the employee alleged to have been violent or threatening
- Date of the report and incident
- Location where the incident occurred
- Name(s) of the potential victims
- Name(s) of witnesses
- Description of details of the incident
- Specific description of verbal or physical violence that occurred
- Details that might assist in identification (e.g., license plate number)

Discrimination Policy

Respect for the rights of all and for the differences among us is essential for the Wheaton community. Discrimination or harassment of others because of race, ethnicity, nation of origin, religious affiliation, gender, age, sexual orientation, gender identity and/or expression, physical disability, or other characteristics has no place in an intellectual community. If members of the Wheaton community experience or witness any apparent incident of harassment or discrimination by students, faculty, or staff, they may discuss their concerns or request advice from deans, academic advisors, proctors, or resident advisors. Such incidents violate both the ideals of the College and its code of conduct and may be subject to appropriate disciplinary sanctions. When such incidents violate the statutes of the State of Massachusetts, criminal prosecution may be pursued.

Wheaton is committed to ensuring equitable access to programs and services and to prohibit discrimination in the recruitment, admission, and education of students with disabilities.

Individuals with disabilities requiring accommodations or information on accessibility should contact:

Autumn Grant, Associate Director of Accessibility Services

Accessibility Services at (508)286-3794, TTY (508)286-5828, FAX (508)286-5621, https://wheatoncollege.edu/academics/filene-center-for-academic-advising-and-career-services/accessibility-services/
**Hazing Policy**

In compliance with the hazing laws of the Commonwealth of Massachusetts, Wheaton does not permit hazing of any sort whether by organizations or individual students. Hazing has been defined as "any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person." In accordance with this law, any student found guilty of hazing will be subject to a hearing by the College Hearing Board and disciplinary action taken if found guilty.

From the General Laws of the Commonwealth of Massachusetts, M.G.L. c. 269:

**Section 17**

Whoever is a principle organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than one thousand dollars or by imprisonment in a house of correction for not more than one hundred days, or by both fine and imprisonment.

The term hazing as used in this section and in sections 18 and 19, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

**Section 18**

Whoever knows that another person is the victim of hazing as defined in section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than five hundred dollars.

**Section 19**

Each secondary school and each public and private school or college shall issue to every group or organization under its authority or operating on or in conjunction with its campus or school, and to every member, plebe, pledge or applicant for membership in such a group or organization, a copy of this section and sections seventeen and eighteen. An officer of each such group or organization, and each individual receiving a copy of said sections 17 and 18 shall sign an acknowledgment stating that such group, organization or individual has received a copy of said sections 17 and 18.

Each secondary school and each public or private school or college shall file, at least annually, a report with the Regents of Higher Education and in the case of secondary schools, the Board of Education, certifying that such institution has complied with the provisions of this section and
also certifying that said school has adopted a disciplinary policy with regards to the organizers and participants of hazing. The Board of Regents and in the case of secondary school, the Board of Education, shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the Attorney General any such institution which fails to make such report.

Hazing has dangerous potential to harm individuals, to damage organizations and teams, and to undermine the educational mission of the College and the fundamental values of our learning community. As such, no student, College employee, College volunteer, student organization, athletic team, or other College-recognized group or association shall conduct or condone hazing activities, consensual or not.

**Taking Action**

When in doubt about an activity, ask a dean or a coach or other College employee who works with student organizations or teams. They can provide additional examples of behaviors that might constitute hazing, examples of positive group bonding activities and rites of passage for new members, assistance with organizing legitimate events to foster teamwork and cohesiveness, and other relevant information and support.

Reports may be made directly or anonymously by submitting an anonymous letter to an appropriate College official or asking a College official that the report remain anonymous.

**Sexual Assault Prevention and Response**

Sexual Assault. Sexual Assault includes: (1) 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 Complainant; (2) the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity; (3) sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and (4) sexual intercourse with a person who is under the statutory age of consent

All forms of sexual assault are violations of the College’s Sexual and Gender-based Misconduct Policy.

**Prevention and Education Programs**

Wheaton College provides education programs to community members about sexual assault through programs and written information concerning prevention and available resources for victims. Policies below provide detailed information concerning prohibited conduct and available resources.
Bystander Intervention and Risk Reduction

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of dating violence, domestic violence, sexual assault or stalking.

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.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

- 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.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal

Wheaton College conducts training and awareness programs at the beginning of each semester for incoming students and throughout the year. Here are some examples of programs offered.

- Annual training done with all incoming students regarding prevention, resources and reporting.
- Bystander intervention specifically related to sexual and gender-based misconduct presented by the Title IX and SMART Coordinators.
- Everfi modules required of all incoming students specific to the above topics
- Procedures for victims of sexual assault, stalking domestic violence for reporting and potential disciplinary actions for violations
- How the college will ensure confidentiality of victim of sexual assault, domestic violence and stalking, assistance with housing, counseling, health advocacy, legal assistance, visa and immigration assistance.
Sexual and Gender-Based Misconduct Policy for Students

August 20, 2022

I. INTRODUCTION

The Wheaton College Sexual and Gender-Based Misconduct Policy for Students (the “Policy”) has been developed in compliance with Title IX to provide a prompt and equitable investigation and adjudication process in cases that implicate the Policy, and to provide recourse for individuals whose rights have been violated regardless of that person’s sex, sexual orientation, gender identity or gender expression.

It is a priority of the College that all persons have equitable access to reporting, resources and all aspects of the grievance process. Historically excluded identities often experience increased barriers to reporting. The College has a number of identity-focused support offices for students including the Office of Equity and Belonging, the Marshall Center for Intercultural Learning, the Center for Social Justice and Community Impact, and Accessibility Services. Confidential Resources including the Counseling Center and the College’s confidential resource provider, Melanie Gonzalez (gonzalez_melanite@wheatoncollege.edu), are also available to provide confidential support. Additionally, any students seeking accommodations in the response to a report of Sexual and Gender-Based Misconduct, including the formal grievance process, may contact Accessibility Services at accessibility@wheatoncollege.edu.

For more information about the Policy or to report Prohibited Conduct, please contact Caraline Somerville, Title IX Coordinator at (508) 286-3261 or somerville_caraline@wheatoncollege.edu or visit the College’s website at https://wheatoncollege.edu/campus-life/campus-safety/sexual-assault-information/emergency-information/. This page includes descriptions of counseling, health, safety, academic and other support services available as well as information about preserving evidence and contact information for seeking medical assistance.

Please note that, consistent with federal interpretations of Title IX, the Policy will not be applied to abridge the use of curricular activities, particular textbooks, or reasonable classroom activities and will be interpreted and implemented in a manner consistent with the College’s commitment to academic freedom.

II. SCOPE

The Policy outlines how the College will respond when the Title IX Coordinator receives notice of alleged Prohibited Conduct by a student of the College occurring in an education program or activity of the College against a person in the United States. For purposes of the Policy and as prescribed by Title IX, “education program or activity” includes locations, events, or circumstances, over which the College exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurs.

The College acknowledges that any and all acts of Sexual and Gender-Based Misconduct deserve processes for reporting, support, and adjudication, regardless of whether or not those acts meet the definitions of Prohibited Conduct below, as prescribed by Title IX. Incidents of Sexual and Gender-Based Misconduct that do not meet the specific definitions of Prohibited Conduct below and / or do not occur within the jurisdictional limits defined in the Policy and by Title IX, may be addressed via the Office of the Dean of Students under the College’s Community
Standards. In such cases, the Office of the Dean of Students may facilitate Supportive Measures in a manner consistent with the approach outlined in the Policy.

III. DEFINITIONS

For purposes of the Policy, the following terms have the meanings indicated in this section.

Advisor. An individual who is selected by a party or assigned to a party by the College (who may be, but is not required to be, an attorney) to provide information and procedural advice regarding the Policy and the College’s grievance process, who may inspect and review evidence, and who can conduct cross-examination on behalf of the party during the hearing.

Appellate Officer. A trained and qualified individual other than the Title IX Coordinator, the investigator(s), or the decision-makers(s) who is an employee of the College or engaged by the College to review and determine appeals under the Policy.

Complainant. A person who is alleged to have experienced Prohibited Conduct, and who, at the time they file a Formal Complaint, is currently participating in, or attempting to participate in, the College’s education programs or activities.¹

Confidential Resource. Staff, faculty, or third-party partners with a statutory privilege (licensed psychologists, mental health counselors, social workers, clergy and designated medical personnel), who are acting within that privileged role, and individuals the College explicitly designates as confidential resource providers available to students for the purpose of providing information, support and resources regarding the Policy.

Consent. Consent which is informed, freely and actively given through clear words or actions, and creates mutually understandable permission regarding the conditions of sexual activity. Consent is achieved only where each party mutually understands what behavior the party’s partner consents to and what behavior the party’s partner does not consent to with regard to physical and sexual interactions. Consent at one time does not imply Consent at any other time. Consent cannot be obtained: (1) through silence alone (absent a non-verbal action clearly demonstrating consent); (2) from minors (under the age of 16 in Massachusetts), individuals with certain mental disabilities, or incapacitated persons; or (3) through physical force, threat of physical force (by words, gestures, or non-verbal actions), coercion, fraud, intimidation, or Incapacitation.

Dating Violence. Violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (2) where the existence of such a relationship will be determined based on a consideration of the following factors (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to,

¹ If an individual is not participating in or attempting to participate in the College’s education programs or activities and makes an allegation against a Respondent who is a current student at the College, the Title IX Coordinator may exercise discretion in signing a Formal Complaint in accordance with Section V(4).
sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

**Designated Official.** A College official with authority to institute corrective measures on behalf of the College. Designated Officials include staff in the Office of the Dean of Students, the Office of the Provost, and Human Resources.

**Domestic Violence.** Actions of violence committed by a current or former spouse or intimate partner of the Complainant, 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, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Massachusetts. In interpreting the term “violence” in this definition, the College will consider, but is not limited to, the types of actions that constitute felonies or misdemeanors under Massachusetts state law.

**Formal Complaint.** A document filed by a Complainant alleging Prohibited Conduct against a Respondent and requesting that the College investigate the allegation of Prohibited Conduct. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. As outlined below, in certain limited situations, the Title IX Coordinator, in their sole discretion, can also sign a Formal Complaint.

**Incapacitation.** The inability, temporarily or permanently, to give consent, because: (1) an individual is mentally and/or physically helpless or unaware of where they are, how they got there, or why or how they became engaged in sexual activity due to drug or alcohol consumption, either voluntarily or involuntarily; or (2) an individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. Where alcohol is involved, Incapacitation is a state beyond drunkenness or intoxication. Some indicators of Incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason.2

**Order of No Contact.** A written order issued by the Title IX Coordinator prohibiting contact between two or more parties and, when applicable, ordering restriction from one or more locations on campus.

**Procedural Coordinator.** The Deputy Title IX Coordinator for Students or a designee.

**Reasonable Person.** A reasonable person under similar circumstances and with similar identities to the Complainant.

2 The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.
**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

**Retaliation.** Any acts or words that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Policy.

**Sexual Assault.** Sexual Assault includes: (1) 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 Complainant; (2) the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity; (3) sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and (4) sexual intercourse with a person who is under the statutory age of consent.

**Sexual Harassment.** Conduct on the basis of sex that includes:

1. an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; or

2. unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity.

**Stalking.** Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to: (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, devise, 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 require medical or other professional treatment or counseling.

**Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter Prohibited Conduct. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
**Timely Warning.** A warning issued by the Director of Campus Safety to the campus community to notify the community of a serious crime that constitutes an ongoing or continuing threat.


**Title IX Coordinator.** The College’s Title IX Coordinator or a designee.

**IV. PROHIBITED CONDUCT**

The following conduct is prohibited:

1. **Dating Violence;**
2. **Domestic Violence;**
3. **Sexual Assault;**
4. **Sexual Harassment;**
5. **Stalking;** and
6. **Retaliation.**

**V. PROCESS FOR RESPONDING TO REPORTS**

This section outlines how the College will respond to a report of conduct that could constitute Prohibited Conduct and determine what, if any, Supportive Measures and additional action is appropriate. The College retains the discretion to designate another appropriate College employee to satisfy the various roles set forth below and as appropriate to the role and situation at hand.

(1) **Reporting Prohibited Conduct.** Any individual seeking to report allegations of Prohibited Conduct by a student of the College occurring in an education program or activity of the College may do so by reporting via the Sexual and Gender-Based Misconduct Reporting Form, or by contacting the Title IX Coordinator via mail, email (somerville_caraline@wheatoncollege.edu), phone (508-286-3261), or in person at the

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3 Retaliation allegations may be consolidated with other Formal Complaints of Prohibited Conduct if the facts and circumstances significantly overlap. If the facts and circumstances do not significantly overlap, then the College retains discretion to adjudicate the allegation under a different but appropriate policy. For example, if a Respondent retaliates against a Complainant with regard to the filing of a complaint, that behavior could be consolidated with the other Prohibited Conduct alleged, provided appropriate notice is afforded. On the other hand, if the retaliatory conduct is committed by a Respondent’s friend group who are not otherwise subject to a grievance under the Policy, that behavior could be adjudicated under another conduct policy which prohibits such behavior.

Title IX Office. Individuals may submit the Sexual and Gender-Based Misconduct Form anonymously.\(^5\)

(2) Reporting Obligations. Employee obligations to report to the Title IX Coordinator allegations of Prohibited Conduct vary based on the role of the employee. The following outlines employee reporting obligations:

(a) Confidential Resources are not required to report allegations of Prohibited Conduct that come to their attention, except in limited circumstances where a reporting obligation exists under the law. When acting in their Confidential Resource role, Confidential Resources will inform individuals of those limited circumstances.

(b) Designated Officials, as defined above, as well as the College President, the Vice President of Finance and Administration, the Assistant Vice President of Legal Affairs, the Director of Counseling and Health Services,\(^6\) Campus Safety staff, SAIL and Residential Life staff, including area coordinators and residential advisors, Athletics Department staff, Academic Advising staff, including peer advisors,\(^7\) and the SMART Program Coordinator must, within forty-eight (48) hours, report to the Title IX Coordinator allegations of Prohibited Conduct that come to their attention.

(c) All other staff and faculty (not listed in paragraph (a) and (b) above) may report to the Title IX Coordinator allegations of Prohibited Conduct that come to their attention. However, where an individual alleges that a faculty member, staff member, vendor, or volunteer has engaged in Prohibited Conduct, all staff and faculty (other than Confidential Resources) must, within forty-eight (48) hours, report the allegations to the Title IX Coordinator.\(^8\)

(3) Response to reports of Prohibited Conduct. The College will respond to all reports of Prohibited Conduct in a prompt, equitable, and effective manner. After receiving notice of conduct that could constitute Prohibited Conduct, the Title IX Coordinator will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess the need to take any immediate action to address the safety and health needs of the parties and the College community and to determine the next steps for investigating the reported conduct and the need for any Supportive Measures. These initial steps include, but are not limited to, the following:

(a) Supportive Measures. The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant’s wishes with respect to Supportive Measures, and inform the Complainant of the availability of Supportive Measures with or without the filing of a

\(^5\) It is generally helpful to the College for individuals to include their identity when reporting Sexual and Gender-Based Misconduct.

\(^6\) The Director of Counseling and Health Services must report allegations of Prohibited Conduct that come to their attention to the extent permitted under any state confidentiality law requirements.

\(^7\) For purposes of this reporting requirement, peer advisors are required to report only disclosures of alleged Prohibited Conduct made to them by their advisees.

\(^8\) Failure to comply with reporting obligations may subject employees to discipline including termination.
Formal Complaint. As defined in Section III above, the College will provide Supportive Measures but will remain cognizant of the burden a specific Supportive Measure may have on the other party. Factors to be considered in determining reasonable supportive measure may include: the specific need expressed by the party; the severity and/or pervasiveness of the allegations; any continuing effects on the party; whether the parties share the same residence hall, dining hall, class, extracurricular activities, transportation and/or job location; and whether other judicial measures have been taken to protect a party or the parties. Parties may at any time request that the Title IX Coordinator review Supportive Measures.

(b) Disclosures Regarding Law Enforcement. The Title IX Coordinator will notify the Complainant about the right to report (or decline to report) the matter to Campus Safety and/or to law enforcement, to receive assistance from campus authorities in contacting law enforcement, and to request a court-issued protective order. A report to law enforcement will not change the College’s duty to respond to the matter but it may briefly delay the timing of any investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct. If the College learns that a form of sexual misconduct occurred with regard to an individual under the age of eighteen (18), the College may be required to report the information to the Massachusetts Department of Children and Families, as well as law enforcement.

(c) Policy on Retaliation. The Title IX Coordinator will inform the Complainant about the Policy’s prohibition of Retaliation and that the College will respond to any reports of retaliation promptly.

(d) Threat Assessment. The Title IX Coordinator, in consultation with other College administrators, will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the College community and warrant the issuance of a Timely Warning, an Order of No Contact for any persons, or any other interim protections including the facilitation of an emergency removal from campus in accordance with Section VII(6) of the Policy.

(4) Filing a Formal Complaint. The Title IX Coordinator will explain to the Complainant the process for filing a Formal Complaint. If, at this time, the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator, in accordance with Section VII(5) of the Policy, will weigh that request and the reasons for it against the College’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. In certain circumstances, the Title IX Coordinator may determine that it would be unreasonable in light of the known circumstances not to investigate the allegations of Prohibited Conduct. In those circumstances, the Title IX Coordinator will file a Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the matter.

9 Any person seeking to notify the College of a court-issued protective order should contact Campus Safety at 508-286-3333.
(5) **Dismissal and Consolidation of Formal Complaints.** As outlined below, the College may be required or permitted to dismiss Formal Complaints upon their filing or during the course of the grievance process. Additionally, the College maintains discretion to consolidate Formal Complaints.

(a) If the conduct alleged in a Formal Complaint: would not constitute Prohibited Conduct, even if proved; did not occur in the College’s education program or activity; or did not occur against a person in the United States, then the College, in accordance with Title IX, must dismiss the Formal Complaint with regard to that conduct under the Policy. The Title IX Coordinator will, if appropriate, refer the reported conduct to the appropriate administrator for handling consistent with any other pertinent College policy. If new information is subsequently provided, the decision whether or not to proceed under the Policy will be reevaluated.

(b) The College may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled at the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

(c) Upon a dismissal required or permitted pursuant this section, the College will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

(d) **Consolidation of Formal Complaints.** The College may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

### VI. GRIEVANCE PROCESS

This section outlines the College’s grievance process for investigating and adjudicating a Formal Complaint.

(1) **Investigation.** If a Formal Complaint is filed, the formal investigation phase will commence and include the steps outlined below.

(a) **Notice of Investigation.** The Title IX Coordinator, in consultation with the Procedural Coordinator, will provide the parties with a copy of the Formal Complaint, the Policy, and written notice of the investigation which will include:

(i) notice of the allegations potentially constituting Prohibited Conduct and sufficient details known at the time, including: (1) the identities of the parties
involved in the incident, if known; (2) the conduct allegedly constituting Prohibited Conduct as defined in the Policy; and (3) the date and location of the alleged incident, if known;

(ii) a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

(iii) a statement informing the parties that they may have an Advisor;

(iv) notice of Section VII(2) of the Policy which prohibits knowingly making false statements or knowingly submitting false information during the grievance process;

(v) the availability of Supportive Measures; and

(vi) a reminder of the Policy’s prohibition of Retaliation.

(b) Designation of Investigator(s). When appointing the investigator(s), the College will designate at least one internal and/or external investigator to conduct a prompt, fair, equitable and impartial investigation of the reported conduct and prepare an investigative report. At the College’s discretion, more than one investigator may be assigned. The Title IX Coordinator will provide the parties with the name of the investigator(s). As soon as possible, but no later than three (3) days after receiving notice of the identity of the investigator(s), the parties can inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if a different individual should be assigned as investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

(c) Nature of the Investigation. Investigative meetings may be conducted in person or virtually, as required by federal mandate. The following are the roles and processes to be followed during the investigation.

(i) The investigation provides an opportunity for fact-finding and will include separate interviews with the Complainant, Respondent, and any relevant witnesses.

(ii) The investigator(s) will provide the parties with advance notice of meetings at which their presence is required. Parties will be afforded an equal opportunity to present witnesses and other inculpatory and exculpatory evidence.

10 All persons designated as investigators will receive no less than one annual training on issues relating to sexual misconduct, investigatory and hearing procedures.

11 Investigators will ask questions and consider evidence in a manner consistent with Section VI(2)(c)(iv).
(iii) Each party may have a single Advisor present during any meeting, interview, or hearing, held pursuant to the Policy. Except to the extent expressly permitted in the hearing phase outlined below, the Advisor may advise their respective party privately, but cannot act as a speaking advocate at a meeting. College staff and internal or external investigators may delay or terminate meetings, remove or dismiss Advisors, and/or proceed with the investigation if an Advisor is disruptive or otherwise refuses to comply with the requirements of this policy. An Advisor is subject to the same privacy expectations applicable to others in attendance and must also abide by any applicable state and federal laws. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process. The Advisor is not permitted to attend a meeting or proceeding without the party they are advising being present without the prior approval of the Title IX Coordinator, at their discretion. The College reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does not abide by the restrictions on their participation.

(iv) At no point will the investigation require both parties to be in the same room. At no point will either party be permitted to question or cross-examine the other party or any witness directly during the investigation, determination, or appeal process. (The parties may ask questions of the other party and/or witnesses at the hearing, described in Section VI(2)(c)(iii) below, but all such questions must be asked through the party’s Advisor.)

(d) Content of Investigative Report. The investigator(s) will create an investigative report that fairly summarizes relevant evidence, a separate section where the investigator(s) point out relevant consistencies or inconsistencies (if any) between all sources of information, and a separate section describing the investigator(s)’ assessment of the credibility of parties and witnesses, and attach any relevant evidence gathered, whether inculpatory (i.e., proving the responsibility of a party) or exculpatory (i.e., proving that a party did not commit the conduct alleged) (The investigative report will not include a determination as to whether a party has violated the Policy or what sanctions may be appropriate. These determinations will be made as described in Section VI(2)(d) below).

(c) Review of the Investigative Report by the Parties. Both parties will be informed of their opportunity to review the entire investigative report and that they may submit written comments and/or questions about the content of the investigative report to the investigator(s) within ten (10) calendar days of the date they are notified that the investigative report is available for review. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in their sole discretion, that the additional time is warranted. In circumstances where an extension is provided to one party, it will be provided to the other party, as well.

(i) The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and
appropriate in the sole discretion of the Title IX Coordinator. After reviewing the submissions, if any, from the parties, the investigator(s) may determine that either additional investigation is required or no further investigation is needed. The investigator has the sole discretion to determine if any information or questions submitted are irrelevant and therefore not to be considered and will be redacted. If further investigation is conducted, the investigator(s) will include any additional relevant information in the investigative report.

(ii) If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the hearing described in Section VI(2)(c)(iii) below, the investigator may revise the investigative report to remove information provided by the witness so as not to impact the hearing. If this decision is made prior to the Parties’ review, it will be noted in a cover memo to the investigative report. If the decision is made following the Parties’ review, it will be communicated to the Parties and they will be informed in writing of any information that will be removed prior to the hearing.

(iii) The investigative report will then be finalized. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the investigator(s), will be attached to the investigative report.

(2) Live Hearing. At the conclusion of the investigation phase, the hearing process will commence and include the steps outlined below.

(a) Notice of Hearing. The Procedural Coordinator will notify the Complainant and the Respondent in writing of the time and date of the hearing at least ten (10) business days prior to the hearing date.

(b) Designation of a Decision-maker(s). The College will designate at least one internal and/or external decision-maker to conduct a prompt, fair, equitable, and impartial hearing. The Procedural Coordinator will provide the parties with the name of the decision-maker(s). As soon as possible, but no later than three (3) days after receiving notice of the identity of the decision-maker(s), the parties can inform the Procedural Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected decision-maker(s). The Procedural Coordinator will consider the nature of the conflict and determine if a different individual should be assigned as decision-maker(s). The Procedural Coordinator’s decision regarding any conflicts is final.

(c) Nature of the Hearing. Hearings may be conducted in person or virtually, as required by federal mandate. The following are the roles and processes to be followed during the hearing.

12 All persons designated as decision-makers will receive no less than one annual training on issues relating to sexual misconduct, investigatory and hearing procedures.
(i) Decision-maker(s) will maintain broad authority to determine the process, timing and conduct of the hearing. For example, the decision-maker(s) will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

(ii) Each party may have an Advisor present at the hearing who will be subject to the same expectations and limitations pertaining to the investigation phase as outlined under Section VI(1)(c)(iii), however Advisors may also be present during the hearing for the limited purpose of conducting cross-examination on behalf of the party. If a party does not have an advisor of their choice present at a hearing, the College will provide one, without fee or charge to the party. No later than ten (10) calendar days before the hearing, parties should inform the Title IX Coordinator of the identity of any Advisor who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided Advisor.

(iii) At a time and manner deemed appropriate by the decision-maker(s), the Advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the Advisor is advising. However, the Advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for Advisors if they delay the process. The College reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the decision-maker(s), which may include exclusion of the Advisor from the hearing and the appointment of an alternate College-provided Advisor.

(iv) Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

(v) Information protected under a legally recognized privilege (e.g., privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), are not permitted unless the person holding the privilege has waived the privilege.
(vi) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility, unless there is a change to current federal guidance and/or federal case law in Massachusetts. The decision-maker(s) will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

(vii) At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

(viii) The College will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties for inspection and review.

(d) Determination Regarding Responsibility. The decision-maker(s) will issue a written determination regarding responsibility using the preponderance of the evidence standard. The College will provide the written determination simultaneously to the parties not later than seven (7) business day after a determination is made. The written determination will include:

(i) identification of the allegations potentially constituting Prohibited Conduct;

(ii) a description of the procedural steps taken from the College of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(iii) findings of fact supporting the determination;

(iv) conclusions regarding the application of the Policy to the facts;

(v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided by the College to the Complainant (disciplinary sanctions and remedies include dismissal, suspension, probation with or without conditions, reprimand, warning, restitution, education, counseling, Orders of No Contact, restriction from extracurricular programs or activities, loss of leadership

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13 The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
opportunities or positions in activities, housing restrictions and/or relocation; and

(vi) the College’s procedures and permissible bases for the Complainant and Respondent to appeal.

(3) **Appeals.** Either party may appeal a determination regarding responsibility or the College’s dismissal of a Formal Complaint or any allegations therein.

(a) **Filing an Appeal.** Within ten (10) days of receiving written notice of the decision-maker’s determination on responsibility and sanctions (or dismissal of a Formal Complaint or any allegations therein), either the Complainant or the Respondent may appeal the decision by submitting to the Procedural Coordinator a letter stating why the party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.

(b) **Bases for Appeals.** Appeals must be based on one or more of the following:

(i) procedural irregularity that affected the outcome of the matter;

(ii) new evidence that was not reasonably available at the time the determination regarding responsibility or sanction was made, that could affect the outcome of the matter; and

(iii) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

(c) **Notice of Appeal and Opportunity to Respond.** The College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The Complainant and Respondent will be provided with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

(d) **Appellate Officer.** The Appellate Officer will decide the merits of any appeal and in so doing, may consult with the Title IX Coordinator, the investigator(s), the decision-maker(s), and any other individual that the Appellate Officer deems appropriate.

(e) **Appeal Determinations.** The purpose of the appeal is not to rehear the case; rather, it is to determine if there is sufficient information presented to allow a reconsideration of the decision-maker’s determination. The Appellate Officer may affirm all or part of the decision (which includes the sanction, as well as the determination of responsibility) or may refer the matter to the investigator(s) or decision-maker(s) for further consideration. The Appellate Officer will provide specific instructions with any referral. In the event of a referral, the Appellate Officer may mandate such
further proceedings as the Appellate Officer deems appropriate under the circumstances, consistent with the Policy. When reaching an appeal determination, the Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

(4) **Informal Resolution.** At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process such as mediation, that does not involve a full investigation and adjudication, provided that the College:

(a) provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations,\(^\text{14}\) and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(b) obtains the parties’ voluntary, written consent to the informal resolution process; and

(c) does not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Prohibited Conduct with a student.

**VII. ADDITIONAL MATTERS**

(1) **Request for Delay of Proceedings.** If the Complainant, the Respondent, or law enforcement agencies request that the College conduct proceeding be delayed because the conduct in question is also being addressed in a civil or criminal court, the College will review the request, but it retains the right to hear the case before, after, or during the same time as the civil or criminal case, and to implement appropriate action (including but not limited to Orders of No Contact, removal from campus, residence facilities, and/or classes, interim removals, or suspensions) to maintain the safety of the campus. The campus conduct process shall be confidential to the extent possible and as allowed by law and considerations of safety.

(2) **Duty of Honesty and Cooperation.** All parties and witnesses are obligated to be completely honest during the course of the entire process set forth in the Policy. Any person who knowingly makes a false statement or knowingly submits false information – either explicitly or by omission – in connection with any part of the grievance process may be subject to separate College disciplinary action. All parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing the Policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate College disciplinary action.

(3) **Patterns of Conduct.** Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to

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\(^{14}\) Provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.
the investigators’ report and/or the decision-maker’s determination of responsibility or sanction. In those instances, the Title IX Coordinator and the Procedural Coordinator will determine whether the previous incident was substantially similar to the conduct cited in the report and/or indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. The Title IX Coordinator and the Procedural Coordinator may choose to provide this information to the investigator(s), with appropriate notice to the parties.

(4) **Amnesty for Students Reporting Misconduct.** The College encourages reporting under the Policy and seeks to remove barriers to reporting. The College generally will not hold a student who reports conduct or is a witness during an investigation under the Policy accountable for disciplinary violations of the College’s Community Standards related to the incident. However, a person who reports conduct under the Policy may be held accountable for his or her own misconduct if, in the College’s discretion, it is determined that the behavior placed the health and safety of any person at risk, or if it created a danger to the College community. The College retains the right to require students to attend counseling or drug/alcohol related courses, as applicable, even in circumstances in which disciplinary conduct will not be pursued under the Policy.

(5) **Respect for Privacy.** The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Policy and will not disclose the identity of Complainants and Respondents except as necessary to carry out the grievance process, its obligations under Title IX, and as otherwise permitted under state or federal law. There are situations in which it may be necessary for the College to override a request for privacy in order to meet its Title IX obligation. In the event circumstances result in the College overriding a request for privacy or confidentiality to meet its Title IX obligation, the College will do so with the utmost sensitivity and respect for the circumstances and the individuals involved.

The factors the College will consider in determining whether it can grant a request for privacy include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the Complainant or others, and whether the sexual violence was committed by multiple perpetrators), circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the Complainant’s report reveals a pattern of perpetration, whether the sexual violence was perpetrated with a weapon, the age of the Complainant subjected to the sexual violence, and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

(6) **Emergency Removal.** The College may remove a Respondent from the College’s education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
(7) **Special Situations.** In limited circumstances, when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community, the College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under the Policy with any modifications to the process described in the Policy. Whenever the College determines that it will exercise this provision, its actions will be in accord with Title IX and it will stay true to the processes described in the Policy to the extent possible. The College will also clearly explain to the parties any alternate processes it will take in the given situation and provide fair notice of those changes.
Sexual and Gender-Based Misconduct Policy for Staff

August 20, 2021

I. INTRODUCTION

The Wheaton College Sexual and Gender-Based Misconduct Policy for Staff (the “Policy”) has been developed in compliance with Title IX to provide a prompt and equitable investigation and adjudication process in cases that implicate the Policy, and to provide recourse for individuals whose rights have been violated regardless of that person’s sex, sexual orientation, gender identity or gender expression.

It is a priority of the College that all persons have equitable access to reporting, resources and all aspects of the grievance process. The College acknowledges that historically excluded identities often experience increased barriers to reporting. In this regard, the College has a number of support offices available to staff, including the Office of Human Resources and the Office of the Title IX Coordinator. Confidential Resources including the Employee Assistant Program and the College’s confidential resource provider, Melanite Gonzalez (gonzalez_melanite@wheatoncollege.edu, 508-286-3905) are also available to provide confidential support. Additionally, any staff seeking accommodations in the response to a report of Sexual and Gender-Based Misconduct, including the formal grievance process, may contact the Office of Human Resources.

For more information about the Policy or to report Prohibited Conduct, please contact Caraline Somerville, Title IX Coordinator at (508) 286-3261 somerville_caraline@wheatoncollege.edu or visit https://portal.wheatonma.edu/documents/10354/466178/Wheaton_EAP_AOHedit.pdf/1d7469d3-ef4d-45d7-b53e-37a355e99f83. This page includes information about counseling, health, safety, and other support services available to employees.¹

II. SCOPE

The Policy outlines how the College will respond when the Title IX Coordinator receives notice of alleged Prohibited Conduct by a staff member of the College occurring in an education program or activity of the College against a person in the United States. For purposes of the Policy and as prescribed by Title IX, “education program or activity” includes locations, events, or circumstances, over which the College exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurs.

Reports regarding Other Prohibited Forms of Sex Discrimination, as defined below, and/or that do not occur within the jurisdictional limits as defined in the Policy and by Title IX, may generally be addressed under the College’s Unlawful Discrimination and Harassment Policy in the Staff Handbook, a copy of which can be accessed here: https://wheatoncollege.edu/about-wheaton-college/offices-services/human-resources/info/. For more information or to report such

¹ For more specific information about preserving evidence and contact information for seeking medical assistance please visit the website at https://wheatoncollege.edu/campus-life/campus-safety/sexual-assault-information/emergency-information/
 discrimination, please contact Omaira Roy, Deputy Title IX Coordinator for Staff, at 508-286-8206, roy_omaira@wheatoncollege.edu, or in person at her office, Hebe 105.

III. DEFINITIONS

For purposes of the Policy, the following terms have the meanings indicated in this section.

Advisor. An individual who is selected by a party or assigned to a party by the College (who may be, but is not required to be, an attorney) to provide information and procedural advice regarding the Policy and the College’s grievance process, who may inspect and review evidence, and who can conduct cross-examination on behalf of the party during the hearing.

Appellate Officer. A trained and qualified individual other than the Title IX Coordinator, the investigator(s), or the decision-makers(s) who is an employee of the College or engaged by the College to review and determine appeals under the Policy.

Complainant. A person who is alleged to have experienced Prohibited Conduct, and who, at the time they file a Formal Complaint, is currently participating in, or attempting to participate in, the College’s education programs or activities.  

Confidential Resource. Staff, faculty, or third-party partners with a statutory privilege (licensed psychologists, mental health counselors, social workers, clergy and designated medical personnel), who are acting within that privileged role, and individuals the College explicitly designates as confidential resource providers available to employees for the purpose of providing information, support and resources regarding the Policy.

Consent. Consent which is informed, freely and actively given through clear words or actions, and creates mutually understandable permission regarding the conditions of sexual activity. Consent is achieved only where each party mutually understands what behavior the party’s partner consents to and what behavior the party’s partner does not consent to with regard to physical and sexual interactions. Consent at one time does not imply Consent at any other time. Consent cannot be obtained: (1) through silence alone (absent a non-verbal action clearly demonstrating consent); (2) from minors (under the age of 16 in Massachusetts), individuals with certain mental disabilities, or incapacitated persons; or (3) through physical force, threat of physical force (by words, gestures, or non-verbal actions), coercion, fraud, intimidation, or Incapacitation.

Dating Violence. Violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (2) where the existence of such a relationship will be determined based on a consideration of the following factors (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to,

2 If an individual is not participating in or attempting to participate in the College’s education programs or activities and makes an allegation against a Respondent who is a current employee at the College, the Title IX Coordinator may exercise discretion in signing a Formal Complaint in accordance with Section V(4).
sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

**Deputy Title IX Coordinator for Staff.** The College’s Deputy Title IX Coordinator for Staff or a designee.

**Designated Official.** A College official with authority to institute corrective measures on behalf of the College. Designated Officials include staff in the Office of the Dean of Students, the Office of the Provost, and Human Resources.

**Domestic Violence.** Actions of violence committed by a current or former spouse or intimate partner of the Complainant, 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, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Massachusetts. In interpreting the term “violence” in this definition, the College will consider, but is not limited to, the types of actions that constitute felonies or misdemeanors under Massachusetts state law.

**Formal Complaint.** A document filed by a Complainant alleging Prohibited Conduct against a Respondent and requesting that the College investigate the allegation of Prohibited Conduct. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. As outlined below, in certain limited situations, the Title IX Coordinator, in their sole discretion, can also sign a Formal Complaint.

**Incapacitation.** The inability, temporarily or permanently, to give consent, because: (1) an individual is mentally and/or physically helpless or unaware of where they are, how they got there, or why or how they became engaged in sexual activity due to drug or alcohol consumption, either voluntarily or involuntarily; or (2) an individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. Where alcohol is involved, Incapacitation is a state beyond drunkenness or intoxication. Some indicators of Incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason.3

**Order of No Contact.** A written order issued by the Title IX Coordinator prohibiting contact between two or more parties and, when applicable, ordering restriction from one or more locations on campus.

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3 The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.
**Other Prohibited Forms of Sex Discrimination.** Forms of adverse treatment on the basis of sex (including on the basis of sexual orientation, gender identity, and/or gender expression) that are not otherwise set forth as Prohibited Conduct, in Section IV of the Policy. ⁴

**Procedural Coordinator.** The Deputy Title IX Coordinator for Staff.

**Reasonable Person.** A reasonable person under similar circumstances and with similar identities to the Complainant.

**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

**Retaliation.** Any acts or words that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Policy.

**Sexual Assault.** Sexual Assault includes: (1) 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 Complainant; (2) the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity; (3) sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and (4) sexual intercourse with a person who is under the statutory age of consent.

**Sexual Harassment.** Conduct on the basis of sex that includes:

1. an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; or

2. unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity.

**Stalking.** Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to: (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, devise, or means, follows, monitors, observes, surveils,

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⁴ Reports regarding Other Prohibited Forms of Sex Discrimination will generally be addressed under the College’s Unlawful Discrimination and Harassment Policy in the Staff Handbook, a copy of which can be accessed here: https://wheatoncollege.edu/about-wheaton-college/offices-services/human-resources/info/. For more information or to report such discrimination, please contact Omaira Roy, Deputy Title IX Coordinator for Staff, at 508-286-8206, roy_omaira@wheatoncollege.edu, or in person at her office, Hebe 105.
threatens, or communicated 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 require medical or other professional treatment or counseling.

**Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter Prohibited Conduct. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

**Timely Warning.** A warning issued by the Director of Campus Safety to the campus community to notify the community of a serious crime that constitutes an ongoing or continuing threat.


**Title IX Coordinator.** The College’s Title IX Coordinator or a designee.

**IV. PROHIBITED CONDUCT**

The following conduct is prohibited:

1. **Dating Violence;**
2. **Domestic Violence;**
3. **Sexual Assault;**
4. **Sexual Harassment;**
5. **Stalking;** and
6. **Retaliation.**

Retaliation allegations may be consolidated with other Formal Complaints of Prohibited Conduct if the facts and circumstances significantly overlap. If the facts and circumstances do not significantly overlap, then the College retains discretion to adjudicate the allegation under a different but appropriate policy. For example, if a Respondent retaliates against a Complainant with regard to the filing of a complaint, that behavior could be consolidated with the other Prohibited Conduct alleged, provided appropriate notice is afforded. On the other hand, if the retaliatory conduct is committed by a person other than Respondent who is not otherwise subject to a grievance under the Policy, that behavior could be adjudicated under another conduct policy which prohibits such behavior.
V. PROCESS FOR RESPONDING TO REPORTS

This section outlines how the College will respond to a report of conduct that could constitute Prohibited Conduct and determine what, if any, Supportive Measures and additional action is appropriate. The College retains the discretion to designate another appropriate College employee to satisfy the various roles set forth below and as appropriate to the role and situation at hand.

(1) Reporting Prohibited Conduct. Any individual seeking to report allegations of Prohibited Conduct by a staff member of the College occurring in an education program or activity of the College may do so by reporting via the Sexual and Gender-Based Misconduct Reporting Form, or by contacting the Title IX Coordinator via mail, email (somerville_caraline@wheatoncollege.edu), phone (508-286-3261), or in person at the Title IX Office. Individuals may submit the Sexual and Gender-Based Misconduct Form anonymously.

(2) Reporting Obligations. Employee obligations to report to the Title IX Coordinator allegations of Prohibited Conduct vary based on the role of the employee. The following outlines employee reporting obligations.

(a) Confidential Resources are not required to report allegations of Prohibited Conduct that come to their attention, except in limited circumstances where a reporting obligation exists under the law. When acting in their Confidential Resource role, Confidential Resources will inform individuals of those limited circumstances.

(b) Designated Officials, as defined above, as well as the College President, the Vice President of Finance and Administration, the Assistant Vice President of Legal Affairs, the Director of Counseling and Health Services, Campus Safety staff, SAIL and Residential Life staff, including area coordinators and residential advisors, Athletics Department staff, Academic Advising staff, including peer advisors, and the SMART Program Coordinator must, within forty-eight (48) hours, report to the Title IX Coordinator allegations of Prohibited Conduct that come to their attention.

(c) All other staff and faculty (not listed in paragraph (a) and (b) above) may report to the Title IX Coordinator allegations of Prohibited Conduct that come to their attention. However, where an individual alleges that a faculty member, staff member, vendor, or volunteer has engaged in Prohibited Conduct, all staff (other than Confidential

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6 https://portal.wheatonma.edu/web/inside-wheaton/campus-life/community-reporting-options#sexu
7 It is generally helpful to the College for individuals to include their identity when reporting Sexual and Gender-Based Misconduct.
8 The Director of Counseling and Health Services must report allegations of Prohibited Conduct that come to their attention to the extent permitted under any state confidentiality law requirements.
9 For purposes of this reporting requirement, peer advisors are required to report only disclosures of alleged Prohibited Conduct made to them by their advisees.
(3) **Response to reports of Prohibited Conduct.** The College will respond to all reports of Prohibited Conduct in a prompt, equitable, and effective manner. After receiving notice of conduct that could constitute Prohibited Conduct, the Title IX Coordinator will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess the need to take any immediate action to address the safety and health needs of the parties and the College community and to determine the next steps for investigating the reported conduct and the need for any Supportive Measures. These initial steps include, but are not limited to, the following:

(a) **Supportive Measures.** The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant’s wishes with respect to Supportive Measures, and inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint. As defined in Section III above, the College will provide Supportive Measures but will remain cognizant of the burden a specific Supportive Measure may have on the other party. Factors to be considered in determining reasonable supportive measure may include: the specific need expressed by the party; the severity and/or pervasiveness of the allegations; any continuing effects on the party; whether the parties share the same job location; and whether other judicial measures have been taken to protect a party or the parties. Parties may at any time request that the Title IX Coordinator review Supportive Measures.

(b) **Disclosures Regarding Law Enforcement.** The Title IX Coordinator will notify the Complainant, in appropriate circumstances, about the right to report (or decline to report) the matter to Campus Safety and/or to law enforcement, to receive assistance from campus authorities in contacting law enforcement, and to request a court-issued protective order. Any person seeking to notify the College of a court-issued protective order should contact Campus Safety at 508-286-3333.

(c) **Policy on Retaliation.** The Title IX Coordinator will inform the Complainant about the Policy’s prohibition of Retaliation and that the College will respond to any reports of retaliation promptly.

(d) **Threat Assessment.** The Title IX Coordinator, in consultation with other College administrators, will assess the reported conduct to determine whether the

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10 Failure to comply with reporting obligations may subject staff to discipline including termination.
11 A report to law enforcement will not change the College’s duty to respond to the matter but it may briefly delay the timing of any investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct. If the College learns that a form of sexual misconduct occurred with regard to an individual under the age of eighteen (18), the College may be required to report the information to the Massachusetts Department of Children and Families, as well as law enforcement.
circumstances pose a threat to the health or safety of the College community and warrant the issuance of a Timely Warning, an Order of No Contact for any persons, or any other interim protections including the facilitation of an emergency removal or administrative leave in accordance with Section VII(6) of the Policy.

(4) **Filing a Formal Complaint.** The Title IX Coordinator will explain to the Complainant the process for filing a Formal Complaint. If, at this time, the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator, in accordance with Section VII(5) of the Policy, will weigh that request and the reasons for it against the College’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. In certain circumstances, the Title IX Coordinator may determine that it would be unreasonable in light of the known circumstances not to investigate the allegations of Prohibited Conduct. In those circumstances, the Title IX Coordinator will file a Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the matter.

(5) **Dismissal and Consolidation of Formal Complaints.** As outlined below, the College may be required or permitted to dismiss Formal Complaints upon their filing or during the course of the grievance process. Additionally, the College maintains discretion to consolidate Formal Complaints.

(a) If the conduct alleged in a Formal Complaint: would not constitute Prohibited Conduct, even if proved; did not occur in the College’s education program or activity; or did not occur against a person in the United States, then the College, in accordance with Title IX, must dismiss the Formal Complaint with regard to that conduct under the Policy. The Title IX Coordinator will, if appropriate, refer the reported conduct to the appropriate administrator for handling consistent with any other pertinent College policy. If new information is subsequently provided, the decision whether or not to proceed under the Policy will be reevaluated.

(b) The College may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

(c) Upon a dismissal required or permitted pursuant this section, the College will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

(d) Consolidation of Formal Complaints. The College may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party
against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

VI. GRIEVANCE PROCESS

This section outlines the College’s grievance process for investigating and adjudicating a Formal Complaint.

(1) Investigation. If a Formal Complaint is filed, the formal investigation phase will commence and include the steps outlined below.

(a) Notice of Investigation. The Title IX Coordinator, in consultation with the Deputy Title IX Coordinator for Staff, will provide the parties with a copy of the Formal Complaint, the Policy, and written notice of the investigation which will include:

(i) notice of the allegations potentially constituting Prohibited Conduct and sufficient details known at the time, including: (1) the identities of the parties involved in the incident, if known; (2) the conduct allegedly constituting Prohibited Conduct as defined in the Policy; and (3) the date and location of the alleged incident, if known;

(ii) a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

(iii) a statement informing the parties that they may have an Advisor;

(iv) notice of Section VII(2) of the Policy which prohibits knowingly making false statements or knowingly submitting false information during the grievance process;

(v) the availability of Supportive Measures; and

(vi) a reminder of the Policy’s prohibition of Retaliation.

(b) Designation of Investigator(s). When appointing the investigator(s), the College will designate at least one internal and/or external investigator to conduct a prompt, fair, equitable and impartial investigation of the reported conduct and prepare an investigative report. At the College’s discretion, more than one investigator may be assigned. The Title IX Coordinator will provide the parties with the name of the investigator(s). As soon as possible, but no later than three (3) days after receiving notice of the identity of the investigator(s), the parties can inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected investigator(s). The Title IX Coordinator will consider the nature of the

12 All persons designated as investigators will receive no less than one annual training on issues relating to sexual misconduct, investigatory and hearing procedures.
conflict and determine if a different individual should be assigned as investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

(c) Nature of the Investigation. Investigative meetings may be conducted in person or virtually, as required by federal mandate. The following are the roles and processes to be followed during the investigation.

(i) The investigation provides an opportunity for fact-finding and will include separate interviews with the Complainant, Respondent, and any relevant witnesses.13

(ii) The investigator(s) will provide the parties with advance notice of meetings at which their presence is required. Parties will be afforded an equal opportunity to present witnesses and other inculpatory and exculpatory evidence.

(iii) Each party may have a single Advisor present during any meeting, interview, or hearing, held pursuant to the Policy. Except to the extent expressly permitted in the hearing phase outlined below, the Advisor may advise their respective party privately, but cannot act as a speaking advocate at a meeting. College staff and internal or external investigators may delay or terminate meetings, remove or dismiss Advisors, and/or proceed with the investigation if an Advisor is disruptive or otherwise refuses to comply with the requirements of this policy. An Advisor is subject to the same privacy expectations applicable to others in attendance and must also abide by any applicable state and federal laws. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process. The Advisor is not permitted to attend a meeting or proceeding without the party they are advising being present without the prior approval of the Title IX Coordinator, at their discretion. The College reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does not abide by the restrictions on their participation.

(iv) At no point will the investigation require both parties to be in the same room. At no point will either party be permitted to question or cross-examine the other party or any witness directly during the investigation, determination, or appeal process. (The parties may ask questions of the other party and/or witnesses at the hearing, described in Section VI(2)(c)(iii) below, but all such questions must be asked through the party’s Advisor.)

(d) Content of Investigative Report. The investigator(s) will create an investigative report that fairly summarizes relevant evidence, a separate section where the investigator(s) point out relevant consistencies or inconsistencies (if any) between all sources of information, and a separate section describing the investigator(s)’ assessment of the credibility of parties and witnesses, and attach any relevant evidence gathered, whether inculpatory (i.e., proving the responsibility of a party) or exculpatory (i.e., proving that

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13 Investigators will ask questions and consider evidence in a manner consistent with Section VI(2)(c)(iv).
a party did not commit the conduct alleged) (The investigative report will not include a
determination as to whether a party has violated the Policy or what sanctions may be
appropriate. These determinations will be made as described in Section VI(2)(d) below).

(e) Review of the Investigative Report by the Parties. Both parties will be informed of their
opportunity to review the entire investigative report and that they may submit written
comments and/or questions about the content of the investigative report to the investigator(s)
within ten (10) calendar days of the date they are notified that the investigative report is
available for review. The time to submit written comments can be extended for a brief period if
the Title IX Coordinator concludes, in their sole discretion, that the additional time is warranted.
In circumstances where an extension is provided to one party, it will be provided to the other
party, as well.

(i) The comments submitted by the parties may not exceed ten (10) double spaced pages
unless a higher page limit is otherwise determined to be necessary and appropriate in
the sole discretion of the Title IX Coordinator. After reviewing the submissions, if any,
from the parties, the investigator(s) may determine that either additional investigation is
required or no further investigation is
needed. The investigator has the sole discretion to determine if any information or
questions submitted are irrelevant and therefore not to be considered and will be
redacted. If further investigation is conducted, the investigator(s) will include any
additional relevant information in the investigative report.

(ii) If, at any point in this review process or the prior investigation, it becomes apparent that
a witness will not take part and subject themselves to examination in the hearing
described in Section VI(2)(c)(iii) below, the investigator may revise the investigative
report to remove information provided by the witness so as not to impact the hearing. If
this decision is made prior to the Parties’ review, it will be noted in a cover memo to the
investigative report. If the decision is made following the Parties’ review, it will be
communicated to the Parties and they will be informed in writing of any information that
will be removed prior to the hearing.

(iii) The investigative report will then be finalized. Any submissions made by either
party pursuant to this section, as well as any other documentation deemed relevant
by the investigator(s), will be attached to the investigative report.

(2) Live Hearing. At the conclusion of the investigation phase, the hearing process will commence
and include the steps outlined below.

(a) Notice of Hearing. The Procedural Coordinator will notify the Complainant and the
Respondent in writing of the time and date of the hearing at least ten (10) business days prior
to the hearing date.
(b) Designation of a Decision-maker(s). The College will designate at least one internal and/or external decision-maker to conduct a prompt, fair, equitable, and impartial hearing. The Procedural Coordinator will provide the parties with the name of the decision-maker(s). As soon as possible, but no later than three (3) days after receiving notice of the identity of the decision-maker(s), the parties can inform the Procedural Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected decision-maker(s). The Procedural Coordinator will consider the nature of the conflict and determine if a different individual should be assigned as decision-maker(s). The Procedural Coordinator’s decision regarding any conflicts is final.

(c) Nature of the Hearing. Hearings may be conducted in person or virtually, as required by federal mandate. The following are the roles and processes to be followed during the hearing.

(i) Decision-maker(s) will maintain broad authority to determine the process, timing and conduct of the hearing. For example, the decision-maker(s) will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

(ii) Each party may have an Advisor present at the hearing who will be subject to the same expectations and limitations pertaining to the investigation phase as outlined under Section VI(1)(c)(iii), however Advisors may also be present during the hearing for the limited purpose of conducting cross-examination on behalf of the party. If a party does not have an advisor of their choice present at a hearing, the College will provide one, without fee or charge to the party. No later than ten (10) calendar days before the hearing, parties should inform the Title IX Coordinator of the identity of any Advisor who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided Advisor.

(iii) At a time and manner deemed appropriate by the decision-maker(s), the Advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the Advisor is advising. However, the Advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for Advisors if they delay the process. The College reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does not

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14 All persons designated as decision-makers will receive no less than one annual training on issues relating to sexual misconduct, investigatory and hearing procedures.
not abide by the restrictions on their participation as determined in the sole discretion of
the decision-maker(s), which may include exclusion of the Advisor from the hearing and
the appointment of an alternate College-provided Advisor.

(iv) Questions and evidence about the complainant’s sexual predisposition or prior sexual
behavior are not relevant, unless such questions and evidence about the Complainant’s
prior sexual behavior are offered to prove that someone other than the Respondent
committed the conduct alleged by the Complainant, or if the questions and evidence
concern specific incidents of the Complainant’s prior sexual behavior with respect to
the Respondent and are offered to prove consent.

(v) Information protected under a legally recognized privilege (e.g., privileged
communications between a party and their physician, psychiatrist, psychologist, or other
recognized professional or paraprofessional acting in a treatment capacity, or privileged
communications between a party and their attorney), are not permitted unless the
person holding the privilege has waived the privilege.

(vi) If a party or witness does not submit to cross-examination at the live hearing, the
decision-maker(s) will not rely on any statement of that party or witness in reaching a
determination regarding responsibility, unless there is a change to current federal
guidance and/or federal case law in Massachusetts. The decision-maker(s) will not draw
an inference about the determination regarding responsibility based solely on a party’s or
witness’s absence from the live hearing or refusal to answer cross-examination or other
questions.

(vii) At the request of either party, the College will provide for the live hearing to occur
with the parties located in separate rooms with technology enabling the decision-
maker(s) and parties to simultaneously see and hear the party or the witness
answering questions.

(viii) The College will create an audio or audiovisual recording, or transcript, of the hearing
and make it available to the parties for inspection and review.

(d) Determination Regarding Responsibility. The decision-maker(s) will issue a written
determination regarding responsibility using the preponderance of the evidence standard.
The College will provide the written determination simultaneously to the parties not later
than seven (7) business days after a determination is made. The written determination will
include:

(i) identification of the allegations potentially constituting Prohibited Conduct;

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15 The determination regarding responsibility becomes final either on the date that the College provides the
parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not
filed, the date on which an appeal would no longer be considered timely.
(ii) a description of the procedural steps taken from the College of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(iii) findings of fact supporting the determination;

(iv) conclusions regarding the application of the Policy to the facts;

(v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided by the College to the Complainant (disciplinary sanctions and remedies include termination, suspension, probation with or without conditions, reprimand, warning, restitution, education, counseling, Orders of No Contact, restriction from programs or activities, and loss of leadership opportunities or positions in activities); and

(vi) the College’s procedures and permissible bases for the Complainant and Respondent to appeal.

(3) Appeals. Either party may appeal a determination regarding responsibility or the College’s dismissal of a Formal Complaint or any allegations therein.

(a) Filing an Appeal. Within ten (10) days of receiving written notice of the decision-maker’s determination on responsibility and sanctions (or dismissal of a Formal Complaint or any allegations therein), either the Complainant or the Respondent may appeal the decision by submitting to the Procedural Coordinator a letter stating why the party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.

(b) Bases for Appeals. Appeals must be based on one or more of the following:

(i) procedural irregularity that affected the outcome of the matter;

(ii) new evidence that was not reasonably available at the time the determination regarding responsibility or sanction was made, that could affect the outcome of the matter; and

(iii) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

(c) Notice of Appeal and Opportunity to Respond. The College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for
both parties. The Complainant and Respondent will be provided with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

(d) Appellate Officer. The Appellate Officer will decide the merits of any appeal and in so doing, may consult with the Title IX Coordinator, the investigator(s), the decision-maker(s), and any other individual that the Appellate Officer deems appropriate.

(c) Appeal Determinations. The purpose of the appeal is not to rehear the case; rather, it is to determine if there is sufficient information presented to allow a reconsideration of the decision-maker’s determination. The Appellate Officer may affirm all or part of the decision (which includes the sanction, as well as the determination of responsibility) or may refer the matter to the investigator(s) or decision-maker(s) for further consideration. The Appellate Officer will provide specific instructions with any referral. In the event of a referral, the Appellate Officer may mandate such further proceedings as the Appellate Officer deems appropriate under the circumstances, consistent with the Policy. When reaching an appeal determination, the Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

(4) Informal Resolution. At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process such as mediation, that does not involve a full investigation and adjudication, provided that the College:

(a) provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(b) obtains the parties’ voluntary, written consent to the informal resolution process; and

(c) does not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Prohibited Conduct with a student.

VII. ADDITIONAL MATTERS

(1) Request for Delay of Proceedings. If the Complainant, the Respondent, or law enforcement agencies request that the College conduct proceeding be delayed because the conduct in question is also being addressed in a civil or criminal court, the College will review the request, but it retains the right to conduct the processes described in the Policy before, after, or during the same time period as the civil or criminal case, and to

16 Provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.
implement appropriate action (including but not limited to interim Orders of No Contact, removal from campus, interim removals, or suspensions) to maintain the safety of the campus. The campus conduct process shall be confidential to the extent possible and as allowed by law and considerations of safety.

(2) **Duty of Honesty and Cooperation.** All parties and witnesses are obligated to be completely honest during the course of the entire process set forth in the Policy. Any person who knowingly makes a false statement or knowingly submits false information—either explicitly or by omission—in connection with any part of the grievance process may be subject to separate College disciplinary action. All parties and witnesses are obligated to cooperate with the Title IX Director and any persons charged with implementing the Policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate College disciplinary action.

(3) **Patterns of Conduct.** Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the investigators’ report and/or the decision-maker’s determination of responsibility or sanction. In those instances, the Title IX Coordinator and the Procedural Coordinator will determine whether the previous incident was substantially similar to the conduct cited in the report and/or indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. The Title IX Coordinator and the Procedural Coordinator may choose to provide this information to the investigator(s), with appropriate notice to the parties.

(4) **Amnesty for Students Reporting Misconduct by Staff.** The College encourages reporting under the Policy and seeks to remove barriers to reporting. The College generally will not hold a student who reports conduct or is a witness during an investigation under the Policy accountable for disciplinary violations of the College’s Community Standards related to the incident. However, a person who reports conduct under the Policy may be held accountable for his or her own misconduct if, in the College’s discretion, it is determined that the behavior placed the health and safety of any person at risk, or if it created a danger to the College community. The College retains the right to require students to attend counseling or drug/alcohol related courses, as applicable, even in circumstances in which disciplinary conduct will not be pursued under the Policy.

(5) **Respect for Privacy.** The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Policy and will not disclose the identity of Complainants and Respondents except as necessary to carry out the grievance process, its obligations under Title IX, and as otherwise permitted under state or federal law. There are situations in which it may be necessary for an institution to override a request for privacy in order to meet its Title IX obligation. In the event circumstances result in the College overriding a request for privacy or confidentiality to meet its Title IX obligation, the College will do so with the utmost sensitivity and respect for the circumstances and the individuals involved.
The factors considered in determining whether it can grant a request for privacy include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the Complainant or others, and whether the sexual violence was committed by multiple perpetrators), circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the Complainant’s report reveals a pattern of perpetration, whether the sexual violence was perpetrated with a weapon, the age of the Complainant subjected to the sexual violence, and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

(6) **Emergency Removal and Administrative Leave.** The College may remove a Respondent from the College’s education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Additionally, the College also maintains discretion to place Respondent on an Administrative Leave during the pendency of the Grievance Process.

(7) **Special Situations.** In limited circumstances, when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Title IX Director, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community, the College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under the Policy administratively and outside of the process described in the Policy. Whenever the College determines that it will exercise this provision, its actions will be in accord with Title IX and it will stay true to the processes described in the Policy to the extent possible. The College will also clearly explain to the parties any alternate processes it will take in the given situation.
Sexual and Gender-Based Misconduct Policy for Faculty

August 20, 2021

I. INTRODUCTION

The Wheaton College Sexual and Gender-Based Misconduct Policy for Staff (the “Policy”) has been developed in compliance with Title IX to provide a prompt and equitable investigation and adjudication process in cases that implicate the Policy, and to provide recourse for individuals whose rights have been violated regardless of that person’s sex, sexual orientation, gender identity or gender expression.

It is a priority of the College that all persons have equitable access to reporting, resources and all aspects of the grievance process. The College acknowledges that historically excluded identities often experience increased barriers to reporting. In this regard, the College has a number of support offices available to staff, including the Office of Human Resources and the Office of the Title IX Coordinator. Confidential Resources including the Employee Assistant Program and the College’s confidential resource provider, Melanie Gonzalez (gonzalez_melanite@wheatoncollege.edu, 508-286-3905) are also available to provide confidential support. Additionally, any staff seeking accommodations in the response to a report of Sexual and Gender-Based Misconduct, including the formal grievance process, may contact the Office of Human Resources.

For more information about the Policy or to report Prohibited Conduct, please contact Caraline Somerville, Title IX Coordinator at (508) 286-3261 somerville_caraline@wheatoncollege.edu or visit https://portal.wheatonma.edu/documents/10354/466178/Wheaton_EAP_AOHedit.pdf/1d7469d3-ef4d-45d7-b53e-37a355e99f83. This page includes information about counseling, health, safety, and other support services available to employees.1

II. SCOPE

The Policy outlines how the College will respond when the Title IX Coordinator receives notice of alleged Prohibited Conduct by a staff member of the College occurring in an education program or activity of the College against a person in the United States. For purposes of the Policy and as prescribed by Title IX, “education program or activity” includes locations, events, or circumstances, over which the College exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurs.

Reports regarding Other Prohibited Forms of Sex Discrimination, as defined below, and/or that do not occur within the jurisdictional limits as defined in the Policy and by Title IX, may generally be addressed under the College’s Unlawful Discrimination and Harassment Policy in the Staff Handbook, a copy of which can be accessed here: https://wheatoncollege.edu/about-wheaton-college/offices-services/human-resources/info/. For more information or to report such

1 For more specific information about preserving evidence and contact information for seeking medical assistance please visit the website at https://wheatoncollege.edu/campus-life/campus-safety/sexual-assault-information/emergency-information/
For purposes of the Policy, the following terms have the meanings indicated in this section.

**Advisor.** An individual who is selected by a party or assigned to a party by the College (who may be, but is not required to be, an attorney) to provide information and procedural advice regarding the Policy and the College’s grievance process, who may inspect and review evidence, and who can conduct cross-examination on behalf of the party during the hearing.

**Appellate Officer.** A trained and qualified individual other than the Title IX Coordinator, the investigator(s), or the decision-makers(s) who is an employee of the College or engaged by the College to review and determine appeals under the Policy.

**Complainant.** A person who is alleged to have experienced Prohibited Conduct, and who, at the time they file a Formal Complaint, is currently participating in, or attempting to participate in, the College’s education programs or activities.2

**Confidential Resource.** Staff, faculty, or third-party partners with a statutory privilege (licensed psychologists, mental health counselors, social workers, clergy and designated medical personnel), who are acting within that privileged role, and individuals the College explicitly designates as confidential resource providers available to employees for the purpose of providing information, support and resources regarding the Policy.

**Consent.** Consent which is informed, freely and actively given through clear words or actions, and creates mutually understandable permission regarding the conditions of sexual activity. Consent is achieved only where each party mutually understands what behavior the party’s partner consents to and what behavior the party’s partner does not consent to with regard to physical and sexual interactions. Consent at one time does not imply Consent at any other time. Consent cannot be obtained: (1) through silence alone (absent a non-verbal action clearly demonstrating consent); (2) from minors (under the age of 16 in Massachusetts), individuals with certain mental disabilities, or incapacitated persons; or (3) through physical force, threat of physical force (by words, gestures, or non-verbal actions), coercion, fraud, intimidation, or Incapacitation.

**Dating Violence.** Violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (2) where the existence of such a relationship will be determined based on a consideration of the following factors (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to,

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2 If an individual is not participating in or attempting to participate in the College’s education programs or activities and makes an allegation against a Respondent who is a current employee at the College, the Title IX Coordinator may exercise discretion in signing a Formal Complaint in accordance with Section V(4).
sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

**Deputy Title IX Coordinator for Staff.** The College’s Deputy Title IX Coordinator for Staff or a designee.

**Designated Official.** A College official with authority to institute corrective measures on behalf of the College. Designated Officials include staff in the Office of the Dean of Students, the Office of the Provost, and Human Resources.

**Domestic Violence.** Actions of violence committed by a current or former spouse or intimate partner of the Complainant, 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, or by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Massachusetts. In interpreting the term “violence” in this definition, the College will consider, but is not limited to, the types of actions that constitute felonies or misdemeanors under Massachusetts state law.

**Formal Complaint.** A document filed by a Complainant alleging Prohibited Conduct against a Respondent and requesting that the College investigate the allegation of Prohibited Conduct. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. As outlined below, in certain limited situations, the Title IX Coordinator, in their sole discretion, can also sign a Formal Complaint.

**Incapacitation.** The inability, temporarily or permanently, to give consent, because: (1) an individual is mentally and/or physically helpless or unaware of where they are, how they got there, or why or how they became engaged in sexual activity due to drug or alcohol consumption, either voluntarily or involuntarily; or (2) an individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. Where alcohol is involved, Incapacitation is a state beyond drunkenness or intoxication. Some indicators of Incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason.

**Order of No Contact.** A written order issued by the Title IX Coordinator prohibiting contact between two or more parties and, when applicable, ordering restriction from one or more locations on campus.

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3 The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.
**Other Prohibited Forms of Sex Discrimination.** Forms of adverse treatment on the basis of sex (including on the basis of sexual orientation, gender identity, and/or gender expression) that are not otherwise set forth as Prohibited Conduct, in Section IV of the Policy.⁴

**Procedural Coordinator.** The Deputy Title IX Coordinator for Staff.

**Reasonable Person.** A reasonable person under similar circumstances and with similar identities to the Complainant.

**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

**Retaliation.** Any acts or words that intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Policy.

**Sexual Assault.** Sexual Assault includes: (1) 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 Complainant; (2) the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity; (3) sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and (4) sexual intercourse with a person who is under the statutory age of consent.

**Sexual Harassment.** Conduct on the basis of sex that includes:

(1) an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; or

(2) unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity.

**Stalking.** Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to: (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress. For the purpose of this definition, course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, devise, or means, follows, monitors, observes, surveils,

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⁴ Reports regarding Other Prohibited Forms of Sex Discrimination will generally be addressed under the College’s Unlawful Discrimination and Harassment Policy in the Staff Handbook, a copy of which can be accessed here: https://wheatoncollege.edu/about-wheaton-college/offices-services/human-resources/info/. For more information or to report such discrimination, please contact Omaira Roy, Deputy Title IX Coordinator for Staff, at 508-286-8206, roy_omaira@wheatoncollege.edu, or in person at her office, Hebe 105.
threatens, or communicated 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 require medical or other professional treatment or counseling.

Supportive Measures. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter Prohibited Conduct. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Timely Warning. A warning issued by the Director of Campus Safety to the campus community to notify the community of a serious crime that constitutes an ongoing or continuing threat.


Title IX Coordinator. The College’s Title IX Coordinator or a designee.

IV. PROHIBITED CONDUCT

The following conduct is prohibited:

1. Dating Violence;
2. Domestic Violence;
3. Sexual Assault;
4. Sexual Harassment;
5. Stalking; and
6. Retaliation.5

5 Retaliation allegations may be consolidated with other Formal Complaints of Prohibited Conduct if the facts and circumstances significantly overlap. If the facts and circumstances do not significantly overlap, then the College retains discretion to adjudicate the allegation under a different but appropriate policy. For example, if a Respondent retaliates against a Complainant with regard to the filing of a complaint, that behavior could be consolidated with the other Prohibited Conduct alleged, provided appropriate notice is afforded. On the other hand, if the retaliatory conduct is committed by a person other than Respondent who is not otherwise subject to a grievance under the Policy, that behavior could be adjudicated under another conduct policy which prohibits such behavior.
V. PROCESS FOR RESPONDING TO REPORTS

This section outlines how the College will respond to a report of conduct that could constitute Prohibited Conduct and determine what, if any, Supportive Measures and additional action is appropriate. The College retains the discretion to designate another appropriate College employee to satisfy the various roles set forth below and as appropriate to the role and situation at hand.

1 Reporting Prohibited Conduct. Any individual seeking to report allegations of Prohibited Conduct by a staff member of the College occurring in an education program or activity of the College may do so by reporting via the Sexual and Gender-Based Misconduct Reporting Form, or by contacting the Title IX Coordinator via mail, email (somerville_caroline@wheatoncollege.edu), phone (508-286-3261), or in person at the Title IX Office. Individuals may submit the Sexual and Gender-Based Misconduct Form anonymously.

2 Reporting Obligations. Employee obligations to report to the Title IX Coordinator allegations of Prohibited Conduct vary based on the role of the employee. The following outlines employee reporting obligations.

(a) Confidential Resources are not required to report allegations of Prohibited Conduct that come to their attention, except in limited circumstances where a reporting obligation exists under the law. When acting in their Confidential Resource role, Confidential Resources will inform individuals of those limited circumstances.

(b) Designated Officials, as defined above, as well as the College President, the Vice President of Finance and Administration, the Assistant Vice President of Legal Affairs, the Director of Counseling and Health Services, Campus Safety staff, SAIL and Residential Life staff, including area coordinators and residential advisors, Athletics Department staff, Academic Advising staff, including peer advisors, and the SMART Program Coordinator must, within forty-eight (48) hours, report to the Title IX Coordinator allegations of Prohibited Conduct that come to their attention.

(c) All other staff and faculty (not listed in paragraph (a) and (b) above) may report to the Title IX Coordinator allegations of Prohibited Conduct that come to their attention. However, where an individual alleges that a faculty member, staff member, vendor, or volunteer has engaged in Prohibited Conduct, all staff (other than Confidential

6 https://portal.wheatonma.edu/web/inside-wheaton/campus-life/community-reporting-options#sexu
7 It is generally helpful to the College for individuals to include their identity when reporting Sexual and Gender-Based Misconduct.
8 The Director of Counseling and Health Services must report allegations of Prohibited Conduct that come to their attention to the extent permitted under any state confidentiality law requirements.
9 For purposes of this reporting requirement, peer advisors are required to report only disclosures of alleged Prohibited Conduct made to them by their advisees.
(3) **Response to reports of Prohibited Conduct.** The College will respond to all reports of Prohibited Conduct in a prompt, equitable, and effective manner. After receiving notice of conduct that could constitute Prohibited Conduct, the Title IX Coordinator will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess the need to take any immediate action to address the safety and health needs of the parties and the College community and to determine the next steps for investigating the reported conduct and the need for any Supportive Measures. These initial steps include, but are not limited to, the following:

(a) **Supportive Measures.** The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant’s wishes with respect to Supportive Measures, and inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint. As defined in Section III above, the College will provide Supportive Measures but will remain cognizant of the burden a specific Supportive Measure may have on the other party. Factors to be considered in determining reasonable supportive measure may include: the specific need expressed by the party; the severity and/or pervasiveness of the allegations; any continuing effects on the party; whether the parties share the same job location; and whether other judicial measures have been taken to protect a party or the parties. Parties may at any time request that the Title IX Coordinator review Supportive Measures.

(b) **Disclosures Regarding Law Enforcement.** The Title IX Coordinator will notify the Complainant, in appropriate circumstances, about the right to report (or decline to report) the matter to Campus Safety and/or to law enforcement, to receive assistance from campus authorities in contacting law enforcement, and to request a court-issued protective order. A report to law enforcement will not change the College’s duty to respond to the matter but it may briefly delay the timing of any investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct. If the College learns that a form of sexual misconduct occurred with regard to an individual under the age of eighteen (18), the College may be required to report the information to the Massachusetts Department of Children and Families, as well as law enforcement.

(c) **Policy on Retaliation.** The Title IX Coordinator will inform the Complainant about the Policy’s prohibition of Retaliation and that the College will respond to any reports of retaliation promptly.

(d) **Threat Assessment.** The Title IX Coordinator, in consultation with other College administrators, will assess the reported conduct to determine whether the

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10 Failure to comply with reporting obligations may subject staff to discipline including termination.
11 Any person seeking to notify the College of a court-issued protective order should contact Campus Safety at 508-286-3333.
circumstances pose a threat to the health or safety of the College community and warrant the issuance of a Timely Warning, an Order of No Contact for any persons, or any other interim protections including the facilitation of an emergency removal or administrative leave in accordance with Section VII(6) of the Policy.

(4) **Filing a Formal Complaint.** The Title IX Coordinator will explain to the Complainant the process for filing a Formal Complaint. If, at this time, the Complainant chooses not to file a Formal Complaint, the Title IX Coordinator, in accordance with Section VII(5) of the Policy, will weigh that request and the reasons for it against the College’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. In certain circumstances, the Title IX Coordinator may determine that it would be unreasonable in light of the known circumstances not to investigate the allegations of Prohibited Conduct. In those circumstances, the Title IX Coordinator will file a Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the matter.

(5) **Dismissal and Consolidation of Formal Complaints.** As outlined below, the College may be required or permitted to dismiss Formal Complaints upon their filing or during the course of the grievance process. Additionally, the College maintains discretion to consolidate Formal Complaints.

(a) If the conduct alleged in a Formal Complaint: would not constitute Prohibited Conduct, even if proved; did not occur in the College’s education program or activity; or did not occur against a person in the United States, then the College, in accordance with Title IX, must dismiss the Formal Complaint with regard to that conduct under the Policy. The Title IX Coordinator will, if appropriate, refer the reported conduct to the appropriate administrator for handling consistent with any other pertinent College policy. If new information is subsequently provided, the decision whether or not to proceed under the Policy will be reevaluated.

(b) The College may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer employed by the College; or specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

(c) Upon a dismissal required or permitted pursuant this section, the College will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

(d) **Consolidation of Formal Complaints.** The College may consolidate Formal Complaints as to allegations of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party
against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

VI. GRIEVANCE PROCESS

This section outlines the College’s grievance process for investigating and adjudicating a Formal Complaint.

(1) Investigation. If a Formal Complaint is filed, the formal investigation phase will commence and include the steps outlined below.

(a) Notice of Investigation. The Title IX Coordinator, in consultation with the Deputy Title IX Coordinator for Staff, will provide the parties with a copy of the Formal Complaint, the Policy, and written notice of the investigation which will include:

(i) notice of the allegations potentially constituting Prohibited Conduct and sufficient details known at the time, including: (1) the identities of the parties involved in the incident, if known; (2) the conduct allegedly constituting Prohibited Conduct as defined in the Policy; and (3) the date and location of the alleged incident, if known;

(ii) a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

(iii) a statement informing the parties that they may have an Advisor;

(iv) notice of Section VII(2) of the Policy which prohibits knowingly making false statements or knowingly submitting false information during the grievance process;

(v) the availability of Supportive Measures; and

(vi) a reminder of the Policy’s prohibition of Retaliation.

(b) Designation of Investigator(s). When appointing the investigator(s), the College will designate at least one internal and/or external investigator to conduct a prompt, fair, equitable and impartial investigation of the reported conduct and prepare an investigative report. At the College’s discretion, more than one investigator may be assigned. The Title IX Coordinator will provide the parties with the name of the investigator(s). As soon as possible, but no later than three (3) days after receiving notice of the identity of the investigator(s), the parties can inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected investigator(s). The Title IX Coordinator will consider the nature of the

12 All persons designated as investigators will receive no less than one annual training on issues relating to sexual misconduct, investigatory and hearing procedures.
conflict and determine if a different individual should be assigned as investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

(c) Nature of the Investigation. Investigative meetings may be conducted in person or virtually, as required by federal mandate. The following are the roles and processes to be followed during the investigation.

(i) The investigation provides an opportunity for fact-finding and will include separate interviews with the Complainant, Respondent, and any relevant witnesses.\(^{13}\)

(ii) The investigator(s) will provide the parties with advance notice of meetings at which their presence is required. Parties will be afforded an equal opportunity to present witnesses and other inculpatory and exculpatory evidence.

(iii) Each party may have a single Advisor present during any meeting, interview, or hearing, held pursuant to the Policy. Except to the extent expressly permitted in the hearing phase outlined below, the Advisor may advise their respective party privately, but cannot act as a speaking advocate at a meeting. College staff and internal or external investigators may delay or terminate meetings, remove or dismiss Advisors, and/or proceed with the investigation if an Advisor is disruptive or otherwise refuses to comply with the requirements of this policy. An Advisor is subject to the same privacy expectations applicable to others in attendance and must also abide by any applicable state and federal laws. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process. The Advisor is not permitted to attend a meeting or proceeding without the party they are advising being present without the prior approval of the Title IX Coordinator, at their discretion. The College reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does not abide by the restrictions on their participation.

(iv) At no point will the investigation require both parties to be in the same room. At no point will either party be permitted to question or cross-examine the other party or any witness directly during the investigation, determination, or appeal process. (The parties may ask questions of the other party and/or witnesses at the hearing, described in Section VI(2)(c)(iii) below, but all such questions must be asked through the party’s Advisor.)

(d) Content of Investigative Report. The investigator(s) will create an investigative report that fairly summarizes relevant evidence, a separate section where the investigator(s) point out relevant consistencies or inconsistencies (if any) between all sources of information, and a separate section describing the investigator(s)’ assessment of the credibility of parties and witnesses, and attach any relevant evidence gathered, whether inculpatory (i.e., proving the responsibility of a party) or exculpatory (i.e., proving that

\(^{13}\) Investigators will ask questions and consider evidence in a manner consistent with Section VI(2)(c)(iv).
a party did not commit the conduct alleged) (The investigative report will not include a determination as to whether a party has violated the Policy or what sanctions may be appropriate. These determinations will be made as described in Section VI(2)(d) below).

(c) Review of the Investigative Report by the Parties. Both parties will be informed of their opportunity to review the entire investigative report and that they may submit written comments and/or questions about the content of the investigative report to the investigator(s) within ten (10) calendar days of the date they are notified that the investigative report is available for review. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in their sole discretion, that the additional time is warranted. In circumstances where an extension is provided to one party, it will be provided to the other party, as well.

(i) The comments submitted by the parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator. After reviewing the submissions, if any, from the parties, the investigator(s) may determine that either additional investigation is required or no further investigation is needed. The investigator has the sole discretion to determine if any information or questions submitted are irrelevant and therefore not to be considered and will be redacted. If further investigation is conducted, the investigator(s) will include any additional relevant information in the investigative report.

(ii) If, at any point in this review process or the prior investigation, it becomes apparent that a witness will not take part and subject themselves to examination in the hearing described in Section VI(2)(c)(iii) below, the investigator may revise the investigative report to remove information provided by the witness so as not to impact the hearing. If this decision is made prior to the Parties’ review, it will be noted in a cover memo to the investigative report. If the decision is made following the Parties’ review, it will be communicated to the Parties and they will be informed in writing of any information that will be removed prior to the hearing.

(iii) The investigative report will then be finalized. Any submissions made by either party pursuant to this section, as well as any other documentation deemed relevant by the investigator(s), will be attached to the investigative report.

(2) Live Hearing. At the conclusion of the investigation phase, the hearing process will commence and include the steps outlined below.

(a) Notice of Hearing. The Procedural Coordinator will notify the Complainant and the Respondent in writing of the time and date of the hearing at least ten (10) business days prior to the hearing date.
(b) Designation of a Decision-maker(s). The College will designate at least one internal and/or external decision-maker to conduct a prompt, fair, equitable, and impartial hearing.\textsuperscript{14} The Procedural Coordinator will provide the parties with the name of the decision-maker(s). As soon as possible, but no later than three (3) days after receiving notice of the identity of the decision-maker(s), the parties can inform the Procedural Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected decision-maker(s). The Procedural Coordinator will consider the nature of the conflict and determine if a different individual should be assigned as decision-maker(s). The Procedural Coordinator’s decision regarding any conflicts is final.

(c) Nature of the Hearing. Hearings may be conducted in person or virtually, as required by federal mandate. The following are the roles and processes to be followed during the hearing.

(i) Decision-maker(s) will maintain broad authority to determine the process, timing and conduct of the hearing. For example, the decision-maker(s) will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

(ii) Each party may have an Advisor present at the hearing who will be subject to the same expectations and limitations pertaining to the investigation phase as outlined under Section VI(1)(c)(iii), however Advisors may also be present during the hearing for the limited purpose of conducting cross-examination on behalf of the party. If a party does not have an advisor of their choice present at a hearing, the College will provide one, without fee or charge to the party. No later than ten (10) calendar days before the hearing, parties should inform the Title IX Coordinator of the identity of any Advisor who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided Advisor.

(iii) At a time and manner deemed appropriate by the decision-maker(s), the Advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the Advisor is advising. However, the Advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for Advisors if they delay the process. The College reserves the right to take appropriate action regarding any Advisor who disrupts the process, or who does  

\textsuperscript{14} All persons designated as decision-makers will receive no less than one annual training on issues relating to sexual misconduct, investigatory and hearing procedures.
not abide by the restrictions on their participation as determined in the sole discretion of the decision-maker(s), which may include exclusion of the Advisor from the hearing and the appointment of an alternate College-provided Advisor.

(iv) Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

(v) Information protected under a legally recognized privilege (e.g., privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), are not permitted unless the person holding the privilege has waived the privilege.

(vi) If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility, unless there is a change to current federal guidance and/or federal case law in Massachusetts. The decision-maker(s) will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

(vii) At the request of either party, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.

(viii) The College will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties for inspection and review.

(d) Determination Regarding Responsibility. The decision-maker(s) will issue a written determination regarding responsibility using the preponderance of the evidence standard. The College will provide the written determination simultaneously to the parties not later than seven (7) business days after a determination is made. The written determination will include:

(i) identification of the allegations potentially constituting Prohibited Conduct;

15 The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
(ii) a description of the procedural steps taken from the College of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

(iii) findings of fact supporting the determination;

(iv) conclusions regarding the application of the Policy to the facts;

(v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s education program or activity will be provided by the College to the Complainant (disciplinary sanctions and remedies include termination, suspension, probation with or without conditions, reprimand, warning, restitution, education, counseling, Orders of No Contact, restriction from programs or activities, and loss of leadership opportunities or positions in activities); and

(vi) the College’s procedures and permissible bases for the Complainant and Respondent to appeal.

(3) Appeals. Either party may appeal a determination regarding responsibility or the College’s dismissal of a Formal Complaint or any allegations therein.

(a) Filing an Appeal. Within ten (10) days of receiving written notice of the decision-maker’s determination on responsibility and sanctions (or dismissal of a Formal Complaint or any allegations therein), either the Complainant or the Respondent may appeal the decision by submitting to the Procedural Coordinator a letter stating why the party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.

(b) Bases for Appeals. Appeals must be based on one or more of the following:

(i) procedural irregularity that affected the outcome of the matter;

(ii) new evidence that was not reasonably available at the time the determination regarding responsibility or sanction was made, that could affect the outcome of the matter; and

(iii) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

(c) Notice of Appeal and Opportunity to Respond. The College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for
both parties. The Complainant and Respondent will be provided with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

(d) Appellate Officer. The Appellate Officer will decide the merits of any appeal and in so doing, may consult with the Title IX Coordinator, the investigator(s), the decision-maker(s), and any other individual that the Appellate Officer deems appropriate.

(e) Appeal Determinations. The purpose of the appeal is not to rehear the case; rather, it is to determine if there is sufficient information presented to allow a reconsideration of the decision-maker’s determination. The Appellate Officer may affirm all or part of the decision (which includes the sanction, as well as the determination of responsibility) or may refer the matter to the investigator(s) or decision-maker(s) for further consideration. The Appellate Officer will provide specific instructions with any referral. In the event of a referral, the Appellate Officer may mandate such further proceedings as the Appellate Officer deems appropriate under the circumstances, consistent with the Policy. When reaching an appeal determination, the Appellate Officer will issue a written decision describing the result of the appeal and the rationale for the result and provide the written decision simultaneously to both parties.

Informal Resolution. At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process such as mediation, that does not involve a full investigation and adjudication, provided that the College:

(a) provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations,16 and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(b) obtains the parties’ voluntary, written consent to the informal resolution process; and

(c) does not offer or facilitate an informal resolution process to resolve allegations that an employee engaged in Prohibited Conduct with a student.

VII. ADDITIONAL MATTERS

(1) Request for Delay of Proceedings. If the Complainant, the Respondent, or law enforcement agencies request that the College conduct proceeding be delayed because the conduct in question is also being addressed in a civil or criminal court, the College will review the request, but it retains the right to conduct the processes described in the Policy before, after, or during the same time period as the civil or criminal case, and to

16 Provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.
implement appropriate action (including but not limited to interim Orders of No Contact, removal from campus, interim removals, or suspensions) to maintain the safety of the campus. The campus conduct process shall be confidential to the extent possible and as allowed by law and considerations of safety.

(2) **Duty of Honesty and Cooperation.** All parties and witnesses are obligated to be completely honest during the course of the entire process set forth in the Policy. Any person who knowingly makes a false statement or knowingly submits false information – either explicitly or by omission – in connection with any part of the grievance process may be subject to separate College disciplinary action. All parties and witnesses are obligated to cooperate with the Title IX Director and any persons charged with implementing the Policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate College disciplinary action.

(3) **Patterns of Conduct.** Where there is evidence of pattern of conduct similar in nature by the Respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the investigators’ report and/or the decision-maker’s determination of responsibility or sanction. In those instances, the Title IX Coordinator and the Procedural Coordinator will determine whether the previous incident was substantially similar to the conduct cited in the report and/or indicates a pattern of behavior and substantial conformity with that pattern by the Respondent. The Title IX Coordinator and the Procedural Coordinator may choose to provide this information to the investigator(s), with appropriate notice to the parties.

(4) **Amnesty for Students Reporting Misconduct by Staff.** The College encourages reporting under the Policy and seeks to remove barriers to reporting. The College generally will not hold a student who reports conduct or is a witness during an investigation under the Policy accountable for disciplinary violations of the College’s Community Standards related to the incident. However, a person who reports conduct under the Policy may be held accountable for his or her own misconduct if, in the College’s discretion, it is determined that the behavior placed the health and safety of any person at risk, or if it created a danger to the College community. The College retains the right to require students to attend counseling or drug/alcohol related courses, as applicable, even in circumstances in which disciplinary conduct will not be pursued under the Policy.

(5) **Respect for Privacy.** The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Policy and will not disclose the identity of Complainants and Respondents except as necessary to carry out the grievance process, its obligations under Title IX, and as otherwise permitted under state or federal law. There are situations in which it may be necessary for an institution to override a request for privacy in order to meet its Title IX obligation. In the event circumstances result in the College overriding a request for privacy or confidentiality to meet its Title IX obligation, the College will do so with the utmost sensitivity and respect for the circumstances and the individuals involved.
The factors considered in determining whether it can grant a request for privacy include circumstances that suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same alleged perpetrator, whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, whether the alleged perpetrator threatened further sexual violence or other violence against the Complainant or others, and whether the sexual violence was committed by multiple perpetrators), circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the Complainant’s report reveals a pattern of perpetration, whether the sexual violence was perpetrated with a weapon, the age of the Complainant subjected to the sexual violence, and whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence).

(6) **Emergency Removal and Administrative Leave.** The College may remove a Respondent from the College’s education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Conduct justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Additionally, the College also maintains discretion to place Respondent on an Administrative Leave during the pendency of the Grievance Process.

(7) **Special Situations.** In limited circumstances, when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the parties, or if the Title IX Director, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community, the College retains the right to determine, in its sole discretion, if it will address a report of conduct that falls under the Policy administratively and outside of the process described in the Policy. Whenever the College determines that it will exercise this provision, its actions will be in accord with Title IX and it will stay true to the processes described in the Policy to the extent possible. The College will also clearly explain to the parties any alternate processes it will take in the given situation.
Statement of Policy for Reporting the Annual Disclosure of Crime Statistics

As required of federal law, Wheaton College annually, makes a good faith effort to compile crime statistics\(^1\) as required by the Jeanne Clery Act.\(^2\) Statistics are obtained from the Campus Safety incident reports; Student Conduct Office; Campus Security Authorities as defined by federal regulations; Norton Police Department; and all other law enforcement agencies with jurisdiction over properties owned and controlled by Wheaton College.

- Requests for crime information are submitted in writing.
- Law enforcement agencies with jurisdiction over properties owned and controlled by Wheaton College provide arrest statistics regarding alcohol, weapon, and drug arrests on and in the area surrounding campus.
- The Assistant Vice President for Student Affairs compiles statistics on disciplinary referrals for drug and alcohol violations, which are provided to the Director of Campus Safety for inclusion in the report.
- It is the practice of the College that incidents reported to other offices are referred to Campus Safety for documentation and follow-up as needed.
- Each year, all community members comprising active employees and enrolled students of Wheaton College are notified by email of the “Annual Security Report” by October 1 of each year.
- Hard copies of this report are available at Campus Safety, 30 Taunton Avenue, Norton Massachusetts 02766. Prospective employees may obtain a copy of this report at the Human Resources Office.
- The Wheaton Campus Safety Crime log can be obtained during normal business hours weekdays at 30 Taunton Avenue, Norton Massachusetts 02766.

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\(^1\) Crime statistics for all colleges and universities may be obtained on the internet at [https://ope.ed.gov/campussafety/#/](https://ope.ed.gov/campussafety/#/) for the most recent three-year period ending December 31, 2021.

The following table contains crime statistics for calendar years 2019, 2020, and 2021, in accordance with Uniform Crime Reporting (UCR) procedures and the Clery Act.

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<th>CATEGORY</th>
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<th>2021</th>
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<td>SEX OFFENSES: Statutory Rape &amp; Incest</td>
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<td>ROBBERY</td>
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<td>In or on a non-campus building or property</td>
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<td>Statistical Geography</td>
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<td><strong>REFERRALS:</strong> *</td>
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<td><strong>Weapons possession</strong></td>
<td>(Incidents where there was a violation of law that resulted in a referral to the college’s student conduct system without any criminal process.)</td>
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<td><strong>Total On Campus</strong>*</td>
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<td><strong>VIOLENCE</strong>**</td>
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<td><strong>STALKING</strong>**</td>
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</table>

**The Arrest category also includes persons who were not arrested but summonsed to court. If an incident resulted in both criminal process and a referral to the college’s conduct system, it is counted only once under the arrest category.**

***The Total on Campus category includes all on-campus incidents, including those listed in the categories below in the Statistical Geography section, “Number in dormitories or other residential facilities” and “Number in non-residential facilities.” Therefore, the two categories are not cumulative, but duplication *** Beginning with statistics for the calendar year 2013, Dating Violence, Domestic Violence and Stalking will be included in the annual Wheaton College Campus Crime and Fire Safety Report in compliance with statutory changes brought forth by the Violence Against Women Reauthorization Act of 2013 and amendments to the Higher Education Opportunity Act of 2008. Statistics for previous years are provided in good faith.****Beginning with statistics for calendar year 2014, the category Unfounded by law enforcement will be included in the Wheaton College Campus Crime Statistics.
Hate Crimes

A Hate Crime is a criminal offense in which the defendant intentionally selects a victim (or in the case of a property crime, the property that is the object of the crime), because of the actual or perceived race, religion, national origin, ethnicity, gender, disability, gender identity, or sexual orientation of any person (*Uniform crime Reporting*). The following table contains hate-motivated crime statistics for calendar years 2018, 2019, and 2020.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>VENUE</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex Offenses:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sex Offenses: Rape; Forcible Fondling</td>
<td>Total On Campus**</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On or in a non-campus building or property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On public property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Unfounded by Law Enforcement*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Sex Crimes: non-forcible, Incest and statutory rape</strong></td>
<td>Total on Campus</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Crimes Against Person: Murder; Non-</td>
<td>Total On Campus**</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter; Misdemeanor; Aggravated; Simple Assault</td>
<td>On or in a non-campus building or property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On public property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Unfounded by Law Enforcement*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Crimes Based Upon Gender Identity</strong></td>
<td>Total On Campus**</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in dormitories or other residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in non-residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On or in a non-campus building or property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On public property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Unfounded by Law Enforcement*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Crimes Against Person: Simple Assault</strong></td>
<td>Total On Campus**</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in dormitories or other residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in non-residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On or in a non-campus building or property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On public property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Unfounded by Law Enforcement*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Intimidation</strong></td>
<td>Total On Campus**</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in dormitories or other residential facilities</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in non-residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On or in a non-campus building or property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On public property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Unfounded by Law Enforcement*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Property Crimes:</strong></td>
<td>Total On Campus**</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in dormitories or other residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Number in non-residential facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On or in a non-campus building or property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>On public property</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unfounded by Law Enforcement*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>-----------------------------------</td>
<td>---</td>
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<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Larceny – Theft:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Motor vehicle theft:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>On or in a non-campus building or property</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>On public property</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Unfounded by Law Enforcement</strong>*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Destruction/Damage/Property</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total On Campus</strong></td>
<td>0</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Number in dormitories or other residential facilities</strong></td>
<td>0</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Number in non-residential facilities</strong></td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>On or in a non-campus building or property</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>On public property</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Unfounded by Law Enforcement</strong>*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>All Hate Crimes Involving Bodily Injury</strong>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Number in non-residential facilities</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>On or in a non-campus building or property</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>On public property</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Unfounded by Law Enforcement</strong>*****</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

*Numbers indicate the number of incidents, out of the total for each category, which were motivated by a specific type of bias. The form of bias is identified following the number.

**The Total on Campus category includes all on-campus incidents, including those listed in the categories below, “Number in dormitories or other residential facilities” and “Number in non-residential facilities.” Therefore, the two categories are not cumulative, but duplicative.

***This category includes all crimes identified by the Clery Act as well as any other crimes that are not identified by the Clery Act, but cause bodily injury to the victim.

*****Beginning with statistics for calendar year 2014, the category Unfounded by law enforcement will be included in the Wheaton College Campus Crime Statistics.

**Statistical Geography**

*On-campus buildings and properties* include all properties owned by Wheaton College within the contiguous area of the main campus at 26 E. Main Street. The following locations are considered *Non-Campus Buildings* for the purposes of the Clery Act and crime statistics.

These locations are included in the Non-Campus Buildings column in the above chart:

- Ridgetop Farm, 734 Adams Street, Holliston, MA 01746
- Bridgewater Ice Arena, 20 Bedford Park, Bridgewater, MA 02324

The following locations are considered *public property* for the purposes of the Clery Act and crime statistics:

- Pine Street and the sidewalk/property immediately abutting between 2 and 36 Pine Street.
- Taunton Avenue and the sidewalk/property immediately abutting between 5 and 23 Taunton Avenue.
- Mansfield Avenue and the sidewalk/property immediately abutting between 6 and 23 Mansfield Avenue.
- Clapp Street and the sidewalk/property immediately abutting between 9 and 32 Clapp Street.
- Howard Street.
• East Main Street from Taunton Avenue to Pine Street

**Crime Definitions**

*Murder and Non-Negligent Manslaughter:* The willful (non-negligent) killing of one human being by another.

*Negligent Manslaughter:* The killing of another person through gross negligence.

*Sex Offenses-Forcible:* Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

There are four types of forcible sex offenses:

1. **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.
2. **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
3. **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.
4. **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Forcible fondling includes “indecent liberties” and “child molesting.”

*Sex Offenses: Non-forcible* - Unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition:

1. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
2. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.

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

**Aggravated Assault:** Aggravated assault is 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.
**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.

**Burglary**: The unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary.

**Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle.

**Larceny**: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**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.

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

**Domestic Violence**: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner or victim, a person with whom the victim shares a common child, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies or any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence/Relationship violence**: Relationship violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual or dating relationship with that person. It may involve one act or an ongoing pattern of behavior. Relationship violence can encompass a broad range of behavior including, but not limited to, threats, assault, property damage, violence or threat of violence to one’s self, one’s sexual or romantic partner or to the family members or friends of the sexual or romantic partner. Relationship violence affects individuals of all genders, gender identities, gender expressions and sexual orientation and can occur across racial, cultural and socio-economic economic identities. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Stalking**: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to; fear for his or her safety or the safety of others; or suffer substantial emotional distress. Stalking may take many forms, including persistent calling, texting or posting on a social networking site as well as physical stalking. Stalking may constitute a violation of the Sexual Misconduct Policy when the content of the messages or the nature of the physical stalking is gender-based or of a sexual nature.

**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
Illegal Weapons Possession: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

Drug Law Violations: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those 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—manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs barbiturates, Benzedrine).

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.


Geographic Definitions

Campus:
- 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
- Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, 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 other retail vendor).

Residence:
- A subset of crimes on campus that includes only those crimes that were reported to have occurred in dormitories or other residential facilities.
- Non-campus building or property:
- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- Public property:
- All public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

**Campus Fire Safety Right-to-Know-Act**

Pursuant to the provisions of the federal Higher Education Act (HR 4137) as enacted August 14, 2008 as the Campus Fire Safety Right-To-Know Act, this report provides an annual disclosure of fire safety standards and measures with respect to campus residences for the calendar year 2021.

**On-Campus Student Housing Fire Safety Informational Chart**

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Evacuation Drills</th>
<th>Primary Rallying Point</th>
<th>Secondary Rallying Point</th>
<th>Master Box</th>
<th>SA</th>
<th>RB</th>
<th>NG</th>
<th>CO</th>
<th>SPR</th>
<th>HAZ</th>
<th>Fire Extinguisher Devices</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/3 Howard Street</td>
<td>Fall &amp; Spring</td>
<td>Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>11 Howard Street</td>
<td>Fall &amp; Spring</td>
<td>Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>17/19 Howard Street</td>
<td>Fall &amp; Spring</td>
<td>Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>22 Howard Street</td>
<td>Fall &amp; Spring</td>
<td>Across Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>26/28 Taunton Avenue</td>
<td>Fall &amp; Spring</td>
<td>Parking Lot</td>
<td>Street Side of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>44 Howard Street</td>
<td>Fall &amp; Spring</td>
<td>Across Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Pine Hall 5/7 Pine Street</td>
<td>Fall &amp; Spring</td>
<td>Front of Building</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>9 Taunton Avenue</td>
<td>Fall &amp; Spring</td>
<td>Parking Lot</td>
<td>Howard Street Side</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Beard Hall</td>
<td>Fall &amp; Spring</td>
<td>Across Fillmore Drive</td>
<td>Near Circle</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Bittersweet House</td>
<td>Fall &amp; Spring</td>
<td>In front of Lindens House</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Chapin Hall</td>
<td>Fall &amp; Spring</td>
<td>Dimple</td>
<td>Everett Courtyard</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Clark Hall</td>
<td>Fall &amp; Spring</td>
<td>Grass Area in Circle</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Cragin Hall</td>
<td>Fall &amp; Spring</td>
<td>Dimple</td>
<td>Near Stanton Hall</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Davis International House</td>
<td>Fall &amp; Spring</td>
<td>Across Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Elms House</td>
<td>Fall &amp; Spring</td>
<td>Fillmore Drive Side</td>
<td>Pine Street Side</td>
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<td>x</td>
<td>x</td>
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<td></td>
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<tr>
<td>Emerson Hall</td>
<td>Fall &amp; Spring</td>
<td>Across Howard Street</td>
<td>Everett Courtyard</td>
<td>x</td>
<td>x</td>
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<td>Across Howard Street</td>
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<tr>
<td>Gebbie Hall</td>
<td>Fall &amp; Spring</td>
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<td>Rear of Keefe Hall</td>
<td>x</td>
<td>x</td>
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<td>x</td>
<td>x</td>
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<td>Grass Area in Circle</td>
<td>Fillmore Drive Side</td>
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<td>Building</td>
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<td>Alarm Location</td>
<td>First Name</td>
<td>Second Name</td>
<td>Third Name</td>
<td>Fourth Name</td>
<td>Fifth Name</td>
<td>Sixth Name</td>
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<tr>
<td>Kilham Hall</td>
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<td>Near Chapin Hall</td>
<td>Across Howard Street</td>
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<td>x</td>
<td>x</td>
<td>x</td>
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<td>Larcom Hall</td>
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<td>Dimple</td>
<td>Near Chapin Hall</td>
<td>x</td>
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<td>Lindens House</td>
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<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
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<tr>
<td>McIntire Hall</td>
<td>Fall &amp; Spring</td>
<td>Grass Area in Front</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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</tr>
<tr>
<td>Meadows Hall Center</td>
<td>Fall &amp; Spring</td>
<td>Grass Area E/W Side</td>
<td>North Entrance Side</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
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<tr>
<td>Meadows Hall East</td>
<td>Fall &amp; Spring</td>
<td>Grass Area E/W Side</td>
<td>North Entrance Side</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
<td></td>
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<td>Fall &amp; Spring</td>
<td>Grass Area E/W Side</td>
<td>North Entrance Side</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meadows Hall West</td>
<td>Fall &amp; Spring</td>
<td>Grass Area E/W Side</td>
<td>North Entrance Side</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Metcalf Hall</td>
<td>Fall &amp; Spring</td>
<td>Near Chapin Hall</td>
<td>Front of Park Hall</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
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<td></td>
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<tr>
<td>Stanton Hall</td>
<td>Fall &amp; Spring</td>
<td>Near Gebbie Hall</td>
<td>Dimple</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
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<tr>
<td>White House</td>
<td>Fall &amp; Spring</td>
<td>Across Howard Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>X</td>
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<tr>
<td>Young Hall</td>
<td>Fall &amp; Spring</td>
<td>Front Near E. Main Street</td>
<td>Rear of Building</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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</tbody>
</table>

**Notes:**
SA - Stand-alone smoke detectors present (in combination with a report back system unless otherwise noted)
RB - Report back detectors present, automatic alarm NG -
Natural gas detectors present
CO - Carbon monoxide detectors present SPR -
Sprinklers present
HAZ – High hazard suppression systems present (commercial kitchens, chemical storage, electronics)

**Definitions**

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

**Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

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

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

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

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

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

**On Campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Fire Safety Report Log**

<table>
<thead>
<tr>
<th>Year</th>
<th>Residential Facilities</th>
<th>Total Fires in Each Building</th>
<th>Fire Number</th>
<th>Date</th>
<th>Time</th>
<th>Cause of Fire</th>
<th>Number of Injuries that Required Treatment</th>
<th>Number of Deaths</th>
<th>Value of Property Damage by Fire</th>
<th>Case Number</th>
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</thead>
<tbody>
<tr>
<td>2021</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Intentional</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
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<tr>
<td>2019</td>
<td>McIntire Hall</td>
<td>1</td>
<td>1</td>
<td>02/07/2019</td>
<td>3:48 am</td>
<td>Intentional</td>
<td>0</td>
<td>0</td>
<td>$100.00</td>
<td>19-0028</td>
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</table>

- An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time and general location of each fire.

- An institution must make an entry or an addition to an entry to the log within two business days of receipt of the information.

- An institution must make the fire log for the most recent 60-day period open to the public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

**Provisions of the Campus Fire Safety Right-To-Know Act require the College to:**

1. Collect statistics concerning fire reports in each on-campus student housing facility during the previous year, and annually submit to the Secretary of Education a report on same, including:
● Number and causes of fires reported
● Number of fire-related injuries that required treatment at a medical facility
● Number of fire-related deaths
● Value of fire-related property damage

An annual letter with this information is submitted to the Secretary of Education.

2. Document a description of each on-campus student housing facility fire safety systems, including the fire sprinkler systems.

Sanctions for Violation of Fire Safety Regulations

The purpose of Wheaton's fire safety policy is to create a safe campus, free of fire and the risk of fire. Any violation of fire safety regulations places all members of the community at risk and will result in the sanctions listed below.

Offenses that include:

Violation of the Wheaton College Fire Safety Policy, which includes, but is not limited to: Smoking in the residence halls or on the balconies, possession or use of halogen lamps, candles, incense, coffee pots, microwaves, charcoal, lighter fluid, gas propane, items in hallway, holiday decorations (live trees, wreaths, corn stalks, straw); covering heat/smoke sensors, hanging items from sprinklers and pipes and placing furniture/items in the hallway, and any other devices that are a potential fire hazard.

A first offense response must include but not limited to

$100.00 fine
Educational Response

A second offense response must include but not limited to

$150.00 fine
Educational Response Offenses

that include:

Tampering with fire safety equipment (disabling smoke detectors, discharging fire extinguishers) will be a $500 fine for the first offense, and a second incident will result with a referral to the College Hearing Board.
**Norton Fire Department Fines**

**Community Service**

This is extremely serious, and includes endangering the lives of members of the community by continuing to participate in the above outlined behaviors as well as intentional starting of fires, calling in bomb threats, and pulling a false fire alarm. Individuals who pull a false fire alarm will also face criminal penalties from the Norton Fire Department.

**Fire Drills**

Fire drills in residence halls are conducted twice a year. If a residence hall does not successfully complete these drills, additional fire drills and/or fire safety training may be required.

**Fire Alarm Systems**

Each building on campus has a fire alarm system consisting of automatic smoke and heat detectors, and alarm pull stations. Most buildings are equipped with sprinkler systems. Activation of these systems alerts both the Norton Fire Department and the Wheaton Campus Safety Department.

If you smell smoke or see fire:

- Sound the nearest fire alarm
- Immediately exit the building
- Call the Fire Department (911) from a campus phone
- Call Campus Safety (x3333)

**Escaping a Fire**

If there is a fire in the building while you are in your room:

Feel the door before opening it. If the door feels hot:

- DO NOT OPEN IT!
- Seal cracks around the door with towels or clothing to prevent smoke and toxic gases from entering room.
- If the outside air is clear, open the window and wave a sheet to attract the attention of firefighters.

If the door is cool:

- Open it and proceed to the nearest exit.
- Close doors behind you to limit the spread of fire and smoke.
- If there is smoke in the hall, stay low where the air is the freshest (a wet cloth over your face may help).
- Never use elevators during a fire.
- Know at least two ways out.
● Leave the building immediately; never stay to try and save possessions.
● Once outside, move away from the building (at least 50 ft away from building) and go to the predetermined meeting location.
● Cooperate with firefighters and Campus Safety Officers.
● Provide firefighters and Campus Safety Officers with information regarding the nature and the location of the fire and the whereabouts of those believed to be still in the building.

The Wheaton community does not tolerate those few who choose to cause false fire alarms or tamper with fire safety equipment. When these individuals are identified they are subject to college and criminal sanctions.

The Massachusetts criminal law provides for the following criminal sanctions:

M.G.L. Chapter 266: Section 1- Dwelling houses; burning or aiding in burning

Maliciously setting any fire within or adjacent to a dwelling such as a student residence is a twenty-year felony.

M.G.L. Chapter 269: Section 13- False Alarm of Fire

Whoever without reasonable cause activates a fire alarm system or makes a false report of a fire violates this law. Violators are subject to a fine or not less than $100.00 nor more than $500.00, or by imprisonment in jail or house of correction for not more than one year.

M.G.L. Chapter 148: Section 27A- Fire Protection Devices

Shutting off, disconnection, obstruction, removal or destruction of a fire protection device, including fire alarms, sprinkler systems and fire extinguishers in any building may result in criminal penalty of up to one-year imprisonment and/or a fine of up to $1000.00