



East Longmeadow Campus

**Clery Annual
Campus Security Report
For Calendar Year 2019**

Published December 30, 2020

In Compliance with the Jeanne Clery
Disclosure of Campus Security Policy and
Campus Crime Statistics Act



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The East Longmeadow Location

Bay Path University completed construction of the Philip H. Ryan Health Science Center in December 2014. The Center currently houses the Physician Assistant, Occupational Therapy, and Education programs for graduate students with room to expand in future years. The Building opened and began operations in January 2015. The facilities include state of the art classrooms, laboratories, and group study rooms along with faculty and staff offices and conference rooms to best serve students.

Emergency Phone Numbers

Police/Fire/Emergency	911
On-Site East Longmeadow Operations	(413)565-1501
Campus Administrator	(413)565-1079
Bay Path Health Services	(413) 565-1391 or (413) 565-1392
Bay Path Counseling Center	(413) 565-1276
East Longmeadow Police Department	(413) 525-5440
State Police	(413) 736-8390
Building Security	(413)733-8782
National Suicide Prevention	(800) 273-8255
Bay State Medical Center	(413)794-0000
Mercy Medical Center	(413) 748-9000
Sex offender Registry List	(413) 525-5440
East Longmeadow Fire Department	(413) 525-5440

Preparation of the Annual Security Report

The Director of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Lead Campus Public Safety Officer is the keeper of Clery Crime Statistics and furnishes them to be recorded in this report and with the Department of Higher Education. The offices of Student Affairs/Dean of Students, Human Resources, Athletics, Counseling Services, Student Health Center, and the Title IX coordinator provide necessary policies and dates, which are included in this report including reportable crimes, hate crimes, and violations of state and local drug, liquor, and weapons laws occurring within Clery Geography where referrals for discipline were made. The Director of Public Safety works with the East Longmeadow Police Department for the collection of reports and statistics, for the public property areas as well as identified non-campus properties that Campus Public Safety does not patrol or provide primary response.

A Commitment to Safety

A Bay Path University has a history of enhancing security measures in order to provide a safe environment for its students, faculty and staff, which allows all to enjoy the University experience. The Campus Public safety officers are dedicated to providing a safe campus. That is why we have prepared this booklet to inform students, faculty, staff and parents about our efforts to keep the campus safe.

The Public Safety Staff and Services

The Campus Public Safety Department is composed of six full-time and six part-time non-sworn Campus Public Safety Officers. All of the officers are representatives of Bay Path University and as such support the University's strategic plan and mission. Officers enforce all University rules and regulations, along with enhancing the safety and security of the Bay Path University community. Officers strive to achieve this through preventive foot patrols, 24-hour accessibility, proactive problem-solving, positive conflict resolution, educational programs and community engagement. All members of the Campus Public Safety Department shall show respect and compassion towards others, and shall preserve the dignity and rights of each individual. Campus Public Safety will work in collaboration

with the local police and fire departments to ensure that the University community is safe. Campus Public Safety Officers have the authority to ask persons for identification and to determine if individuals have lawful business at Bay Path University. Campus Public Safety Officers have the authority to issue parking tickets, which are billed to the financial account of students, faculty and staff. While Campus Public Safety Officers do not have arrest powers, criminal incidents are referred to the East Longmeadow Police who have jurisdiction on the campus.

Specialized Training

All Campus Police Officers annually receive in-service and specialized training in defensive tactics, first responder, medical emergency, and cardio-pulmonary resuscitation. Officers may also receive training in legal updates, criminal law and procedure, Fair and Impartial Policing and Biased Free Policing.

Philosophy

Campus Public Safety officers are committed to a philosophy of community service. Recognizing that the Department's mission is best attained through community involvement. Officers are collectively committed to nurturing collaborative partnerships with individuals, groups and departments and their responsibilities include:

- Identification and resolution of safety and security concerns.
- Development of safety and security resources, and service initiatives.
- Delivery of efficient, effective and relevant public safety and security services and training.

Mission Statement

The mission of the Campus Public Safety Department is to provide the University community with a safe, secure environment in which to learn, live, work and grow. We will accomplish our mission by collaborating with the community, by providing service in a professional, courteous manner, and by affording dignity and respect to all individuals.

Vision Statement

Our vision is to enhance and preserve the quality of the learning opportunities and life experiences of each member of our community by actively working in collaboration with all facets of the community to provide a safe and secure campus environment. We recognize that effective public safety and the prevention of crime are best achieved by establishing a professional and trusting relationship with our stakeholders.

Values:

Integrity - We are committed to the preservation of order and property. We are honest, truthful, and consistent in our words and actions, and therefore worthy of the public's trust. We exercise discretion in a manner that is beyond reproach. We do not accept gifts or special considerations as a consequence of our position.

Professionalism - We treat the public and our colleagues with courtesy and respect. We understand that our appearance, words, and demeanor contribute to the public's confidence in us. We are responsive to the community, and deliver services promptly and efficiently.

Fairness and Impartiality - We act with fairness, restraint, and impartiality in carrying out our duties. We work with the community to continually understand and overcome cultural influences and unconscious biases. We understand that our actions, combined with the way we treat members of the community, contributes to our "legitimacy" in the eyes of the public.

Teamwork - We work together as one organization in carrying out the mission of the department; our respective units do not act as distinct "silos" from one another. As individual members of CPS we are respectful to each other and work collectively to solve problems and serve the campus community.

Efficiency - We keep abreast of standard procedures, legal issues, and innovative topics in modern policing through regular training. We exercise rigor in thinking strategically about identifying trends, exploring alternative solutions, and solving problems.

Diversity - We shall make every effort to anticipate, plan for, and respond to the needs of a diverse and changing community. We recognize that different viewpoints, experiences and backgrounds are central to our understanding and meeting the unique needs of the diverse community that we serve. We seek the input and talents of all members of the University in our efforts to safeguard the campus, while simultaneously reducing crime and the fear of crime.

Community Partnership - We believe that public safety officers can only be successful in improving safety and the quality of life the campus community enjoys when officers and community members work collaboratively to address issues of mutual concern.

Reporting a Crime and other Emergencies

The Campus Public Safety Department is designated as the University department responsible for policing, security and emergency response at the University. We encourage all students, employees and guests to promptly report criminal incidents and other emergencies to Campus Public Safety at 413-565-1225. Emergencies may also be directly reported to an emergency 911 operator by dialing 911 on a cell phone or on any campus telephone. Individuals may also report incidents in person at either the Campus Public Safety Sub Station located in D'Amour Hall or the Administrative Office's located at 577 Longmeadow Street, Longmeadow, Massachusetts.

To aid in the prevention of similar crimes or serious incidents, Campus Public Safety, in conjunction with other departments on campus, issues campus alerts in a timely manner to notify community members about certain crimes in and around our campus community. Campus members who know of a crime or other serious incident should report that incident as soon as possible to Campus Public Safety so that a campus alert can be issued, if warranted. Campus alerts are primarily issued through the OMNILERT Campus System (learn more about OMNILERT Campus on page #8). The University has also installed emergency two-way call boxes throughout the campus for use during an emergency.

Bay Path University will upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense.

The Office of the Dean of Students located in the Breck Fitness Center on the Longmeadow Campus can assist students in reporting serious incidents. Alternatively, community members may report crimes or other serious incidents to the Town of East Longmeadow Police Department, or one of the following:

1. Vice Provost for Academic Affairs and Dean of Liberal Studies
2. Director of Counseling Services
3. Director of Health Services
4. Assistant Vice President and Director of Human Resources

Security and Access to Campus Facilities

While classes are in session at Bay Path University, the campus is open to students, parents, employees, contractors, guests and invitees. During normal business hours and into the evening hours for night classes and activities, access to BPU facilities is through locked doors utilizing a card access system. Persons wanting to enter a building after-hours must have University-issued access cards. In the case of periods involving extended closing times, the University will admit only those with prior written approval or approval from Campus Public Safety to enter the facilities. Security cameras cover the exterior areas of most facilities and parking lots and at other strategic locations around campus. Officers regularly patrol all campus facilities to maintain security and inspect all doors and locks to ensure they are properly maintained.

Campus Community Standards of Conduct

The University is a community composed of a wide variety of women and men with different cultural and racial backgrounds, sexual orientation, and other unique qualities. The University values these differences and believes that interaction between people who may differ from each other is a positive learning experience. Respect and tolerance for everyone is a necessary part of cooperative living and learning in any campus society. Gestures of common courtesy expected of every student include friendliness and respect for the safety and contentment of all. One of the most important aspects of University life is the observance of the policies and procedures of the University.

Intolerant behaviors show disrespect for others and harm both the victims and the community at large. Physical or verbal expressions of anger, rudeness, threatening or intimidating acts to others, or the use of profanity are not tolerated anywhere on campus. Verbal threats to harm either by phone, e-mail/Internet, or in person will result in immediate disciplinary action up to and including suspension or dismissal. A student who exhibits disruptive or inappropriate conduct in the classroom or anywhere on campus may be removed from campus and not allowed to attend classes.

The University reserves the right to discharge any student whose standard of scholarship, action, or social or moral tone is considered to be detrimental to the welfare of any student. Students who do not comply with University regulations may be suspended, dismissed, or placed on disciplinary probation for a period of time to be determined by the appropriate campus administrator. In order to protect the safety and welfare of the University community, Bay Path University reserves its right to suspend, dismiss or impose other disciplinary measure against any student who is convicted of a crime, whether on- or off-campus, and whether or not expressly prohibited by University policies, rules or regulations.

Timely Warning Notices

The Director of Public Safety or his/her designee, will develop timely warning notices for the University community to notify members of the community about serious crimes, as prescribed by the Clery Act. Timely Warning Notices (TWN)/Campus Safety Alerts (CSA) are sent when crimes against people occur within the core campus boundaries, which includes BPU owned or controlled property and public property that is within or immediately adjacent to the campus, as defined by the Clery Act.

A timely warning notice will be circulated when it is determined that the incident may pose an ongoing or serious threat to members of the BPU community. It should be noted that the knowledge of an incident does not mean an automatic generation of a timely warning. The incident must pose a serious threat to the BPU Community. These warnings will be distributed if the incident is reported either to Campus Public Safety directly or from the campus security authority, or to the local police and it is determined that there is an ongoing threat to the campus community.

An example of when a timely warning will not be issued is as follows:

If an assault occurs between two students who have a disagreement, there may be no ongoing threat to other BPU community members and a timely warning notice would not be distributed.

The department typically issues timely warnings for incidents of:

- Murder/Non-Negligent Manslaughter.
- Aggravated assault. (Cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger BPU community.)
- Robbery involving force or violence.
- Sexual Assault. (Considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Campus Public Safety.)
- Major incidents of arson.
- Other crimes as determined necessary by the Director of Public Safety, or his/her designee.

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident.
- A brief description of the incident.
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below*).
- Public Safety agency's contact information.
- Other information as deemed appropriate by the Director or his/her designee.

* The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, a subject description will not be included in the alert.

The Director, or his/her designee will draft a message containing the proposed Timely Warning and if time permits may forward it to the VP of Finance and Administrative Services or his/her designee for his/her review and distribution to other administrators. The notification will be made through the Omnilert system, including text and Email.

Updates will be distributed in the same process.

The department does not issue Timely Warnings for the above listed crimes if:

1. The police department apprehends the subject(s) and the threat of imminent danger for members of the Bay Path community has been mitigated by the apprehension.
2. If a report was not filed with Campus Public Safety or they were not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. In general, a report that is filed more than three days after the date of the alleged incident may not allow Campus Public Safety to post a “timely” warning to the community. This type of situation will be evaluated on a case-by-case basis.

Community service announcements may also be distributed for crimes which are not classified as Clery reportable crimes, (ex., a pattern of larcenies or vandalism cases) that do not rise to the level of causing a serious or continuing threat to the University community. In addition, they may be distributed for other safety concerns (mulch fires, etc.).

All timely warnings and CSAs will expire two weeks after dissemination. If there continues to be an ongoing safety concern to the University community, a renewed warning will be distributed.

Notification To The Community About An Immediate Threat – BPU Omnilert

Emergency Notifications are required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring **ON CAMPUS**. An “immediate” threat as used here encompasses an imminent or impending threat such as an approaching fire, as well as a fire currently raging in a campus building.

If a serious crime, a natural disaster or a manmade emergency occurs that poses an immediate threat to the health and safety of the on campus BPU community or a segment of the on campus BPU community, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. If the institution implements the procedures regarding notification of the BPU community for an immediate threat, the institution is not obligated to implement the timely warning notice procedures. The types of incidents that may cause an immediate threat to the BPU community could include but are not limited to emergencies such as: an active shooter on campus; hostage/barricade situation; a riot; suspicious package with confirmation of a device; a tornado; a fire/explosion; suspicious death; structural damage to an BPU owned or controlled facility; biological threat (anthrax, etc.); significant flooding; a gas leak; hazardous materials spill; and other like situations.

All members of the BPU Community are notified on an annual basis that they are required to notify Campus Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Campus Public Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community.

The BPU Campus Public Safety officer on duty is responsible for immediately notifying the Director or his or her designee regarding situations that may pose an immediate threat to the BPU community. The Director or his/her designee will make appropriate notice to BPU Executive Staff of any situation that poses an immediate threat to the community. The Director or his/ her designee is responsible for immediately preparing an emergency notification message and sending the message via text and/or email by the Omnilert system.

As per the requirements of the law, the Director or his/her designee without delay and taking into account the safety of the community, determines the content of the notification and initiates the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus Public Safety, East Longmeadow PD, and/or East Longmeadow Fire Department and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Campus Public Safety officer, in his or her discretion, may issue an emergency notification if delaying the issuance of the notification to contact the Director or his/her designee will compromise the safety of individuals on the campus. An active shooter, armed suspect on campus, or immediate serious weather condition (tornado) are examples of incidents that would warrant immediate notification.

It should be noted that fire alarms serve as emergency notification for a building fire. Omnilert may also be used if determined to be prudent on a case by case basis.

Clery Required Daily Crime Log

Consistent with the Clery Act requirements, Campus Public Safety maintains a Daily Crime Log. This log lists all reported crimes that occur on campus and is kept in chronological order. It also lists reported crimes in a non-campus building or property owned or operated by the University, reported crimes that occur “in a reasonably contiguous geographic area,” on public property within, adjacent to, or immediately accessible from the campus.

The Daily Crime Log is available for public inspection at the department. The Daily Crime Log includes the nature, date, time and general location of each crime reported to the department, as well as its disposition. The department posts incidents in the Daily Crime Log within two business days of receiving a report of an incident, and, in accordance with the Clery Act requirements, may exclude incidents from the log in certain circumstances, particularly those in which inclusion may compromise the investigation. Limited information may be temporarily withheld if it could jeopardize an ongoing investigation or the safety of an individual; cause a suspect to flee or evade detection; result in the destruction of evidence; if the disclosure is prohibited by law; or if the disclosure would compromise the confidentiality of the victim.

Campus crime and referral statistics include those reported to the Campus Public Safety Department, designated campus officials and local law enforcement. Massachusetts law requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at Student Health Services) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or is a result of assaultive or abusive conduct. Bay Path’s Counseling Center and the counselors on staff inform their clients of the procedures to report crime to the Campus Public Safety Department on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides the web site link to access this report. Copies of the report may also be obtained at the Campus Public Safety Department located at 577 Longmeadow Street, Longmeadow, Massachusetts or by calling (413) 565-1225. All prospective employees may obtain a copy from Human Resources or by calling (413) 565-1180.

Offense	Location	2017	2018	2019
Murder/Non-negligent manslaughter	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Negligent manslaughter	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Sex Offenses - Rape	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
	On Campus	0	0	0

Sex Offenses - Fondling	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Sex Offenses - Incest	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Statutory Rape	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Robbery	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Aggravated Assault	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Burglary	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Motor Vehicle Theft	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Arson	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a

	Public Property	0	0	0
	Noncampus	0	0	0
VAWA Offenses	Location	2016	2017	2018
Domestic Violence	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Dating Violence	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Stalking*	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Arrests				
Weapon Law Violation	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Drug Law Violation	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Alcohol Law Violation	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0

	Noncampus	0	0	0
Referrals				
Weapon Law Violation	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Drug Law Violation	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Alcohol Law Violation	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0

Murder/Non-negligent manslaughter	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Negligent manslaughter	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Sex Offenses - Rape	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0

	Noncampus	0	0	0
Sex Offenses - Fondling	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Sex Offenses - Incest	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Statutory Rape	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Robbery	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Aggravated Assault	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Burglary	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0
Motor Vehicle Theft	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0

Arson	On Campus	0	0	0
	Residence Halls	n/a	n/a	n/a
	Public Property	0	0	0
	Noncampus	0	0	0

To view our Jeanne Clery Act Statistics online please go to:
<http://ope.ed.gov/security/getoneinstitutiondata.aspx>

Definitions of Reportable Crimes

- **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.
 - **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).
 - **Forcible Sodomy.** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - **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.
 - **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.
- **Sex Offenses – Non-forcible.** Unlawful, non-forcible sexual intercourse.
 - **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **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.** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- **Burglary.** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
- **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.
- **Liquor Law Violations.** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal

transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

- **Drug Abuse Violations.** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
- **Weapon Law Violations.** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- **Domestic Violence.** A crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- **Dating Violence.** Violence committed by a person who is or had been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Does not include acts covered under domestic violence.
- **Stalking.** Engaging willfully and maliciously in a knowing pattern of conduct or series of acts over a period of time (two or more acts) directed at a specific person (by any action) that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury.

Clery Geography Locations

Campus: (i) 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 (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes.

Non-Campus: (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) 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.

Housing: Residence Halls or other university-owned residences, that are used in direct support of or in relation to the institution's educational purposes. Bay Path University does not utilize any residential housing on our East Longmeadow Campus.

Public Property: Public property is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus. Including the sidewalk across the street from your campus, but do not include public property beyond the sidewalk.

Bay Path University ID

The Bay Path University ID is electronically coded to provide exclusive access to a variety of services. It is the primary means of student identification. The Bay Path University ID also allows access to buildings on campus. If the University ID is lost report this immediately to Campus Public Safety. If the ID is lost or damaged, a \$10.00 replacement fee must be paid to the Business Office.

Alcohol and Drug Policy and Prevention Programs

Bay Path is an alcohol-free and drug-free campus. If a Bay Path student is using or in possession of alcohol, drugs and controlled substances without medical authorization on campus, he or she is subject to the following possible outcomes (although the University Official handling non-academic matters determines the appropriate Student Conduct review which would decide any sanctions):

- Possession of alcohol:
 - **First offense** – Official University Warning and/or assignment of a Written Letter, Written Reflection Paper or Paper on an Assigned Topic.

- **Second offense** – Official University Warning or Probation and a meeting with a designated University staff member.
- Possession, use and sale of illegal drugs:
 - **First offense** – Up to and including suspension or, especially for major violations including sale or providing illegal drugs, dismissal from the University. No tuition or room and board refunds are given in the event of a student’s dismissal for violation of this policy.

Bay Path University reserves the right to enter students’ rooms or automobiles for the purpose of inspection if, in the opinion of University officials, a student’s personal safety or the safety of others in the Bay Path community is in jeopardy. Bay Path is a smoke-free campus. Smoking is prohibited in all University buildings. Disciplinary action will be taken for violations of this policy and sanctions may include a fine for each offense.

Firearms and Weapons

Policy Statement

All members of the Bay Path community, including faculty, staff and students, are prohibited from possessing firearms, ammunition, explosives of any type (including fireworks), knives, tear gas, dangerous chemicals, biological agents, explosive or weapon making components or weapons (hereafter referred to as “Weapons”) on Bay Path property, whether or not a federal or state license to possess the weapon has been issued to the possessor. Replicas of firearms can cause the same alarm and disruption as actual firearms, therefore any item that is furnished as a weapon such as a fake or toy gun or a hand held under clothing to simulate a weapon will be treated as a violation of University policy.

Students, faculty and staff are not allowed to carry and/or possess weapons at any time while in class, working and conducting University business. This policy also carries over to all Bay Path related activities on or off Bay Path property. Examples include, but are not limited to, University sponsored trips, business functions or events. Pepper spray, mace or Oleoresin Capsicum (OC) spray is permissible on Bay Path property provided the individual possesses a Massachusetts Firearms Identification (FID) Card. These types of devices are not to be discharged inappropriately on Bay Path property or at Bay Path events. (Use of these types of devices must be in accordance with the entitlements conferred by a firearm identification card issued under section 129B.) Disciplinary action will be taken in the event mace, pepper spray or OC spray is discharged inappropriately on Bay Path property, while working, in class and at Bay Path events. Bay Path students are responsible for the behavior of any visitor(s) they have on Bay Path property or at Bay Path events. Bay Path students should make all visitors aware of this policy before the visitor(s) arrive. Should a visitor be found carrying a weapon, the Bay Path student may be held liable for the actions of his/her visitor(s).

Policy/Procedures

Bay Path maintains a strict policy that prohibits the possession or use of weapons, including legal and authorized weapons of any kind by anyone on Bay Path property except law-enforcement officials. Possession includes, but is not limited to, storage lockers, desks, briefcases, purses, articles of clothing and personal vehicles parked on Bay Path property. The only exceptions to this policy are as follows:

- Commissioned law enforcement officers, to the extent they are legally permitted to possess weapons in the jurisdiction in which they are located, may do so on Bay Path property;
- Persons in the military in performance of their official duties, to the extent they are legally permitted to possess weapons in the jurisdiction in which they are located, may do so on Bay Path property;
- University sanctioned groups or events where a particular weapon(s) is a required part of the curriculum or activity, (i.e. classroom studies and/or research, martial arts classes/clubs; fencing clubs/classes; theatrical events, etc.).
- Members of the Bay Path University Campus Public Safety Department, Facilities Department and/or Information Technology Department may be required to use a weapon such as small knives or box cutters in the performance of some employment tasks.

Anyone, including visitors, possessing a weapon other than those in the exception categories above may be subject to expulsion from campus by Campus Public Safety (CPS), disciplinary action and/or arrest by local law enforcement or the state police.

With respect to University personnel (students, faculty, staff and volunteers), possession of weapons of any kind on Bay Path property or while away from Bay Path property on University business is subject to disciplinary policies

and procedures applicable to students, faculty and/or staff. In addition to the above disciplinary actions, possession of a licensed or unlicensed firearm on Bay Path property or at a Bay Path event may lead to criminal prosecution, fines and/or imprisonment by the appropriate jurisdiction.

Obligations under this policy

All students, faculty and staff who have knowledge of a weapon or weapons on campus must report that knowledge immediately to the Director of Campus Public Safety. In the absence of the Director of Campus Public Safety, the Campus Public Safety officer(s) on duty or local authorities shall be notified.

If knowledge constitutes immediate threat to the safety of Bay Path students, faculty, staff, volunteers, visitors or the general public, please inform local police by utilizing 911 Emergency Services immediately. Campus Public Safety should be notified immediately after contacting 911 Emergency Services.

Pursuant to Massachusetts Law Chapter 269, Section 10, possession of a weapon on a University campus is illegal; therefore, all reports of weapons on University property will result in immediate notification of the local authorities.

Any officer in charge of the University, any faculty member and other staff member of the University failing to report violations of this weapons policy may be considered guilty of a misdemeanor and punished by a fine under Massachusetts law.

Local Police Contact Numbers

- Campus Public Safety (413) 565-1225
- East Longmeadow Police Department (580) 374-2525
- Emergency Situations 911

Hazing

The University forbids the hazing or harassment of any student on or off the campus. Hazing refers to any conduct or activity, which willfully or recklessly endangers the physical or mental health of any Bay Path student or other person. Any student who organizes or participates in hazing will be subject to dismissal. Further, hazing is a criminal offense in the Commonwealth of Massachusetts and is punishable by fine and/or imprisonment.

Chapter 269 of the General Laws (Section 17) states that “whoever is a principal organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than three thousand dollars or by imprisonment in a House of Correction for not more than one year, or by both such 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 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 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 seventeen 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 one thousand dollars.”

Section 19. “Each school or University shall issue to every student 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 17 and 18.”

Sexual Misconduct and Civil Rights (Title IX)

As used in this policy, the term “reporting party” refers to the person impacted by alleged discrimination. The term “responding party” refers to the person who has allegedly engaged in discrimination.

Scope

Bay Path University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All policies below are subject to resolution using the University's Equity Resolution Process (ERP), as detailed below. When the responding party is a member of the University community, the ERP is applicable regardless of the status of the reporting party who may be a member or non-member of the University community, including students, student organizations, faculty, administrators, staff, guests, visitors, campers, etc.

Title IX Coordinator

The Vice Provost for Academic Affairs and Dean of Liberal Studies serves as the Title IX Coordinator and oversees implementation of the University's policy on equal opportunity, harassment and nondiscrimination. The Title IX Coordinator heads the Title IX Team and acts with independence and authority free of conflicts of interest. To raise any concern involving a conflict of interest by the Title IX Coordinator, contact the University President's Office at 413-565-1242. To raise concerns regarding a potential conflict of interest with any other administrator involved in the ERP, please contact the Title IX Coordinator.

Inquiries about and reports regarding this policy and procedure may be made internally to:

Kristine Barnett

Title IX Coordinator
Deepwood Hall
413-565-1063
kbarnett@baypath.edu

Kathy Robbins

Deputy Title IX Coordinator
413-565-1252
khrobbins@baypath.edu

Peter Testori

Deputy Title IX Coordinator
413-565-1058
ptestori@baypath.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Office of Civil Rights (OCR)

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov

Equal Employment Opportunity Commission (EEOC)

Contact: <http://www.eeoc.gov/contact/>
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196

Reporting Discrimination

Reports of discrimination, harassment and/or retaliation may be made using any of the following options. There is no time limitation on the filing of allegations; however, if the responding party is no longer subject to the University's jurisdiction, the ability to investigate, respond and provide remedies may be more limited:

1) Report directly to the Title IX Coordinator or Deputies;

Kristine Barnett

Title IX Coordinator
Deepwood Hall
413-565-1063
kbarnett@baypath.edu

2) Kathy Robbins

Deputy Title IX Coordinator
Longmeadow House
413-565-1252
khorobins@baypath.edu

3) Peter Testori

Deputy Title IX Coordinator
Deepwood Hall
413-565-1058
ptestori@baypath.edu

Report online, using the reporting form posted at https://my.baypath.edu/ICS/Title_IX/

All reports are acted upon in a timely manner while every effort is made by the University to preserve the privacy of reports. Such reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided. Additionally, all employees of the University are designated as mandated reporters and will share a report with the Title IX Coordinator promptly. Confidentiality and mandated reporting is addressed more specifically below. Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President at 413-565-1242.

Jurisdiction

This policy applies to behaviors that take place on the main campus and other instructional locations, at University-sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law;
- Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the University.

1. Bay Path University Policy on Nondiscrimination

Bay Path University adheres to all federal and state civil rights laws prohibiting discrimination in private institutions of higher education. Bay Path University will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, ethnicity, national origin, age, sex, sexual orientation, gender identity or expression, physical or mental disability, religion, or any other protected class or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process within the University or the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the University community who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the University community, guest or visitor on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Bay Path University policy on nondiscrimination. When brought to the attention of the University, any such discrimination will be appropriately addressed and remedied by the University according to the Equity Resolution Process

described below. Non-members of the University community who engage in discriminatory actions within University programs or on University property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with University programs as the result of their misconduct. All vendors serving the University through third-party contracts are subject by those contracts to the policies and procedures or their employers and to those contained herein.

2. Bay Path University Policy on Accommodation of Disabilities

Bay Path University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA and ADAAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking or caring for oneself.

The Director of Student Academic Support Services has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws pertaining to the student experience, including investigation of any allegation of noncompliance. The Assistant Vice President and Director of Human Resources is similarly responsible for compliance for employees.

a. Students with Disabilities

Bay Path University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and activities of the University. All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director of Student Academic Support Services who coordinates services for students with disabilities. The Director of Student Academic Support Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate to the student's particular needs and academic programs.

b. Employees with Disabilities

Pursuant to the ADA, Bay Path University will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing to the Assistant Vice President and Director of Human Resources and provide appropriate documentation. The Assistant Vice President and Director of Human Resources will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

3. Bay Path University Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. Bay Path University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by Bay Path University policy as well as the law. Bay Path University condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by policy or law. Bay Path University will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, Bay Path University may also impose sanctions on the harasser through application of the Equity Resolution Process. Bay Path University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. [1]

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature not on the basis of a protected status. Addressing

such behaviors may not result in the imposition of discipline under University policy, but will be addressed through respectful confrontation, remedial actions, education and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Assistant Vice President and Director of Human Resources and students should contact the Dean of Students.

b. Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the Commonwealth of Massachusetts regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Bay Path University has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well. [2]

Sexual harassment is unwelcome, sexual, sex-based and/or gender-based, verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any University program is encouraged to report it immediately to the Title IX Coordinator or a deputy. Remedies, education and/or training will be provided in response.

Sexual harassment is a form of behavior that adversely affects the employment relationship and is prohibited by State and Federal law. The University condemns and prohibits sexual harassment by any employee or student.

Sexual harassment does not refer to voluntary social activities among employees. Instead, it refers to behavior that is not welcomed by the employee, which is purely offensive to them, and which undermines morale and /or interferes with the ability of the employee to work effectively. Sexual harassment includes unwelcome actions such as:

- sex-oriented verbal abuse;
- sexual remarks or jokes;
- physical contact including patting, pinching or repeated brushing against another person's body;
- demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee; and/or
- actual or attempted rape or assault.

It is, therefore, against the policies of the University for any employee, of any gender or gender identity, to harass another employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term of condition of employment or as a basis for employment decisions;
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment;
- retaliation is threatened or undertaken against an individual who complains that such conduct is interfering with her or his work performance.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually-oriented conduct, whether intended or not, that is unwelcome and has the effect of creating an educational environment or work place environment that is hostile, offensive, intimidating, or humiliating to persons of all genders may also constitute sexual harassment. While it is not to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- unwelcomed sexual propositions, invitations, solicitations, and flirtations; leering;
- unwelcomed and inappropriate touching, patting, fondling, pinching, or obscene gestures;
- seeking sexual favors or relationships in return for the promise of a favorable grade or other academic or employment benefit or opportunity;
- conditioning an academic-related action (such as a grade, assignment, or refraining from discipline) on a sexual favor or relationship;
- unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language,

- jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- sexually suggestive objects, pictures, cartoons, videotapes, audio recordings or literature, or computerized transmissions placed in the work or study area, that may embarrass or offend individuals, subject to general principles of academic freedom as defined in the *Faculty Handbook*;
- in the case of co-workers or individuals in positions of authority, conduct of the nature set forth above when the effect is to unreasonably interfere with the ability of a person to perform his or her employment or academic responsibilities, or when the effect is to create an offensive, intimidating and/or hostile working or learning environment for that person.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment and/or creates a hostile environment, whether in-person or online.

A hostile environment is created when sexual harassment is:

- Severe, or
- pervasive, and
- objectively offensive, such that it:
 - unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational, employment social and/or residential program.

Quid Pro Quo Sexual Harassment:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.

Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with them in exchange for a good grade. This is harassment regardless of whether the student accedes to the request and irrespective of whether a good grade is promised or a bad grade is threatened.
- A student repeatedly sends sexually-oriented jokes around on an email list they created, even when asked to stop, causing one recipient to avoid the sender.
- Explicit sexual pictures are displayed in a staff member's office or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in their class discussions (online or on ground) about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. They probe for explicit details, and demands that students answer, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former girlfriend to the clear discomfort of the girlfriend, turning her into a social pariah on campus.
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the former president, "sexual relations" and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put her mouth on it. While this is sexual harassment, it is also a form of sexual violence.
- A student repeatedly posts messages on the learning management system that refer to a fellow student in derogatory terms.

c. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. While some of these acts may have parallels in criminal law, Bay Path University has defined categories of sex/gender discrimination as sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, Bay Path University considers Non-Consensual Sexual Intercourse violations to be the most serious of these offenses, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees; however, Bay Path University reserves the right to impose any level of sanction, ranging

from a reprimand up to and including suspension or expulsion/termination, for any act of sexual misconduct or other sex/gender-based offenses, including intimate partner (dating and/or domestic) violence, non-consensual sexual contact and/or stalking based on the facts and circumstances of the particular allegation. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation and/or gender identity of those involved. Violations include:

I. Sexual Harassment (as defined in section b above)

ii. Non-Consensual Sexual Intercourse

Defined as:

- any sexual intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual intercourse includes:

- Vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

iii. Non-Consensual Sexual Contact

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Sexual touching includes:

- Intentional contact with the breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other bodily contact in a sexual manner.

iv. Sexual Exploitation

- Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of Sexual Exploitation include, but are not limited to:
- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Invasion of sexual privacy.
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution.
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent (assuming the act is not completed).
- Exposing one's genitals in non-consensual circumstances.
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

v. Force and Consent

Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is no requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Consent: Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Because individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

In Massachusetts, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old may be a crime, and a potential violation of this policy, even if the minor wanted to engage in the act. It is illegal in the Commonwealth of Massachusetts to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of this policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

Examples of lack of consent:

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11 p.m. until 3 a.m., Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never had done it but for Bill’s incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left. **Bill is responsible for violating the university Non-Consensual Sexual Contact policy. It is likely that University decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.**

2. Jiang is a junior at the University. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**

3. Annika and Stephanie are at a party. Annika is not sure how much Stephanie has been drinking, but it seems like a lot. After the party, they walk to Stephanie's room, where Stephanie comes on to Annika, initiating sexual activity. Annika asks it's a good idea given that they are pretty drunk and Stephanie says yes. Clothes go flying, and they end up in Stephanie's bed. Suddenly, Stephanie runs for the bathroom and Annika hears the sound of vomiting. Stephanie gets back into bed, and they begin to have sexual intercourse. Annika is having a good time, though Stephanie seems pretty groggy and passive and may have even passed out briefly during the sex, but they kept going. When Annika runs into Stephanie the next day, she thanks her for the wild night. Stephanie remembers nothing, and decides to make a report to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Annika should have known that Stephanie was incapable of making a rational, reasonable decision about sex. Even if Stephanie seemed to consent, Annika was well aware that Stephanie had consumed a large amount of alcohol, and Annika thought Stephanie was physically ill, and that she passed out during sex. Annika should be held accountable for taking advantage of Stephanie in this condition. This is not the level of respectful conduct the University expects.**

4. Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the First Amendment.
- Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other;
Examples:
 - A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
 - An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
 - A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
 - Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

· Stalking

- Stalking 1: o A course of conduct
 - o Directed at a specific person
 - o On the basis of actual or perceived membership in a protected class
 - o That is unwelcome, AND
 - o Would cause a reasonable person to feel fear
- Stalking 2: o Repetitive and menacing
 - o Pursuit, following, harassing and/or interfering with the peace and/or safety of another

· Examples of Stalking

- A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together (Stalking 1).
- A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate if the gift deliveries stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together" (Stalking 2).
- Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Sanctions for the above-listed "Other Civil Rights Behaviors" behaviors range from reprimand through expulsion (students) or termination of employment.

5. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of Bay Path University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Bay Path University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Examples of Retaliation:

- Student-Athlete A files an allegation against a coach for sexual harassment; the coach subsequently cuts the student-athlete's playing time in half without a legitimate justification.
- A faculty member complains of gender inequity in pay within her department; the Department Chair/Program Director then revokes his prior approval allowing her to attend a national conference, citing the faculty member's tendency to "ruffle feathers."
- A student from Organization A participates in a sexual misconduct hearing against the responding individual also a member of Organization A; the student is subsequently removed as a member of Organization A because he participated in the hearing.

6. Remedial Action

Upon notice of alleged discrimination, Bay Path University will implement initial remedial, responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. adjustments; transportation accommodations; visa and immigration assistance; student financial aid counseling; providing a campus escort, academic or work schedule and assignment Such actions could include but are not limited to: no contact orders; referring to University counseling and/or medical services; providing academic support or on-campus housing arrangement accommodations; safety planning; referral to University and community support resources.

Bay Path University will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor upon a finding that they have engaged in harassing or discriminatory behavior or retaliation.

Procedures for handling reported incidents are fully described below.

7. Confidentiality and Reporting of Offenses Under This Policy

All University employees (faculty, staff, administrators and student employees) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting University resources. On the main campus and other instructional locations, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials – thereby offering options and advice without any obligation to inform an outside agency or University official unless a reporting party has requested information to be shared. Other resources exist for reporting parties to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at Bay Path University:

a. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- University employed licensed professional counselors and staff
- University employed health service providers and staff
- Athletic trainers (if licensed, privileged under state statute and/or working under the supervision of a health professional)
- Off-campus, Non-University employees:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains

All of the above-listed individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. University-employed counselors are available to help students free of charge and can be seen on an emergency basis during regular office hours. The Bay Path University employees listed above will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

b. Formal Reporting Options

All Bay Path University employees, including student workers, have a duty to report, unless they fall under the “Confidential Reporting” section above. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared with the Title IX Coordinator. Employees must promptly share all details of the reports they receive. Generally, climate surveys, classroom writing assignments or discussions, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the reporting party clearly indicates that they wish a report to be made. Remedial actions may result from such disclosures without formal University action.

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the University and comply with federal law. Note that the University’s ability to remedy and respond to a reported incident may be limited if the reporting party does not want the institution proceed with an investigation and/or the Equity Resolution Process.

In cases indicating pattern, predation, threat, weapons and/or violence, the University will likely be unable to honor a request for confidentiality. In cases where the reporting party requests confidentiality and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have allegations taken seriously by Bay Path University when formally reported and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the reporter and only a small group of officials who need to know will be told, including but not limited to the Division of Student Engagement and Liberal Studies and Campus Public Safety. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of

people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy. Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at https://my.baypath.edu/ICS/Title_IX/. Note that these anonymous reports may prompt a need for the institution to investigate.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex/gender harassment or discrimination of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

8. Federal Timely Warning Obligations

Parties reporting sexual misconduct should be aware that under the Clery Act, Bay Path University administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the University community. The University will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

9. False Allegations

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

10. Amnesty for Reporting Party and Witnesses

The University community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of the Bay Path University community that reporting parties choose to report to university officials and that witnesses come forward to share what they know. To encourage reporting, University pursues a policy of offering reporting parties and witnesses amnesty from minor policy violations related to the incident.

Students: Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Public Safety). The University pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than punishment, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant report harassment or discrimination they have experienced for fear that they may get themselves in trouble. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to University officials. The institution may, at its discretion, offer employee reporting parties amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to witnesses on a case-by-case basis.

11. Parental Notification (allegations involving students)

The University reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the University will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The University also reserves the right to designate which university officials have a need to know about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act.

12. Federal Statistical Reporting Obligations

Certain University officials – those deemed Campus Security Authorities – have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be reported to Campus Public Safety regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of crime at all Bay Path locations, to ensure greater community safety. Mandated federal reporters include: student life/student conduct staff, Campus Public Safety, local police, coaches, athletics

directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Equity Resolution Process For Allegations Of Harassment, Sexual Misconduct And Other Forms Of Discrimination

Bay Path University will act on any formal or informal allegation or notice of violation of the Policy on Sexual Misconduct and Civil Rights, that is received by the Title IX Coordinator or a member of the administration, faculty, or other employee.

The procedures described below apply to all allegations of harassment or discrimination on the basis of protected class involving students, staff or faculty members. These procedures may also be used to address collateral misconduct occurring in conjunction with harassing or discriminatory conduct (e.g.: vandalism, physical abuse of another, etc.). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the Student Guidebook, Faculty Handbook and Operations Manual.

Overview

Upon notice to the Title IX Coordinator, this resolution process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, Bay Path University will initiate a confidential investigation that is thorough, reliable, impartial, prompt and fair. The investigation and the subsequent resolution process determines whether the Policy on Sexual Misconduct and Civil Rights has been violated. If so, the University will promptly implement effective remedies designed to end the discrimination, prevent its recurrence and address its effects.

1. Equity Resolution Process (ERP)

Allegations under the Policy on Sexual Misconduct and Civil Rights are resolved using the ERP.

The general process works as follows:

An individual reports a possible violation of the Policy on Sexual Misconduct and Civil Rights to a University employee, the Title IX Coordinator or a Deputy Coordinator.

The Reporting Party is made aware of their options, informed about appropriate support services, complaint filing options and available interim remedies. Interim remedies will vary based on the status of the individuals involved in the incident, e.g. student to student, employee to student, employee to employee.

2. Reporting Misconduct

Any member of the community, guest or visitor who believes that the policy on Equal Opportunity, Harassment and Nondiscrimination has been violated should contact the Title IX Coordinator.

It is also possible for employees to notify a supervisor, or for students to notify an administrative advisor or faculty member. Any member of the community, including visitors, may contact Campus Public Safety to make a report.

These individuals will in turn notify the Title IX Coordinator. The University website also includes a reporting form at https://my.baypath.edu/ICS/Title_IX/, which may serve to initiate the resolution process.

All employees receiving reports of a potential violation of Bay Path University policy are expected to promptly contact the Title IX Coordinator, within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with privacy: specific information on any allegations received by any party will be reported to the Title IX Coordinator, but, subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, Bay Path University will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

3. Preliminary Inquiry

Following receipt of notice or a report of misconduct, the Title IX Coordinator [5] engages in a preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. The preliminary inquiry is typically 1-3 days in duration. This inquiry may also serve to help the Title IX Coordinator to determine if the allegations evidence violence, threat, pattern, predation and/or weapon, in the event that the reporting party has asked for no action to be taken. In any case where violence, threat, pattern, predation, and/or weapon is not evidenced, the Title IX Coordinator may respect a reporting party's request for no action, and will investigate only

so far as necessary to determine appropriate remedies. As necessary, University reserves the right to initiate resolution proceedings without a formal report or participation by the reporting party.

In cases where the reporting party wishes to proceed or the University determines it must proceed, and the preliminary inquiry shows that reasonable cause exists, the Title IX Coordinator will direct a formal investigation to commence and the allegation will be resolved through one of the processes discussed briefly here and in greater detail below:

- Conflict Resolution – typically used for less serious offenses and only when both parties agree conflict resolution
- Administrative Resolution – resolution by a trained administrator following a thorough investigation.

The process followed considers the preference of the parties, but is ultimately determined at the discretion of the Title IX Coordinator. Conflict Resolution may only occur if selected by all parties, otherwise the Administrative Resolution Process applies.

If Conflict Resolution is desired by the Reporting Party, and appears appropriate given the nature of the alleged behavior, then the report does not proceed to investigation, unless a pattern of misconduct is suspected or there is an actual or perceived threat of further harm to the community or any of its members.

Once a formal investigation is commenced, the Title IX Coordinator will provide written notification of the investigation to the Responding Party at an appropriate time during the investigation. [6] The University aims to complete all investigations within a sixty (60) calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

If, during the preliminary inquiry or at any point during the formal investigation, the Title IX Coordinator determines that there is no reasonable cause to believe that policy has been violated, the process will end unless the reporting party requests that the Title IX Coordinator makes an extraordinary determination to re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator.

4. Interim Remedies/Actions

The Title IX Coordinator may provide interim remedies intended to address the short-term effects of harassment, discrimination and/or retaliation, i.e., to redress harm to the reporting party and the community and to prevent further violations.

These remedies may include, but are not limited to:

- Referral to counseling and health services;
- Education to the community;
- Altering the housing situation of the responding party (resident student or resident employee (or the Reporting Party, if desired));
- Altering work arrangements for employees;
- Providing campus escorts;
- Providing transportation accommodations;
- Implementing contact limitations between the parties; and/or
- Offering adjustments to academic deadlines, course schedules, etc.

The University may interim suspend a student, employee or organization pending the completion of ERP investigation and procedures, particularly when, in the judgment of the Title IX Coordinator, the safety or well-being of any member(s) of the University community may be jeopardized by the presence of the Responding Party or the on-going activity of a student organization whose behavior is in question. In all cases in which an interim suspension is imposed, the student, employee or student organization will be given the option to meet with the Title IX Coordinator prior to such suspension being imposed, or as soon thereafter as reasonably possible, to show cause why the suspension should not be implemented. The Title IX Coordinator has sole discretion to implement or stay an interim suspension and to determine its conditions and duration. Violation of an interim suspension under this Policy will be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or to University campus/facilities/events. As determined by the Title IX Coordinator, this restriction can include classes and/or all other Bay Path University activities or privileges for which the student might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an effect as possible on the Responding Party.

The institution will maintain as confidential any interim actions or protective measures, provided confidentiality does not impair the institution's ability to provide the interim actions or protective measures.

5. Investigation

Once the decision is made to commence a formal investigation, the Title IX Coordinator appoints a trained investigator to conduct the investigation, usually within 2 days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within 10 days, though some investigations take weeks or even months, depending on the nature, extent and complexity of the allegations, availability of witnesses, police involvement, etc.

Bay Path University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges on the basis of the same behaviors that invoke this process are being investigated. The University will promptly resume its investigation and resolution processes once notified by law enforcement that the initial evidence collection process is complete. University action will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

The investigator will typically take the following steps, if not already completed (not necessarily in sequential order):

- In coordination with the Title IX Coordinator, initiate or assist with the identification and implementation of any necessary remedial actions;
- Determine the identity and contact information of the Reporting Party;
- Identify all policies allegedly violated;
- Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the Responding Party has violated policy.

If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;

- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the Responding Party, who may be given notice prior to or at the time of the interview;
- Prepare the notice of allegation on the basis of the preliminary inquiry;
- Meet with the Reporting Party to finalize their statement, if necessary;
- If possible, provide written notification to the parties prior to their interviews that they may have the assistance of an advisor present for all meetings attended by the advisee;
- Provide the Reporting Party and the Responding Party with a written description of the alleged violation(s), a list of all policies allegedly violated (including the consequences of retaliation), a description of the applicable procedures and a statement of the potential sanctions or responsive actions that could result;
- Prior to the conclusion of the investigation, provide the Reporting Party and the Responding Party with a list of witnesses whose information will be used to render a finding;
- Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses;
- Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
- Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- Provide regular updates to the Reporting Party throughout the investigation, and to the Responding Party, as appropriate;
- Once the report is complete, the report is shared with the parties for their review and comment. The investigators may incorporate feedback from the parties as appropriate.;
- Recommend to the Title IX Coordinator a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- The Title IX Coordinator finalizes and presents the findings to the parties, without undue delay between notifications;

At any point during the investigation, if it is determined there is no reasonable cause to believe that University policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

Witnesses (as distinguished from the parties) are expected to cooperate with and participate in the University's investigation and the Equity Resolution Process. Failure of a witness to cooperate with and/or participate in the investigation or Equity Resolution Process constitutes a violation of policy and may be subject to disciplinary action. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person or if the investigators determine that timeliness or efficiency dictate a need for remote interviewing. Parties who elect not to participate in the investigation or to withhold information from the investigation do not have the ability to offer evidence later during the appeal if it could have been offered during the investigation. Failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Equity Resolution Process proceedings.

6. Advisors

Each party is allowed to have an advisor of their choice present with them for all ERP meetings and proceedings, from intake through to final determination. The parties may select whomever they wish to serve as their advisor as long as the advisor is eligible and available, and usually otherwise not involved in the resolution process, such as serving as a witness. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is available and eligible. Witnesses cannot also serve as advisors. The parties may choose advisors from inside or outside the University community. The parties may choose their advisor or proceed without an advisor.

The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

Responding parties may wish to contact organizations such as:

- YWCA Victim Hotline (413) 733-7100 - a regional confidential resource for domestic violence and sexual assault victims
- SAVE (<http://www.saveservices.org>)
- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.

All advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors may not address University officials in a meeting or interview unless invited to do so by the presiding chair. The advisor may not make a presentation or represent the Reporting Party or the Responding Party during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or hearing panelists. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. Advisors may confer quietly with their advisees or in writing as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given an opportunity to meet in advance of any interview or meeting with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have, and allows the University an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with the investigation and resolution. Any advisor who steps out of their role will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor, though parties may share the information directly with their advisor if they wish. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.

The University expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties must provide timely notice to investigators if they change advisors at any time.

7. Resolution

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Bay Path University policy. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors.

a. Conflict Resolution

Conflict Resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal hearing process to resolve conflicts. The Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, a trained administrator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the formal process is completed should the parties and the Title IX Coordinator believe that it could be beneficial. Mediation will not be used in cases of sexual violence. It is not necessary to pursue conflict resolution first in order to pursue Administrative Resolution, and any party participating in conflict resolution can stop that process at any time and request a shift to Administrative Resolution.

b. Administrative Resolution

Administrative Resolution can be pursued for any behavior that falls within the Policy on Sexual Misconduct and Civil Rights, at any time during the process.

In Administrative Resolution, the Resolution Administrator will be the Title IX Coordinator or Deputy Title IX Coordinator designated for this specific purpose. They have the authority to address all collateral misconduct, meaning that they hear all allegations of discrimination, harassment and retaliation, but also may address any additional alleged policy violations that have occurred in concert with the discrimination, harassment or retaliation, even though those collateral allegations may not specifically fall within the Policy on Sexual Misconduct and Civil Rights. Accordingly, investigations should be conducted with as wide a scope as necessary.

Administrative Resolution relies on the evidence, information and recommended findings within the investigation report to render a determination. Upon completion of the investigation, the investigator will provide the Resolution Administrator with a written report summarizing the evidence gathered and examined, including an assessment of credibility of the parties and witnesses, an analysis of the information and a recommended finding and sanction (if applicable). The Resolution Administrator will conduct any additional necessary inquiry and then finalize a determination in accordance with the procedures below. The Resolution Administrators will consider, but is not bound by, the recommendations of the investigation.

Any evidence that the Resolution Administrator believes is relevant and credible may be considered, including history and pattern evidence. The Resolution Administrator may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Resolution Administrator determines it is appropriate, the investigation and the finding will not consider: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the sexual history of the Reporting Party (though there may be a limited exception made in regards to the sexual history between the parties), (3) or the character of the Reporting Party. While previous conduct violations by the Responding Party are not generally admissible as information about the present allegation, the investigator will supply the Resolution Administrator with information about previous good faith allegations and/or findings to consider as evidence of pattern and/or predatory conduct.

Neither the Resolution Administrator nor investigator will meet with character witnesses, but investigators will accept up to 2 letters supporting the character of each of the parties.

The Resolution Administrator will base the determination(s) on the preponderance of the evidence, whether it is more likely than not that the responding party violated policy as alleged.

The Responding Party may choose to admit responsibility for all or part of the alleged policy violations at any point during the investigation or Administrative Resolution process. If the Responding Party admits responsibility, the Title IX Coordinator will render a determination that the individual is in violation of Bay Path University policy.

If the Responding Party admits the violation, or is found in violation, the Resolution Administrator, in consultation with others as appropriate, will determine an appropriate sanction or responsive action, will implement it, and act promptly and effectively to stop the harassment or discrimination, prevent its recurrence and remedy the effects of the discriminatory conduct.

The Resolution Administrator will inform the parties of the final determination within 3 days of the resolution, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official University records; or emailed to the parties' Bay Path University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The notification of outcome will specify the finding on each alleged policy violation, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law. The notice will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and any appeals options that are available.

c. Sanctions

- Factors considered when determining a sanction/responsive action may include:
- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Previous allegations or allegations involving similar conduct;
- Any other information deemed relevant by the hearing panel;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation; and/or
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community

i. Student Sanction Examples

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination

- *Warning:* A formal statement that the behavior was unacceptable and a warning that further infractions of any Bay Path University policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation:* A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Bay Path University policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-

curricular activities, non-contact orders and/or other measures deemed appropriate.

- *Suspension*: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Bay Path University. This sanction may be noted as a Conduct Suspension on the student's official transcript, at the discretion of the Title IX Coordinator.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Bay Path University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: Bay Path University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, Bay Path University may assign any other sanctions as deemed appropriate.

ii. Employee Sanction Examples

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions*: In addition to or in place of the above sanctions, Bay Path University may assign any other sanctions as deemed appropriate.

d. Withdrawal or Resignation While Charges Pending

Students: Bay Path University does not permit a student to withdraw if that student has an allegation pending for violation of the Policy on Sexual Misconduct and Civil Rights. Should a student decide to leave and/or not participate in the ERP, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the University unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.

Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any University responses to future inquiries regarding employment references for that individual will indicate the former employee is ineligible for rehire.

e. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the written finding of the Title IX Coordinator. Any party may appeal the findings and/or sanctions only under the grounds described, below

A three-member appeals panel will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions the University has designated for this offense and the cumulative record of the responding party.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately. When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies), who may file a response within three (3) days and/or bring their own appeal on separate grounds. If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) days. These response or appeal requests will be shared with each party.

Where the appeals panel finds that at least one of the grounds is met by at least one party, additional principles governing the hearing of appeals will include the following:

- Decisions by the appeals panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation. In most cases, appeals are confined to a review of the written documentation or record of the investigation, and pertinent documentation regarding the grounds for appeal. An appeal is not an opportunity for appeals panelists to substitute their judgment for that of the original investigator(s) or Resolution Administrator merely because they disagree with its finding and/or sanctions.
- Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, heard by the three-member appeals panel.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator or designee stays their implementation in
 - For students: Graduation, study abroad, internships, field work, clinical placements etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator will confer with the appeals panel, incorporate the results of any
- remanded grounds, and render a written decision on the appeal to all parties within three (3)
- days of the resolution of the appeal or remand.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand. Where appeals result in no change to the finding or sanction, that decision is final. Where an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above, and in accordance with these procedures.
- All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant time delay between notifications, and in accordance with the standards for notice of outcome as defined above.
- in rare cases where a procedural or substantive error cannot be cured by the original investigator(s) and/or Resolution Administrator (as in cases of bias), the appeals panel may recommend a new investigation and/or Administrative Resolution process, including a new Resolution Administrator. The results of a remand cannot be appealed. The results of a new Administrative Resolution process can be appealed, once, on any of the three applicable grounds for appeals.
- In cases where the appeal results in reinstatement to Bay Path University or resumption of privileges, all reasonable attempts will be made to restore the responding party to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

f. Long-Term Remedies/Actions

Following the conclusion of the Equity Resolution Process and in addition to any sanctions implemented, the Title IX Coordinator may utilize long-term remedies or actions stop the harassment or discrimination, remedy its effects and prevent their reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanently altering the housing situation of the responding party (resident student or resident employee (or the reporting party, if desired))
- Permanently altering work arrangements for employees

- Providing campus escorts
- Climate surveys
- Policy modification
- Providing transportation accommodations
- Implementing long-term contract limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided even when the responding party is found not responsible.

The institution will maintain as confidential any long-term remedies/actions or protective measures, provided confidentiality does not impair the institution's ability to provide the actions or protective measures.

g. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions

All responding parties are expected to comply with conduct sanctions, responsive actions corrective actions within the timeframe specified by the Title IX Coordinator. Failure to abide by these conduct sanctions, responsive actions and corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from Bay Path University and may be noted on a student's official transcript. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

h. Records

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely in a secure location by the Title IX Coordinator.

i. Statement of the Rights of the Parties

- The right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to Bay Path University officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without their consent;
- The right to be treated with respect by Bay Path University officials;
- The right to have Bay Path University policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence;
- The right not to be discouraged by Bay Path University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities;
- The right to be informed by Bay Path University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by University authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to have reports of sexual misconduct responded to promptly and with sensitivity by University law enforcement and other University officials;
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both within the University and in the community;
- The right to a University no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so requested by the reporting party and if such changes are reasonably available (no formal report, or investigation, University-based or criminal, need occur before this option is available). Accommodations may include:
 - Change of a resident student's housing to a different on-campus location;
 - Assistance from Bay Path University support staff in completing the relocation;
 - Transportation accommodations;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam (paper, assignment) rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdrawal;
 - Alternative course completion options.

- The right to have Bay Path University maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- The right to be fully informed of University policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports addressed by investigators and Resolution Administrators who have received [at least eight hours of] annual sexual misconduct training;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;
- The right to petition that any Bay Path University representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- [The right to have the University compel the participation of student, faculty and staff witnesses, and the opportunity (if desired) to provide the investigators with a list of potential questions to ask of witnesses, and the right to challenge documentary evidence];
- The right to submit an impact statement in writing to the Resolution Administrator following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision by Bay Path University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Bay Path University.

Statement of the Responding Party's rights:

The rights of the responding party should also be prominently indicated. These should include, among others particular to Bay Path University:

- The right to investigation and appropriate resolution of all credible reports of sexual misconduct and/or discrimination made in good faith to Bay Path University administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by Bay Path University officials;
- The right to have Bay Path University policies and procedures followed without material deviation;
- The right to be informed of and have access to University resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by the Administrator;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party, which will always be revealed);
- The right not to have irrelevant prior sexual history admitted as evidence in a University-based resolution process;
- The right to have reports addressed by investigators and Resolution Administrators who have received [at least 8 hours of] annual training;
- The right to petition that any Bay Path University representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;

- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the University-based resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement in writing to the Resolution Administrator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision of the University is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Bay Path University.

9. Disabilities Accommodation in the Equity Resolution Process

Bay Path University is committed to providing qualified students, employees or others with disabilities with reasonable accommodations and support needed to ensure equal access to the Equity Resolution Process at Bay Path University. Anyone needing such accommodations or support should contact the Director of Student Academic Support Services (students) or the Assistant Vice President and Director of Human Resources (employee), who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation.

10. Revision

These policies and procedures will be reviewed and updated annually by the Title IX Coordinator. Bay Path University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. The Title IX Coordinator may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc. The Title IX Coordinator may also vary procedures materially with notice (on the institutional web site, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of the resolution will apply to resolution of incidents, regardless of when the incident occurred. Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in their most recent form.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally. This policy and procedure was implemented on July 1, 2017.

State and Federal Remedies/Resources

In addition to the above, if you believe you have been subjected to discrimination or illegal harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period from alleged offense for filing a claim (EEOC-180 days; MCAD-6 months)Massachusetts Commission against Discrimination (“MCAD”)

Boston Office:

One Ashburton Place – Room 601

Boston, MA 02108

(617) 994-6000

Equal Employment Opportunity Commission

One Congress Street, 10th Floor

Boston, Massachusetts 02114

(800) 669-4000

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services Website under "Consumer" information <http://www.mass.gov/eohhs/>:

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 800-841-8371 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Lynn, 800-922-8772 Hotline, 978-921-8729 TTY

Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY

YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 888-887-7130 TTY

Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY

Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6782 TTY

Women Support Services, Vineyard Haven, 508-696-7233, 508-684-8176 TTY

Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY

New Hope, Attleboro, 800-323-4673 Hotline/TTY

Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY

Everywoman Center, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY

NELCWIT, Greenfield, 413-772-0806 Hotline/ 413-772-0815 TTY

YMCA, Sturbridge, 800-796-8711, 413-732-7100 TTY

Statewide Spanish Hotline

Llámanos: Statewide Spanish Rape Crisis Hotline (800) 223-5001

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and
- Provide primary prevention education; professional training; outreach.

Emergency Preparedness/Disaster Plan

The Federal Emergency Management Agency (FEMA) describes an emergency as "any unplanned event that can cause deaths or significant injuries to students/staff, or that can shut down the University, disrupt operations, cause physical or environmental damage, or threaten the facility's financial standing or public image.

Obviously, numerous events can be "emergencies" and will be handled according to the following protocol. Emergencies specifically dealt with in this plan include:

- Bomb Threats
- Explosion
- Fire Safety
- Flooding
- Fumes and/or Vapors
- Hazardous Substance Spills
- Identifying Suspicious Mail Packages

- Medical Emergency - Community Health issues
- Student Crisis
- Terrorism/Biological/Chemical Attacks
- Utility/Mechanical Failures
- Violent or Criminal Behavior
- Severe Weather/Tornado Warning
- Illness or Injury
- Emergency/Disorientation/Suicide Attempts

Bomb Threat

Remain calm and do not panic. If a written message is received, keep track of the following information:

1. Who found it?
2. Who else was present?
3. Where was it found or how was it delivered?
4. When was it found or delivered?
5. Who touched it?
6. Have any previous threats been received?

If the threat is received by telephone, in a calm voice, try to obtain as much information as possible about the bomb and the caller:

1. Date and exact time of call?
2. Time set to explode?
3. Which building it is in?
4. Where it is?
5. Type of bomb?
6. Estimated age and gender of caller?
7. Emotional state: agitated, calm, excited?
8. Background noises: traffic, music, voices?
9. Why it was set?
10. Who is the target?
11. Who is the caller?

If practical do not hang up the telephone, but phone the local police department (911) immediately.

The administrator in charge and local authorities will determine a plan of action. A decision on whether or not to evacuate will be based on all of the information received.

If the decision is made to evacuate, move at least 300 feet away from the building to a designated evacuation area and wait for instruction. Stay away from glass.

Explosion

1. Report an explosion by calling 911 immediately.
2. If necessary or when directed to do so, activate the alarm system to evacuate the building.

3. When the building evacuation alarm is sounded, an emergency exists. Everyone within the building must evacuate. Closing doors will help contain a fire. **DO NOT LOCK DOORS.**
4. Do not use elevators.
5. Notify emergency personnel of anyone who may not have evacuated because of injury or inability to evacuate.

Fire Safety

In all cases of fire, activate the nearest alarm to warn other occupants of the building to evacuate.

When the building fire alarm is sounded, an emergency exists. All rooms/offices must be evacuated. Leave the lights on. Close, but do not lock doors. Open windows and secure personal belongings whenever possible.

Before opening any doors, be sure to feel the surface. If the door is hot to the touch, do not open. Utilize another door, if possible, or window.

Do not attempt to put out the fire; personnel trained in the use of fire extinguishers may try to extinguish fires that are small in nature.

If an area is hot or smoke filled, crawl on your hands and knees.

Use stairwells to exit and avoid elevators. Proceed out the nearest exit and assemble at least 300 feet away from the building to a designated evacuation area.

Notify emergency personnel of anyone who may not have evacuated because of injury or inability to evacuate.

Do not attempt to re-enter the building until emergency personnel have certified that the building is safe.

Faculty, staff, and students must abide by all safety regulations to minimize the threat of fire. Many fires start through careless disposal of smoking materials. Bay Path University does not allow smoking in any building and provides receptacles outside of buildings to dispose of smoking materials. Use of candles in offices and classrooms is prohibited. Any member of the Bay Path Community found to be in violation of regulations relating to fire safety will be subject to disciplinary action as outlined in the student handbook, faculty handbook and University Operations Manual.

Flooding

If flood conditions occur in any building, call 911. Be sure to provide sufficient information including the building, room number, degree of flooding, or potential damage due to the flooding. If the degree of flooding warrants immediate evacuation, occupants must evacuate to a safe location and then call emergency responders.

Fumes and Vapors

Toxic fumes can enter a building from various sources, such as improperly stored chemicals, faulty wiring or refrigeration, equipment fires, gasoline engines operated near air intakes, etc.

If the presence of toxic fumes is suspected, the area or areas affected should be evacuated. Use a telephone away from the area and call 911.

Hazardous Substance Spills

Any major spill of a hazardous substance must be reported immediately by calling 911. Students and personnel should be evacuated from the affected area immediately. Campus officials may seal off the contaminated area to prevent further contamination until trained responders arrive.

Persons who may be contaminated by the spill/release must seek medical attention immediately.

Identifying Suspicious Mail Packages

No Return address

Insufficient postage or excessive postage
Is addressee familiar with name and address of sender
Return address and postmark are not from the same area
Wrapped in brown paper with twine
Grease stains or discoloration on paper
Strange odors
Foreign Mail, Air Mail and Special Delivery
Restrictive markings such as confidential, personal, etc.
Handwritten or poorly typed addresses
Incorrect titles or titles with no names
Misspellings of common words
Excessive weight
Rigid, lopsided or uneven envelope
Protruding wires or tinfoil
Excessive securing material such as masking tape, string, etc.

Medical Emergency - Community Health Issues

Report any serious injury or illness by calling 911 immediately.
Non-emergency injuries or illness should be reported to the campus administrator.
Begin first aid, if qualified, or seek someone who is qualified to administer first aid.
Personal safety is your first priority. Use personal protective equipment when in contact with the victim's blood or any other bodily fluid. Each campus has a first aid kit containing personal protective equipment.

Student Crisis

In the event of crisis situations involving students, immediately contact the campus administrator at (800) 495-7284. This individual will make appropriate contacts and referrals. In the event that a Bay Path University student, staff or faculty becomes aware that a student sustained a serious injury or has threatened to do violent harm to others on campus, the local police (911) must be contacted immediately.

Crisis situations could include:

Alcohol or Drug-related emergencies
Disruptive behavior in the classroom
Death of a student, friend or family member
Mental health/behavioral incidents or concerns
Physical injury including sexual assault

Missing Student Policy and Procedures

The University has established this missing student policy to be followed in the event that a residential University student is reported missing, as required by the Higher Education Opportunity Act of 2008. The procedures in this policy apply to students who reside in campus housing.

A Bay Path University residential student is determined to be “missing” when a missing person report investigation concludes that the student has been absent from the University for a period of twenty-four hours or longer without any known reason. The Director of Public Safety or designee in conjunction with the Dean of Students or designee will make the official determination of whether a student is deemed missing.

Any concerned person who has information that a residential student may be missing must notify the Department of Public Safety as soon as possible so that an official determination may be made about whether or not the student is missing.

If a student is officially deemed missing, the Department of Public Safety will notify the East Longmeadow Police Department or other appropriate law enforcement, and the Dean of Students Office will notify the designated emergency contact for the missing student. The Department of Public Safety will work closely with local police or other law enforcement regarding any investigation. In collaboration with the Dean of Students Office and until the missing student is located, the Department of Public Safety will serve as the primary point of contact for the emergency contact identified by the missing student after notification of the situation by the Dean of Students Office.

Terrorism/Biological/Chemical Attacks

Due to past terrorist events, people have become increasingly concerned about protecting themselves in the event of a terrorist attack involving radioactive, chemical or biological materials. The Centers for Disease Control (CDC) is charged with leading a nationwide preparedness training and education program for state and local health care providers, first responders and governments. The CDC and the State Department of Public Health advise against the purchase of gas masks and other protective devices. In addition, the general public is advised against hoarding specific medications in anticipation of a possible bio-terrorist or chemical attack. In the event of a public health emergency, local and state health departments will inform the public about the actions individuals need to take. Acting against the recommendations of these agencies can impede the ability of hospitals, labs and other healthcare facilities in their treatment efforts of infected or seriously injured people.

The CDC’s National Pharmaceutical Stockpile (NPS) Program is to ensure the availability and rapid distribution of life-saving pharmaceuticals, antidotes and other medical supplies and equipment necessary to counter the effects of nerve agents, biological pathogens and chemical agents. The NPS Program is ready for immediate distribution in the event of a terrorist attack using biological toxin or chemical agents.

In the event of a terrorist nuclear attack a national emergency-response plan would be activated and would include federal, state and local agencies. The CDC recommends finding a stable building to “shelter in” during this type of emergency. The shelter should be a basement location, have as few windows as possible and be equipped with emergency supplies that would last at least three days.

Utility/Mechanical Failures

Any emergency related to building or facility problems, such as equipment or utility failure must be reported to the campus administrator immediately by calling (413)565-1315.

Violent or Criminal Behavior in the Classroom

Actions to Take:

- All violent/criminal behavior should be reported by calling 911 and the campus administrator (800) 495-7284.
- To report threats and other crime reports notify the campus administrator (800) 495-7284 or call 911.
- Practice crime prevention and learn self-defense techniques. If you do, the likelihood of becoming a victim of violent or criminal behavior will be greatly reduced.

Preventive Measures:

Protect yourself! Be aware of your surroundings. Walk in well-lit areas and do not walk alone. Consider carrying pepper spray for self-protection or carry a personal safety alarm to alert others if you have trouble. Learn self-defense techniques.

- Lock your doors.
- Keep inventory of your valuables and engrave them if applicable.
- Lock your vehicle when traveling and, when parked, do not leave valuables in plain sight.
- Report problem behaviors or actions perceived as dangerous to the campus administrator or 911.

Severe Weather/Tornado Policy

Tornado Watch

A watch is an indication of where tornadoes are possible in the next several hours. The National Weather Service will issue a bulletin to local authorities and local radio and television stations when watches are posted. Bay Path University will not notify the campus community when a tornado watch has been issued. For severe weather alerts, consider registering your cellular phone with The Weather Channel at www.weather.com (scroll to bottom of page for Email/SMS Alerts). This service is free and available to the general public.

Tornado Warning

A tornado warning means that a tornado has been spotted, or that Doppler radar indicates conditions are present that can spawn a tornado. The National Weather Service alerts weather stations and local authorities with a tornado warning. When Campus Public Safety becomes aware of such a warning, an OMNILERT-campus text alert will be sent.

For more information about tornadoes go to www.spc.noaa.gov/faq/tornado

Tornado Danger Signs

Signs may include severe thunderstorms, hail, roaring noise often described as a locomotive, and dark funnel clouds. When a warning has been issued or if danger signs are clear and present, seek shelter immediately by proceeding to the nearest designated area on campus (areas listed below). If you see or hear a tornado coming, do not wait for the OMNILERT-campus alert – go to the designated shelter area immediately. If there is no time to do so, curl up on the floor and protect yourself. Lie face down, draw your knees up under you, and cover the back of your head with your hands. If possible place yourself under a sturdy desk, or in an interior office or corridor

Illness or Injury

If you become ill or are injured on campus, please contact the campus administrator or 911 immediately.

Emergency

When an emergency occurs anywhere on campus, remain calm and dial 911 for police assistance. For example, if an individual:

- is or becomes unconscious
- has trouble breathing or is breathing in a strange way
- has chest pain or pressure
- is bleeding severely
- has severe pressure or pain in the abdomen that does not go away
- is vomiting or passing blood
- has seizures, a severe headache, or slurred speech
- appears to have been poisoned
- has injuries to the head, neck, or back
- has possible broken bones
-

Psychiatric emergency/disorientation/suicide attempt

This policy is designed to assist the student who appears to be potentially harmful to herself/himself or to those around her/him. If you have concerns about the well-being of another student, notify the campus administrator (800) 495-7284. Unusual flare-ups, outbursts of temper, staggering or stumbling, drowsiness or disorientation, and general changes in overall attitude are frequent signs that a student needs help.

Frequently students feel comfortable with faculty and staff to discuss personal issues. If you become aware of any student attempting or contemplating suicide or are fearful of them doing any sort of personal harm, please contact 911 immediately. It is important that an individual be kept safe until help arrives.

In the event that a Bay Path University student, staff or faculty member becomes aware that a student has sustained a serious self-inflicted injury or has threatened to do violent harm to others on campus, 911 should be contacted

immediately. Emergency medical personnel may transport a student in acute emotional distress to the Lahey Clinic for evaluation.

Any student who makes a serious threat of harm to self or others (i.e. suicide, homicide, bodily injury) may be immediately asked to leave campus in order to insure her safety and the safety of the community as a whole. The student is not eligible to return to campus or attend classes until a letter from a psychiatrist or physician indicating the student is able to return to campus and including a follow-up regime to be sent to the campus administrator (413)565-1315. Permission for a student to return to campus and classes is granted only in writing campus administrator and the Dean of Students.

Bay Path University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense.

Identity Theft

Identity Theft has become one of America's fastest growing crimes. All an identity thief needs is your Social Security number, driver's license number or credit card number to steal your identity. Here are a few key ways to keep your identity safe.

- Only release your Social Security number (SSN) when it is absolutely necessary, do not have your SSN printed on your checks or on your license. Order your Social Security Earnings and Benefits Statement once a year to check for fraud by calling (800) 772-1213. If your SSN has been fraudulently used, report it to the Social Security Hotline at (800) 269-0217.
- Reduce the number of credit cards used and cancel unused accounts. If a fraudulent charge appears on one of your accounts, report it to the Consumer Credit Counseling Service at (800) 388-2227. Always shred pre-approved credit applications, credit receipts, bills and any other financial information before throwing it away in the trash.
- Consider removing your name from marketing lists; this will reduce the number of pre-approved credit card applications that are received in the mail.
- Check your credit report once a year for inaccuracies and fraudulent use of your accounts. The easiest way to do this is AnnualCreditReport.com. This website has links to all three credit bureaus. You can also send a written letter of request for your credit report to each credit bureau. If you choose to send a written letter, you must also supply the company with proof of identity and address (for example a copy of your telephone bill or driver's license.)
 - Equifax Credit Reporting Bureau, P.O. Box 740241, Atlanta, GA 30374. To obtain your credit report, call (800) 685-1111 and to remove your name from marketing lists, call (800) 567-8688.
 - Experian Credit Reporting Bureau, P.O. Box 9530, Allen, TX 75013. To obtain your credit report, call (888) 397-3742 and to remove your name from marketing lists, call (800) 353-0809.
 - Trans Union, P.O. Box 6790, Fullerton, CA 92634. To obtain your credit report, call (800) 916-8800 and to remove your name from marketing lists, call (800) 680-7293.
- If an error is found or to dispute any information in your credit report, you must contact all three credit bureaus. Always keep a copy of your correspondence in case the information reappears on your report. Be sure that all correspondence is sent by certified mail and a return receipt is requested.
- If your credit card is stolen or you are a victim of identity fraud, immediately contact all three credit bureaus and tell them to place a "security alert" on your file.

The problem of Identity is likely to continue to increase. Your personal privacy and identity are vital. A good website for additional information is www.privacyrights.org.

- End of Report -