



**MERRIMACK  
COLLEGE**

*Jeanne Clery Act*

**CAMPUS SECURITY POLICY, CAMPUS CRIME STATISTICS**

**&**

**FIRE SAFETY REPORT**

*December 31, 2020*

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***Jeanne Clery Act***  
**Campus Security Policy, Campus Crime Statistics**  
**&**  
**Fire Safety Report**  
***December 31, 2020***

*In accordance with the Crime Awareness and Campus Security Act of 1990 (Clery Act), Merrimack College has developed a comprehensive campus security policy and fire safety report. Information is available in this pamphlet, in our Student Handbook, and on the Merrimack College Police Department website ([www.merrimack.edu/police](http://www.merrimack.edu/police)).*

**Message from Chief of Police Michael DelGreco**

Merrimack College Police Department, a full-service agency, has maintained Accreditation status under the auspices of the Massachusetts Police Accreditation Commission since 2011.

The Mission of the Merrimack College Police Department is to provide comprehensive law enforcement services that enhance the educational mission of the College. We are committed to the protection of life and property, the prevention and detection of crime, the enrichment of the quality of life and an unwavering commitment to “Excellence in Service through Community Engagement” for all members of the campus community, their guests and visitors.

We emphasize integrity, honesty, impartiality and professionalism from our members in order to create an environment that values differences and fosters fairness and flexibility in our mission. We encourage community input and interaction that will assist us in developing sound partnerships within the community. Working together, we can understand the needs and best serve our community, and enhance the quality of life for everyone on campus.

**Preparation of the Annual Disclosure of Crime Statistics**

In 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (most commonly referred to as “the Clery Act”) was passed. The Clery Act requires Merrimack (as a participant and recipient of federal Title IV student financial assistance programs) to disclose certain crime statistics, safety related policies and procedures, fire safety protocols, and information and statistics in the form of an annual report. This report must be published by October 1st of each year.<sup>1</sup> The Merrimack College Police Department (MCPD) prepares this annual report in collaboration with local municipal police agencies and with the Merrimack College Office of the Dean of Students, the Title IX Coordinator, and other College departmental employees. Campus crime, arrest and referral statistics include those reported to MCPD, designated campus officials, as well as local law enforcement agencies. MCPD and other Merrimack College officials maintain a close relationship with the local police and fire departments to ensure that we are notified of any crime report that is not made directly to MCPD.

Each year, Merrimack College sends an email notification to all enrolled students and all current employees providing the [Police Department](#) website address to access the [Annual Security Report](#). Additionally, any interested party can obtain a physical copy of this report at the MCPD, Human Resources Office, and/or Admissions Office. Prospective students and employees may request a copy

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<sup>1</sup> Due to the COVID-19 pandemic, the Department of Education extended the deadline for institutions to distribute their Annual Security Report and Annual Fire Safety Report to required recipients to December 31, 2020.

of the Annual Security Report in person, or they may request that a copy be mailed to them free of charge.

### **General Information**

Merrimack College is located at 315 Turnpike Street, North Andover, MA 01845. The College community of approximately 5,700 is part of the towns of Andover and North Andover, which have a combined population of just over 64,000, and is 2.5 miles from the city of Lawrence with a population of over 80,000. The College shares with its neighboring communities many interests, including a concern about public safety.

Merrimack College has approximately 3,918 full-time undergraduates and approximately 1,074 graduate students representing 32 states and 31 countries. Over 2,688 students live on campus and about 2,505 undergraduate and graduate students commute to classes. The College employs approximately 900 full-time and part-time faculty, administrative, and staff members.

### **Merrimack College Police Department**

The MCPD's primary focus is to provide a safe and secure campus environment so that learning will be optimized. The Police Department enforces all regulations and laws of the both the College and the Commonwealth of Massachusetts. The department is comprised of sworn police officers, civilian dispatchers, and clerical staff. MCPD officers are licensed as Special State Police Officers under Massachusetts General Law Chapter 22C, Section 63 and have police authority to apprehend and arrest anyone involved in illegal acts on campus. The MCPD maintains a collaborative working relationship with neighboring Andover and North Andover Police Departments, as well as the State Police.

Police Officers are trained in First Responder/CPR, and are trained in and equipped with a sidearm, police baton and pepper spray. Officers patrol the campus 24 hours a day by foot, bicycle, and police cruiser. Surveillance cameras and blue light emergency phones throughout campus and in public areas/entrances of residence halls provide additional security.

The Police Department provides a 24-hour safety escort service where persons can be escorted from one campus location to another by either a police officer or a member of the Student Security Team.

### **Reporting Crimes and Suspicious Activity**

#### **Daily Crime and Fire Logs**

In addition to disclosing crime and fire statistics to the US Department of Education and in its Annual Security and Fire Safety Report, the MCPD maintains a Daily Police Log that includes criminal incidents, alleged criminal incidents, and fire related incidents that are reported to or identified by the department. The log includes the date the incident was reported, the date and time the incident occurred, the nature of the incident, the general location of the incident, and the disposition of the complaint, if known. The MCPD reserves the right to exclude certain reports or temporarily withhold information from the log under circumstances permitted by law. The log for the most recent 60-day period is available for public inspection, upon request, during normal business hours at MCPD.

All members of the College community are strongly encouraged to immediately report criminal and/or suspicious activity, as well as medical and other emergencies, to the MCPD. The emergency phone line for the Police Department is 978-837-5911 (5911 from College phones). Police call boxes, located throughout campus, also ring into this emergency line.

While reporting crimes directly to the MCPD is preferred, crimes may also be reported to any other person identified as a *Campus Security Authority* – those College officials who have a significant responsibility for student and campus activities. Those designated as *Campus Security Authorities* who become aware of Clery Act crimes (those listed below) are required to report the incident to the MCPD for statistical purposes in the annual Clery Act report. If a person reporting a crime to a *Campus Security Authority* requests anonymity, the request will be honored to the extent permitted by law. One caveat, however, is with regard to sexual misconduct as defined in Merrimack College’s [Student Handbook](#). In those instances, Campus Security Authorities are also considered “responsible employees” as that term is defined under Title IX of the Education Amendments of 1972, the Violence Against Women Act, and related guidance. Responsible employees are required to inform the Title IX Coordinator immediately upon receiving notice of sexual misconduct.

The following is a partial list of *Campus Security Authorities* at Merrimack College:

- Assistant Vice-President for Compliance/Title IX Coordinator; 978-837-5426; Austin Hall Rm. #134
- Vice President of Student Affairs/Dean of Students; 978-837-5174; Sakowich Campus Center Rm. #310
- Associate Dean of Students; 978-837-5214; Sakowich Campus Center Rm. #321
- Assistant Dean of Students; 978-837-5574; Sakowich Campus Center Rm. #323
- Director of Community Standards; 978-837-5068; Sakowich Campus Center Rm. #322
- Special Assistant to the President for Diversity, Equity and Inclusion; 978-837-5000; Austin Hall Rm. #126
- MCPD
- Athletic Coaches
- Faculty
- Advisors to student groups and organizations
- Residential Life staff members
- Student Affairs staff members

*Note: Campus pastoral and professional counselors, when acting as such, are not considered to be a Campus Security Authority or “responsible employees” and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are, however, encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes to the relevant campus and local law enforcement authorities. Pastoral and licensed professional counselors are identified as confidential resources who may not share information without an individual’s informed consent unless there is an imminent danger to self or others, or as otherwise required by law (e.g. mandatory reporting sexual violence against minors).*

Crimes occurring off-campus should be reported to the local police agency that has jurisdiction. Dialing 911 from phones in off-campus locations connects you with the police department of that town/city. Dialing 911 from a cell phone directs your call to the State Police who can then transfer you to the appropriate local police agency. The College does not have any off-campus student organizations that would necessitate a policy statement on addressing criminal activity off campus.

Anyone who has a tip or information concerning a crime on campus is encouraged to send an email to

delgrecom@merrimack.edu or to call the Crime Tips Hotline at x-5777 (or 978-837-5777) from non-college phones). The number for the tip line is posted on MCPD's [website](#) and in the [Student Handbook](#). The line is monitored daily for any messages.

The Merrimack College Rave Guardian application offers an alternative to the phone tip line for those who wish to leave a confidential text or photograph that will be received live by the police department's dispatcher at the Communications Center. All communications allow for anonymity and confidentiality.

Additionally, victims or witnesses may report crimes to MCPD twenty-four (24) hours per day, seven (7) days per week, three-hundred and sixty-five (365) days per year at the station, located at the rear of Monican Building, on a voluntary basis, for inclusion in the College's Annual Security Report.

### **Diversity, Equity and Inclusion (DEI) Initiative**

Diversity, equity and inclusion have long been core values at Merrimack College. In July 2020, following many campus-wide meetings, President Hopey raised diversity, equity and inclusion as an institutional priority and announced the creation of a Special Assistant to the President position to focus on diversity, equity and inclusion. After an extensive interview process, Dr. Simona Sharoni was appointed as special assistant to the President for diversity, equity and inclusion. Dr. Sharoni brings to the position, among other things, extensive expertise in the area of gender-based violence.

The key objectives of the DEI initiative include:

- To integrate diversity, equity and inclusion (DEI) into all aspects of campus life
- To facilitate coordination and collaboration among all perspectives on campus
- To provide ongoing education and training for faculty, staff and students
- To focus on DEI in recruiting, hiring and retention of faculty, staff and students
- To enhance support for students, faculty and staff from historically underrepresented groups

Working with MCPD and other stakeholders on campus, the DEI initiative will enhance the college's efforts to eliminate bias and discrimination, prevent violence, and foster a safe learning environment.

### **Bias Incident Response Protocol**

The Bias Incident Report is designed to ensure that Merrimack College maintains a safe, respectful educational and work environment that is free from harassment and discrimination and based on the values of diversity, equity and inclusion.

In addition to its general non-discriminatory approach to campus safety, the Bias Incident Response Protocol offers an effective and efficient process for individuals and/or groups to report bias incidents and/or hate crimes. It also outlines College procedures that will be instituted to respond to such acts. The protocol should be implemented whenever a bias incident or hate crime is perceived or suspected to have occurred on Merrimack College's campus and/or in our educational programs. Implementation of the protocol may serve as a mechanism to monitor the campus climate and possibly deter acts of bias or hate.

The MCPD also does not profile or act upon racial or ethnic stereotypes in its public safety activities; such information is utilized in police communication only when relevant to a specific incident.

### **MCPD Bias Training**

Bias Based Profiling Training is completed annually by all members of the Merrimack College Police Department and includes training to comply with: Merrimack College's anti-harassment policies, the Massachusetts Accreditation Commission standards, requirements of the Executive Office of Public Safety and Security, and trainings mandated by the Massachusetts State Police.

2019 course materials included: Diversity Awareness. Police Interactions/Behavioral Emergencies (Mental Illness and Emotional Stress), Implicit Bias and Bias Based Profiling, Code of Ethics in Law Enforcement, and Workplace Harassment.

MCPD compiles an annual Bias Based Profiling Report to determine any incidents of bias by officers in their interactions with members of the community and visitors.

### ***Definitions***

**Bias**: A preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity.

**Bias Incident**: Any conduct or communication motivated by hatred or prejudice that demeans, degrades, or harasses an individual or group based upon membership in a protected category as recognized by law or Merrimack College policy, including race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity. Examples include acts of vandalism, writing on white boards or walls, targeting a group or individual, in person or electronically with hateful conduct, or other harassment that interferes with a person's educational experience or employment.

**Bias Crime** (also known as a Hate Crime): A committed criminal offense that is motivated, in whole or in part, by the offender's bias (es) against a race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity; also known as Hate Crime. Examples include verbal threats of violence, physical attacks, and property damage against a protected class of people.

*Note: Even if the offender was mistaken in his or her perception that the victim was a member of the group he or she was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.*

**Massachusetts State Law**: Chapter 265 § 39 states in relevant part that it is illegal to commit a crime against a person or property with the intent to intimidate such person because of such person's race, ethnicity, national origin, physical disability, religious affiliation, gender, gender identity, or sexual orientation.

**The Merrimack Student Handbook**'s Notice of Nondiscrimination states that any offense committed by a student, including but not limited to physical abuse, vandalism and conduct infringing upon the rights of others, and which includes intimidation that is motivated by race, ethnicity, national origin, physical disability, religious affiliation, ancestry, sex, sexual orientation, gender, gender identity, age, mental or physical disability, or other lawfully protected categories carries sanctions up to and including separation from the College.

### ***Procedure***

Victims or witnesses should immediately document the alleged bias incident/hate crime and report it to the MCPD. Do not remove, alter or tamper with physical evidence. Anyone with information regarding a potential hate crime or bias incident is strongly encouraged to report it promptly. Upon receipt of such reports, the Police Department will assess the reports, investigate, and/or refer the matter to the relevant office for appropriate action.

Reports should include the following information or as much detail as possible:

- Detailed account of the incident including date, time and location.
- Name and contact information for each person involved, including witnesses.
- Description of what was observed and said, including any specific language or terms that were used.
- Name of the alleged perpetrator(s) or detailed description of the individuals involved.
- Other pertinent information that may assist in the College's response to the incident.

Individuals should not wait to report until they have every item on the list mentioned above. Instead, if you need help or witness a crime, report immediately.

Upon receipt of such reports, the College will assess, investigate and/or refer the matter to the relevant office for appropriate action. Merrimack College shall take reasonable steps to address the safety and security concerns of those involved. For example, the targeted individual(s) or witnesses may be offered relocation if they live in College housing.

After consultation with all appropriate College departments, suitable measures to address the bias and/or hate incident will be taken in a timely manner. Such measures include but are not limited to:

- Make a record/investigate the incident.
- Pursue disciplinary action.
- Offer counseling.
- Provide education and programming.
- Report to appropriate internal departments and outside agencies.

**Confidentiality:** All reasonable efforts, to the extent possible, will be made to protect the confidentiality of individuals targeted and to maintain the confidentiality requested by the reporting party. Because Merrimack may have an obligation to address certain reported incidents, we cannot guarantee complete confidentiality where it would conflict with the College's obligation to investigate meaningfully or, where warranted, take corrective action. Regardless of the situation, personal information will generally only be shared with individuals with a legitimate need to know, in compliance with College policy. In addition, retaliation for filing a bias incident report is prohibited.

### **Security in the Residence Halls**

Merrimack College has five residence halls, nineteen townhouses and two apartment complexes. The College provides and supervises off-campus housing.

Area Coordinators, Resident Assistants, and most members of the College Residence Life staff, live in the residence halls. The duty Area Coordinator is available twenty-four (24) hours a day. The duty Resident Advisor is available from 8pm to 7am. All Residence Life staff members are thoroughly trained in enforcing residence hall security policies. The Residence Life staff contributes to the safety

and security of the campus by participating in appropriate training by administrators, police personnel, and municipal police/fire departments.

Access to the residence halls is limited to students and their guests in accordance with procedure. Employee access to campus residential areas, with the exception of campus police, is restricted to work-order calls performed under strict supervision. The public is admitted to cultural, recreational and sporting events on campus and access is limited to the facilities where the events are held.

Outside doors in the residence halls are locked; an electronic card opens the doors. Visitors, who must be invited by a student living in the residence hall, must sign in, display a guest pass, and be escorted while they are in the building. Students are responsible for the whereabouts and the behavior of their guests. Overnight guests may remain on campus for up to three days.

All student rooms, including the townhouses and apartment complexes, have conventional key access but all locks are Medeco Level IV, which prohibits obtaining duplicate keys. Key blanks are released from the manufacturer only upon written authorization from the College. All locksets are Schlage schedule “D” or greater and are UL approved. Exterior doors are swipe access controlled.

### **Rave Alert and Rave Guardian Emergency Notification System**

Merrimack College has partnered with Rave Wireless to offer an emergency notification system, **Rave Alert and Rave Guardian**, capable of sending the Merrimack College community text, voice, and email messages in the event of emergency situations and school closings. All students, faculty, and staff are now able to receive Rave Alerts to their Merrimack email, cell phone and office phone. Community members and direct relatives of current students can access Rave Alert at <https://www.getrave.com/login/merrimack>

Students may download the **Merrimack Rave Guardian** application to a smartphone (free from the Apple app store). A merrimack.edu email address is required to download the full application however, family and friends can download a limited version that allows them limited functionality as well.

There are three major components to **Rave Guardian**:

- *Emergency call function*: One-touch calling for local 911 or MCPD.
- *Safety timer*: This permits the student to schedule their trip, designate a “guardian,” and let that person track the student’s route and timing, so that he or she will know right away if the student encounters any difficulty.
- *Confidential tip ability*: Send a confidential text or photo to MCPD.

Members of the MCPD conduct monthly test messaging utilizing Rave Alert to ensure they maintain familiarity with the system and in ongoing effort to identify any problems with its functioning.

### **Timely Warnings**

In the event that a situation arises that constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued by MCPD and/or the President’s Office/Communications. The warning will be issued through the College email system and the Rave Alert mass notification system to students, employees, and outside agencies as necessary.

Depending on the particular circumstance of the crime/situation, the College's emergency blue light phone system can be used to enhance the notification process through use of live voice commands. Posters or other forms of notification may supplement the email notification.

The College is not required to issue a crime alert with respect to crimes reported to a pastoral or professional counsel; however, under extenuating circumstances that pose a serious or ongoing threat to members of the community, the College reserves the right and may utilize such Timely Warnings procedures.

Timely Warnings issued for immediate threats include situations that present an imminent or impending danger such as:

- Outbreak of serious illness;
- Approaching tornado, hurricane or other extreme weather conditions;
- Earthquake;
- Gas leak;
- Terrorist incident;
- Armed intruder;
- Bomb threat;
- Civil unrest or rioting;
- Explosion; or
- Nearby chemical or hazardous waste spill.

### **Merrimack College Emergency Response Procedures Plan**

The purpose of the Merrimack College Emergency Response Procedures Plan (ERP) is to establish guidelines, assign responsibilities, and promote awareness in responding to emergencies that may affect the Merrimack College community. Additionally, the plan is designed to provide guidelines to assist those affected in dealing with crisis, coordinate with external entities, and provide resources to expedite the return to normal operations with minimal impact. The plan was created to complement plans that have been developed on the national, state and county level. The ERP is designed to provide guidelines for responding to a variety of incidents and emergencies that affect Merrimack College. Not all emergencies require the same degree of response; each incident will be evaluated on a case-by-case basis.

The following guidelines apply to students, employees, faculty and guests, and to the buildings and grounds that are owned and operated by Merrimack College. They are intended to enable the College to protect life and property and minimize the damage caused by emergency situations.

#### **Levels of Emergencies:**

**Level 1 - Minor Emergency** – A campus emergency, with limited impact, that does not affect the overall operation and function of the College. Examples would include a minor hazardous material incident, small fire, or temporary limited power outage. A minor emergency will not normally entail notification of the Emergency Response Procedures Team except through routine communications.

**Level 2 -Major Emergency** – A local emergency that has disrupted, or potentially may disrupt significant operation of the College or adversely impact a major population of the community. Examples include serious crimes on campus, major fires, death(s), or partial infrastructure failure. This

requires notification of the Emergency Response Team.

**Level 3 - Disaster** – A community-wide emergency that potentially disrupts the operations of the College and involves major damage or systems failure. Disasters impact not only the College, but possibly the surrounding community and beyond. Examples include tornadoes; wide spread extended power outages, severe natural disasters, or serious acts of terrorism. This requires notification of the Emergency Response Team.

All members of the Emergency Response Team will be notified through the Emergency Notification system (RAVE). Police dispatch will confirm members have been notified by checking off their names as they call the Police Department. The President (or their designee) will authorize the campus wide notification of all students, faculty and staff of any event that will impact the day-to-day operation of the campus, but will not be required in the case of a time sensitive incident. Rave and email notifications will be sent out notifying members of the Merrimack College community of the events occurring.

### **Evacuation Procedure Guidelines**

#### **Building Evacuation**

- All building evacuations will occur when a building alarm (fire alarm) sounds and/or upon notification of MCPD.
- When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
- Assist people with disabilities when exiting building, if possible. In case of fire or earthquake, do not use elevators.
- Once outside, proceed to predetermined assembly area. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel. (Evacuation areas are determined for each building on campus.)
- Do not return to evacuated building unless told to do so by the Police Department.
- Failure to leave a building during Fire Alarm may result in criminal proceedings and/or a report being forwarded to Residence Life, or in the case of employees, employment action may be taken.

#### **Campus Evacuation**

- Evacuation of all or part of the campus will be announced by the Police Department or appropriate agency.
- All persons, students and staff are to immediately vacate the area of the campus in question and evacuate the campus grounds as directed.

#### **Missing Person Procedures**

“Suzanne’s Law” requires local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing. This law became effective in the spring of 2003 as

part of the national “Amber Alert” Bill. The federal law is named after Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998. This law is intended to encourage police to begin investigating immediately when college-age people disappear, instead of waiting a day, which has been common practice.

If a member of the Merrimack College community has reason to believe that a student is missing, whether or not the student resides on campus, MCPD should be notified immediately so that all possible efforts can be made to locate the student to determine his or her state of health and well-being through the collaboration of MCPD and the Office of Student Life. If the student is an on-campus resident, the Police Department will secure authorization from Student Life officials to make a welfare entry into the student’s room. If an off-campus commuter student, the Police Department will enlist the aid of the neighboring police agency having jurisdiction.

Concurrently, College officials will endeavor to determine the student’s whereabouts through contact with friends, associates, and/or employers of the student. Whether or not the student has been attending classes, labs, and scheduled organizational or academic meetings, or appearing for scheduled work shifts will be established.

If located, verification of the student’s health and intention of returning to the campus is made. Where and when appropriate, a referral will be made to the Hamel Health Center.

If not located, the College will notify the family within 24 hours of receiving the initial report to determine if the family knows the whereabouts of the student. If the student is an off-campus commuter, appropriate family members or associates are encouraged to make an official missing person report to the law enforcement agency with jurisdiction.

MCPD will cooperate, aid and assist the primary investigative agency in all ways prescribed by law. If a student is an on-campus resident, the Police Department will immediately notify the North Andover or Andover Police Department. All pertinent law enforcement agencies, be they neighboring municipal, county or state, those located along suspected travel corridors, or place of original residence will be notified and requested to render assistance.

Upon closure of the missing person investigation, all parties previously contacted will be advised of the status of the case.

Each student’s parent or guardian is designated by the College as the contact person.

### **Education & Crime Prevention**

Various departments on campus - including the Police Department, Student Life, Residence Life, Health & Counseling - offer educational presentations on topics including personal safety, sexual assault prevention, alcohol abuse, fire safety, and crime prevention. During and after orientation and in meetings with Resident Advisors, students are made aware of the safety and security services available to them. New employees are made aware of these services at the time of onboarding. Emails and other communications from the Police Department remind College community members of the safety and security services. These additional programs include presentations to incoming freshmen, student athlete groups, international students, and more informal settings in residence halls. Programs incorporate alcohol and drug use and abuse, sexual assault awareness and prevention, and dating and

relationship violence.

### **Green Dot Bystander Intervention**

Merrimack College is committed to engaging members of our community and turning them into active bystanders who believe in our cultural norms that violence is not tolerated, and that we all can help reduce violence on our campus. Through the nationally recognized [Green Dot](#) program, community members learn how to identify situations that could lead to violent acts and learn how to become active bystanders by intervening safely and effectively.

### **#MackActs**

The #MackActs campaign was specifically designed to give students the tools they need to be active bystanders and prevent potentially violent behavior. Starting with training sessions provided at First-Year Orientation, students gain an understanding of the bystander effect and are provided with guidance on how to successfully intervene in difficult social situations. Through this campaign, the College believes that it can enlighten, engage and empower our community to help combat sexual misconduct and domestic violence.

### **Alcohol-Wise and Consent & Respect ([https://www.merrimack.edu/about/offices\\_services/office-of-community-standards/alcohol-wise-and-consent-and-respect/](https://www.merrimack.edu/about/offices_services/office-of-community-standards/alcohol-wise-and-consent-and-respect/))**

Merrimack College has provided access to all first-year students to two online educational courses with a mission to help students address critical life skills such as alcohol abuse prevention and sexual assault prevention. As part of our comprehensive educational approach, Merrimack College will expect each member of our first-year class to complete the [Alcohol-Wise and Consent & Respect](#) courses. Whether one drinks or not, these courses will empower the student to make well-informed decisions about issues that affect their college years and beyond, and will help the student better cope with the behavior of their peers.

### **Merrimack Anti-Violence Education Network (MAVEN) (<http://www.merrimack.edu/maven>)**

The MAVEN website was created to act as a centralized resource of information, policies and resources for prevention and education related to sexual misconduct, harassment, and violent behavior. Merrimack College takes allegations of sexual misconduct, relationship violence and stalking very seriously. As part of our goal to eliminate this violence from our campus, we encourage all students, staff and faculty to familiarize themselves with information about the scope of the problems and their impact on our community through this site.

### **Prohibited Conduct**

Merrimack College policies are broader than legal definitions. The College will determine whether there has been a violation of its policies, and/or whether there has been a violation of law.

Crime prevention is a campus-wide concern that requires the involvement of all students and employees. Suspicious persons and activity should be reported to MCPD immediately. Employees of the Police Department, Facilities, and Residence Life are pro-active in efforts to provide a safe and secure campus. Personal safety and crime prevention programs such as RAD (Rape Aggression Defense) and Operation ID are offered free of charge to community members. Employee/Student orientations, as well as campus-wide emails and floor/building meetings with Residence Life staff, provide educational strategies and tips on personal safety and crime prevention.

### **Alcoholic Beverages**

Massachusetts General Laws and local town by-laws regarding alcoholic beverages apply on

Merrimack College property. These laws and by-laws are enforced by MCPD and violators are subject to arrest, criminal prosecution, and/or referral to the Director of Community Standards. The possession or transporting of any alcoholic beverage by anyone under 21 years of age, as well as the procuring of any alcoholic beverages for anyone under 21, is a violation of state law. The drinking of any alcoholic beverage in any public place, regardless of age, is a violation of town by-laws. Violators of these laws, as well as violators of College alcohol regulations, are all subject to arrest and/or campus judicial sanctions.

### **Illegal Drugs**

The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are enforced by MCPD. Violators are subject to arrest, criminal prosecution, and/or campus judicial sanctions.

The College seeks to maintain a work and educational environment that is safe for our employees and students as well as conducive to work standards that support an effective work force Merrimack College prohibits employees from reporting to work while under the influence of alcohol or drugs.

Merrimack College is committed to providing a campus environment free of the abuse of alcohol and the illegal use of alcohol and other drugs.

The Drug-Free Schools and Communities Act Amendments of 1989 require Merrimack College to:

- Notify students of the standards of conduct relative to alcohol and other drugs.
- Describe applicable legal sanctions for unlawful possession, use or distribution of alcohol and illicit drugs.
- Describe the health risks associated with the use of illicit drugs and the abuse of alcohol.
- Describe available alcohol and other drug counseling, treatment, or rehabilitation programs.
- Describe sanctions the College will impose resulting from violation of the aforementioned standards of conduct.

### **Hazing**

Hazing, as defined by Chapter 269 §17-18 of Massachusetts General Law, in connection with membership or participation in College athletic teams, Greek organizations, or student organizations is strictly prohibited.

Merrimack College interprets hazing as any act whether physical, mental, emotional or psychological, which subjects another person, voluntarily or involuntarily, to anything that may abuse, mistreat, degrade, humiliate, harass or intimidate the person, or which may in any fashion compromise the inherent dignity of the person. In addition, any requirements by a member which compels another member to participate in any activity which is against College policy or state/federal law will be defined as hazing. Actions and activities which are prohibited include, but are not limited to, the following:

- Any type of initiation or other activity where there is an expectation of individuals joining a particular team to participate in behavior designed to humiliate, degrade or abuse them regardless of the person's willingness to participate.
- Forcing, requiring or pressuring an individual to consume alcohol or any other substance.
- Forcing, requiring or pressuring an individual to shave any part of the body, including hair on the head.

- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, contrary to genuine morals and/or beliefs, e.g., public profanity, indecent or lewd conduct or sexual gestures in public.
  - Required eating of anything an individual would refuse to eat otherwise.
  - Any activity or action that creates a risk to the health, safety or property of the College or any member of its community.
  - Forcing or requiring calisthenics, such as push-ups, sit-ups and runs.
  - Assigning or endorsing pranks such as stealing or harassment of another organization.
  - Awakening or disturbing individuals during normal sleeping hours.
  - Expecting or pressuring individuals to participate in an activity in which the full membership is not willing to participate.
  - Physical abuse of any kind.
  - Forcing, encouraging or pressuring someone to wear in public apparel which is conspicuous and not within the norm of what is considered to be in good taste.
  - Engaging in public stunts and buffoonery.
  - Nudity at any time or forced reading of pornographic material.
  - Paddling, beating or otherwise permitting a member to hit other members.
  - Having substances such as eggs, mud, paint and honey thrown at, poured on or otherwise applied to the body of a member.
  - Morally degrading/humiliating games or other activity that makes a member the object of amusement, ridicule or intimidation.
  - Subjecting a member to cruel and unusual psychological conditions.
- Athletes/Teams guilty of hazing will be subject to game, season, or program suspension.

### **Physical Security**

The Facilities Department maintains College buildings and grounds with a concern for safety and security. In conjunction with MCPD and Residence Life, it inspects facilities regularly and promptly makes repairs affecting safety and security, such as broken windows and locks. Security issues pertaining to campus buildings should be directed to the Police Department. Community members may place an online work request for maintenance issues by choosing the [Maintenance Request](#) tab on the main website of the College for issues that do not require immediate attention. In the event of an emergency, individuals are advised to call MCPD at the emergency number, 978-837-5911.

Academic and administrative buildings are locked each night according to class schedules, and are unlocked each morning. Campus buildings controlled by swipe are on a set schedule and are only accessed through utilization of Merrimack College's ID, "the MACK Card." The MACK Card is also used for residence hall access, as a library card, and to purchase goods and services on and off campus, much like a debit card.

MACK Cards are controlled and distributed via the MACK Card office (located on the second floor of the McQuade Library), in conjunction with the Registrar's office. Additional resources for replacement or lost MACK Cards outside business hours can be found at the IT Help Desk and MCPD.

Levels of access to academic and administrative areas are granted according to the needs of each community member, with some areas restricted to those fulfilling specific requirements. All requests for access are forwarded to MCPD for review.

Residence Halls remain locked at all times and access is restricted to residents, Residence Life staff, Facilities, and members of the Police Department. Residents have 24-hour swipe access to their own buildings, but can swipe into other halls only until 11:00 pm.

Students' guests and their vehicles must be registered online prior to arrival and are required to carry their registration documentation on their person and remain with their host student at all times. Guests or other visitors whose behavior becomes disruptive or who commit crimes lose visitor privileges and are trespassed from campus property either in hand at the time of the incident and/or subsequently via registered mail.

MCPD maintains an active 24/7/365 presence enhanced by video cameras located throughout campus. Lighting is placed in locations that encompass high activity areas.

### **Student Responsibility**

The cooperation and involvement of students is an essential component in a successful campus safety program. Students must assume responsibility for their own safety and the security of their belongings by taking certain precautions. Room doors should be locked at night and when the room is unoccupied. Valuables such as stereos, cameras, televisions, laptops and iPads should be engraved – MCPD will provide the tools without cost.

Vehicles must be parked in assigned areas and should be kept locked at all times. All students should take advantage of the safety escort service. Students should report individuals whom they feel do not belong in their residence area, or unusual incidents on campus, to the Police Department.

### **Title IX Sexual Harassment Policy and Sexual Misconduct, Relationship Violence, & Stalking Policy**<sup>2</sup>

Merrimack College is a community in the Augustinian tradition and we strive to maintain an environment that is consistent with our mission and respectful of the rights of all individuals within the College community. The College affirms that all members of this community are freely united by this agreement in the pursuit of scholarship and intellectual growth. The College and the students accept responsibility toward each other within this community.

Sexual misconduct, including sexual harassment, violates the sacredness of the human body and spirit and will not be tolerated within our community. Campus sanctions, up to and including expulsion, may result from a responsible finding determined through the Title IX Sexual Harassment Process. Sexual misconduct, including sexual harassment, is considered one of the most serious violations of the Community Standards of Merrimack College.

The Title IX Sexual Harassment Policy is based on definitions set forth in regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, which also limit the scope of Title IX to, among other things, conduct that occurs within the United States and conduct that occurs within the College's education program or activity.

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<sup>2</sup> These policies and definitions changed on August 30, 2020 in accordance with new regulations promulgated by the U.S. Department of Education.

In order to address incidents of sexual misconduct that do not fall within the definition of Title IX Sexual Harassment, the College has two policies that address sexual misconduct: (1) the [Title IX Sexual Harassment Policy](#) (“Title IX Policy”) and (2) the [Sexual Misconduct, Relationship Violence and Stalking Policy](#) (“Sexual Misconduct Policy”). These policies are interrelated and must be read together.

The Sexual Misconduct Policy applies only to certain conduct, as defined under that policy. Specifically, the Sexual Misconduct Policy applies to forms of sexual misconduct that do not fall under the scope of the Title IX Policy, including Sexual Exploitation and Non-Title IX Sexual Harassment. The Sexual Misconduct Policy also applies to certain contact that would otherwise be prohibited under the Title IX Policy (e.g., Sexual Assault, Relationship Violence, and Stalking under the Title IX Policy), but which must be dismissed under the Title IX Policy because they do not meet the jurisdictional requirements.

### **Definitions:**

#### **Rape**

Any sexual penetration (anal, oral or vaginal), however slight, with any object or sexual intercourse by a person upon another person without effective consent, by force or by threat of bodily injury. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation by mouth to genital contact or genital to mouth contact.

#### **Sexual Assault**

- Any intentional sexual touching, however slight, with any object by a person upon another person without effective consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner.
- Any disrobing of another or exposure to another by a person without effective consent.

#### **Fondling**

- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

#### **Incest**

- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

#### **Statutory Rape**

- Sexual intercourse with a person who is under the statutory age of consent.

#### **Sexual Exploitation**

- Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual

exploitation include but are not limited to: prostitution, non-consensual video or audio taping of sexual or other private activities exceeding the boundaries of consent (e.g. permitting others to hide in closets and observe sexual activity, videotaping a person using the bathroom). This shall include non-consensual dissemination of photos, video or text that occurs when a person takes abusive advantage of another to benefit or sexually exploit that person.

### **Title IX Sexual Harassment**

- Sexual harassment is any unwelcomed verbal or physical conduct of a sexual nature determined by a reasonable person to be so severe, pervasive, and objectively offense that it effectively denies an individual equal access to the College's education program or activity.
- A form of sexual harassment exists when submission to or rejection of unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or when submission is made a condition of educational or employment advancement.

### **Intimate Partner Violence**

- Intimate partner violence incorporates dating violence, domestic violence, or relationship violence, and includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual or dating relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate partner violence can encompass a broad range of behavior, including, but not limited to threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background.
- The College will not tolerate intimate partner violence of any form. The College also recognizes that certain forms of sexual harassment, sexual assault, sexual exploitation, stalking, harm to others, emotional and psychological abuse, harassing conduct, and retaliation may all be forms of intimate partner violence when committed by a person who is or has been involved in a sexual, dating, or other similar relationship of a romantic or intimate nature with the Reporting Party. In such situations, all potential charges may be included.

In Massachusetts, domestic violence is defined as abuse, assault, or threats against one or more of the following:

- A spouse or former spouse
- A dating partner or a former dating partner
- Someone you live with or have lived with
- A relative by blood or marriage
- The parent of your child
- A person with whom you have or have had a substantial relationship

Abuse is defined by actual or attempted physical abuse, psychological harm, placing another in fear of serious physical harm, causing another to engage in sexual relations by force, and/or threat of force or duress. Confidential counseling, support and referral services are available through the Hamel Health and Counseling Center. Students can also seek information and help through the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or [www.thehotline.org](http://www.thehotline.org).

### **Dating/Relationship Violence**

- Dating/Relationship Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### **Stalking**

- Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their's or others' safety, or to suffer substantial emotional distress.
  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling
- In Massachusetts, the elements of Stalking are defined as, whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury.

Any person seeking to obtain an Abuse Prevention Order (209A) or a Harassment Prevention Order (258E), who is in need of protection from an abuser, or knows of someone who has violated an Abuse Prevention Order or a Harassment Prevention Order should contact Merrimack College Police. The College also offers students the option of an internal "No Contact" order issued by Residence Life.

### **Effective Consent**

Effective consent is defined as informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in each form of sexual activity. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have demonstrated agreement between them to participate in the sexual activity. In the absence of mutually understandable words or actions, neither party should assume that it is permissible to engage in the sexual activity. Consent to some form(s) of sexual activity does not necessarily mean consent to other forms of sexual activity. Consent to sexual activity may be withdrawn at any time at which point all sexual activity for which consent has been withdrawn must cease.

Consent can NEVER be given by the following:

- Minors (in Massachusetts, those not yet sixteen (16) years of age);

- Mentally disabled persons;
- Individuals who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary);
- Individuals who are unconscious, unaware or otherwise physically helpless;
- Individuals who are forced, coerced, intimidated or threatened.

### **Options/Resource Information**

Any person involved in an incident of sexual misconduct can receive information about their options, resources, medical attention and/or personal support from any of the following professionally trained personnel on campus:

- The MCPD Sexual Assault Investigators (978-837-5911)
- Counselors at the Counseling Center
- Assistant Vice President for Compliance/Title IX Coordinator
- Residence Life Staff (Resident Directors, Area Coordinators)
- The Campus Ministers
- The Vice President of Mission & Ministry
- The Dean of Students
- The Associate Dean of Students
- The Assistant Dean of Students
- The Director of Community Standards

### **Confidentiality & College Reporting Requirements**

Each member of the Merrimack College community may have different reporting requirements and different abilities to maintain victim confidentiality depending on their roles at the College. When considering campus resources, victims should be aware of confidentiality and reporting requirements in order to make informed choices. Some resources on campus may maintain confidentiality, while others are obligated by law to report crimes/violations and take appropriate action through criminal and/or Student Conduct proceedings. The College does not include names or other identifying information of victims of alleged sexual violence in any publicly available report, documents or otherwise, including any publicly available police reports, logs or safety notices.

### **Reporting to MCPD**

Alleged violations of the Title IX Policy and Sexual Misconduct Policy can be reported to the MCPD. MCPD has several officers trained in performing sexual assault investigations, one of whom will assist the victim in obtaining medical care and counseling whenever necessary and will conduct a preliminary investigation and gather physical evidence. Any investigation will be conducted by an officer trained and certified by the Massachusetts Criminal Justice Training Council in sexual assault investigation, who will explain to the victim their rights and options, and discuss the results of the investigation with the victim and determine the next course of action. Above all, the victim is treated with respect and consideration. Reports of suspected violations of the Title IX Policy and Sexual Misconduct Policy will be reported to the Title IX Coordinator.

### **Confidential Reporting**

If a victim wishes to keep the details of the incident confidential, they should speak with on-campus licensed counselors or health providers at the Hamel Health Center and the Counseling Center. Please note that this confidentiality is limited by the role and/or licensure of the individual. They may also

speak to an off-campus crisis center and/or a minister or priest in a confidential setting.

### **Non-Confidential Reporting Options**

Victims are encouraged to speak to College officials who can help them make formal reports and generate investigations of incidents, including the Dean of Students, Associate Dean of Students, Assistant Dean of Students, Office of Community Standards, Residence Life and Merrimack College Police Department. Formal reports made to the College will be investigated and pursued through the Student Conduct process. Formal reports are not strictly confidential; however, only College officials who need details of the incident in order to pursue the Student Conduct process will be notified.

### **Federal Statistical Reporting Obligations**

For the purposes of federal statistical reporting obligations, other than the licensed counselors at the Counseling Center (unless there is an imminent danger to self or others, or as otherwise required by law (e.g. mandatory reporting sexual violence against minors)), all employees made aware of an alleged incident are required by federal law to notify the College, which will lead to a personally unidentifiable statistical report to the MCPD. The only information that will be released is that an incident was reported, the type of incident and the general location of the incident (i.e. on or off campus; no address will be given). MCPD officers are required to submit an unidentifiable report that a sexual assault or rape incident has occurred to the Title IX Coordinator. Statistics given to the MCPD can be found in the Annual Campus Security Report. Mandated federal reporters include: student affairs/student conduct officers, campus law enforcement, local police, coaches, athletic 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.

### **Mandated Reporters**

Merrimack College requires that employees that are considered Campus Security Authorities report within 24 hours to the Merrimack College Police Department, allegations of Clery Act crimes of which they are made aware by utilizing the online [Campus Security Authority Reporter Form](#). The College provides yearly training to mandated federal reporters and Campus Security Authorities regarding their reporting obligations.

### **On-Campus Complaint Resolution (Not confidential)**

The College's processes for adjudicating complaints of alleged sexual misconduct are described in the [Title IX Sexual Harassment Policy](#) and the [Sexual Misconduct, Relationship Violence and Stalking Policy](#).

### **Off-Campus Resolution (Not confidential)**

The victim has the right to pursue additional legal options through the court system either separately or in conjunction with a College student conduct complaint. Assistance in filing criminal charges or obtaining a Restraining/Harassment Order against an alleged assailant can be obtained through the following resources:

- MCPD
- The police department in the town where the incident occurred

- The Rape Crisis Hot Line (1-800-542-5212)
- YWCA of Greater Lawrence Crisis Services (877-509-9922)

### **The Rights of the College to Investigate**

Merrimack College recognizes that in most cases, a student reporting an incident of sexual misconduct may determine the course of action to be pursued. Sometimes individuals report to a non-confidential party, but their desire is to remain confidential. In such scenario, the College endeavors to honor this request, provided that such confidentiality does not affect the safety of the individual and/or others in the greater community, or otherwise hinder the College's need to investigate. Ultimately, the College reserves the right to initiate a complaint, to serve as a complainant, and to initiate conduct proceedings without a formal complaint by the victim.

### **Independence of Criminal Proceedings**

The College's right to impose disciplinary sanctions is independent of any other court actions the victim may pursue.

### **Timing of Complaint**

Any member of the College community may file a complaint at any time for violations of the Title IX Policy and Sexual Misconduct Policy. There is no statute of limitations for complaints, but potential complainants are reminded that the College's ability to effectively investigate complaints can be impaired over time.

### **Attempted Violations**

In most circumstances, the College will treat attempts to commit any of the violations listed in the Title IX Policy and Sexual Misconduct Policy as if those attempts had been completed.

### **False Reports**

It is a violation to make an intentionally false report, including sexual misconduct, and false reports may also violate state criminal statutes and/or defamation laws.

### **Retaliation**

Retaliation against a person for filing a complaint, or against witnesses for providing a statement during an investigation, is prohibited and is a violation of Merrimack's Community Standards, and other Merrimack College policies. Any Merrimack College community member found responsible for retaliation will be subject to sanctions.

If the College concludes that any member of the College community has engaged in retaliation, including, but not limited to, intimidating, threatening, or taking adverse actions against someone for bringing forward a complaint of discrimination or harassment, or attempting such actions, that individual will be subject to disciplinary action. If the College concludes that a member of the College community has retaliated against someone for making a report of discrimination or harassment or for participating in the College's investigation of such a report, that person may be subject to discipline by the College regardless of whether the College concludes that the reported discrimination or harassment occurred.

### **What to do if you are Sexually Assaulted or involved in an Alleged Sexual Assault**

Merrimack College recognizes the seriousness and complexity of a victim's response to the trauma of

sexual assault. Merrimack's primary concern is the wellbeing of the victim, the safety of the community, and ensuring all parties involved have equal access to their education. As such, Merrimack's services and Title IX procedures are designed to provide respectful, complete, timely support to all individuals involved. It is essential that the parties understand all of the available options and are encouraged to obtain assistance.

### **Where You Can Go for Help**

- Assistant Vice President for Compliance/Title IX Coordinator (978-837-5426)  
Any student, faculty or staff member who wishes to understand their options if they think they may have encountered sex discrimination or sexual misconduct may contact the Title IX Coordinator.
- Merrimack College Police (978-837-5911) open 24 hours a day.  
The Police Department has police officers specifically trained to work with the victims of sexual assault. MCPD officers can provide accurate information on the victim's options, contact a Sexual Assault Advocate or other support person the victim chooses, arrange for medical treatment and provide transportation for medical services. A MCPD officer is required to notify the Title IX Coordinator that a sexual assault has been reported and to document the incident.

Before a student reveals information that he or she wishes to keep confidential, officers will ensure that the reporting student understands the officer's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident to the Title IX Coordinator. If a student requests confidentiality, the Title IX Coordinator or other designee will evaluate the request while taking in to consideration the school's responsibility to provide a safe and nondiscriminatory environment for all students.

- Local Town Police (for sexual assaults that occur off-campus; 24 hours a day)  
The police will interview the victim and attempt to apprehend the alleged assailant if the victim chooses to press charges. MCPD will also take any complaint from a student for an off-campus sexual assault. Local police will also transport a victim to the closest hospital equipped to handle sexual assault cases.
  - North Andover Police Department, 566 Main Street, North Andover, MA (978-686-1212)
  - Andover Police Department, 32 North Main Street #2, Andover MA (978-475-1212)
- The Hamel Health Center (978-837-5441 and the Counseling Center 978-837-5444); Monday - Friday 8:30am-5:00pm.)  
Counselors, specifically trained to handle sexual assault situations, are available on an emergency basis 24 hours a day. They can be contacted through the MCPD off hours. The staff of the Hamel Health Center and the Counseling Center is the only resource on campus that can offer confidentiality within the law, unless there is an imminent danger to self or others, or as otherwise required by law (e.g. mandatory reporting sexual violence against minors). The staff includes licensed clinical social workers, nurse practitioners, a physician assistant, and a physician. The use of this staff assures personal support, accurate information about the individual's options, and coordination of any services the individual chooses such as medical care or academic or residential changes.

- Vice President of Student Affairs/Dean of Students (978-837-5175; Mon-Fri 8:30-am-4:30pm)  
The Vice President of Student Affairs/Dean of Students can provide accurate information on an individual's options, arrange for any contacts or care, facilitate any changes in residency or academic scheduling and offer assistance if the victim chooses to file a complaint within the College's student conduct system. The Dean of Students shall notify the Title IX Coordinator that a sexual assault has been reported.
- Residence Life (978-837-5507) or residence building extensions; Mon-Fri 8:30am-4:30pm; on call 24 hours a day via Police Dispatch. The Residence Life staff has been trained to assist and support individuals involved in allegations of sexual assault. They can provide accurate information on the individual's options, contact a Sexual Assault Advocate or any support person needed, contact the hospital and arrange transportation with the Police Department, and arrange for someone to accompany the victim as needed. After arranging for care of the individual, a Resident Assistant shall notify the Resident Director. The survivor's identity is only disclosed to those people necessary to conduct an investigation, unless required by law (for example, the college is obligated to report the sexual abuse of a minor).
- Lawrence General Hospital (1 General Street, Lawrence, MA; 978-683-4000, ext. 2500; open 24 hours a day)  
Designated SANE (Sexual Assault Nurse Examiner) nurses have been specially trained to handle sexual assault situations. By asking at the emergency room reception desk to speak with a SANE nurse privately, the hospital will assure privacy and proper medical care. The hospital will gather evidence that may be needed should the victim decide to institute criminal proceedings. The hospital is required to report a sexual assault or rape incident to the police department of the town where the incident occurred. The name of the victim and alleged assailant are withheld unless the victim specifically authorizes the release of this information, or otherwise required by law.
- Campus Ministry (978-837-5450; Mon-Fri 8:30am-4:30pm)  
Campus Ministers are available for personal support. They can provide accurate information on the individual's options; contact a Sexual Assault Advocate or any support person needed, and help the victims and alleged assailants decide which course of action to pursue.
- YWCA of Greater Lawrence (38 Lawrence Street, Lawrence MA 01842; 1-877-509-9922; 24 hours a day)  
An off-campus agency specializing in caring for the needs of victims of sexual assault. Services include a 24-hour emergency hot line, individual and group counseling and Sexual Assault Advocates who can provide accurate information about the victim's options, accompany the victim for medical and/or legal services and provide ongoing support.
- Boston Area Rape Crisis Center (BARCC) (99 Bishop Allen Drive, Cambridge, MA 02139; 617-492-8306), an off-campus agency specializing in caring for the needs of victims of sexual assault.

### **The Rights of the Victim and Alleged Assailant**

The College recognizes the parties' need to maintain privacy and control of their lives. At all times the

names of the victim and alleged assailant, as well as any details of the incident, remain private unless the victim authorizes the release of their personal information, and unless there is an imminent danger to self or others, or as otherwise required by law (e.g. mandatory reporting sexual violence against minors). However, even if the victim so authorized, the assailant might still be protected by the Family Educational Rights and Privacy Act (“FERPA”).

Merrimack’s policies encourage the victim to obtain the appropriate services helpful to their recovery. The College will also consider and offer to take interim measures that may include, but are not limited to no-contact orders, requests for academic adjustments, changes to living, dining, transportation, working, statutorily provided leave to employees pursuant to M.G.L. c.49 §52D, and other actions to address situations on an interim basis. Such interim measures are made available to both the victim and alleged assailant.

### **Options to Prosecute**

If the victim chooses to file a complaint within the Merrimack College Judicial System, the procedure is facilitated by the Director of Community Standards. The rights of both the victim and the accused are protected under the existing Merrimack College Student Conduct System.

The College’s right to impose disciplinary sanctions is independent of any other court actions the victim may pursue. If it is determined through the student conduct proceedings that Merrimack College’s Student Code of Conduct has been violated, the College will consider sanctions against the assailant up to and including, loss of privileges, loss of leadership opportunities, required counseling, suspension or expulsion from the institution. A comprehensive list of possible sanctions can be found in the [Student Handbook](#).

The victim has the right to pursue additional legal options through the court system either separately or in conjunction with a College student conduct complaint. Assistance in filing criminal charges or obtaining a restraining order against an alleged assailant can be obtained through the MCPD, the Sexual Assault Advocates at the Hamel Health Center, the police department in the town where the incident occurred, or the Rape Crisis Hot Line (1-800-542-5212). Information on the entire investigatory and complaint resolution process can be found in the [Student Handbook](#).

### **The Rights of the College**

Where danger to the College community exists, the College reserves the right to take action to safeguard the community while protecting the victim’s privacy to the greatest extent possible. Those determining danger will be the Title IX Coordinator, the Dean of Students, the Chief of Police, and other members of the College Administration.

## **CAMPUS SEX CRIMES PREVENTION ACT**

The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide, to appropriate state officials, notice of each institution of higher education in that state at which the offender is employed, carries on a vocation, or is a student. The Massachusetts Sex Offender Registry Board is then required to notify such college/university that a registered sex is enrolled or working at

their institution.

### **How to Inquire**

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

- Andover Police Department, 32 North Main Street, Andover, MA 01810 (978-475-1212)
- North Andover Police Department, 566 North Main Street, No. Andover, MA 01845 (978-683-3168).

### **Improper Use of Sex Offender Registry Information**

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

## **TITLE IX REQUIREMENTS**

Title IX of the Education Amendments of 1972 protects people from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. Merrimack College is committed to providing an environment free from discrimination on the basis of sex. Merrimack provides many resources to students, faculty and staff to address concerns relating to discrimination on the basis of sex, which includes sexual misconduct.

The Title IX Coordinator oversees and provides leadership for the activities of the Title IX deputies, and the administrators who carry out investigations, compliance-related responsibilities and reporting. She also leads the College's efforts in relation to campus climate and gender, and oversees education and training campus-wide on sex discrimination and sexual misconduct.

Merrimack College has appointed deputies to investigate and resolve complaints and address issues of both discrimination and sexual misconduct within the College. All such deputies meet with the Title IX Coordinator on a regular basis to coordinate efforts. Their responsibilities include:

- Track and monitor incidents, including sex discrimination and sexual misconduct;
- Frame an efficient and effective College response to each complaint;
- Where appropriate, conduct investigations of particular situations; and
- Provide leadership as it relates to programming and training in these areas.

Deputies are knowledgeable about, and will provide information on all options for complaint resolution. Together, with the Title IX Coordinator, the deputies play an integral role in carrying out the College's commitment to provide a positive learning, teaching and working environment for the entire community.

The **Title IX Deputies** are as follows:

- Chief of Police
- Vice President of Student Affairs/Dean of Students

Any student, faculty or staff member, or applicant for admission or education who has concerns about sex discrimination or sexual misconduct is encouraged to seek the assistance of the Title IX Coordinator or Title IX Deputies. Further information on Title IX may be found at the following link: <https://www.merrimack.edu/maven/>

**Confidentiality**

Conversations with the Title IX Coordinator and deputies are kept as private as possible, but information about incidents of sexual misconduct must be shared with relevant administrators if the College needs to take action for reasons of community safety. In all cases, the wishes of the person initiating the conversation are given full consideration.

In accordance with the Crime Awareness and Campus Security Act of 1990, Merrimack College furnishes current students and employees, as well as those applicants for enrollment or employment who so request, an annual report of campus security policies and crime statistics. (Crime statistics for all colleges and universities may be obtained on the internet at [www.ope.ed.gov/security](http://www.ope.ed.gov/security) for the most recent three-year period ending December 31, 2019).

## CRIME STATISTICS

The *Clery Act* is a federal law that requires colleges and universities to disclose annual statistics on campus crime. Each year the College compiles crime statistics for the past three calendar years. For each year, the statistics reflect the number of reported incidents of certain crimes as defined by the *Clery Act* that occurred within Merrimack College's geographical boundaries. Statistics include crimes reported directly to the MCPD, to local law enforcement agencies, and to Campus Security Authorities (CSA).

OFFENSE	ON CAMPUS			RESIDENTIAL			NON-CAMPUS			PUBLIC		
	17	18	19	17	18	19	17	18	19	17	18	19
<b>Murder &amp; Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Rape</b>	8	11	5	7	11	5	0	1	0	0	0	0
<b>Fondling</b>	6	8	6	5	5	4	0	0	0	0	1	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	2	1	0	2	1	0	0	0	0	0	0	0
<b>Burglary</b>	6	11	2	6	8	2	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0	0	0	1
<b>Arson</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor Law Arrests</b>	2	0	0	1	0	0	0	0	0	0	0	0
<b>Liquor Law referrals</b>	564	528	329	544	465	291	0	0	0	0	0	0
<b>Drug Law Arrests</b>	1	1	0	0	1	0	0	0	0	0	0	0
<b>Drug Law Referrals</b>	1	1	0	1	1	0	0	0	0	0	0	0
<b>Weapons Law Arrests</b>	3	0	1	1	0	1	0	0	0	0	0	0
<b>Weapons Law Referrals</b>	2	0	2	2	0	2	0	0	0	0	0	0
<b>Hate Crimes</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	0	4	4	0	2	2	0	1	0	0	1	0
<b>Domestic Violence</b>	2	0	0	2	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	5	5	2	4	4	2	0	1	0	0	0	0
<b>Unfounded Crimes</b>	2	0	0	0	0	0	0	0	0	0	0	0

- *Arrest category also includes persons who were not arrested but summonsed to court, even if the person participated in a first-time offender diversion program that resulted in no formal criminal process (no arraignment).*
- *Violations of law that were referred to the College's student conduct system without any criminal prosecution.*
- *All crimes occurring on Public Property include those statistics gathered from Royal Crest apartments in North Andover, MA from which the College rents property to house students.*
- *Residential statistics are a subset of On-Campus statistics (numbers are also counted in the On-Campus column).*

## FIRE SAFETY REPORT

MCPD maintains a public log that includes reports of incidents on campus and reported fires and fire alarms in College residences, academic and athletic areas. It is available in the lobby area of the campus police station.

The Student Handbook provides the following information pertaining to items not permitted in Residence Halls:

- Microwaves and cooking appliances (like but not limited to George Foreman Grills) with exposed heating elements such as hot plates, toaster ovens, coffee pots without automatic shut-off, and coil hot water heaters are not permitted in residence halls. A Micro-Fridge is the only way to have a microwave in your room. Microwaves are allowed in the apartments.
- Candles (even for decoration and unlit), incense, potpourri burners, candle warmers, halogen lamps, and neon signs are prohibited in all student residences. In addition, tiki torches are prohibited both within student residences as well as outside of the residential spaces.
- Coffee pots and irons with automatic shut-off are permitted. Halogen lamps, black lights, space heaters, and air conditioners are prohibited in all residential areas.
- Hookahs are prohibited in all residence areas regardless of reason.
- Flammable liquids such as turpentine, paint, gasoline, propane, kerosene, and/or ether may not be stored in a residential building. This includes motorcycles, mopeds, or any machine or equipment that uses combustible fuel.
- All forms of pyrotechnics (fireworks) are illegal in Massachusetts. Possession or detonation of fireworks is prohibited and will lead to disciplinary action that may include removal from housing, suspension, expulsion, a fine, and applicable repair charges.
- Students living in the residence halls, townhouses and apartments are prohibited from having any BBQ grills (gas or charcoal) on campus. Students should use the installed outdoor grills located throughout the residential areas. BBQ materials like charcoal and lighter fluid cannot be stored inside the living area or stairwell.

### Fire Alarms & Drills

Fire drills in each residential area are scheduled regularly (twice a year in the Fall and Spring semesters) and are conducted by the Police Department in accordance with state and local fire codes. Fire drills are intended to orient the residents of the building with fire evacuation procedures and emergency exit locations.

During fire drills or alarms, the Police Department is authorized to check all rooms for proper building evacuation. Individuals who fail to evacuate are subject to College disciplinary action and fines. Re-entry is not permitted until clearance has been given by the fire department and the Police Department.

### Fire Safety Education

Resident Assistants are trained annually by local fire departments and MCPD in the proper procedure for evacuation and exit of buildings. In turn, Resident Assistants conduct fire safety education for students in their buildings each year as part of their service to the resident community.

The College is also in the process of implementing education and training programs for staff and faculty under the auspices of Critical Incident Management and Emergency Response Procedures.

### FIRE ALARM SYSTEMS AND DRILLS

Location	Fire Alarms Monitored by Police Department	Buildings has Full Sprinkler System	Evacuation Plan Posted	Building Has Fire Alarm System Smoke Detectors	Number of Evacuation Drills conducted each Academic Year
St. Ann	Yes	Yes	Yes	Yes	2
St. Thomas	Yes	Yes	Yes	Yes	2
Monican Centre	Yes	Yes	Yes	Yes	2
O'Brien	Yes	Yes	Yes	Yes	2
Townhouse 1	Yes	Yes	Yes	Yes	2
Townhouse 2	Yes	Yes	Yes	Yes	2
Ash Centre	Yes	Yes	No	Yes	2
Deegan East	Yes	Yes	No	Yes	2
Deegan West	Yes	Yes	Yes	Yes	2
South Residence 1	Yes	Yes	No	Yes	2
South Residence 2	Yes	Yes	No	Yes	2
South Residence 3	Yes	Yes	No	Yes	2
South Residence 4	Yes	Yes	No	Yes	2
South Residence 5	Yes	Yes	No	Yes	2
North Residence 6	Yes	Yes	No	Yes	2
North Residence 7	Yes	Yes	No	Yes	2

## FIRE SAFETY SYSTEMS IN RESIDENTIAL FACILITIES

<b>Location</b>	<b>Fire Panel Type</b>	<b>Protective Devices</b>	<b>Sprinkler System</b>	<b>Areas covered</b>	<b>Head Temperature Setting in F</b>
<b>St. Ann</b>	Simplex 4005 Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building	165/186
<b>St. Thomas</b>	Simplex 2001 Panel	Smokes, Heats, Pull Stations	Dry System	Entire Building	165/186
<b>Monican Centre</b>	Simplex 4100u Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building	165/186
<b>O'Brien</b>	Simplex 1040 Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building/Dry in Attic	165/186
<b>Townhouse 1</b>	Simplex 4005 Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building	165/186
<b>Townhouse 2</b>	Simplex 4005 Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building	165/186
<b>Ash Centre</b>	Simplex 4100u Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building/Dry in Basement Storage North Wing	165/186
<b>Deegan East</b>	Simplex 4020 Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building/Dry in Attic	165/186
<b>Deegan West</b>	Simplex 4020 Panel	Smokes, Heats, Pull Stations	Wet System	Entire Building/Dry in Attic	165/186
<b>South Residence 1</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186
<b>South Residence 2</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186
<b>South Residence 3</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186
<b>South Residence 4</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186
<b>South Residence 5</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186
<b>North Residence 6</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186
<b>North Residence 7</b>	Simplex 4010 Panel	Smokes, Heats, Pull Stations	Wet and Dry System	Entire Building	165/186

**RESIDENTIAL FACILITY FIRE LOG 2017**

<b>FIRES</b>	<b>2017</b>					
<b>Name of Facility</b>	<b>Fires</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>	<b>Category</b>	<b>Cause</b>
Deegan West	0	0	0	0		
Deegan East	0	0	0	0		
Ash Center	0	0	0	0		
O'Brien	0	0	0	0		
Monican	0	0	0	0		
St Ann Apartments	0	0	0	0		
St Thomas Apartments	0	0	0	0		
Townhouse 1	0	0	0	0		
Townhouse 2	0	0	0	0		
South Residence 1	0	0	0	0		
South Residence 2	0	0	0	0		
South Residence 3	0	0	0	0		
South Residence 4	0	0	0	0		
South Residence 5	0	0	0	0		
North Residence 6	0	0	0	0		
North Residence 7	0	0	0	0		
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		

**RESIDENTIAL FACILITY FIRE LOG 2018**

<b>FIRES</b>	<b>2018</b>					
<b>Name of Facility</b>	<b>Fires</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>	<b>Category</b>	<b>Cause</b>
Deegan West	0	0	0			
Deegan East	0	0	0			
Ash Center	0	0	0			
O'Brien	0	0	0			
Monican	0	0	0			
St Ann Apartments	1	0	0	\$250	Unintentional	Cooking
St Thomas Apartments	0	0	0			
Townhouse 1	0	0	0			
Townhouse 2	0	0	0			
South Residence 1	0	0	0			
South Residence 2	0	0	0			
South Residence 3	0	0	0			
South Residence 4	0	0	0			
South Residence 5	0	0	0			
North Residence 6	0	0	0			
North Residence 7	0	0	0			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$250</b>		

### RESIDENTIAL FACILITY FIRE LOG 2019

<b>FIRES</b>	<b>2019</b>					
<b>Name of Facility</b>	<b>Fires</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Damage</b>	<b>Category</b>	<b>Cause</b>
Deegan West	0	0	0			
Deegan East	0	0	0			
Ash Center	0	0	0			
O'Brien	0	0	0			
Monican	0	0	0			
St Ann Apartments	0	0	0			
St Thomas Apartments	0	0	0			
Townhouse 1	0	0	0			
Townhouse 2	0	0	0			
South Residence 1	0	0	0			
South Residence 2	0	0	0			
South Residence 3	0	0	0			
South Residence 4	0	0	0			
South Residence 5	0	0	0			
North Residence 6	0	0	0			
North Residence 7	0	0	0			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>			