



Nichols College

Learn. Lead. Succeed.

2023 Annual Security and Fire Safety Report



Nichols College

121 Center Road, Dudley, MA 01571

For electronic versions of this report visit:

<https://www.nichols.edu/student-life/policies>

<https://www.nichols.edu/student-life/safety>

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Introduction

This Annual Security and Fire Safety Report is prepared and distributed by the Office of Community Standards in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*; also amendments to the *Violence Against Women Act*. The law, aka The Clery Act requires educational institutions participating in student financial aid programs under Title IV of the Higher Education Act of 1965 to disclose college crime statistics by October 1st of each year via the [Annual Security and Fire Safety Report](#). This report contains crime, arrest, and referral statistics for calendar years 2020, 2021, and 2022 that occurred on-campus, in on-campus student housing facilities, and on public property within or immediately adjacent to and accessible from campus. Also included in this report are institutional policies and practices intended to promote crime awareness, campus safety, and security. Additionally, this report provides statistics for fires reported in on-campus student housing facilities.

By October 1, 2023, all current student and employees receive email notification providing the link to this report and notification that the current addition of the Annual Security Report has been posted on the Nichols College website. Prospective employees may access this report online or obtain a copy from Human Resources located on the third floor in Conrad Hall. All individuals including prospective students and parents may access the report online at <http://go.nichols.edu/policies> or <https://www.nichols.edu/student-life/safety>. Hard copies can be obtained from the Office of Community Standards located in the Student Life Suite on the third floor of the Fels Student Center, by calling 508-213-2027, by emailing Community.Standards@nichols.edu, or at the Public Safety Office located in the lower level of Auditorium Building.

Preparation and Sources for this Report

The preparation of crime statistics on an annual basis involves collaborative data sharing between the Office of Community Standards, the Nichols College Department of Public Safety, and the Dudley Police Department. Campus crime, fire, arrest, and referral statistics include reports made directly to the Department of Public Safety including those made to designated Campus Security Authorities (CSA) as defined under the Clery Act¹.

The Office of Community Standards obtains annual statistical data from the Dudley Police Department for incidents of crimes that occur on public property within the campus or immediately adjacent to, and accessible from the campus. Further collaboration with the Title IX Coordinator, Student Involvement, the Office of Residence Life, the Department of Public Safety, and the Office of Community Standards is utilized for updated information on educational programs and prevention in compliance with recent regulations.

¹ Campus Security Authorities page 8

Important Resources

Public Safety

Outside Line.....	508-213-2298
On Campus Line.....	2298

*All On-campus Emergencies should be directed to Public Safety

Local Law Enforcement

Dudley Police Department.....	508-949-8019 or 508-943-4411
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Health

Health Services.....	508-213-2238
On Campus Line.....	2238
Counseling Services.....	508-213-2108 or 508-213-2338
On Campus Line.....	2108 or 2338

Student Life

Main Office.....	508-213-2480
On Campus Line.....	2480
Community Standards.....	508-213-2027
On Campus Line.....	2027
Residence Life.....	508-213-2480
On Campus Line.....	2480
Title IX Coordinator.....	508-213-2027
On Campus Line.....	2027

Crime Reporting

Nichols College is committed to providing crime reporting options and resources for all Campus Community members and visitors. Crime victims are strongly encouraged to report crimes, however, Nichols College recognizes that a crime victim has the right to choose whether or not to report a crime. Below are some available crime reporting options.

Contacting the Department of Public Safety

Students, faculty, staff, and visitors are encouraged to accurately and promptly report all crime and other emergencies or suspicious activity concerns to the Department of Public Safety.

Contacting the Department of Public Safety can be accomplished using the following methods:

Dial 2298 (on-campus lines)	Campus extension phones are situated at various locations at the main entrances to the residence halls. All Administrative Offices can reach Public Safety by dialing 2298
Dial 508-213-2298	Dial from any cell phone or off-campus line
Blue Phones	Emergency call phones provide immediate and direct access to a Public Safety Officer and are strategically placed at various locations on the Campus grounds
Dial 508-213-2436	Dial from any cell phone or off-campus line to reach the private help line. Leave a message to receive a prompt call back for assistance.
Visit the Office of Public Safety	Located in Daniels Auditorium lower level around the outside left of the building.
Email directly to publicsafety@nichols.edu	Email <u>non-emergency</u> information directly to the Department of Public Safety.

To reach the Dudley Police Department, call 508-943-4411 or dial 911.

Anonymous Reporting

To report a crime anonymously Nichols College allows anyone to leave specific information about an incident while ensuring their privacy. No personal identification information is required. Cases reported anonymously are evaluated for inclusion in the annual crime statistics.

Community members can submit an anonymous report through the following means:

Department of Public Safety	508-213-2298 Email: publicsafety@nichols.edu
Office of Community Standards	508-213-2027 Email: community.standards@nichols.edu
Office of Residence Life	508-213-2480 Email: reslife@nichols.edu
Bison Report	https://hub.nichols.edu/departments/community-standards to submit a non-emergency online incident report form
Sexual Misconduct and Title IX Incident Reporting Form	https://www.nichols.edu/student-life/policies to report an anonymous report of sexual misconduct, discrimination, harassment, or retaliation

Confidential Reporting

Victims of a crime, who may not want to pursue action within the college system or the criminal justice system, are encouraged to consider making a confidential report. The Dean of Students can file a report on the details of an incident without revealing a victim’s identity. A confidential report is utilized to comply with a request for confidentiality, while taking steps to ensure the safety of the Campus Community. This information is used by the College to keep an accurate record of the number of incidents involving students, determine if and where there is a pattern of crime, location, method, or perpetrator, and alert the Campus Community to any potential danger. Reports filed in this manner are counted and disclosed in the annual crimes and statistics for the College. These reports may be made to any Campus Security Authority, Dean of Students, Assistant Dean of Student Life, Community Standards, or any Residence Life Staff Member.

Campus Security Authorities

Individuals on campus may also report crimes to a designated Campus Security Authority (CSA). The Clery Act regulations define a Campus Security Authority as:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An

official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

In addition to input from Public Safety personnel, certain faculty and staff positions are designated as Campus Security Authorities (CSA) for the purpose of providing information for this report.

The individuals filling the following positions have been designated as **Campus Security Authorities**:

Dean of Students
Assistant Dean of Student Life
Director of Residence Life
Assistant Directors
Director of Community Standards
Director of Center for Diversity, Equity, and Inclusion
Student Affairs Operations Coordinator
Public Safety Officers
Area Coordinators
Resident Assistants
Center for Student Involvement Personnel
Extra-Curricular Club Advisors
Intramural Team Coaches
Athletic Director
Assistant Athletic Director
Athletic Team Coaches
Athletic Team Assistant Coaches
Title IX Coordinator
Deputy Title IX Coordinators

All CSAs should encourage any person who reports a crime or other incident involving campus security to notify the Nichols College Department of Public Safety immediately. Any CSA who receives a report of an incident involving crime or campus security except for violations listed in the Nichols College Title IX Policy and/or the Nichols College Sexual Misconduct Policy **must** contact the Nichols College Department of Public Safety immediately and inform the department of the incident consistent with the confidentiality considerations discussed below. The Department of Public Safety is responsible for the review and collection of crime reports provided by CSAs and are included in the yearly statistics. Reports of violations of the Nichols College Title IX Policy and/or Nichols College Sexual Misconduct Policy **must** be directed to the Title IX Coordinator. The Title IX Coordinator is responsible for reviewing the information provided by CSAs for inclusion in the yearly statistics.

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments of 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus professional and pastoral counselors, when acting as such, are not considered campus security authorities. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics².

² See Sources for this report page 5

The two are defined below:

1. Pastoral Counselor: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.
2. Professional Counselor: An employee of an institution, whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of their license or certification.

Confidentiality Considerations

A CSA is not required to disclose to the Department of Public Safety confidential information concerning an incident, such as information that would identify a victim of a crime who wishes their identity to remain confidential. However, CSAs are required to inform the Department of Public Safety of the existence of all known incidents, including confidential incidents. These incidents will be recorded as statistics by the department and, where appropriate, included in the College's Annual Security Report. In cases of violations of the Nichols College Title IX Policy and/or Sexual Misconduct Policy, Public Safety will be notified by the Title IX Coordinator.

If a reporting party does not consent to the disclosure of their identity to the Department of Public Safety, CSAs are expected to inform the department of the reporting party's wish for confidentiality and to report the incident to the Nichols College Department of Public Safety for statistical purpose only. CSAs must report an incident to the department without disclosing identifying information concerning the reporting party unless the reporting party consents to disclosure of their identity.

The College urges all community members to report any criminal incident to the Department of Public Safety. In the event an individual chooses not to report a crime, the College urges the person to at least disclose the occurrence of the incident to a Campus Security Authority so it may be counted, as appropriate, in the College's annual Clery Report.

Daily Crime Logs

The Jean Clery Disclosure Act requires that the Department of Public Safety produce a daily crime log that is available to the public. The purpose of this log is to provide information of criminal and alleged criminal incidents occurring on campus which may be relevant to the safety of all Nichols College Community members. It summarizes each reported criminal incident, and includes, when available, the nature of the crime reported, the date and time the crime occurred, the location of the crime, and the disposition of the complaint, if known. The Office of Community Standards provides the Department of Public Safety with pertinent information that is reported by Residence Life and other Campus Departments to be included in the Daily Crime Log.

The Department of Public Safety notifies all members of the Nichols College Community of the purpose of the Daily Crime Log, information that is included, and how to view the log. The Daily Crime Log archives are maintained at the Public Safety Office and are open to inspections free of charge during normal business hours Monday thru Friday between 8:00AM and 4:00PM. The Public Safety Office is located in the Lower Level in Daniels Auditorium. The most recent 90 days of the Daily Crime Log are available for inspection at any time.

Law Enforcement and Security Units

The Department of Public Safety

The Department of Public Safety consists of Public Safety Officers, supervised by the Director of Public Safety. The mission of the Nichols College Department of Public Safety is to enhance the quality of life for the entire Nichols College Community by maintaining a secure and open environment where the safety of all is balanced with the rights of the individual. The Department of Public Safety strives to accomplish this mission while adhering to its core values of Integrity, Professionalism and Service. The success of this mission depends upon an effective working relationship among Campus Safety Personnel and the diverse elements of the Nichols College Community, including students, staff, faculty and visitors. Preserving the safety and security of Nichols College is the combined responsibility of the entire College Community.

Actions/Responsibilities

The Department of Public Safety is located in the Lower Level of Daniels Auditorium. Public Safety Officers are on duty 24 hours a day, 365 days a year. Official Business hours of the Department are Monday-Friday 8:00am-4:00pm. Public Safety Officers respond to complaints of disturbances, crimes, suspicious persons, motor vehicle related violations/issues, lock-outs, and to any emergency or request for assistance. Officers patrol all buildings during all hours of operation, as well as during non-operational periods. All officers are equipped with two-way radio communications to stay in constant contact with the Public Safety Dispatch and the Dudley Public Safety Dispatch Center. Officers note security related problems such as broken windows and malfunctioning lights and locks. Nichols College Public Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the College. Public Safety Officers do not possess arrest powers. However, they do have the authority to address student behavior in relation to Local, State, and Federal Laws and in terms of the Student Code of Conduct. Criminal incidents are referred to the Dudley Police Department who have jurisdiction on the Campus. The Nichols College Department of Public Safety maintains a highly professional working relationship with the Dudley Police Department. All crime victims and witnesses are strongly urged to immediately report any crime to Public Safety and/or the Dudley Police Department. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics. In order to report a crime or other emergency, public safety personnel can be reached at any time via campus telephone at extension 2298 or from any phone at (508) 213-2298. The Department of Public Safety management and uniformed services are available for assistance in any way possible and provide the campus with the protection of life and property in the performance of their duties.

Public Safety Training

Nichols Public Safety Officers receive updated training on all aspects pertaining to their jobs. All staff members are trained in emergency medical response procedures. All officers are CPR/AED certified. Some members are Emergency Medical Technicians. Officers are trained to mitigate situations and to foster an environment which is conducive for achieving one's educational goals through mutual respect. Public Safety personnel undergo in-service training during semester breaks that cover topics including but not limited to suicide prevention, dealing with persons in crisis, fire prevention/suppression and evacuation, domestic abuse, dating violence, stalking, date rape, alcohol, and drugs.

Dudley Police Department

Nichols College falls under the jurisdiction of the Dudley Police Department. The Nichols Department of Public Safety maintains an excellent working relationship with the Dudley Police Department. Public Safety efforts will be supported by a “Community Policing” effort and work in conjunction with the Dudley Police whenever necessary. Students may contact either or both departments if they wish to report a crime. Public Safety will notify the Dudley Police Department if there is an immediate need for back-up or other assistance. In most criminal matters, the Dudley Police Department shall become the lead investigating agency and shall make the determination if any or what type of assistance shall be needed.” The Dudley Police Department can be contacted by dialing 911 from a campus telephone. Individuals wishing to contact the Dudley Police may dial 911 from any cellular telephone. The call will go to the Massachusetts State Police communications center and will be transferred to the Dudley Police Department. Nichols Public Safety will be notified of the call and also respond to the location to which the call was made.

Non-Campus Crimes

Students are expected to conduct themselves in accordance with local, state and federal laws both on and off campus. Nichols College reserves the right to take Student Conduct action against individuals/groups for off-campus misconduct. When a Nichols College student is involved in an off-campus offense, the Department of Public Safety may assist with the investigation in cooperation with local, state, or federal law enforcement. The Dudley Police routinely work and communicate with Public Safety on any serious incidents occurring in the immediate areas surrounding campus. Nichols College does not operate any off-campus housing or off-campus student organization facilities.

Campus Alerts, Timely Warnings and Emergency Notification

Emergency Notification

Emergency Notification is sent to the Nichols College Campus Community once the Dean of Students or his/her designee or the Director of Public Safety or his/her designee confirms that a significant emergency or a dangerous situation involving an immediate threat to the health or safety of any members of the Nichols Community is occurring on campus. Nichols College utilizes an emergency communication service known as RAVE. The value of RAVE can be realized *only* if Nichols community members identify means of contact. The Dean of Students sends an email to the Community instructing how to provide information for emergency notifications. An announced test of the system is conducted at the beginning of each year.

The Dean of Students, or designee will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system. Discretion is used to determine if the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency notification process involves the receipt of information, the verification of this information, and the evaluation of the information.

Emergency notifications shall be made via the following means:

Telephone/cellular telephone calls	from a numbered account or from “Nichols Switchboard”
Text Messages	from a numbered account or from “Nichols Switchboard”
Campus Emergency Blue Light Telephones	Equipped with audio for siren and message
Email	will originate from account called <u>Nichols Alert</u>
Written notification	posted in each campus building

The following individuals/departments, in collaboration with the Dean of Students or designee, will routinely be involved in the confirmation of a significant emergency or dangerous situation and assist in making the determinations/content for the notification message content:

Director of Public Safety/Department of Public Safety
Department of Facilities Management
Department of Residence Life
Local Law Enforcement

The following have the authority to issue or authorize an Emergency Notification:

- *Department of Public Safety*
Investigation and primary contact initiation to the Message Activator
- *Dean of Students*
Primary Message Activator
- *Director of Public Safety*
Message Activator
- *Information Technology Specialist*
Message Activator

Each message will contain if available:

A description of the event or situation
Sufficient information for the recipient to understand the nature of the threat
Where possible, instructions, to avoid the affected area or the effects of the hazard

RAVE and the Nichols Alert will be used *only* in cases of emergency

Timely Warnings

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Nichols College will issue Timely Warnings to the Campus Community. Timely Warnings are issued for crimes that have already occurred but represent serious or ongoing incident/crime/threat that occurs on campus or public property adjacent to the campus. The purpose of this warning is to aid in the prevention of similar crimes by alerting the community. A Timely Warning shall provide information on what actions can be taken to make informed decisions about personal safety. Timely Warnings are disseminated as emails to all students, faculty and staff and under certain conditions may be delivered

via the RAVE Notification System. The issuance of a Timely Warning will occur as soon as the pertinent information is available. Timely Warnings will withhold the names and personally identifying information for victims.

The decision to issue a Timely Warning is made by the Dean of Students on a case-by-case basis in compliance with the Clery Act. Timely Warning announcements will be issued when there appears to be an ongoing or potential threat to the safety and security of the College Community for the following incidents including, but not limited to:

Aggravated Assault

Arson

Burglary

Negligent manslaughter

Motor Vehicle Theft

Murder/non-negligent manslaughter

Sex Offenses

Robbery

Relationship Violence

Other crimes as determined necessary

Any campus security authority (CSA) who receives information regarding one of the above Clery Act Crimes must immediately report the information to the Department of Public Safety.

Campus Aware

In serious, but **non-immediate situations** an email will be sent from the Dean of Students to the Nichols College email account as a means of mass notification to the campus community. This email will contain instructions and information designed to keep our campus informed. Notices from the Dean of Students' email account would not typically require an immediate reaction by individuals on our campus. Campus Aware messages will be information related, may be building specific or inform the campus of a hazard, notice of a critical change in protocol, and will also include "Timely Warnings" in which we notify the community of incidents related to sexual violence or safety concerns on campus.

Safety Bulletins

The Department of Public Safety provides the Nichols College Community with information regarding issues of personal and property safety. Safety Bulletins may include scam information, snow removal information, changes to parking due to events, safe Spring Break tips, personal/property safety tips during the holiday seasons, securing vehicles, and preparing for a safe winter break. These bulletins occur several times throughout the year.

Sex Offender Information

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires institutions of higher education to issue a statement advising the campus community where to obtain law enforcement agency information provided by a state concerning registered sex offenders. This information may be obtained on-line at www.dudleypolice.com then click on Public Information then click on Level 3 sex offenders or in person at the Nichols College Department of Public Safety Monday thru Friday between the hours of 8:00am and 4:00pm.

The Nichols College Department of Public Safety issues the following information to the Nichols College Campus Community in August and January of each year.

The Nichols College Department of Public Safety wishes to advise all members of the Nichols College Community that the Jeanne Clery Act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the Commonwealth of Massachusetts concerning sex offenders may be obtained. This information may be obtained at the following locations:

Information regarding Level 2 and Level 3 Sex Offenders may be obtained:

- In person at the Nichols College Department of Public Safety, Monday thru Friday between the hours of 8:00 AM and 4:00 PM
- On line at www.mass.gov/sorb then click on [Search for Sex Offenders Here](#) then go to [Level 2 and Level 3 Sex Offenders Search Form](#) then in the box for City Name enter Dudley then click submit
- In person at the Dudley Police Department

Emergency Response and Evacuation

In the event that a building must be evacuated for the protection and safety of members of the community, students and employees are asked to move quickly from the premises to a location specified by Public Safety. No one will be permitted to return to their office/classroom until Public Safety determines the emergency is resolved.

Confirming a significant emergency or dangerous situation

First responders and essential personnel are responsible for initiating emergency warnings. Those responsible include, but are not limited to:

- Director of Public Safety or designee
- Public Safety Officer on duty
- Dean of Students
- Assistant Dean of Student Life
- Representative from Facilities Management

These individuals work in close collaboration with agencies and departments both on and off campus to gather and assess information related to events that may pose an immediate threat or hazard to the College Community. Each situation will be investigated to determine if the incident poses an immediate threat to the College Community.

The campus will be notified if there is a significant emergency, or dangerous situation that would result in an immediate threat to the health and safety of the students or staff. A message will be sent out regarding immediate emergency evacuation response and evacuation procedures with the use of electronic and cellular communication when deemed necessary. The RAVE (cellular communication) program will be tested on an annual basis. Testing occurred on October 7, 2022.

Evacuation of a building does not mean employees are permitted to leave work for the remainder of the day or that class is canceled. If it appears the evacuation will be for an extended period of time, the

Facilities Coordinator will inform the faculty of other available classroom space and the Director of Human Resources or his/her designee will coordinate administrative personnel to a temporary office location. If the situation takes place in a classroom building during evening hours; the Public Safety staff will work with the faculty to find suitable locations for classes.

If a residence hall needs to be evacuated for any period of time, the Dean of Student Services will make decisions about re-locating students. If a situation arises that calls for evacuation of all buildings, College personnel and students would be notified on a common meeting location. Locations may include Vendetti, Multipurpose Field or Shephard Hill Regional High School.

If the entire campus must be evacuated instructions will be given to all members of the Nichols Community following emergency notification procedures. The Dudley Police and Fire Department shall be contacted by Public safety and requested to assist in the direction of personnel to a safe area.

Campus Emergency Evacuation procedures are tested annually and organized through the Department of Public Safety. This test is announced to the Campus Community prior to the evacuation drill.

Emergency Preparedness

The Nichols College Crisis Management Plan (CMP) is a document that provides “How To” information to help the Campus Community respond to emergencies. The goal of this plan is to utilize all available resources to prepare for potential emergencies or disasters and deal efficiently with the effects of the events, respond to save lives, and protect property, and promote a means to recover mission-critical business and academic operations.

Nichols College, Dudley Police Department, and Dudley Fire Department embrace the National Incident Management System and will use command principles while responding to major incidents. Once credible information is made available to Nichols College administration of an actual or pending emergency, the Nichols College Crisis Management Plan shall be implemented.

Campus Security and Prevention

Access to Facilities

Nichols College Issued ID Cards

Every Nichols College student, faculty, and staff are issued identification cards containing a photo of the individual. Individuals are expected to carry their ID card with them at all times and produce upon request. IDs are programmed for Resident Students to be able to access their assigned Residence Hall. Card access is building specific. In the event that an ID card is lost/stolen, individuals should report this immediately to Public Safety or the Office of Student Life. The access to a particular card can be removed as soon as trained and authorized personnel become aware by a remote computer program.

Academic and Administrative Buildings

All buildings are secured each night and are open during normal business hours. Building hours may vary. Public Safety regularly patrols and checks all Campus Buildings. Multiple buildings/areas are also equipped with card access which is granted based on the student’s or employee’s role at the College.

Residence Halls

For the safety and security of all individuals living in the residence halls, all halls are locked 24 hours a day by a computer-controlled card-entry system. Access is granted by the personal identification card that is programmed to only open the building the student is assigned to. Residents are strongly encouraged to keep their doors locked at all times. If exterior doors are propped open, an alarm will sound at the door and at the Public Safety Office. An Officer or staff member will respond to the scene to secure the door. Residence Life Staff in addition to Public Safety perform rounds and safety checks of Residence Halls.

Security and Prevention

Blue Light Emergency Phones

Blue light emergency phones are placed at 21 locations throughout the campus grounds to use in the event of an emergency. These phones provide a direct line of communication to Public Safety. These lights are equipped with siren and audio to provide means for Campus Wide emergency notification messages.

Video Camera System

The Department of Public Safety manages a campus-wide video surveillance system. Currently, the system is comprised of approximately 155 cameras, to include fixed position cameras located both indoors and out. All of the video footage is recorded and archived for a determined period of time, providing an investigative resource when incidents of crime are reported. Consideration is given to the reasonable expectation of privacy at every location where a camera is installed. Cameras are generally installed in main pedestrian thoroughways, building egresses, parking lots and facilities, and public roadways and sidewalks; in short, cameras are only installed at locations where one's expectation of privacy is generally limited.

Public Safety Escort/Transport Service

Nichols students may call Public Safety at any time and request a ride from one location on campus to any other location on campus. A uniformed member of the Public Safety Department will respond in a marked vehicle and transport the student to the desired on campus location. This service is available 24 hours a day.

NC Shuttle Service

The Office of Student Life offers a free shuttle service to local area locations to provide a safe ride for students. This shuttle runs on multiple days throughout a month. Destinations include, but are not limited to, Walmart, Blackstone Valley Shoppes, Market Basket, Wrentham Outlets, Worcester, Boston, Providence, and Patriot Place.

Campus Lighting and Landscaping

Outdoor lighting is maintained and surveyed by the Department of Facilities Management on a constant basis and repairs are made in a timely manner. Landscaping is also maintained by Facilities Management. Trees and shrubbery are regularly trimmed so that exterior lighting is not impeded and walks and entrances are kept clear. Landscaping is maintained to minimize security risks with specific

detail to impacting campus buildings. A proactive safety audit is conducted after dark for an assessment on needed improvements for lighting on campus.

Firearms and Weapons

Dangerous Weapons, Fireworks, and Explosives Weapons, firearms, fireworks and explosives or any item that could threaten the potential safety of the Nichols College Community are strictly prohibited on campus. Weapons prohibited on campus include but are not limited to firearms, ammunition, knives over 8 inches in length, BB, air-soft or pellet guns, bows, arrows, slingshots, paintball guns, machetes, pepper spray (mace), nun chucks, throwing stars, or taser/stun guns of any voltage. Toy weapons, including NERF, and those that look like real weapons are similarly prohibited.

Missing Person Policy

In compliance with the Higher Education Act of 2008, Nichols College has implemented the following policy and procedures for reporting, investigation, and making emergency notifications regarding any resident student who is reported or believed to be missing.

Registering Information

All students are required to provide the Office of Student Life with the correct and accurate contact information for two individuals who can be contacted in the event of an emergency.

In addition to providing a general emergency contact, students residing in the residence halls are required to fill out an up-to-date missing person contact of their choosing with the Office of Student Life. Students must provide this information via the online check-in process available on the Nichols College Housing Portal. This contact information is kept confidential and will only be used by authorized campus officials in a missing student investigation.

Reporting a Missing Student

In the event that a member of the college community has reason to believe that a student is missing, the following individuals/departments can be contacted to report:

Nichols College Department of Public Safety (PS) at 508-213-2298

Dean of Students

The Office of Residence Life

The Office of Community Standards

Area Coordinators

Resident Assistants

Other Identified CSAs (mentioned above)

*Any missing student report must be referred immediately to the Department of Public Safety.

Investigation

Nichols Public Safety will generate a missing person report and initiate an investigation. In addition, Nichols Public Safety will report the missing person to Residence Life if such information has not already been conveyed. During the course of the investigation, Nichols Public Safety will determine if the student has been missing more than 24 hours. In such event Nichols Public Safety will notify all surrounding law enforcement agencies.

Notification to Missing Person Contact

The student's emergency contact will be notified no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Nichols Public Safety will notify the student's parent or legal guardian immediately after they determine that the student has been missing for more than 24 hours. In addition to registering emergency contacts, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Nichols College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Nichols College will notify that person no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so by completing the appropriate forms during the check-in procedures.

Notification of Law Enforcement

The Department of Public Safety will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

Crime Prevention and Security Awareness Programs

Security awareness and crime prevention programs encourage students and employees to be aware of their responsibility for their own security and the security of others. The Department of Public Safety and Student Life in collaboration with other organizations and departments, is responsible for presenting security awareness and crime prevention programs to the Campus Community on an ongoing basis. Nichols College offers a number of educational programs throughout the academic year.

Active shooter/Lockdown/Shelter in Place Training

The Nichols College Department of Public Safety provides this informative program to all incoming freshmen. As of this year all classes of the residence life community have participated in this program to educate response and tactics for an active shooter situation. Further training for all Faculty and Staff in active shooter protocols is provided by the Dudley Police Chief.

First Year PDS

In September 2022, in collaboration with faculty, the Title IX Coordinator presented to all sections of the First Year Professional Development Seminars. Topics included Title IX, Understanding the Sexual Misconduct Policy, Consent, making good personal decisions, and domestic violence awareness.

IT Tracking

The Department of Public Safety in collaboration with the Department of Information Technology can track registered electronic devices that are either lost/stolen. Students report missing devices directly to Public Safety.

Operation Identification

The Department of Public Safety encourages all students to record the serial numbers of the electronic devices and keep them in a safe place. To assist with theft prevention, Public Safety offers the use of an engraving tool for students to mark their personal belongings and electronics. Students can visit the Public Safety office for assistance.

Safety Awareness Week

The Department of Public Safety conducts passive programming throughout the first week of September to educate the Campus Community on various topics including: Fire Safety, Personal Safety, Alcohol Safety, and Active Shooter Preparedness.

Training

Nichols College is committed to providing training and training opportunities to individuals who will have a significant role in campus safety, Title IX investigations, and Residence Life.

Title IX and Investigator Training

Nichols College Staff identified as Title IX Team Members undergo training through Grand River Solutions. Investigators were specifically trained on proper investigation protocols for Title IX complaints and Investigative Report Writing. Elements of the training includes but is not limited to, definitions, discrimination, consent, confidentiality, and conducting investigations into Title IX Complaints. Training occurs on a yearly basis.

Area Coordinator Training

Area Coordinators receive training in crisis management, emergency response, management of Residence Halls, student conduct, policy enforcement, and protocols. These individuals are professional staff members and serve as Administrators On Call. Area Coordinators are trained to recognize signs of abusive behavior, prevention, and awareness.

Resident Assistant Training

All Resident Assistants undergo extensive 2 week training in preparation for job responsibilities. RAs are taught the meaning of being a Campus Security Authority and are presented information on recognizing signs of sexual assault, domestic violence, dating violence, and stalking. Resident Assistants are expected to utilize this information during the entire academic year. Specific areas of focus are:

Title IX/Sexual Misconduct
Sexual Assault Prevention and Awareness
Emergency Response
Mental Health and Suicide Awareness
Green Dot (Bystander Intervention)
Conflict Mediation

Public Safety Training

Nichols Public Safety Officers receive updated training on all aspects pertaining to their jobs. All staff members are trained in emergency medical response procedures. All officers are CPR/AED certified. Some members are Emergency Medical Technicians. Officers are trained to mitigate situations and to foster an environment which is conducive for achieving one's educational goals through mutual respect. Public Safety personnel undergo in-service training during semester breaks that cover topics such as suicide prevention, dealing with persons in crisis, fire prevention/suppression and evacuation, domestic abuse, dating violence, stalking, date rape, alcohol, and drugs.

Definitions of Criminal Offenses

Aggravated assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes the following categories:

- **Forcible Entry:** The use of tools, forcing windows, doors or transoms, cutting screens, walls or roofs, master keys, picks or mechanical contrivance to gain access. This also includes concealment inside.
- **Non-Forcible Entry:** To gain access through unlocked windows, doors etc. This also includes open doors or windows.
- **Attempted Forcible Entry:** Any unsuccessful attempt to gain access to commit a felony or theft.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: a felony or misdemeanor 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; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the

jurisdiction in which the crime of violence occurred, by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Law Violations³: Referrals for the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

Hate Crimes: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability. The following crimes are included in statistical data disclosure under the category of Hate Crime:

Murder/non-negligent manslaughter
Negligent manslaughter
Sex offenses
Robbery,
Aggravated assault
Burglary
Motor vehicle theft
Arson
Larceny-Theft*
Destruction/Damage/Vandalism of Property*
Intimidation*
Simple Assault*

***Larceny-Theft:** The unauthorized taking and removal of the Personal Property of another by an individual who intends to permanently deprive the owner of it; a crime against the right of possession. Larceny generally refers to nonviolent theft.

***Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, deface, sabotage, and/or injure any public or private property.

***Intimidation:** To unlawfully place another individual in reasonable fear of bodily harm through the use of threatening words and/or actions. The use of a weapon or an actual attack is not displayed.

***Simple Assault:** An unlawful physical attack upon another person where upon a weapon was not displayed/used and the victims does not suffer from severe or aggravated bodily injury.

³ The Commonwealth of Massachusetts decriminalized the recreational use of marijuana. Although referrals for this type of violation are not counted for Clery reporting, the use and/or possession of marijuana is not permitted on the Nichols College Campus.

Liquor Law Violations: Arrest and referral for violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding.)

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime. Note: Deaths caused by assaults to murder and attempts to murder, suicides, fetal deaths, traffic fatalities, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

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.

Sex offenses: defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** 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 his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is 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.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Weapon Law Violations: Arrests and referral for disciplinary action for violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. This type of offense is not limited to "deadly weapons," but also applies to weapons used in a deadly manner.

Definitions of Clery Geography

On Campus

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including **residence halls**
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

*Nichols College does not operate any off-campus housing or off-campus student organization facilities

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Campus Crime Statistics

The following statistics are published in accordance with the Clery Act. Nichols College must report and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority. These statistics are prepared and published by the Director of Community Standards in collaboration with the Department of Public Safety and the Dudley Police Department.

Clarification of Classifying Statistics

The statistics displayed under the Referral Section are indicative of any individual who was documented as being in an incident resulting in a formal record being kept with the Office of Community Standards.

** On-Campus Residence crimes are included in the On-Campus numbers

2020-2022 Crime Statistics

CLERY REPORTABLE CRIMES	YEAR	ON CAMPUS	ON CAMPUS	NON-CAMPUS	PUBLIC
			STUDENT HOUSING FACILITIES	PROPERTY	PROPERTY
Murder/ Non-Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Rape	2022	2	2	1	0
	2021	0	0	0	0
	2020	1	1	0	0
Fondling	2022	2	2	1	0
	2021	0	0	0	0
	2020	0	0	0	0
Incest	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	2	2	0	0
	2021	0	0	2	0
	2020	0	0	0	0
Burglary	2022	2	1	0	0
	2021	0	0	1	0
	2020	3	2	0	0
Motor Vehicle Theft	2022	1	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

VIOLENCE AGAINST WOMEN ACT VIOLATIONS	YEAR	ON CAMPUS	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	1
Dating Violence	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Stalking	2022	1	1	0	0
	2021	1	0	0	0
	2020	0	0	0	0

ARRESTS FOR LIQUOR, DRUG, WEAPONS LAW VIOLATIONS	YEAR	ON CAMPUS	ON CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	4
Drug Law Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	1	1	0	0
Weapons Law Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

REFERRALS FOR LIQUOR, DRUG, WEAPONS LAW VIOLATIONS	YEAR	ON CAMPUS	ON CAMPUS STUDENT HOUSING FACILITIES	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
Liquor Law Violations	2022	19	18	0	1
	2021	35	35	0	0
	2020	35	34	0	0
Drug Law Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Weapons Law Violations	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

HATE CRIMES	YEAR	ON CAMPUS	ON CAMPUS STUDENT HOUSING FACILITIES	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
Criminal Homicide	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Sex Offenses	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Robbery	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Burglary	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Arson	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Larceny-Theft	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Simple Assault	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Intimidation	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
Destruction/Damage/Vandalism	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

Alcohol and Drug Policies

Nichols College is committed to the safety and success of all members of its community. The Office of Community Standards in collaboration with the Office of Residence Life works to foster a living and learning community conducive to student success. Nichols College maintains an alcohol policy and drug policy consistent with the Commonwealth of Massachusetts General Laws. Nichols College prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs on campus. The impairment by alcohol or drugs of any student while participating in an academic function, or as an employee when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. Nichols College students are required to abide by all federal and state laws, local ordinances, State Board of Higher Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs. Above all, The College strives to maintain a drug-free campus where the physical and mental health of the student enables growth and development. For the complete Nichols College Alcohol and Drug Policy, please see <http://www.nichols.edu/student-life/policies/>.

Alcohol/Drug Use/Abuse Education

Nichols College educates students about potentially life-threatening consequences of alcohol use/abuse. There is a direct correlation between substance abuse and student success.

3rd Millennium Classroom

Nichols College utilized online Alcohol and Drug Educator Modules as educational sanctions for alcohol and drug violations to foster learning outcomes.

AlcoholEdu

Nichols College requires all first year and transfer students to complete the AlcoholEdu program. AlcoholEdu is an interactive online program designed to reduce the negative consequences of alcohol amongst students. It is a program commonly used by institutions of higher education.

Substance Abuse Assessments

Students may be assigned an In-Person Substance Abuse Assessment with Counseling Services for alcohol violations to assist in identifying dangerous behaviors surrounding alcohol and drug use.

Maximize Your Buzz

A mandatory program for incoming students shown during the Fall 2022 Orientation. The program promotes awareness about alcohol use and personal values in regards to positive decision making.

“Drunk Driving”

Alcohol Awareness program where participants wore vision impairment goggles to simulate driving while impaired. Participants had to navigate a track with remote control vehicles. This program was held in October 2021 during the National Collegiate Alcohol Awareness Month. Information about alcohol use and abuse was provided to participants and viewers.

“Drinking Games”

Alcohol Awareness program held in October 2022. Participants needed to answer questions designed to promote education around alcohol use.

Night Cap

A collaborative program between Public Safety and the Office of Community Standards. Participants answered an Alcohol Policy question and were provided “Night Caps”. Night Caps are hair ties that have a folded protective cover that can be placed over the top of beverages to prevent drugs from being nefariously being placed into the cup.

Sexual Misconduct Policy and Title IX Sexual Harassment Policy

Nichols College is committed to providing a working and learning environment free from all types of sex and gender-based discrimination prohibited by state and federal laws, including Title IX of the Education Amendments of 1972 as amended (“Title IX”) and Title VII of the Civil Rights Act of 1964. Nichols College prohibits and will not tolerate any form of sexual misconduct, which includes dating violence, domestic violence, sexual assault, sexual coercion, sexual exploitation, sexual harassment, sexual intimidation, sexual violence, stalking, and related retaliation. Nichols College Sexual Misconduct Policy and the Title IX Sexual Harassment Policy applies to all Nichols College community members, regardless of sex, sexual orientation, gender identity and/or gender expression. This includes all students, faculty, and staff, applicants for employment and/or admission, as well as third parties, agents, and contractors. The full policies can be found: <http://go.nichols.edu/policies>

As of August 14, 2020, the Department of Education issued new Title IX regulations that address how a university is required to respond to a complaint of sexual misconduct or sexual harassment. Complaints that do not fall under the new Title IX regulations fall under the Nichols College Sexual Misconduct Policy.

Emergency/Immediate Reporting Options

- Call 911 for on-campus emergencies including situations where you are feeling unsafe and wish to reach local law enforcement or emergency medical care (including an ambulance).
- Call the Nichols Department of Public Safety (“Public Safety”) at 508-213-2298. Nichols Public Safety officers are on duty at Nichols 24/7, every day of the year. Nichols Public Safety officers are dedicated to maintaining a safe and respectful environment.
- Nichols also falls under the jurisdiction of the Dudley Policy Department (DPD). Public Safety maintains a strong and coordinated working relationship with the DPD. Specifically as to allegations of sexual assault, and other gender related crimes Nichols College strongly advocates for the involvement of the DPD.
- Public Safety will also assist any Nichols community member in getting to a safe place and if the survivor wishes, will arrange transportation to a hospital or other medical provider.

If you wish to file a police report with local law enforcement, Public Safety will assist you in doing so, by contacting the police department of the local jurisdiction where the crime occurred and facilitating their meeting with you on Nichols’ campus, if possible, if you prefer not to travel to a local precinct. However, contacting Public Safety does not obligate you to file a criminal police report with the local police or a criminal complaint.

Public Safety can put you in touch with various resources to assist survivors as well. See Additional College and Community Resources. Please also consult the Information and Resources for Victims of Sexual Misconduct document for additional information concerning available advocacy and medical resources available. This information is available on the College’s website at <http://go.nichols.edu/policies>.

The College encourages individuals who have experienced an incident of sexual misconduct, including rape or sexual assault, to seek assistance from a medical provider and/or law enforcement as soon as possible after the incident. This is the best option to ensure preservation of evidence, effective medical care, and to begin a timely investigation.

A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health care concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence, for potential future criminal prosecution. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and will preserve the options to seek resolution through the criminal justice system. It should be noted that Massachusetts law requires medical personnel to report all cases of rape and sexual abuse where the survivor seeks medical treatment. This report does not include the victims’ name, address or other identifying information. See Confidential Resources. However, individuals should file a complaint and seek assistance from Nichols regardless of whether they have reported an incident to law enforcement or sought medical attention after an incident.

Additional Non-Emergency Reporting Options and Resources

All members of the community may report an incident of sexual misconduct to the College's Title IX Coordinator or other member of the Title IX team, either directly, or by making a report to any CSA or Responsible Employee. The Title IX Coordinator will investigate the report, and take necessary measures to ensure community and Reporting Party's safety.

The College recognizes that a student or employee may choose to report non-emergency sexual misconduct to any trusted employee of the College. For example, a student may choose to confide in a Resident Assistant or Area Coordinator, a faculty or staff advisor, or a coach, all of whom are CSAs and Responsible Employees who must report the incident to the College's Title IX Coordinator under this policy. All members of the community are required to report knowledge of sexual misconduct affecting a community member to the College so that the College can take steps to support that individual's well-being and enhance the safety and security of the community and respond in a prompt manner. However, to enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any incident of sexual misconduct to the Title IX Coordinator.

See the Nichols College Sexual Misconduct Policy for contact information for the Title IX Coordinator and other Title IX Team members.

Nichols College Title IX Policy

PURPOSE AND SCOPE

Nichols College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Nichols has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. This Title IX Sexual Harassment Policy is based on regulations promulgated by the U.S. Department of Education under Title IX of the Education Amendments Act of 1972, and the 2020 Final Federal Regulations.

In order to address incidents of sexual misconduct that do not fall within the definition of this Title IX Sexual Harassment Policy, the College has two policies that address sexual misconduct: (1) this policy and (2) the Nichols College Sexual Misconduct policy. If the allegations forming the basis of a Formal Complaint (defined below), if substantiated, would constitute prohibited conduct under both policies, then the Grievance Process set forth in this Nichols College Title IX Sexual Harassment Policy will be applied in the investigation and adjudication of all of the allegations.

The Nichols Sexual Misconduct policy applies only to certain conduct, as defined under that policy. Specifically, the Nichols College Sexual Misconduct policy applies to forms of sexual misconduct that do not fall under the scope of the Nichols College Title IX Sexual Harassment policy, including Sexual Exploitation, Improper Conduct related to Sex, and College Sexual Harassment (not falling under Title IX). The Nichols College Sexual Misconduct policy also applies to certain conduct that would otherwise be prohibited under the Title IX Sexual Harassment policy (e.g., Sexual Assault, Domestic Violence, Dating Violence, and Stalking under the Title IX Sexual Harassment policy), but which must be

dismissed under the Title IX Sexual Harassment policy because they do not meet the jurisdictional requirements (Described further).

The College will respond to reports or Formal Complaints of conduct prohibited under this policy with measures designed to stop the prohibited conduct, prevent its recurrence, and remediate any adverse effects of such conduct on campus or in Nichols- related programs or activities.

The College will not deprive an individual of rights guaranteed under federal and state law (or federal and state anti-discrimination provisions; or federal and state law prohibiting discrimination on the basis of sex) when responding to any claim of Title IX Sexual Harassment.

DEFINITIONS

The following definitions clarify key terminology as used in this policy.

Advisor-a person chosen by a party or appointed by the College to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Business Days/hours- Monday through Friday 8:30am-4:30pm during normal operations

Complainant- an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class or retaliation for engaging in a protected activity.

Confidential Resource- means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).

Consent - means a voluntary, informed, un-coerced agreement through words or actions freely given, which could be reasonably interpreted as a willingness to participate in mutually agreed-upon sexual acts. Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate.

Consent cannot exist:

- when physical force is used or there is a reasonable belief of the threat of physical force;
- when duress is present;
- when one individual overcomes the physical limitations of another individual; and/or
- when an individual is incapable of making an intentional decision to participate in a sexual act, which could include instances in which the individual is in a state of incapacitation.

Important points regarding consent include:

- Consent to one act does not constitute consent to another act.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- The existence of a prior or current relationship does not constitute consent.
- Consent can be withdrawn or modified at any time.
- Consent is not implicit in an individual's manner of dress.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance does not necessarily constitute consent.
- Initiation by someone who a reasonable person knows or should have known to be deemed incapacitated is not consent.

Directly Related Evidence- evidence connected to the complaint but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation) and will not be relied upon by the investigation report.

Education program or activity- any location, event, or circumstance where Nichols College exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs. Also to include any building owned or controlled by the College.

Final Determination- A conclusion made by preponderance of the evidence standard of proof the alleged conduct did or did not violate policy.

Finding- A conclusion by preponderance of the evidence standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”).

Formal Complaint- a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the College investigate and/or address the allegation.

Formal Grievance Process- a method of formal resolution designated by the Title IX Coordinator or designee to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

Hearing Decision-maker- refers to those who have decision-making and sanctioning authority within the Nichols College’s Formal Grievance process.

Impacted Party- an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class or retaliation for engaging in a protected activity prior to filing a Formal Complaint or if they opt not to file a Formal Complaint.

Incapacitation (or incapacity)- means a state in which an individual’s perception or judgment is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions. The use of drugs or alcohol can cause incapacitation. An individual who is incapacitated is unable to consent to a sexual activity. Engaging in sexual activity with an individual who is incapacitated (and therefore unable to consent), where an individual knows or ought reasonably to have understood that the individual is incapacitated, constitutes a violation of this Policy.

Informal Resolution Process- A process intended to allow the Complainant and the Respondent to reach a mutually agreeable resolution apart from the Formal Grievance Process.

Investigator- the person or persons charged by the Title IX Coordinator with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

Mandated Reporter- means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Notice- means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority (see below) of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

Parties- includes the Complainant(s) and Respondent(s), collectively.

Relevant Evidence- evidence that tends to prove or disprove an issue in the complaint.

Remedies- post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.

Report- means information shared with the University's Title IX Coordinator about one or more incidents of Prohibited Conduct which have occurred (or is continuing to occur) and which:

- has impacted (or continues to impact) one or more members of the University Community; and/or
- was or is committed by one or more members of the University Community; and/or
- occurred or is occurring on property owned or controlled by the University or within the University's Programs or Activities.

In contrast with a Formal Complaint, a Report does not need to be signed and does not necessarily request that the College initiates an investigation.

Reporter- means a person who shares information with the University's Title IX Coordinator about one or more incidents of Prohibited Conduct. The Reporter may be the person who is the alleged victim of Prohibited Conduct (Impacted Party or Complainant), or the Reporter may be a third-party, such as a witness or Mandated Reporter.

Respondent- an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.

Resolution- the result of an informal or Formal Grievance Process.

Sanction- a consequence imposed by the College on a Respondent who is found to have violated this policy.

Sexual Harassment- the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

Title IX Coordinator- at least one official designated by the College to ensure compliance with Title IX and the College's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator, including but not limited to a Deputy Title IX Coordinator, for specific tasks.

Third party- refers to any individual who is not a Nichols student, a faculty member, or a staff member (e.g., vendors, alumni/ae, or local residents).

Witness- refers to any individual who shares information relating to an allegation of prohibited conduct under this policy.

PROHIBITED CONDUCT

This policy addresses Title IX Sexual Harassment, which encompasses all of the prohibited conduct described below that occurs on the basis of sex and meets all of the following requirements:

- Occurs within the United States; and
- Occurs within the College 's education program or activity, meaning a) locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the Title IX Sexual Harassment occurs, and b) any building owned or controlled by a student organization that is officially recognized by the College; and
- At the time of filing a formal complaint, a complainant is participating in or attempting to participate in the education program or activity at the College.

Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined in this section may constitute violations of the Nichols College Sexual Misconduct Policy.

In determining whether alleged conduct could violate this policy, the Title IX Coordinator will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The respondent's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this policy.

Title IX – Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (also called "Quid Pro Quo Sexual Harassment"); or
 - Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the College 's education program or activity (also called "Hostile Environment Sexual Harassment"); or
 - Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined below.
- Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault can occur between individuals of the same or different sexes and/or genders. This includes the following:
- Rape: The carnal knowledge of a person, 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 or physical incapacity;
 - Sodomy: Oral or anal sexual intercourse with another person, 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 or physical incapacity;

- Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity;
 - 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 or physical incapacity;
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- Domestic Violence: A felony or misdemeanor crime of violence committed: (a) by a current or former spouse or intimate partner of the victim; (b) by an individual with whom the victim shares a child in common; (c) by an individual who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred; (e) by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws of the jurisdiction in which the felony or misdemeanor crime of violence occurred. For purposes of this policy, an intimate partner is defined as an individual with whom one has or had a short- or long-term relationship that provides romantic and/or physical intimacy or emotional dependence. Intimate relationships can occur between individuals of the same gender or different genders and may include (but are not limited to) marriages, civil unions, dating relationships, "hook-up" relationships, relationships in which partners are characterized as "girlfriends" or "boyfriends," and relationships between individuals with a child in common.
- Dating Violence: Violence committed by an individual 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 individual's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. This 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: Engaging in a course of conduct directed at a specific individual that would cause a reasonable person to: (a) fear for the individual's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of the Stalking definition: Course of conduct means two or more acts, including 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 an individual or interferes with an individual'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.

Retaliation: Retaliation under this policy: No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

HOW TO MAKE A REPORT

To report in person during business hours or by mail:

Please contact Title IX Coordinator Jessica Ryan in the Fels Student Center, Suite 301, located at 121 Center Road, Dudley, MA 01571.

To report by phone or email:

Please call Title IX Coordinator Jessica Ryan at 508-213-2027 or email Jessica.Ryan@nichols.edu

To report online, including anonymously:

Please go to nichols.edu/student-life/campus-policies and click the link for the Incident Reporting Form

To report possible criminal conduct:

Please call Nichols College Department of Public Safety at 508-213-2298

EMPLOYEE REPORTING EXPECTATIONS

All employees who are not expressly designated as Confidential Resources are considered Mandated Reporters. Mandated Reporters are required to incidents of Sexual Misconduct to the Title IX Coordinator.

- A. In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, employees must immediately contact the Department of Public Safety by dialing 508-213-2298.
- B. In non-emergency situations, employees (other than Confidential Resources) must promptly report suspected violations of this Policy to the Title IX Coordinator Jessica Ryan via one of the following means:
 - a. Email: Jessica.Ryan@nichols.edu
 - b. Telephone: 508-213-2027
 - c. In-Person: Fels Student Center, Suite 301, 121 Center Road, Dudley, MA 01571
 - d. Online: go to nichols.edu/student-life/campus-policies and click the link for the Incident Reporting Form

CONFIDENTIAL RESOURCES

If a student or employee wants to speak with a confidential resource, trained staff are available on and off-campus. Help and support is available to those who want to talk in detail about an incident but are not sure if they are ready or interested in reporting to the College or law enforcement.

Information shared with Confidential Resources (including information about whether an individual has received services) will only be disclosed to the Title IX Coordinator or any other individual only with the individual's express written permission, unless there is an imminent threat of serious harm to the individual or to others, or a legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor).

Information that is shared with a Confidential Resource does not constitute a Report or notice to the College of concerns of sexual misconduct.

On-Campus Confidential Resources include:

- Nichols College Health Services: 508-213-2238 counseling@nichols.edu

- Nichols Counseling Center: 508-213-2108 health.services@nichols.edu

Off-Campus Confidential Resources include:

- Pathways for Change a locally based agency which provides free, confidential services to sexual assault victims, their friends, and families. It also operates a 24-hour, free, confidential hotline that provides victims of sexual assault with telephone counseling and personal support:

588 Main Street Worcester MA 01608
24/7 Hotline (800) 870-5905
Office (508) 852-7600

- Employees (staff and faculty) can access medical, counseling, and other forms of support through a third party provided Employee Assistance Program (EAP). The EAP's counseling, referral and treatment is completely confidential for Nichols' employees and members of their immediate family. Nichols' EAP administrator, can be reached 24 hours a day at (888) 628-4824 or by visiting www.lincoln4benefits.com or www.guidanceresources.com. For more information about this program, please refer to the Employee Handbook.

ANONYMOUS REPORTING

If an individual wishes to make a report to the University but remain anonymous in doing so, reporting individual makes an anonymous report, the Title IX Coordinator will consider how to proceed, taking into account the individual's articulated concerns; the best interests of the Nichols community; fair treatment of all individuals involved; and the College's obligations under Title IX.

An Impacted Party cannot file a Formal Complaint anonymously.

Any individual may make an anonymous report concerning a violation of this policy through the Nichols College Incident Reporting Form, which can be made without disclosing the reporting individual's own name, identifying the respondent, or requesting any action. However, if the reporter provides limited information, the Title IX Coordinator may be limited in its ability to take action. A Nichols College Incident Reporting Form is not a Confidential Resource and making a report through this means may result in a review and/or investigation.

Impacted Parties/Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student or employee at the time of the report or formal complaint, the College may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint. However, the Title IX Coordinator will still seek to provide support for the complainant and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

Employees who are Mandatory Reporters cannot fulfill their obligation of reporting to the University by reporting anonymously.

TIMELINESS OF REPORT

Impacted Parties/Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College's ability to respond promptly and effectively. Reports and formal complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer a student

or employee at the time of the report or formal complaint, the College may not be in a position to gather evidence sufficient to reach a determination as to the formal complaint. However, the Title IX Coordinator will still seek to provide support for the complainant and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

HOW THE UNIVERSITY RESPONDS TO REPORTS

Upon receipt of a report of possible Sexual Misconduct, the Title IX Coordinator will promptly contact the Impacted Party to discuss options for support, resources, and options for resolution. The Title IX Coordinator will also perform an initial assessment of the report to determine which if any further actions may be indicated or required.

A. SUPPORTIVE MEASURES

The Title IX Coordinator will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. A party does not need to file a Formal Complaint in order to access Supportive Measures.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the Nichols College educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice of a report or a complaint. At the time that supportive measures are offered, the Title IX Coordinator will inform the Impacted Party/Complainant, in writing, that they may file a formal complaint with the Title IX Coordinator either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Impacted Party/Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The Title IX Coordinator will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures.

The Title IX Coordinator will act to ensure as minimal an academic or occupational impact on the parties as possible. The Title IX Coordinator will implement measures in a way that does not unreasonably burden the other party.

Examples of potential Supportive Measure may include, but are not limited to:

- A.** Referral to counseling, medical, and/or other healthcare services;
- B.** Referral to community-based service providers;
- C.** Student financial aid counseling;
- D.** Education to the institutional community or community subgroup(s);
- E.** Altering campus housing assignment(s);
- F.** Altering work arrangements for employees or student-employees;
- G.** Safety planning;
- H.** Providing campus safety escorts;
- I.** Providing transportation accommodations;
- J.** Implementing contact limitations (no contact directives) between the parties;

- K. Academic support, extensions of deadlines, or other course/program-related adjustments;
- L. No Trespass Orders;
- M. Timely warnings;
- N. Class schedule modifications, withdrawals, or leaves of absence;
- O. Increased security and monitoring of certain areas of the campus;
- P. Any other actions deemed appropriate by the Title IX Coordinator.

Supportive Measures are available to an Impacted Party or Complainant, Respondent, Witness, and others who may have been impacted by Sexual Misconduct and/or who have participated in an Investigation and/or Resolution of a Complaint.

RESOURCES

The Title IX Coordinator will make parties aware of the resources available to them.

In the event of an emergency, the highest priority should be to get to a safe place if possible. Consider contacting law enforcement and/or seeking medical attention. The quickest way to access law enforcement and/or medical resources is by dialing “ 9 - 1 - 1 ”

Additionally, you may consider contacting one or more of the resources below:

Organization	Phone Number	Address	Type	24/7 Response?	On-Campus?
Dudley Police Department	508-943-4411; “press 3”	Dudley Town Hall 71 W Main St, Dudley, MA 01571	Law Enforcement	Yes	No
Nichols College Department of Public Safety	508-213-2298	Lower Daniels 121 Center Road Dudley, MA 01571	Law Enforcement	Yes	Yes
UMass Memorial Health- Harrington* (Designated SANE Site)	508-765-9771	100 South Street Southbridge, MA 01550	Medical	Yes	No
Nichols College Health Services*	508-213-2238	South Hall 121 Center Road Dudley, MA 01571	Medical	No	Yes
Pathways for Change*	1-800-870-5905	588 Main Street Worcester, MA 01608	Support, Resources & Information	Yes 1-800-870-5905	No
Nichols College Title IX Coordinator	508-213-2027	Fels Student Center Suite 301, 121 Center Road, Dudley, MA 01571	Support, Resources & Information	No	Yes
Nichols College Counseling Services*	508-213-2108	South Hall (Back Entrance) 121 Center Road, Dudley, MA 01571	Counseling & Mental Health Care	Yes 1-833-434-1217	Yes
Employee Connect* (Nichols College Employee Assistance Program or EAP)	1-888-628-4824	lincoln4benefits.com	Counseling & Referrals	Yes 1-888-628-4824	No

The resources designated in the chart above with an asterisk (*) are considered to be Confidential Resources for Nichols College students and employees. Confidential Resources are not obligated to

report information that is provided to them. This allows individuals to explore their options in a non-pressured environment while they make informed decisions. There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of the Nichols College Title IX Sexual Harassment Policy may be submitted to the Department of Public Safety for purposes of the anonymous statistical reporting under the Clery Act. An individual who is not prepared to make a report or formal complaint, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact a Confidential Resource.

Nichols College students and employees may report any concerns about sexual misconduct, regardless of where they occurred or when, to the Title IX Coordinator. The Title IX Coordinator is not a Confidential Resource. However, the Title IX Coordinator involved in the investigation and adjudication of sexual misconduct complaints will take into consideration the privacy of the parties to the extent possible. In accordance with federal regulations, the College will keep confidential the identity of any individual who has made a report or formal complaint under this policy, including any complainant, any individual who has been reported to be the perpetrator, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this policy.

IMPORTANCE OF OBTAINING MEDICAL ATTENTION

Individuals who have been impacted by Sexual Misconduct are encouraged to seek medical attention as soon as possible after the assault to ensure their physical wellbeing. Even if there is no obvious, external physical injury, medical providers can test for sexually transmitted diseases, pregnancy and internal trauma. If needed, Nichols College can provide transportation and assistance to the local hospital, UMass Memorial Health- Harrington, which is a designated SANE Site, meaning that Sexual Assault Nurse Examiner Services will be available.

Individuals who have been impacted by Sexual Misconduct are encouraged to try to preserve physical evidence, which is important to the successful criminal prosecution of offenders. In order to preserve evidence of sexual assault, survivors should not shower, douche or change clothes or bedding before seeking medical attention. All clothing items should be placed in a paper bag and taken to the hospital. Also, if oral contact was made, survivors are asked not to brush their teeth, smoke or eat. Evidence can be collected at area hospitals, including UMass Memorial Health- Harrington, 508-765- 9771. In instances of physical or sexual assault, consider taking photographs of injuries or asking someone else to do so.

OPTIONS FOR RESOLUTION

A complainant, respondent, or witness has many options, including counseling and support services.

After a Report is made, an Impacted Party may:

- Request supportive measures from the Title IX Coordinator;
- File a formal complaint with the Title IX Coordinator, thereby invoking the internal grievance process;
- Contact the Department of Public Safety for assistance in filing a criminal complaint and preserving physical evidence; and/or
- Contact local law enforcement to file a criminal complaint. At the Impacted Party's request, the Title IX Coordinator will assist in contacting local law enforcement and will

cooperate with law enforcement agencies if an Impacted Party decides to pursue a criminal process.

An Impacted Party may pursue some or all of these steps at the same time. When initiating any of the above, an Impacted Party does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during this decision-making process, Impacted Parties and other Reporters are encouraged to consult a Confidential Resource.

Note that Nichols College's ability to remedy and respond may be limited if the Impacted Party does not wish to proceed with an Investigation and/or Resolution Process. The goal is to provide the Impacted Party with as much control over the process as possible, while balancing Nichols' responsibility to protect the larger community. In cases where the Impacted Party requests that no formal action be taken, Nichols College will honor that request (as circumstances allow) by offering Supportive Measures. If the Impacted Party elects to take no action, they can change that decision and pursue a Formal Complaint at a later date. Please consider that delays may cause limitations in relation to access to evidence and affiliate status of the Respondent.

INITIAL ASSESSMENT BY TITLE IX COORDINATOR

The Title IX Coordinator will also perform an initial assessment of each Report/Complaint to determine which if any further actions may be indicated or required.

This assessment may include, but is not limited to:

- A.** a determination of whether the Report or Complaint alleges a potential violation of the Title IX Sexual Harassment Policy, Sexual Misconduct Policy, and/or other Nichols College Policies;
- B.** a determination of whether there exists an immediate, ongoing threat to the safety and wellbeing of the Nichols community, such that the College must take action, including but not limited to: emergency removal of a Respondent; issuance of a timely warning; and/or Title IX Coordinator should pursue a formal complaint absent a willing Complainant; and
- C.** a review of actions available for the College to stop, prevent and remediate any instances of Sexual Misconduct, for example, through training, education and/or awareness programs.

In order to protect the safety of the campus community, the Title IX Coordinator may review reports of violations of this policy even absent the filing of a formal complaint, or under certain circumstances, even if a formal complaint has been withdrawn, in limited circumstances. The Title IX Coordinator may need to themselves file a formal complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take into account the complainant's articulated concerns, the best interests of the College community, fair treatment of all individuals involved, and the College's obligations under Title IX.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

PROCEDURES FOR RESOLVING COMPLAINTS

- **TITLE IX REVIEW, DISMISSAL, AND/OR CONSOLIDATION OF COMPLAINTS**

As noted above, the Title IX Coordinator will perform an assessment of each Complaint in order to determine whether the Complaint alleges a potential violation of the Title IX Sexual Harassment Policy, Sexual Misconduct Policy, and/or other Nichols College Policies.

- **MANDATORY DISMISSAL OF COMPLAINTS**

If the allegations forming the basis of the formal complaint would not, if substantiated, constitute prohibited conduct as defined in this policy, the Title IX Coordinator shall dismiss the formal complaint from the Title IX Grievance Process (“Mandatory Dismissal”). Either party may appeal this dismissal, as discussed below. However, if appropriate, the Title IX Coordinator may refer the matter to the Nichols College Sexual Misconduct process or to the Office of Community Standards for review.

- **PERMISSIVE DISMISSAL OF COMPLAINTS**

In addition, at any time prior to the hearing, the Title IX Coordinator may dismiss a formal complaint if any of the following grounds are met (“Permissive Dismissal”):

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering sufficient evidence to reach a determination as to the formal complaint or the allegations therein.

- **NOTICE AND EFFECT OF DISMISSAL**

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties via electronic format. Both parties will have equal right to appeal the dismissal through the appeal process. The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of an appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Once final, a Complainant cannot file a formal complaint under this policy concerning the same alleged conduct.

- **CONSOLIDATION OF COMPLAINTS**

The Title IX Coordinator has the discretion to consolidate multiple formal complaints as to allegations of Title IX Sexual Harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances.

- **EMERGENCY REMOVAL OF RESPONDENT**

The Title IX Coordinator can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given written notice of the action and the option to meet with the Title IX Coordinator.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for disciplinary action, which may include expulsion.

The Title IX Coordinator will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, restricting access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

If the Respondent is a non-student employee, the Respondent may be placed on administrative leave during the pendency of the investigation and grievance process.

PRINCIPLES APPLICABLE TO ALL ASPECTS OF GRIEVANCE PROCEDURES

1. The College is committed to providing a prompt and impartial investigation and adjudication of all formal complaints alleging violations of this policy.
2. During the grievance process, both parties (complainant and respondent) have equal rights to participate.
3. All individuals who have responsibilities in administering the grievance process under this policy must be free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will be trained as required by federal regulations.
4. Parties will be notified at the appropriate junctures of the identities of the individuals serving as Investigator(s), Hearing Officer and Appeal Officer. A party who has concerns that one or more of the individuals performing one of the aforementioned roles has conflicting interest or is biased must report those concerns to the Title IX Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the Title IX Coordinator concludes that the facts and circumstances support the claim of conflict or bias,

the Title IX Coordinator will ensure that the pertinent individual(s) will not participate in the case.

5. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.
6. The College presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.
7. The Respondent is presumed to be not responsible for the alleged conduct unless determination regarding responsibility is made at the conclusion of the grievance process.
8. The College expects all members of the Nichols community to be honest and cooperative in their official dealings with the College under this policy. In this regard, individuals are expected to acknowledge requests from Nichols officials for information in a timely fashion and to make themselves available for meetings with Nichols officials or any officials acting on behalf of the College. Deliberately providing false information under this policy is a serious offense and will be subject to the appropriate disciplinary action.
9. The complainant's sexual predisposition or prior sexual behavior are not relevant and will not be used during the grievance process, unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
10. While Complainants, Respondents, and Witnesses involved in the grievance process under this policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, Complainants and Respondents are not restricted from discussing the allegations under investigation.
11. Medical, psychological, and similar treatment records are privileged and confidential documents that cannot be accessed or used for a grievance process under this policy without the relevant party's voluntary, written consent.

ADVISORS

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Nichols Community.

If a party wishes, the Title IX Coordinator will offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the Title IX Coordinator, the Advisor will be trained by the College and be familiar with the College's resolution process. If the parties choose an Advisor from outside the pool of those identified by the Title IX Coordinator, the Advisor may not have been trained by the College and may not be familiar with Nichols policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. The College 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 College is not obligated to provide an attorney.

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the Title IX Coordinator will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the Title IX Coordinator will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself.

Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

All Advisors are subject to the same Nichols policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address College officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation and adjudication phases of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented.

Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

The Title IX Coordinator expects that the parties may wish to have the Title IX Coordinator share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. Alternatively, the Title IX Coordinator can provide a consent form authorizing the Title IX Coordinator to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisors before the Title IX Coordinator is able to share records with an Advisor.

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 College.

The College generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings upon request to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The Title IX Coordinator may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

INFORMAL RESOLUTION

The College permits informal resolution processes in appropriate cases in which a formal complaint has been filed with the Title IX Coordinator where the Title IX Coordinator approves informal resolution and both parties consent to pursue informal resolution in writing. Subject to approval by the Title IX Coordinator, the informal resolution process is available in matters involving a student complainant and a student respondent as well as in matters involving a faculty/staff complainant and a faculty/staff respondent; the informal resolution process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with other College community members in a forum that is separate and distinct from the College's formal grievance processes under the Title IX Sexual Harassment policy. The purposes of the informal resolution process are to: (1) address the conduct which has been reported by the complainant and (2) place the parties in a position to pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a respondent, and the resolution will not appear on the respondent's disciplinary record. The Title IX Coordinator or designee may facilitate the informal resolution process any time prior to a determination regarding responsibility for violation of policy. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing:

- the allegations that are the subject of the complaint;
- the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations);
- any potential consequences resulting from participating in the informal resolution process (including the records that will be maintained or could be shared).

At any time prior to reaching an Informal Resolution Agreement, any party has the right to withdraw from the informal resolution process and resume the Title IX Sexual Harassment grievance process with respect to the formal complaint.

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of Title IX Sexual Harassment. Similarly, the Title IX Coordinator will not require, encourage, or discourage the parties from participating in the informal resolution process. The Title IX Coordinator will not offer the informal resolution process unless a formal complaint is filed.

FORMAL RESOLUTION

The College will seek to complete the investigation and adjudication within ninety (90) business days after the investigators' first interview of the complainant. Timeframes for all phases of the grievance process, including the investigation, the hearing, and any related appeal, apply equally to both parties. There may be circumstances that require the extension of time frames for good cause. Time frames may be extended to ensure the integrity and completeness of the investigation or adjudication, comply with a request by external law enforcement, accommodate the absence of a party, advisor, or witness, or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The Title IX Coordinator will notify the parties in writing of any extension of the time frames for good cause, and the reason for the extension.

In accordance with Nichols policy, the College will review requests for language assistance and accommodation of disabilities throughout the investigation and adjudication process.

Although cooperation with law enforcement may require the College to temporarily suspend the fact-finding aspect of an investigation, under such circumstances, the College will promptly resume its investigation as soon as it is notified by the law enforcement agency that the agency has completed the evidence gathering process. The College will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide supportive measures for the complainant and/or respondent. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

INVESTIGATION

Upon receipt of a Formal Complaint, the Title IX Coordinator will perform an initial assessment, as described above. If the Title IX Coordinator determines (1) that the matter falls properly under this Policy and (2) that an investigation is appropriate, the Title IX Coordinator will refer the matter for investigation. The parties will be informed in writing of the initiation of the investigation.

a. NOTICE OF INVESTIGATION

The parties will each receive a written notice of an investigation ("Notice of Investigation"), which will include the following:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Sexual Harassment.
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.

- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of College policy.
- Information regarding the applicable grievance procedures, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

COLLECTION OF EVIDENCE

The investigator(s) will collect information from each party and other relevant sources. The Complainant and the Respondent are not restricted from gathering and presenting relevant evidence. The investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses (including expert witnesses if applicable); provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigator(s) during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the Hearing Officer, be excluded from consideration at the hearing. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

The investigators will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate.

Interviews for parties and witnesses may be conducted in person or through remote meeting technologies.

Investigator(s) will gather, assess, and synthesize information provide throughout the course of their meetings and notes will be taken. Any other recording of interviews is prohibited, and violations may result in discipline.

In general, a party's medical and counseling records are confidential. The Investigator(s) will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Investigator(s) obtain that party's voluntary, written consent to do so.

The Investigator(s) will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such privilege has waived the privilege.

CASE FILE

After each party has been interviewed and had the opportunity to identify witnesses and other potentially relevant information and evidence, and the Investigator(s) have completed any witness interviews and any gathering of evidence, the investigators will prepare a case file. The case file will

include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The case file may include, as applicable, transcripts and/or summaries of party and witness interviews and other collected documents and evidence. The Investigator(s) will provide the case file, redacted of personally identifiable information in accordance with privacy regulations, to each party and their advisor in electronic form or hard copy. Any and all information relied on in adjudicating the matter will be provided to the parties and their advisors.

Within ten (10) business days of receiving the case file, each party may respond in writing, which may include a request that the Investigator(s) collect additional evidence. The Investigator(s) will consider the parties' written responses, if any, before finalizing an investigative report. If the Investigator(s) believe that further information is needed following receipt of any responses from the parties, the Investigator(s) will pursue any additional investigative steps as needed. The parties and their advisors will be provided with each party's written responses to the case file, if any, as well as any additional information collected by the investigators, in electronic format or hard copy.

INVESTIGATIVE REPORT

Following the investigation, the Investigator(s) will create a written investigative report that fairly summarizes all relevant evidence.

At least ten (10) business days prior to the hearing, the investigative report will be provided to the parties and their advisors via electronic format.

The parties may choose to provide a written response to the investigative report, which must be submitted at least five (5) business days prior to the start of the hearing. The response may consist of a written statement not to exceed 2500 words. At least 48 hours prior to the hearing, the parties and their advisors will be provided with the other party's written response to the investigative report, if any, in electronic format. After receiving any responses from the Complainant or Respondent, the investigator may gather more information or ask additional questions of the Complainant, Respondent and witnesses, as needed.

HEARING

Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing will be scheduled at least ten business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties (unless all parties agree to an expedited timeline). The Title IX Coordinator will name an appropriate Decision-maker to serve as a Hearing Officer, and will advise both parties of the identity of the Decision-maker. Both parties have three (3) business days to submit an objection in writing to the Title IX Coordinator on the basis on bias or conflict of interest via electronic mail to Jessica.Ryan@nichols.edu or by dropping off a printed copy at the Title IX office located at 121 Center Road, Dudley, MA 01571. The Title IX Coordinator will decide whether to sustain such objections and appoint an alternate decision-maker or deny such objection.

The Decision-maker will serve as the Hearing Officer. The Hearing Officer will not have any previous involvement in the investigation or informal resolution process. The Title IX Coordinator or designee will not serve as a Hearing Officer in the matter. However, the Title IX Coordinator or designee may serve as

an administrative facilitator of the hearing itself. In most cases, hearings will be held in a remote technology setting at a time determined by the Hearing Officer or designee.

The Hearing Officer will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

Prior to the hearing, the Hearing Officer will be provided with the case file, investigative report, and any responses to the investigative report. The Hearing Officer shall review the case file (including the parties' responses), ask questions during the hearing as they deem appropriate. The Hearing officer will deliberate after the hearing to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If the Hearing Officer finds the Respondent responsible for violating College

policy/ies, the Hearing Officer will also determine appropriate sanctions and remedies as discussed further below.

In advance of the hearing, parties will be required to identify witnesses to be called at the hearing, as well as to provide a brief written explanation of the information each witness would be asked to provide, such that the Hearing Officer can determine their relevance. Any witness scheduled in the hearing must have been first interviewed by the investigator, unless all parties and the Hearing Officer assent to the witness's participation. The Hearing Officer will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer and the parties' Advisors. Witnesses will only be present at the Hearing during the time they are answering questions.

At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisors to explain the hearing protocol.

The Hearing Officer has the discretion to exclude from the hearing any evidence, witnesses, and/or questions deemed irrelevant.

The standard of proof under this Policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.

In all proceedings under this policy, including at the hearing, the Complainant, the Respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

If the Complainant, the Respondent, or a witness informs the College that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the Title IX Coordinator.

Each party may make requests related to the format or the nature of their participation in the hearing. The Hearing Officer will accommodate requests by either party for the hearing to occur with the parties located in separate locations with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party answering questions. As appropriate hearings may be conducted

in person or by video conference or any other means of communication by which all individuals participating are able to see and hear each other.

CASE PRESENTATION

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisors to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the Hearing Officer as well as the opportunity for both parties to offer opening statements; questions posed by the Hearing Officer to one or both of the parties; questions posed by the Hearing Officer to any relevant witnesses; and cross-examination by either party's advisor of the other party and relevant witnesses.

The parties' advisors will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted live, directly, orally, and in real time by the party's advisor and never by a party personally. Only questions that are relevant to a matter at issue, or are relevant to assess the credibility of a party or witness, may be asked during the cross examination of a party or witness. Before a party or witness answers a cross-examination question that has been posed by a party's advisor, the Hearing Officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

A party or witness may choose not to submit to cross examination during the hearing, or may choose not to answer a question or questions during the investigation or hearing. The Hearing Officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the Hearing or refusal to answer cross examination or other questions.

Other Nichols administrators may attend the hearing at the request of or with the prior approval of the Hearing Officer, but the parties will be notified in advance of anyone else who will be in attendance.

At the conclusion of the witness testimony, each party (not the party's advisor) will be permitted to make a closing statement that summarizes the relevant facts and the evidence presented during the hearing. The Complainant will provide a closing statement first, followed by the Respondent.

RECORD OF HEARING

The College shall create an official record in the form of a recording or transcript of any live (or remote) hearing and make it available to the parties for inspection and review. Any other record of the hearing or any other recording is prohibited, and violations may result in discipline.

WRITTEN DETERMINATION

Following the conclusion of the hearing, the Hearing Officer will objectively evaluate all admissible and relevant evidence related to the allegations. The Hearing Officer will make findings of fact and a determination of responsibility with respect to each allegation using the Preponderance of the Evidence standard.

The Hearing Officer will prepare a written determination regarding the findings of fact and the determination regarding responsibility for each allegation. Typically, the written determination will be issued within 30 business days of the hearing, though this timeline may be extended for good cause and with notice to the parties.

The written determination will include:

- The allegations constituting sexual harassment;

- A description of the procedural steps taken during the grievance process;
- Finding of facts supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for the result of each allegation including findings, sanctions, and remedies; and
- Procedures for appeal.

The parties and their advisors will simultaneously be provided with the written determination via electronic format. Once mailed, emailed, and/or received in-person, notice will be presumed delivered.

SANCTIONS AND REMEDIES

If a party is found to have violated this policy, before finalizing the written determination, the Hearing Officer will issue appropriate sanctions and recommend remedies to restore or preserve access to the College's education programs or activities. Sanctions being imposed will be included in the written determination. The Title IX Coordinator is responsible for approving and effectively implementing any remedies.

APPEAL

Either party may file a request for an appeal at the following points in the grievance procedure:

1. The dismissal of a Formal Complaint in whole or in part;
2. The issuance of the written determination after the conclusion of the hearing. Any appeal must be submitted within seven (7) business days of the delivery of the notice of dismissal of the complaint or the issuance of the written determination. The appeal must be submitted in writing to the Title IX Coordinator via electronic mail to Jessica.Ryan@nichols.edu or by dropping off a printed copy at the Title IX office located at 121 Center Road , Dudley, MA 01571.

The written appeal must identify at least one of the following grounds as a basis for an appeal.

Grounds for appeal are limited to the following:

1. Procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome;
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent that affected the outcome.

The parties will be notified in writing when an appeal is submitted. The non-appealing party will receive an equal opportunity to submit a written statement in support of, or challenging, the outcome. If the non-appealing party wishes to submit a written statement, that party shall do so within five (5) business days of receiving written notification of the appeal.

An appeal is limited in scope. The purpose of an appeal is not an opportunity for a second review of the substantive issues of fact or a new determination of whether a violation of College rules has occurred.

All appeals will be reviewed by the Vice President of Student Affairs or their designee. Appeals will not be reviewed by the same person who served as Title IX Coordinator, investigator(s), or the Hearing Officer.

The parties will simultaneously receive written decision regarding the appeal describing the results of the appeal and the rationale for each result. If an appeal is denied, the matter shall be considered

final. The target time frame for completing an appeal process, from receipt of the appeal until the appeal decision, is thirty (30) days from receipt of the appeal documents from the Parties, although this period may be extended for good cause.

RECORD RETENTION

Consistent with applicable laws and regulations, Nichols College will maintain the following records for a period of at least seven (7) years:

- Each sexual harassment investigation, including any determination regarding responsibility and any audio recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- Any supportive measures taken in response to a report or formal complaint of sexual harassment. If a Complainant was not provided supportive measures, a rationale will be provided as to why supportive measures were not provided.
- All materials used to train Title IX Coordinators, Investigators, Decision-makers and facilitators of informal resolution processes. Nichols College will make its training material available on its website.

RANGE OF SANCTIONS AND REMEDIES UNDER THIS POLICY

DISCIPLINARY SANCTIONS

Members of the College community may be subject to disciplinary sanctions for violating this policy. Sanctions are defined under this Policy as consequences imposed by the College on a Respondent who is found to have violated this policy. Factors that may be considered when determining responsive action may include, but are not limited to:

- The nature, severity and circumstances of the violation(s)
- The Respondent's disciplinary history
- The need/likelihood for the sanction to stop sexual harassment from reoccurring and remedy its effects
- The impact on the parties
- Any other information deemed relevant by the decision-maker.

The sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration window to appeal with an appeal being requested. The sanctions described in this policy or in any Nichols College policy are not exclusive of, and may be in addition to, other action being taken or sanctions imposed by external authorities.

SANCTIONS APPLICABLE TO STUDENTS

For students, possible disciplinary sanctions shall be consistent with and within the range prescribed in the Student Code of Conduct. Such sanctions range from a warning, probation, residence hall suspension or removal, suspension, expulsion, revocation of admission or degree, and withholding of a degree. More than one of the Code's sanctions may be imposed for any single violation.

SANCTIONS APPLICABLE TO FACULTY AND STAFF MEMBERS

For violations of this policy by faculty or staff members, disciplinary sanctions may include (in accordance with the employment policies governing the employee in question) counseling or training, written warning, financial penalty, unpaid leave of absence, suspension (or recommendation for suspension), demotion, termination (or recommendation for termination) in accordance with applicable policies. The College may place a faculty or staff member on administrative leave during the pendency of a grievance process, provided that such action shall not modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

REMEDIES

Remedies are defined under this Policy as post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program. The Title IX

Coordinator is responsible for effective implementation of any remedies. Examples of Remedies may include, but are not limited to, the following:

1. Referral to counseling, medical, and/or other healthcare services;
2. Referral to community-based service providers;
3. Student financial aid counseling;
4. Education to the institutional community or community subgroup(s);
5. Altering campus housing assignment(s);
6. Altering work arrangements for employees or student-employees;
7. Safety planning;
8. Providing campus safety escorts;
9. Providing transportation accommodations;
10. Implementing contact limitations (no contact directives) between the parties;
11. Academic support, extensions of deadlines, or other course/program-related adjustments;
12. No Trespass Orders;
13. Class schedule modifications, withdrawals, or leaves of absence;
14. Increased security and monitoring of certain areas of the campus;
15. Any other actions deemed appropriate by the Title IX Coordinator.

Prevention and Awareness

Policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking

Nichols College strives to educate and promote a safe campus community. Part of this initiative is to offer programs that are geared toward prevention and awareness of dating violence, domestic violence, sexual assault, and stalking.

Sexual Assault Prevention-Everfi

When: August 2022 for Incoming Students

Ongoing for Faculty and Staff

Nichols College mandates all incoming students to participate in an online educational module addressing issues of sexual assault, relationship violence, stalking, and sexual harassment. All Faculty and Staff are mandated to complete the module.

First Year PDS

When: First Semester 2022

In collaboration with faculty, the Title IX Coordinator presented to all sections of the First Year Professional Development Seminars. Topics included Title IX, Understanding the Sexual Misconduct Policy, Consent, making good personal decisions, and Domestic Violence Awareness.

Zero Shades of Grey

When: August 2022

A mandatory program provided during the New Student Orientation in the Fall of 2022. This program brings an outside presenter to the campus to discuss sexual assault, consent, and to bring forth sexual violence awareness.

It's On Us

The student led, nationally recognized organization, works to bring awareness surrounding topics of domestic violation, sexual violence, and consent.

Domestic Violence Awareness Week

When: October 17, 2022 through October 21, 2022

Events throughout the week included:

Pledge Day

Pledge to create an environment at Nichols college in which sexual assault is unacceptable and survivors are supported.

Ally Ribbons

Create ribbons and display them on apparel and backpacks to show survivors that they have allies.

Candlelight Vigil

Raising awareness for survivors of assault and abuse, Community Members were invited to light a candle in honor of someone who has been affected by domestic violence

Support Table

A Table event with support resources and information. Representatives from Nichols Counseling and New Hope were present.

Public Safety Escort Service

When: Ongoing

Nichols students may call Public Safety at any time and request a ride from one location on campus to any other location on campus. A uniformed member of the Public Safety Department will respond in a marked vehicle and transport the student to the desired on campus location. This service is available 24 hours a day.

Safety Publications

When: Ongoing

The Department of Public Safety has available, and distributes, various publications that address problems such as date rape, alcohol abuse, identity theft, and fire safety. A constant supply is available in the Public Safety Office, located in the lower level of Daniels Auditorium.

Bystander Intervention

Nichols College expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention (if it is safe to do so), calling law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

Tips for Bystanders

Create a distraction.

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

Cut off the conversation with a diversion

- 'Let's get pizza, I'm starving' or 'This party is lame. Let's try somewhere else.'

Ask directly.

Talk directly to the person who might be in trouble.

- Ask questions like 'Who did you come here with?' or 'Would you like me to stay with you?'

Refer to an authority. Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA or security guard.

- Talk to a security guard, bartender, or another employee about your concerns. It's in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.

Enlist others. It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place.
- Enlist the friend of the person you're concerned about.

Fire Safety

All Nichols College residence halls have addressable fire alarm systems that report to a remote central monitoring station. When the station receives an alarm of smoke, fire or carbon monoxide, it notifies the Dudley Fire Department and the Nichols Department of Public Safety for immediate response. All residence halls have both audible and visual alarm warning systems. In addition, all residence halls are protected by fire suppression systems. All residential and occupied areas are equipped with a wet fire suppression system while unoccupied/unheated areas have a dry fire suppression system. Fire alarm systems are tested semi-annually while fire suppression systems are tested annually. Portable fire extinguishers are located strategically in all campus buildings and are checked annually. Nichols College, in conjunction with the Dudley Fire Department, conducts fire alarm drills in all residence halls twice annually. The Dudley Fire Department conducts training for the Nichols College Department of Public Safety on the use of portable fire extinguishers. The Dudley Fire Department also conducts a train the trainer class for the Department of Public Safety, Resident Directors and Resident Assistants living in residence halls. Resident Directors and Resident Assistants are then expected to train students living on their residence hall floors on fire safety matters. Nichols College Community members are required to evacuate any building where a fire alarm system has been activated. Students who fail to leave the building are documented and the incident is referred to the Dean of Students. Nichols Community members may report a fire to the Dudley Fire Department by dialing 911 from any landline or cell phone. They may contact Public Safety to report a fire by dialing 508-213-2298.

In the Event of Fire

If you discover a fire in your area:

- Alert others in the immediate area.
- Get out and close the door behind you.
- Activate the building fire alarm system on your way out.
- Call 911 or Public Safety.
- Leave the fire area immediately by following your planned exit route and closing doors behind you.
- Exit the building by the closest exit or stairway.
- Never use the elevator. Always use the stairways.
- Once outside the building, move to a safe area. Tell the Fire Department if anyone is left inside, and do not reenter until you are told you may.

Smoking is prohibited in all campus buildings, including residence halls, individual rooms, hallways and lounges. Furthermore, smoking is prohibited in all partially enclosed areas such as covered walkways, breezeways and walkways between sections of buildings, areas immediately adjacent to building entrances, and exterior stairways and landings. Due to the risk of fire, all candles, toasters, halogen lamps, toaster ovens, or any open element appliances are prohibited in residence halls. Tampering with fire safety equipment is prohibited. A listing of all residence halls is attached to this report.

Definitions

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

Fire Drill – A supervised practice of a mandatory evacuation of a building for a fire.

Fire-Related Injury – Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-Related Death – Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within one (1) year of injuries sustained as a result of the fire.

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

Fire Log – A fire log is kept in the Department of Public Safety, which is open to the public during normal business hours. Nichols College maintains a fire log that records any fire that occurred in an on-campus student housing facility and includes information such as the nature, date, time and general location of each fire. The Fire Log entry, or an addition to an entry, shall be made within two business days of the receipt of information. The Fire Log for the most recent 60-day period shall be open to the public inspection during normal business hours. Any portion of the log older than 60 days will be available within two business days of a request for public inspection.

Fire Statistics

Name of Facility	2020			2021			2022		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Winston House	0	0	0	0	0	0	0	0	0
Copper Beech 1	0	0	0	0	0	0	1	0	0
Copper Beech 2	0	0	0	0	0	0	0	0	0
Olsen Hall	0	0	0	0	0	0	0	0	0
Shamie Hall	0	0	0	0	0	0	0	0	0
Kuppenheimer Hall	0	0	0	0	0	0	0	0	0
Remillard Hall	0	0	0	0	0	0	0	0	0
North Hall	0	0	0	0	0	0	0	0	0
Center Hall	0	0	0	0	0	0	0	0	0

Budleigh Hall	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

Fire Alarm Drills in all halls
8/31/2022 and 9/14/2022

Building Name	Address	Function	Sprinkler	Fire Alarm Control Panel	Smoke Alarms
Budleigh Hall	112 Center Road	Residential Building	X	X	X
Center Hall	108 Center Road	Residential Building	X	X	X
Copper Beech Apts. I	113 Center Road	Residential Building	X	X	X
Copper Beech Apts. II	117 Center Road	Residential Building	X	X	X
Kuppenheimer Hall	107 Center Road	Residential Building	X	X	X
North Hall	110 Center Road	Residential Building	X	X	X
Olsen Hall	109 Center Road	Residential Building	X	X	X
Remillard Hall	104 Center Road	Residential Building	X	X	X
Shamie Hall	111 Center Road	Residential Building	X	X	X
Winston House	143 Center Road	Residential Building	X	X	X