Annual Safety, Security, and Fire Report
2018

Compiled for October 1, 2019
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Introduction to Safety, Security, and Fire Report

Pine Manor College is pleased to complete with the state and federal (the Student Right-to-Know and Campus Security Act of 1990 [Public Law 101-542]) laws requiring that colleges make security information and reported campus crime statistics available to all college community members. This report summarizes safety, security, and fire prevention policies and programs. This report is published and updated annually by the Division of Student Affairs.

Safety on college campuses is a natural concern for families, students, and community members. Pine Manor College recognizes that safety and security support the College’s mission and work towards inclusion, community, and kindness.

Mission and Description of the College

The mission of Pine Manor College is to make certain that all graduates are prepared to take meaningful steps in their lives: engaging in new jobs and careers, continuing to learn, and positively contributing to their communities. Students, including those who are the first in their families to attend college, who are looking for a purposeful education in a personalized and inclusive learning community, will find a home at Pine Manor College.

Pine Manor College is a private, liberal arts college situated five miles west of downtown Boston. The College is recognized by U.S. News & World Report America's Best Colleges 2018 as the most diverse private liberal arts college in the country and is committed to diversifying the faculty and staff.

Pine Manor College offers students an intentionally individualized education and tailors our programs to meet students where they are academically, socially, emotionally, and co-curricularly. The idea that learning happens one student at a time is woven into our fabric, along with a strong commitment to community building.

Diversity and inclusion are our strengths. Students learn from a wide range of instructors, mentors, and advisors, as well as from each other. Together, we have found ways to harness the power of the whole Pine Manor College community and its many off-campus partners in what is truly a borderless learning environment focused on one outcome: student success.

About Pine Manor College’s Campus Safety

Pine Manor College recognizes that campus safety allows for student engagement and learning and promoting positive health and well-being amongst community members. Pine Manor College was in a contractual arrangement with Securitas, Inc. to oversee campus safety up through August 20, 2018. The College then signed a contract with SSC based out of Bridgeport, CT, who started the following day. Through Securitas and SSC, Pine Manor College had at least one supervisor and two security officers on-campus 24 hours a day/7 days a week. The Security Officers do not carry weapons or hold police authority to apprehend or arrest anyone involved in illegal acts. The Security Officers enforced community standards through building relationships and documenting inappropriate behaviors. If necessary, Pine Manor College Campus Safety called Brookline Police Department for assistance.
**Contributors to the Report**
The Dean of Student Affairs along with the Student Affairs Graduate Assistant and Director of Campus Safety aided in the collection of data, preparation, and distribution of the Annual Campus Safety, Security, and Fire Report. They gathered statistics from Campus Safety, local law enforcement, and other college officials who have “significant responsibility for student and campus activities.” Other College Officials included, but is not limited to, members of the divisions of Student Affairs and Academic Affairs, faculty, and the Director of Human Resources/Title IX Coordinator.

Local agencies such as the town of Brookline Police and Fire Departments also provide information concerning safety, security, and crime statistics for disclosure in this report.

**Why an Annual Safety, Security, and Fire Report?**
The Department of Education requires colleges publish an Annual Safety, Security, and Fire Report every year that contains three years of reported campus crime statistics within the schools’ geographic location (defined below) and the College’s security policies and sexual assault policy. Pine Manor College submitted its last report by October 1, 2018.

Community members and guests can access our Annual Campus Safety, Security, and Fire Report at [http://www.pmc.edu/crime-reports](http://www.pmc.edu/crime-reports). College employees, students, and trustees will also receive an email with the Report as an attachment by October 16, 2019.
How We Compile Statistics
Pine Manor College’s effort to compile statistics is collaborative. Campus Safety Officers and other community members (such as our on-call team) enter campus incidents into our reporting system (Maxient) where the Dean of Student Affairs codes the report based on the crime definitions from The Handbook for Campus Safety and Security Reporting, 2016 Edition which coincides with the definitions from the FBI Uniform Crime Reporting (UCR) Handbook, the FBI’s National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR, and the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual.

The Dean of Student Affairs also maintains a working relationship with the Brookline Police and Fire Departments to receive crime reports directly reported to their departments.

The Dean of Student Affairs works with the Campus Safety Site Supervisor, Director of Operations, Student Affairs staff, and Campus Security Authorities to compile the data in accordance with The Handbook for Safety and Security Reporting, 2016 Edition.

Pine Manor College Geographical Location
Pine Manor College’s geographical location, in compliance with The Handbook for Campus Safety and Security Reporting, 2016 Edition, includes the campus at 400 Health Street, Chestnut Hill, Massachusetts 02467-2332 along with the sidewalks and roads adjacent to campus: Woodland Road and Heath Street. The remaining sides of campus are private property; therefore, not included in our geographical area. The following map provides a visual for the buildings and property within Pine Manor College’s geographical location.
1 Heath Street Gatehouse
2 Campus Safety/Information Booth
3 Haldan Hall
4 Annenberg Library and Communications Center Hess Gallery
5 Abercrombie Fine Arts Wing
6 Dane Science Building
7 Ashby Campus Center/Student Mail
8 Dining Hall
9 South Village
10 West Village
11 East Village
12 Southwest/ELI
13 Hedley Soccer Field
14 Barn
15 Ann Pappajohn Vassiliou Child Study Center
16 Ellsworth Hall Center for the Performing Arts
17 Gymnasium Green Dunn Fitness Room/Dance Studio/Training Room
18 Kellogg Platform Tennis Courts
19 Softball Diamond
20 Pond
21 Richard Deutsch Cross-Country Course/Fitness and Ski Trail
22 Ferry Administration Building
23 Tennis Courts
P Parking
Classification and Counting of Reportable Crimes
The following classifications and instructions on how to record and report crimes is nearly verbatim from The Handbook for Campus Safety and Security Reporting, 2016 Edition that coincides with the FBI Uniform Crime Reporting (UCR) Handbook.

When reporting multiple offenses, colleges follow the FBI’s Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident the college only counts the most serious offense. A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy (and provides definitions and counting instructions).

There are exceptions to using the Hierarchy Rule when counting offenses. The exceptions apply to Arson, Sexual Assaults, Hate Crimes, and Violence Against Women’s Act (VAWA) Offenses. In these cases, the Arson, Sexual Assaults, Hate Crimes, and/or VAWA Offenses are listed along with any other Criminal Offenses. As such Dating Violence that includes Aggravated Assault would be listed twice – once under Aggravated Assault and again in Dating Violence (VAWA). If a Hate Crime is reported, there are four additional Crimes to document in addition to the list below.

Criminal Offenses: Definitions and Counting

Criminal Homicide
These offenses are separated into two categories: Murder and Non-negligent Manslaughter and Manslaughter by Negligence
- **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Count one offense per victim.
- **Negligent Manslaughter:** The killing of another person through gross negligence. Count one offense per victim.

Sexual Assault (Sex Offenses):
Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Include attempted Sexual Assaults, but do not include any Sexual Assaults other than the four types described below.
- **Rape** is 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. This offense includes the rape of both males and females. Count one offense per victim.
- **Fondling** is 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. Count one offense per victim. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.
- **Incest** is sexual intercourse between persons who are related to each other within the
degrees wherein marriage is prohibited by law. Count one offense per victim.

- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim.

**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. In any instance of Robbery, count one offense for each distinct operation (i.e., incident), including attempts. Do not count the number of victims robbed, the number of those present at the Robbery or the number of offenders.

**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. Count one offense per victim. However, if a number of persons are involved in a dispute or disturbance, and the aggressors cannot be distinguished from the victims, count the number of persons assaulted as the number of offenses.

**Burglary**
The unlawful entry of a structure to commit a felony or a theft. Count one offense per each distinct operation. For example, if a person unlawfully enters five different residence hall rooms in one evening, since each is separate and not transient this would count as five Burglaries.

**Motor Vehicle Theft**
The theft or attempted theft of a motor vehicle. Count one offense for each stolen vehicle.

**Arson**
Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Count one offense for each distinct incident of Arson.

**Hate Crimes: Definitions and Counting**
A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

**Race**
A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Religion**
A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
Sexual Orientation
A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender
A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity
A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity
A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin
A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability
A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Additional Offenses
For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

- Murder and Non-Negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
• Arson
• Larceny-Theft
• Simple Assault
• Intimidation
• Destruction/Damage/Vandalism of Property

The first seven crimes coincide with the previous listing, the definitions of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property are listed below:

**Larceny-Theft**
The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Larceny and theft mean the same thing in the UCR.

**Simple Assault**
An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation**
To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property**
To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**VAWA Offenses: Definitions and Counting**
**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. The existence of such relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relations, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. Report VAWA incident and Criminal Offense or other, if appropriate.

**Domestic Violence**
A felony or misdemeanor crime of violence committed by a current or former spouse intimate partner of the victim; a person whom the victim shares a child with; 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 jurisdiction in which the crime of violence occurred; by any other person against 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. Report VAWA incident and Criminal Offense or other, if appropriate.
**Stalking**
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Report first reported stalking incident and Criminal Offense or other, if appropriate.

**Arrests and Disciplinary Referrals: Definitions and Counting**
Arrests and disciplinary referrals include violations of the law that occur on Clery Act geography and result in arrests or persons being referred for disciplinary action. Violations of institutional policies that resulted in persons being referred for disciplinary action are not included if there was no violation of the law. If an individual is arrested and referred, only the person’s arrest is counted in the data.

**Liquor Law Violations**
The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Count the number of people in the incident.

**Drug Abuse Violations**
The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Count the number of people in the incident.

**Weapon Law Violations**
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Count the number of people in the incident.
Campus Safety & Reporting Protocol

Pine Manor College’s Campus Safety focuses on building a safe community through outreach, programming, and community policing to ensure the health, wellness, and values of Pine Manor College.

Campus Safety

Pine Manor College’s Campus Safety works to build a safe, inclusive community for all students. To ensure campus safety, Security Officers take a community policing approach through remaining visible and proactive. Officers make rounds throughout campus, respond to calls for assistance, provide student escorts as needed, and work closely with residence life and Brookline Police and Fire Departments.

Our Security Officers have jurisdiction over Pine Manor College property and can issue parking and speeding tickets on campus. The Officers are unarmed and do not have authority to make arrests.

Pine Manor College does not have a memorandum of understanding with the Brookline Police Department; however, does have a working relationship with them. The Brookline Police Department may make arrests when called onto campus and conduct their own investigations, accordingly. Campus Safety and community members may call the Brookline Police for additional support.

Campus Access

All Pine Manor College students, employees, and guests who drive onto campus must stop at the front gate to show their parking decal or approval to be on campus. (See the Student Handbook for more detailed information on campus access.)

To enter the residence halls, students must use their identification card to gain access to the building and their room key for their residence hall room.

Pine Manor College is an open campus and not fully fenced in on all sides of the property; some sides of the campus are open to foot traffic.

Campus Security Authorities

Campus Security Authorities (CSA) is a Clery Act term that encompasses college officials who work for/in campus safety (even tangentially) or college officials who have significant responsibility for students and campus activities. All CSAs on a college campus must report any crimes to Campus Safety.

Examples of Campus Security Authorities include:

- Campus Safety
- Student Affairs staff (including Residence Life staff and athletic coaches)
- Title IX Coordinator
- Faculty and staff advisors to student organizations
Clean Community
The Pine Manor College has a beautiful campus that the Facilities and Housekeeping teams work hard to maintain. To best ensure a community environment that is safe, healthy, respectful, and conducive to learning for all, a reasonable level of cleanliness and appropriate conduct is expected in individual resident rooms, bathrooms, kitchens, common areas, and all other campus space. All students, faculty, and staff are asked to assist in keeping these indoor and outdoor spaces clean and presentable for the Pine Manor College community. Personal trash, bottles, magazines, and other items should be deposited in the appropriate receptacles and recycling bins located throughout the campus.

Pine Manor College imposes an obligation on all its students to demonstrate responsible citizenship and to not create conditions, which disrupt the educational environment (e.g., excessive or unreasonable noise, excessively large parties, or rude/abusive language or behavior). Students in designated Quiet Buildings/Spaces (e.g., 24 Hour Quiet Residence Halls, Quiet Hours during Finals) are held to a higher standard.

The Campus’s Housekeeping staff, maintenance employees, security officers, and Student Affairs team including Resident Assistants perform regular rounds in the residence halls and throughout campus to ensure the safety of the physical plant (and the community).

The Housekeeping team oversees day-to-day cleaning of the common spaces on campus (e.g., common lounges, hallways, bathrooms) and empties the trash and the recycling. If common spaces need additional attention, students should email their Resident Assistant and Housekeeping@pmc.edu. Other community members should email Housekeeping@pmc.edu directly.

The campus maintenance team works to keep Pine Manor College’s facilities running and safe. Pine Manor College students should email any necessary repairs to their Resident Assistant who will connect with the Director of Operations and maintenance team. Other community members should reach out directly to the Director of Operations and Director of Facilities at workorders@pmc.edu.

If there is a safety emergency of the physical plant (e.g. fire, oil leak), community members and guests should call Campus Safety immediately.

Drug and Alcohol Awareness Policy and Programming
Pine Manor College places the health, wellbeing, and safety of our students and their guests as central to our alcohol and drug policy, while adhering to the requirements of federal and state laws.

All students at Pine Manor College are expected to assume personal responsibility for their own conduct, and comply with all laws and College policies regarding alcoholic beverages and other drugs.

Definitions
- **Alcohol**: Any beverage containing not less than 0.5% alcohol by weight.
• **Drugs**: Broadly includes, without limitation, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound, or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use (e.g., the misuse of prescription drugs, over the counter drugs, or household products).

• **Drug paraphernalia**: Broadly includes material, product, instrument or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to hypodermic needles, syringes, bongs, pipes, grinders, scales.

• **Possession**: Determined by control over a substance or object with or without regard to ownership.

• **Property**: Pine Manor College’s campus including the sidewalk and road around campus that is not privately owned. When off-campus on a college-related trip, the spaces the trip occupies (e.g. bus, hotel, museum, etc) also constitute property.

**State and Local Laws Pertaining to Alcohol**
Massachusetts’s law prohibits any individuals under the age of 21 from buying, possessing, consuming, or distributing alcoholic beverages. There is no exemption from this law. Therefore, the Pine Manor College community is subject to this prohibition even though it is private property patrolled by its own security force. This policy applies to Pine Manor College students and guests.

Massachusetts’s law makes it a misdemeanor for any person under 21 years of age to obtain or try to obtain alcoholic beverages by presenting or offering a false identification. It is also a misdemeanor for minors to be found in possession of false identification intended for use in obtaining or trying to obtain alcoholic beverages. Persons found guilty of these misdemeanors are subject to state penalties and sanctions under Pine Manor College’s Student Handbook.

Pine Manor College complies with all aspect of Massachusetts General Law chapter 138 concerning alcohol. Any violation of chapter 138 is punishable up to and including expulsion.

The following is a summary of the current Massachusetts General Law pertaining to alcoholic beverages both on and off Pine Manor College property:

• To lawfully purchase or possess alcohol, an individual must be at least 21 years of age.
• Individuals under the age of 21 may not buy, possess, or consume alcoholic beverages.
• It is unlawful, regardless of age, to carry an open containers of alcoholic beverages in public (e.g., outside of buildings, public areas of residence halls, lounges, or other college buildings).
• If the college hosts a private event with alcohol, invited students over the age of 21 may drink responsibly upon showing proper identification (e.g., driver’s license or passport).
• It is unlawful to provide or serve alcohol to individuals who are under 21 years of age.
• It is unlawful to sell tickets or charge admissions to events where alcohol is present without a valid license to sell alcohol.
• It is unlawful to misrepresent one’s age or to possess or use falsified identification.
• It is unlawful for a person under 21 years of age to knowingly drive a car with alcohol in it or to carry alcohol.
• It is unlawful to operate a motor vehicle while under the influence of alcohol.

**State and Local Laws Pertaining to Drugs**

The Commonwealth of Massachusetts enforces the following laws pertaining to drug use (see Massachusetts General Laws, Chapter 94C), Controlled Substances Act:

• It is unlawful to possess and/or use illegal substances or misuse prescription drugs.
  • It is unlawful to operate a motor vehicle under the influence of drugs.
  • Massachusetts’s law prohibits the unlawful manufacture, possession, distribution, dispensation, or use of controlled substances.
  • While Massachusetts’s law has legalized the use of recreation and medicinal marijuana. Marijuana in all forms is prohibited on Pine Manor College’s campus as Pine Manor College receives federal funding and is a drug-free school zone.

**Pine Manor College Regulations Pertaining to Alcohol**

In compliance with Massachusetts General Laws, Pine Manor College adheres to the following policies:

• Underage drinking – Students under 21 years old are not permitted to possess or consume alcohol and are held responsible if found in violation.
• Responsible drinking – Students 21 years old and over who chose to drink alcoholic beverages are expected to do so responsibly. Public intoxication is not permitted.
  o Students 21 and over may consume alcohol in their residence hall room or a residence hall room with other people that are of legal age.
  o It is the duty of the consumer to drink responsibly and not jeopardize the safety and well-being of themselves, others, and/or property.
  o If consuming alcohol, students must keep the door closed and ensure that everyone in the room is over 21 years old.
  o Students 21 and older may keep alcohol in their residence hall rooms as long as it is in reasonable amounts (e.g., one 6-pack/person, one bottle of wine/person).
• Pine Manor College will provide ongoing education to the community about responsible drinking from a health, safety, and legal point of view.
• Kegs, handles, funnels, luges, and beer balls are prohibited on campus.
• Alcohol and open containers are not permitted in common areas such as hallways, commons, lobbies, and lounges.
• Residence Life staff and Campus Safety reserve the right to inspect suspicious containers.
• Pine Manor College staff may confiscate alcoholic beverages and related materials that are in violation of Pine Manor College’s policies and regulations.

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1 These laws reflected Massachusetts’s laws prior to the legalization of marijuana in 2018.
• Guests of Pine Manor students must honor all Pine Manor College policies and it is the responsibility of the Pine Manor College student to notify their guests of the policies.
• The College holds Pine Manor College students whose guests violate Pine Manor College policies responsible for their guests’ behaviors.
• Liquor stores or other companies may not deliver alcohol to students on campus. The College holds students who place such orders responsible.
• Pine Manor College remains a drug-free school zone aside from prescription drugs used as prescribed, with the exception of medicinal marijuana, which is prohibited.
• Pine Manor College students can be found responsible for violating Pine Manor College’s drug policy if they are found in possession of drugs or unauthorized prescription drugs, drug paraphernalia, exhibiting the effects of drugs, or smelling as though they have been using.
• Pine Manor College Campus Safety and Student Affairs reserves the right to enter into residence hall rooms that smell like marijuana or other drugs and can hold residents and their guests accountable if applicable.
• Students found smoking or using a hookah or other items, which involve a flame, may also be found in violation of Pine Manor College’s fire policy.

Pine Manor College Regulations Pertaining to Drugs
Pine Manor College prohibits the possession, use, consumption, manufacturing, sale, or distribution of drugs, drug paraphernalia, and medical marijuana despite the legalization of marijuana in Massachusetts. Additionally, the possession of drugs with intent to use, deliver, sell, or manufacture is prohibited.

The College takes the use of illicit drugs, misuse and abuse of prescription drugs, and possession and distribution of drugs very seriously and will respond accordingly. Violation of this policy may subject students to sanctions up to and including expulsion.

Education, Resources, and Support for Alcohol and Drugs
Any time alcohol or other drugs are used, the risk for health problems increase. These problems can cause personal harm, injury, or even death. The use and abuse of alcohol can negatively affect one’s academic success. Pine Manor College provides educational programs and services on alcohol abuse for all students.

The use of alcohol (a depressant) slows the nervous system. Therefore, alcohol causes:
• Increased heart rate
• Increased risk of contracting sexually transmitted diseases
• Loss of muscle control, leading to slurred speech and poor coordination
• Hangovers, fatigue, nausea, and headaches
• Blackouts and memory loss
• Unconsciousness
• Impaired judgment
• Poor concentration and impaired thinking and reasoning
• Loss of inhibitions and exaggerated feelings

Potential consequences of alcohol abuse include:
• Alcoholism
• Damage to brain cells
• Blackouts and memory loss
• Poor concentration
• Death (as a result of accidents or alcohol poisoning)
• Social conflicts
• Accidents and injuries
• Drinking and driving
• Sexual assault and abuse

Potential consequences of drug use and abuse:
• Short-term memory problems
• Severe anxiety, including fear that one is being watched or followed (paranoia)
• Very strange behavior, seeing, hearing or smelling things that aren’t there, not being able to tell imagination from reality (psychosis)
• Panic
• Loss of sense of personal identity
• Lowered reaction time
• Increased heart rate (risk of heart attack)
• Increased risk of stroke
• Problems with coordination (impairing safe driving or playing sports)
• Sexual problems (for males)
• Increased risk of contacting sexually transmitted infections
• Decline in IQ (up to 8 points if prolonged use started in adolescent age)
• Poor school performance and higher chance of dropping out
• Impaired thinking and ability to learn and perform complex tasks
• Lower life satisfaction
• Increased chance of addiction
• Relationship problems; partner violence
• Antisocial behavior including stealing money or lying
• Financial difficulties

Potential consequences of mixing alcohol and drugs or mixing different drugs include:
• Unexpected and dangerous results
• Depressants taken in combination can cause coma and death.

**How to Help a Friend/Bystander Intervention**

**In an emergency:**
If your friend is experiencing any of the symptoms below – call Campus Safety at 617-731-7777 immediately:
• Unconscious or semi-consciousness
• Slow breathes
• Cold, clammy, and/or pale or bluish skin
• A strong odor of alcohol or drugs

After calling Campus Safety, turn the intoxicated person on their side and maintain that position by placing a pillow in the small of the person’s back to prevent choking. Stay there until medical help arrives.

If you are unsure whether the person is in an emergency state or not, call for help. Do not guess.

In non-emergency situations:
• Alcohol Anonymous at www.aa.org
• Massachusetts Help Line at 800-327-5050
• Narcotics Anonymous at www.na.org
• On campus, students can reach out to anyone they trust, including the College Counselor, their Student Success Coach, and their faculty advisor.

Good Samaritan Policy
If students voluntarily seek assistance from Campus Safety and/or Pine Manor College employees to help intoxicated persons or themselves and the students seeking assistance violated the College’s alcohol or drug policies, the community standards process will take into account the totality of the circumstances. While Pine Manor College will consider the totality of the circumstances, cases taken off campus to civil court may not grant the same understanding.

If students notice other students on campus turning to alcohol and/or drugs in unsafe ways or if students feel they have become dependent on alcohol and/or drugs, students should:
• Reach out to a Pine Manor College employee that you trust and/or the Dean of Student Affairs
• Connect with counseling services
• Connect with off-campus resources such as:
  • Massachusetts Substance Abuse Education and Information Helpline at 1- 800-327-5050
  • Boston Drug Treatment Centers and Alcohol Abuse Rehab and Addiction Help at (617) 517-6448.

Alcohol, Drugs, and FERPA
Under amendments made to the Family Educational Rights and Privacy Act (FERPA), colleges and universities are encouraged to inform parents or legal guardians of students under 21 who have violated laws on the use or possession of alcohol and/or other drugs. Pine Manor College may utilize this option to involve the student’s family to assist in harm reduction. Students are urged to notify their family prior to the College’s notification. See also Confidentiality of Student Records.
The Drug-Free Schools and Campuses Act (Amendments of 1989)
This law requires institutions receiving federal financial assistance to establish drug and alcohol abuse prevention programs for students and employees. Students and employees must receive materials annually that contain standards of conduct, a description of the various laws that apply in that jurisdiction regarding alcohol and drugs, a description of the various health risks of drug and alcohol abuse, a description of counseling and treatment programs that are available, and a statement on the sanctions the college will impose for a violation of the standards of conduct.

Pine Manor College Smoking Policy
Smoking is not allowed in any campus building, including the residential communities, or within 25 feet of building entrances, doors, or windows. Smoking marijuana (medicinal or recreational) is not permitted on College grounds or in its buildings. For the purposes of this report and PMC documents (e.g., the Student Handbook), “smoking” or “smoking of tobacco products,” also includes use of electronic cigarettes.

Emergency Notification System
Pine Manor College encourages all community members to sign-up for our Emergency Notification System through the Pine Manor College intranet at http://my.pmc.edu/. We recommend community members receive at least two modes of emergency notification such as text message and phone call, text message and email, or phone call and email. Community members may use more than two, if they like.

In compliance with the Clery Act and to ensure safety to all members of the community, the College will report out to the community all immediate and imminent threats and emergencies through the Emergency Notification System. For example, risk of fire, gas leaks, contagious illness, armed intruder(s), or civil unrest. When Pine Manor College uses the Emergency Notification System, community members will receive information on 1) the situation, 2) what to do, and 3) follow-up. These messages may come from Pine Manor College’s Director of Campus Safety, Dean of Student Affairs, Associate Dean of Student Affairs, Director of Operations, or IT (for technology related concerns or when an off-campus person is necessary to assist in communication).

Pine Manor College will conduct at least one test of the Emergency Notification System each semester and clearly indicate on the announcement that it is a test of the Emergency Notification System.

To disseminate information to the local community in the case of an emergency, Pine Manor College will work with the Brookline Police Department.

Emergency Procedures
The following emergency procedures are available on the College webpage, student handbook, and are distributed to faculty and staff at the start of the academic year.

As a community, we have an obligation to keep each other safe. To report an incident:
<table>
<thead>
<tr>
<th>Campus Safety</th>
<th>617-731-7777 or 911</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For non-emergency situations:</strong></td>
<td></td>
</tr>
<tr>
<td>Campus Safety</td>
<td>617-731-7187 or <a href="mailto:safety@pmc.edu">safety@pmc.edu</a></td>
</tr>
<tr>
<td>Student Success Team</td>
<td>617-731-7136</td>
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<tr>
<td>Dean of Student Affairs</td>
<td>617-731-7195</td>
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<tr>
<td>Brookline Police</td>
<td>617-730-2222</td>
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<tr>
<td><strong>For sexual misconduct:</strong></td>
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<td>Title IX Coordinator</td>
<td>617-731-7143 or <a href="mailto:titleIX@pmc.edu">titleIX@pmc.edu</a></td>
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<td><strong>For anonymous reporting:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>pmc.edu/report-a-crime-anonymously</td>
</tr>
</tbody>
</table>

**Bystander Intervention Strategies**
Bystander Intervention is an important strategy that you can use to prevent or respond effectively to a risky situation that might otherwise lead to more harm. For any questions or for more support on how to be an active bystander please feel free to communicate with any member of the Student Affairs team.

- Notice the event
- Identify it as an emergency
- Take responsibility
- Decide how to help (see 3Ds below)
- Act to intervene

3Ds of Bystander Intervention

*Distract* - Do something that discontinues the behavior by distracting the participants.

*Delegate* - Tell someone else (such as a Campus Safety Officer) about the emergency.

*Direct* - Directly act/call out the situation to stop it from happening.

**Emergency Protocol**
As a community, we have put in place emergency procedures and emergency responses. The emergency procedures are general action steps for situations that we cannot predict, but can prepare ourselves for in case they occur. The emergency responses are for handling specific incidents that you may come across on campus.

While we have specific protocol, listed below, in summary:

*If you are the person harmed, you see a person harmed, or you see a person causing harm - call campus safety or 911 for life threatening emergencies.*

**Evacuation Procedures**

- Evacuate the building using the closest available exit.
• As you leave the building direct others to the designated meeting area.
• When police arrive: follow their instructions.

Lockdown Procedures
• Follow homeland security protocol until police arrive: Hide, Run, Fight.
  o **Hide**: Secure yourself in a room, lock and block the doors, stay low outside of view from windows and doorway, silence cell phones (keep them on for communication), play dead.
  o **Run**: Evacuate the area if able and safe.
  o **Fight**: If the shooter is in your presence and you can take them down, do – tackle, throw objects.
• Text 911 or Call 911 to give them as much information as possible about the incident.
• When police arrive: Follow their protocol, keep your hands raised and in sight, leave your belongings (prioritize your safety).

Shelter in Place Procedures
• Ensure your safety and the safety of those around you.
• Go to a space with no or minimal windows.
• Limit the ventilation in the room – close windows, block the space under the door, turn off heat.
• When police arrive: Follow their instructions.

Emergency Responses

*Bias Incidents and Sexual Misconduct*
• Let the person harmed know that due to the serious nature of the incident, you need to escalate the situation to campus safety who can come out or call the on-call student affairs team member.
• Do not touch or remove anything from the scene of the incident as you wait for campus safety or the on-call student affairs team member.
• Support the person harmed through listening.

*Death of a Student*
• Call Campus Safety and provide: location of incident, student’s name, any other known information at the time, if you and/or other students are in physical danger.
• Clear the area of bystanders and close doors to ensure privacy, if able. Do not touch the body or anything in the area.
• Practice your own personal safety and self-care.

*Medical Assistance*
• Contact Campus Safety (or 911 if this is a life or death situation)
• Remain with the ill person while Campus Safety arrives; try to keep the ill or injured person calm and relaxed.
  o For alcohol poisoning, turn the person on their side in case they vomit.
  o For seizing, try to lower the person to the floor, place them on their side, clear the area of other people and objects to make space, and try to put a soft object under their head.
o For a drug overdose, call the person’s name, check for a pulse, rub their sternum hard to stimulate and awaken them. If there is no response, administer naloxone, if available.

**Loud Noise, Music, TV in the Residence Halls**

- Ask the person(s) being loud to be quieter and give context to explain your request. For example,
  o I am trying to study for my exam, can you please turn down the music?
  o I am going to sleep, can you please close your door to help keep the noise contained?
  o I am not feeling well, can you please use earbuds to listen to your show?

**Physical Altercation**

- Prioritize your own safety first.
- Call Campus Safety and provide them: an estimation of number of students and guests involved, the location of the incident, what is occurring, and whether weapons are present.
- Try to deescalate the situation:
  o Firmly state the names of the people involved and tell them to stop.
  o Encourage other people to not get involved.

**Power Outage, Flooding, and/or Physical Plant Issues**

- Call Campus Safety and follow their lead.
- Prioritize your safety.

**Fire Safety**

All community members share in the responsibility to maintain a safe community and share in the responsibility to abide by the Town of Brookline’s fire codes. This includes, but is not limited to:

- Keeping all College buildings smoke-free of tobacco and other drugs.
- Keeping smoke detectors properly connected and installed at all times. Covering smoke detectors violates this regulation.
- Keeping common spaces and doors easily accessible.
- Not tampering with exit signs, fire extinguishers, thermal or smoke detectors, fire alarms, fire extinguishers, fire extinguisher boxes, fire hoses, smoke alarms, panels, and any other emergency equipment.
- Not setting any unauthorized fires on College property nor possessing, using, manufacturing, distributing, or selling any fire producing agents, explosives, and/or incendiary devices including candles, fireworks, and firecrackers. (Students that need to light candles for religious observances should contact the Associate Dean of Student Life at least a week in advance).
- Not smoking within 25 feet of any campus buildings and not smoking in “Clean Air Zones.”
- Properly disposing of all cigarette butts.
Fire Safety in the Residence Halls
In addition to the campus fire safety regulations, students that live on campus must abide by their signed housing contract and the following fire safety rules to ensure safety in the residence halls:

• Students may not have halogen lamps, lava lamps, extension cords, multi-outlet adapters, space heaters, holiday string and ropes lights, candles with or without wicks, open flames, incense, irons and all cooking appliances (except for microwaves) in their rooms.
• Students may have microwaves and/or 4-cubic-foot refrigerators as long as they remain plugged directly into the wall outlet. Students must not keep their microwaves and/or refrigerators in their closets when in use.
• Students may use a fuse and/or surge-protected power strips in their rooms as long as they plug it directly into the wall, and each piece of equipment plugs directly into the power strip. Students may only plug one strip into each dual wall outlet.
• Students who use personal heat-producing items (e.g., hairdryers, curling irons) must plug them directly into the wall outlet and unplugged them when not in use.
• Students should not place combustible materials (e.g., mattresses, bedding, laundry, trash, paper, posters, tapestries) over or adjacent to electrical cords or outlets.
• Students should not use closets as kitchen/entertainment centers.
• Students should neatly coil excess cords, so wires do not dangle or run across the floor or under throw rugs.
• Ceilings should remain clear of decorations.
• Tapestries and other fabrics should only hang on walls.
• Students must keep vents/radiators in rooms, hallways, and doorways clear of obstructions (boxes, furniture).
• Students may not bring their own mattresses into the rooms (including fabric mattresses, air mattresses, etc). If students need their own mattress for medical reasons, students should work with the Associate Dean of Student Engagement.
• Students may not tamper with fire equipment (e.g., fire extinguishers, smoke detectors) in the building or in their residence hall rooms.
• Representatives from the College may inspect rooms if they smell any odor that may constitute a fire hazard. This includes, but is not limited to: cigarette smoke, marijuana, smoke of another source.
• Representatives from the College may inspect rooms without notice to verify that students are adhering to fire safety. Additionally, representatives from the Town of Brookline may periodically inspect any room without notice to insure that students and the College follow necessary safety precautions.

Guest Policy
Pine Manor College students are responsible for their visitors to the college and our residence halls. Students must escort their guests while on campus and hold them responsible for college rules and relaying relevant information.

Students should register all guests through the on-line portal. When students’ guests arrive, the guests should check-in at the front booth with Campus Safety.
Students can sign in a maximum of two guests up until 11PM. Students may have guests for two overnights per seven days assuming the students’ roommate agrees and the arrangement respects the rights of all students involved.

All guests must be 16 years or older.

**Hate Language, Crimes, and Acts of Bias**

Hate language, hate crimes, and acts of bias with the intent to intimidate any individual or sect(s) are not welcomed or tolerated on our campus. Pine Manor College’s policy on hate crimes expands on Massachusetts’ Hate Crimes Penalty Act (General Law Chapter 265, Section 39) to include race, color, religion, national origin, sexual orientation, gender identity and expression, religion, disability, sex, gender, age, and political persuasion.

A hate crime is a criminal act that is committed against the person or property of another because of any of the above named identities/sects. Hate crimes also include any such crimes committed against the property of a public agency or private institution - including educational facilities and advocacy groups - because the property of the agency or institution is identified or associated with a person or group of one of the aforementioned identities/sects.

Acts of bias are incidents that are expressions of hostility against another individual (or group) because of perceived or actual above named identities/sects.

Hate language, hate crimes, and bias-related incidents need to be addressed because they harm individuals and/or groups, undermine civility and understanding in the Pine Manor College community, and impede the educational process. While instances of speech may be protected as free speech, individuals also retain responsibility for that speech when they generate harm requiring intervention.

**Hazing/Rites of Initiation**

Massachusetts General Law chapter 269, section 17 defines hazing as:

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

Student organizations, teams, and individuals found in violation of Massachusetts hazing laws will be subject to Pine Manor College disciplinary action up to and including expulsion. In addition, in congruence with chapter 269, section 17, Pine Manor College students and employees must report all hazing immediately. Said law provides:
Whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

All Pine Manor College students will learn about hazing during Orientation. In addition, student-athletes and student leaders will receive additional information about hazing at the start of their seasons and club formation/leadership trainings in accordance to General Laws chapter 269, section 19.

**Missing Students**

It is mandatory to enter missing people under the age of 21 into the National Crime Investigation Center through Suzanne's Law. Suzanne's Law amends Section 3701 (a) of the Crime Control Act of 1990 so that there is no waiting period before a law enforcement agency initiates an investigation of a missing person under the age of 21 and reports the missing person to the National Crime Information Center of the Department of Justice. Suzanne's Law is named after Suzanne Lyall, a student at State University of New York at Albany, who has been missing since 1998. (Information from www.mass.gov)

Pine Manor College takes all leads on missing students seriously. To report missing students, please contact Campus Safety. Campus Safety will begin an investigation and collaborate with the Brookline Police Department, Student Affairs team, and community members, as necessary. Regardless of whether the students live on campus or not, Pine Manor College will look into the whereabouts of the reported persons to ensure their health and safety.

If not located through initial outreach, Campus Safety or Student Affairs will notify the students’ emergency contact and work with the families accordingly.

All pertinent law enforcement agencies; neighboring municipal, county, or state; those located along suspected travel corridors; or place of original domicile, will be notified and requested to render assistance during the search. Upon closure of the missing persons investigation, Campus Safety and Student Affairs will try to update all previously contacted parties on the status of the case.

**Parking and Driving On Campus**

**Parking on Campus**

All guest and student vehicles must have a valid Pine Manor College parking pass to park at Pine Manor College and park in their designated spots (e.g., commuter students in the marked spaces by Ellsworth and Dane Halls, guests in the Southwest parking lot). Parking is only permitted on paved parking spots.

All out of state residents must fill out an out-of-state form to and submit it to the town of Brookline. The Town will send students a decal at no additional charge to affix to their windshield.
Students can purchase Pine Manor College parking decals through the Director of Student Services in the mailroom in the Ashby Campus Center. Student must present a valid driver’s license and vehicle registration (in the student’s name or a caregiver’s name) to register a vehicle on campus.

All vehicles on campus must be validly registered with the Registry of Motor Vehicles and must display a valid inspection sticker and license plate(s). All vehicles must also be insured and operable.

**Driving on Campus**
Campus Safety is responsible for setting forth the traffic patterns and parking regulations for Pine Manor College to ensure the safety and convenience of the Pine Manor College community and its guests. The maximum speed limit on College roads or in parking lots is 15 miles per hour (mph). These driving patterns, parking regulations, and speed limits are in effect 24 hours a day, 7 days a week. Campus Safety is responsible for enforcing and issuing violations of this policy, which apply to all students, employees, and visitors.

Any community member found operating unauthorized equipment or automobiles, or violating any driving or parking policy, will be subject to disciplinary sanctions including but not limited to parking tickets, vehicle towed at the owner’s own expense, loss of parking privileges, and/or repayment of damages.

Violators shall pay all tickets to the Director of Community Development and Standards within three business days of said violation. To appeal a ticket, students must email the Dean of Student Affairs with new information in support of their appeal, which was not presented prior to ticketing.

Students who violate parking and driving rules and regulations risk losing their right to park and drive on campus and may face additional fines.

**Propped Doors**
Exterior residence hall door should remain closed at all times. Students should not allow non-Pine Manor College students to follow them into the residence halls.

The College will discard any remaining items in the residence hall rooms after the students’ move out date and charge students for labor/removal costs.

**Reporting an Incident**
Pine Manor College encourages all community members to report incidents accurately and immediately to Campus Safety, a Campus Security Authority, and/or Brookline Police. If a community member is unable to report an incident accordingly, we encourage other community members to report the incident on the survivor/victims behalf.
To report an incident to Campus Safety, provide information on an incident, or receive help and assistance, students can call 617-731-7187 or email safety@pmc.edu for non-emergencies and 617-731-7777 for emergencies.

To report an incident anonymously, students may use http://www.pmc.edu/report-a-crime-anonymously.

Calling Campus Safety is not synonymous with reporting an incident to the Brookline Police Department. If students wish to report an incident to the police, students should call 617-730-2222 for non-emergencies.

Campus Safety may call Brookline Police at their discretion for campus incidents. In compliance with Title IX, campus safety and Pine Manor College will not call Brookline Police Department to report sexual misconduct unless there is imminent danger.

Safety Resources
To promote a safe campus, Campus Safety offers the following resources and services to our community members:

- Emergency Notification System/Alerts and Timely Warnings
- Anonymous campus reporting system
- Blue lights throughout campus
- Regular rounds by the Resident Assistants and Campus Safety Officers
- Availability of live-in Student Affairs staff
- Key card system to enter residence halls

Timely Warnings
In addition to the Emergency Notification System, Pine Manor College’s Dean of Student Affairs or Director of Campus Safety will issue timely email warnings when a situation occurred that may represent a serious or a continuous threat to our community. For example, Pine Manor College would email a timely warning to the community if multiple burglaries or tire slashing occurred on campus.

Timely email warnings will include information about the incident (e.g. where, what), suggestions for remaining safe, and information on how community can report more information if they learn more about the situation. Pine Manor College’s Dean of Student Affairs or Director of Campus Safety will send follow-up email(s) to the original timely warning as needed. Timely warning emails will not violate FERPA, identify the victims, or jeopardize their anonymity. In addition, Pine Manor College will not send out timely warnings if they may disrupt the investigation of a case.

Weapons, Explosives, and Hazardous Materials
Students may not possess, use, manufacture, distribute, make, or sell any weapons, explosives, or hazardous materials on campus including, but is not limited to, firearms, air guns, B.B. guns, paintball guns, pellet guns, and knives with blades longer than two inches.
Students may also not threaten the use of a weapon regardless of whether they have a weapon or not.
Campus Statistics

Daily Crime and Fire Logs
Campus Safety maintains a daily crime log that records: case number, date and time incident was reported, date and time of incident, classification and description of incident, disposition (if any). The log includes all crimes and other incidents that occur on campus, on public property adjacent to campus, or within the patrol jurisdiction of Campus Safety.


Campus Safety posts incidents in the Daily Crime Log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log when circumstances dictate.

Reported Crime Statistics
The following statistics include all reported data to Pine Manor College Campus Safety Authorities and Brookline Police Department. Any increases in numbers likely reflect additional programming and outreach Pine Manor College has instituted to encourage students and community members to come forward on campus incidents. A change in rape and domestic violence also reflects additional programming around bystander intervention, healthy relationships, and consent.
<table>
<thead>
<tr>
<th>Crime Offenses</th>
<th>Year</th>
<th>On-Campus Properties</th>
<th>Geographical Locations</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
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<td>On-Campus Student</td>
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<td>Housing Facilities</td>
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<td>(numbers also reflected in On-Campus Properties)</td>
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Reported VAWA Statistics

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## Arrests and Disciplinary Referrals Statistics

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</table>

### Reported Hate Crimes
- **2018:** No reported hate crimes.
- **2017:** One on-campus intimidation incident characterized by gender.
- **2016:** No reported hate crimes.
- **2015:** One on-campus intimidation incident characterized by disability; Two on-campus vandalism incidents in a residence hall characterized by national origin.
## Fire Statistics for Pine Manor College - 2018

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<th>Fires</th>
<th>Injuries</th>
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</table>
Sexual Harassment and Misconduct Policy

The Table of Contents has been redacted.

Please know parts of this Policy are explicit and can evoke uncomfortable feelings due to the content area.

SECTION I: INTRODUCTION

Pine Manor College’s Sexual Misconduct Policy (also referred to as “the Policy”) intends for all members of the Pine Manor College (also referred to as “PMC” or “the College”) community to learn, live, and/or work in an environment free from sexual misconduct. The College seeks to foster a safe environment through ongoing education, a clear and consistently upheld sexual misconduct policy, and fair and equitable investigation and grievance procedures.

The College expects members of our community to respect themselves and one another, contribute to the safety and security of our community, and encourage one another to act as active bystanders to prevent, lessen, and curb sexual misconduct. Creating a safe campus environment is the responsibility of all community members.

Sexual assault, sexual harassment, dating violence, domestic violence, stalking, and all forms of discrimination relating to one’s sex or gender identity (hereinafter referred to as “prohibited conduct” or “sexual misconduct”) violate the rights and dignity of those subjected to the prohibited conduct. When any member of our community (student, faculty, staff, trustee, friend, vendor, or visitor) engages in sexual misconduct, that person exhibits a fundamental failure to act with integrity and to recognize and respect the intrinsic worth of another. Acts of sexual misconduct, as defined in Section III of this Policy, are contrary to the College’s educational mission and values and the College will not tolerate such behavior.

All PMC community members are responsible for their actions and behavior on and off campus and have a responsibility to adhere to College policies and all applicable laws (local, state, and federal). Any individual may report breaches to the Sexual Misconduct policy and, if determined that a sexual misconduct violation has occurred, the College will hold those individuals accountable for their behaviors.

This policy applies to incidents between students and other students, students and guests, and/or students and employees. While employees of the College may not engage in any of the prohibited behaviors stated in the Policy, the College’s Director of Human Resources will oversee incidents of sexual misconduct between employees (where students are not involved).

Definitions of Parties

**Complainant** refers to the party that alleges and reports the sexual misconduct.

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2 The attached policy was current for the past academic year (2018-2019). Current students should refer to [http://www.pmc.edu/title-ix-sexual-misconduct-policy](http://www.pmc.edu/title-ix-sexual-misconduct-policy) for the updated 2019-2020 policy and resources.
Survivor/victim refers to the person violated. In some cases, the complainant and the survivor may be the same person, while in other cases they may not.

Respondent is the party accused of engaging in the sexual misconduct.

Third party is any individual with information about the sexual misconduct or incident, including witness(es) and/or reporting parties.

Employee generally refers to Pine Manor College staff and faculty members, unless otherwise specified.

Report includes any account, statement, information, or incident that puts the College on notice of an allegation of sexual misconduct.

College community member(s), community, or community members include PMC students, faculty, staff, trustees, friends of the College, contracted parties, and visitors.

An Overview of the Sexual Misconduct Policy
This Policy provides the PMC community with clearly articulated behavioral standards, definitions, key concepts, and resources concerning sexual misconduct. In addition, the Sexual Misconduct Policy provides reporting options and a step-by-step overview of the allegation, investigation, and sanctioning processes.

Specifically, in this Policy:
• Section II outlines the Colleges and the local and federal non-discrimination policy.
• Section III lays out prohibited behaviors and defines those behaviors, then defines “consent.”
• Section IV goes through the rights and reasons people may choose to disclose sexual misconduct.
• Section V discusses ways to report sexual misconduct on and off-campus.
• Section VI provides those who experienced sexual misconduct or were impacted by sexual misconduct with resources on and off-campus.
• Section VII tells about the College’s obligation to report the number of sexual misconduct violations within the Campus’s Annual Security Report required through the Clery Act.
• Section VIII details the Title IX investigative process and includes interim measures, an outline of what to expect, potential sanctions, and the appeals process.
• Section IX provides an overview of the trainings and workshops Pine Manor College organizes to ensure the community is informed on topics related to sexual misconduct.

Pine Manor College reserves the right to amend or modify this Policy at any time to better serve the community. Any changes will be shared on the Pine Manor College webpage and not apply to open cases, unless specifically stated to the involved parties.
SECTION II: NOTICE OF NON-DISCRIMINATION

Pine Manor College is committed to establishing and maintaining an environment free from all forms of sexual harassment, sexual discrimination, and sexual misconduct (as defined in Section III).

Gender-based misconduct is a form of sexual discrimination that unjustly deprives a person of equal treatment. Such misconduct is prohibited by Title IX, a federal law that provides:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

The College does not discriminate on the basis of race, color, national or ethnic origin, ancestry, religious creed, sex, pregnancy, sexual orientation, gender identity, gender expression, age, genetics, physical or mental ability, veteran status, military obligations, participation in discrimination complaint-related activities, or any other characteristics protected by federal, state, or local laws in its practices, programs, or activities.

The College takes allegations of sexual harassment, sexual discrimination, and sexual misconduct seriously, and will respond promptly to all reports where inappropriate conduct has occurred, will act promptly to eliminate the conduct, and will impose corrective action as necessary, including disciplinary action where appropriate up to and including termination of employment, expulsion from College, and/or termination of affiliation with the College.

Pine Manor College’s Sexual Misconduct Policy, in accordance with Title IX and Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes, prohibits all forms of sexual and gender harassment and/or misconduct committed by any College community member including, but not limited to, sexual assault, sexual exploitation, gender or sexual harassment, stalking, and relationship violence (including dating and domestic violence).

Despite the withdrawal of Federal laws to the Title IX policy in 2017, Pine Manor College continues to include in our Policy protection to community members regardless of his/her/their gender identity and/or gender expression.

The College’s Title IX Coordinator (as defined in Section VI) is responsible for the oversight of PMC’s Sexual Misconduct Policy and will respond to all related inquiries or concerns. The Title IX Coordinator and Deputy (as defined in Section VI) can be emailed at TitleIX@pmc.edu.

Civil Rights Violations
As part of the Notice of Non-Discrimination, community members maintain their civil rights, as well. A civil rights violation refers to an offense that discriminates on the basis of race, color,
sex, disability, religion, familial status and national origin (per https://www.justice.gov/crt).

Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes prohibit sexual harassment.

An example of a Civil Rights Violation and Sexual Misconduct may include if a survivor/victim experienced sexual harassment due to their race that would be a violation of their civil rights (in addition to this Policy).

In a Pine Manor College investigation, civil rights violations may be adjudicated with the sexual misconduct case or separately through the Pine Manor College’s community standards process (as outlined in the Pine Manor College Student Handbook) based on a case-by-case basis that prioritizes student safety, well being, equity, and fairness.

For assistance related to civil rights violations outside of Pine Manor College, individuals may contact the following agencies:

Massachusetts Commission Against Discrimination (MCAD)
John McCormack Building
One Ashburton Place
Sixth floor, Room 601
Boston, MA 02108
(617) 994-6000

Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The EEOC and MCAD both prohibit sexual harassment in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.
SECTION III: PROHIBITED CONDUCT AND DEFINITIONS OF TERMS
Pine Manor College prohibits all forms of sexual misconduct. Sexual misconduct is a broad term that includes, but is not limited to, sexual assault, sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, dating and domestic violence, bullying, and/or cyber-bullying regardless of one’s sex, gender identity, and other protected identities. Pine Manor College also prohibits retaliation relating to reported sexual misconduct.

Definition of Sexual Harassment
Sexual harassment is a form of unlawful sex discrimination and consists of two basic types:

1. **Intimidating, Hostile, or Demeaning Environment** - Any unwelcome action or verbal expression or a series of actions or expressions, that have either the intent or are reasonably perceived as having the effect of creating an intimidating, hostile, or demeaning educational, employment, or living environment for College community members, either by being sexual in nature or by focusing on a person's sex, gender, sexual orientation, gender identity, and/or gender expression. An intimidating, hostile, or demeaning environment is defined as one that is so severe, pervasive, or objectively offensive that it interferes with a person's ability to learn, live, work (if employed by the College), or have access and opportunity to participate in all and any aspect of campus life.

   A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to provide a hostile environment, particularly if the harassment is physical.

2. **Quid Pro Quo Harassment** - Any action in which submission to conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual's education, grades, recommendations, extra-curricular, or employment opportunities.

   Examples of quid pro quo harassment may include:

   • A professor telling a student that the student will get an “A” if the student has sex with the professor.
   • A supervisor telling a direct report that the direct report will receive a raise if they go out on a date with the supervisor.

   In either type of sexual harassment noted, the effect will be evaluated based on the standard of a reasonable person in the position of the survivor/victim.

Prohibited Sexual Harassment
In some cases, sexual harassment is obvious and may involve an overt action, threat, or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.
Sexual harassment can take many forms. For instance:

- Sexual harassment may occur between persons of equal power status (e.g., student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to staff) or between persons of unequal power status (e.g., supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student).

  Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).

- An individual, group, and/or organization may commit sexual harassment against another individual, organization, and/or group.

- An acquaintance, a stranger, or someone with whom the survivor/victim has a past or current personal, intimate, and/or sexual relationship may commit sexual harassment.

- Sexual harassment may occur by or against an individual of any sex, gender identity, gender expression, and/or sexual orientation.

- Sexual harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Examples of behavior that might be considered sexual harassment include, but are not limited to:

- Unwanted sexual innuendo, propositions, sexual attention, or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality, gender, gender identity, sexual orientation or gender expression; insults and threats based on sex, gender, gender identity, sexual orientation, or gender expression; and other oral, written, non-verbal, and/or electronic communications of a sexual nature that an individual communicates is unwanted and unwelcome;

- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; or the circulation, display, or creation of e-mails, social media content, or web sites of a sexual nature.

- Display or circulation of written or on-line materials or pictures degrading to an individual(s) or groups.

- Unwelcome and objectively inappropriate physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual’s body;

- Undue and unwanted attention, such as repeated flirting, objectively inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures;

- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances in a way that makes the other party uncomfortable;

- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender, gender identity, sexual orientation, and/or gender expression;
• Use of a position of power or authority to: (1) threaten or punish, either directly or implicitly, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; and/or (2) promise rewards in return for sexual favors;
• Sexual assault;
• Abusive, disruptive, or harassing behavior, whether verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender related status and/or in the context of intimate partner violence;
• Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings; and/or
• Acts of verbal, nonverbal, or physical aggression; intimidation; or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one’s sex or gender, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived gender related status of the harasser or his/her/their target.

Prohibited Sexual Misconduct
Sexual misconduct may vary in its severity and includes a range of behaviors. The following behaviors represent forms of sexual misconduct that violate PMC’s community standards and another person’s rights, dignity, and integrity.

**Sexual Violence**: Engaging in physical sexual acts with someone who has not given his/her/their consent or who is incapable of giving consent. (Consent is defined later in this section.) This includes rape, sexual assault, battery, and/or sexual coercion. Sexual violence may involve people who know each another, people who have or had an intimate and/or sexual history, and/or people who do not know each other. Examples of sexual violence include, but are not limited to:

• Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
• Having or attempting to have sexual contact of any kind with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner.

**Relationship Violence (domestic and dating violence)**: Relationship violence is any intentionally violent, threatening violent, or controlling behavior by a person who is currently or was previously in a relationship with the victim/survivor/complainant. Relationship violence includes actual or threatened physical injury, sexual assault, psychological abuse, economic control, and/or progressive social isolation. Relationship violence can occur in all types of relationships.

Specifically, dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length,
type, and frequency of interaction (as defined in https://www.acenet.edu/news-room/Documents/VAWA-Summary.pdf). The relationship does not need to be exclusive or deemed a “dating” for a sexual misconduct incident to fall under dating violence.

Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law (as defined in https://www.acenet.edu/news-room/Documents/VAWA-Summary.pdf).

Relationship violence can include, but is not limited to:

- Physical or emotional abuse;
- Controlling/possessive behavior;
- Making the victim/survivor feel like they are walking on eggshells or hiding their real self (e.g. call friends in secret, dress a certain way);
- Observing or allowing another person to observe sexual activity or nudity without the knowledge and consent of all parties involved;
- Non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- Photographing or taping/recording someone (via audio, video, or otherwise) involved in sexual activity, sexual intercourse/penetration, or in a state of undress, without their knowledge and/or consent. Even if a person consented to the sexual activity or intercourse/penetration, photographing or taping/recording someone without their knowledge goes beyond the boundaries of that consent. The dissemination of photographs or video/audio or someone involved in sexual activity, intercourse/penetration, or in a state of undress, without their knowledge or consent constitutes a separate and additional act of sexual exploitation;
- Prostuting another individual;
- Voyeurism, which is the act of observing someone involved in sexual contact/activity or in a state of undress, without their knowledge or consent;
- Knowingly exposing another individual to a sexually transmitted disease or virus without his/her/their knowledge; and/or
- Inducing incapacitation, including by providing someone with alcohol and/or drugs, with or without that person’s knowledge, for the purpose of making another person vulnerable to non-consensual sexual activity.

Sexual Exploitation: An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit, or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even if the behavior does not constitute another sexual misconduct offense. Sexual exploitation may involve individuals who are known to one another, have or had an intimate or sexual relationship, and/or may involve individuals not known to one another.
Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress. Examples of stalking behavior include but are not limited to: repeated attempts at communication (phoning, texting, email, social messaging); making direct or indirect threats to harm an individual or the individual’s relatives, friends, or pets; physical and/or verbal confrontations; entering one’s personal space without permission; following, observing, or lurking; vandalizing or threatening to vandalize the property of another; gaining access to personal online accounts or information, etc.

Aiding or Facilitating Sexual Misconduct: Aiding or facilitating sexual misconduct means promoting, expecting, or encouraging the occurrence of any behavior prohibited under this Policy. PMC prohibits community members from both personally engaging in sexual misconduct and from assisting or encouraging another person(s) to engage in sexual misconduct.

Retaliation: Acting or attempting to retaliate or seek retribution against a complainant, respondent, or individuals involved in a Title IX investigation and/or resolution of an allegation of sexual misconduct is prohibited. Any individual or group of individuals can commit retaliation. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print, on-line/social media, and/or verbally with intent to harm their reputation.

Statement on Consent, Coercion, and Incapacitation
Consent to engage in sexual activity must be known and voluntary and must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to any other forms of sexual contact. Further, consent to engage in a particular sexual act at any given time is not indefinite or ongoing consent to engage in that same act or any other sexual act on other occasions. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication alone can lead to misunderstandings.

Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not giving consent. In the absence of an outward demonstration, consent does not exist.

Consent cannot be obtained from the use or threat of physical force, intimidation, or coercion, and/or any other factor that would eliminate an individual’s ability to exercise his/her/their own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe, and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words
or conduct amount to coercion if he/she/they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity. If sexual acts were preceded by threats or coercion, there is no consent.

Consent may be withdrawn at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

For consent, “yes” means yes. A lack of consent may be indicated in a variety of ways. For example, a verbal "no" is not consent, even if it sounds indecisive or insincere. If consent is requested verbally, the absence of any explicit affirmative verbal response constitutes lack of consent. If at any time a person’s words, actions, or demeanor suggest hesitancy, confusion, or uncertainty about engaging in sexual activity, the parties should stop and obtain verbal consent before continuing sexual activity.

Due to their biological, mental, or chronological age, certain individuals are not legally able to consent to sexual activity regardless of whether their words or actions indicate such consent. Members of the PMC community are expected to know and comply with the statutory age of consent and any other applicable laws regarding sexual activity in any and all jurisdictions where they may reside or travel. In Massachusetts, minors under the age of 16 are legally unable to consent to sexual acts. Engaging in sex with a minor is an unlawful and punishable by imprisonment in state prison for life. Community members have a legal obligation to report any knowledge of child abuse to the Title IX Coordinator.

Individuals of any age are considered incapacitated and unable to consent to sexual activity if they are not able to make rational, reasonable judgments. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically unable. Individuals may be incapacitated and unable to consent to sexual activity due to drug and/or alcohol consumption, either voluntarily or involuntarily, or if the individual is unconscious, asleep, blacked-out, or otherwise unaware that the sexual activity is occurring. Individuals are incapacitated if he/she/they is unaware of where he/she/they is, how he/she/they got there, or why or how he/she/they became engaged in a sexual interaction.

Indicators of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling while walking, vomiting), lack of awareness of circumstances and/or surroundings (e.g., cannot communicate basic information such as physical location), and/or the inability to communicate for any reason (e.g., slurred speech). An individual may experience a blackout state in which he/she/they appears to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person’s level of intoxication. The relevant standard is whether a reasonable person in the same position would know or should have known the other party was incapacitated and therefore could not consent to the sexual activity.

Alcohol and/or drugs impair a person’s decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs and/or alcohol is never an excuse to engage in sexual misconduct and does not excuse one from the responsibility to obtain consent. As stated above, even if a Respondent is intoxicated
he/she/they will be found responsible for sexual misconduct if he/she/they engages in sexual activity with another person who did not consent to the sexual activity.
SECTION IV: CHOOSING TO DISCLOSE A SEXUAL ASSAULT

PMC recognizes that the decision on whether or not to share sexual or gender-based misconduct is personal, and that there are individual and societal barriers to reporting. Not all individuals are prepared to make a report to the College and/or to law enforcement, and individuals are not expected or required to pursue a specific course of action. PMC recognizes that choosing to come forward with your story and deciding how to proceed is a process that may unfold over time. Therefore, those involved in an incidence of sexual misconduct may come forward at any time, even if it is weeks, months, or years after the incident took place.

PMC recognizes and respects the right of individuals who have experienced sexual misconduct to decide when and whether they wish to report misconduct to the College, to law enforcement authorities, to both, or to neither. The College will honor the right of those impacted by sexual misconduct to decide whether they wish to participate in a College and/or law enforcement investigation. While those involved in the sexual misconduct incident may choose not to participate in the College’s investigation, the College does have a responsibility to investigate all incidents that are brought forward to ensure community safety.

Upon receipt of a sexual misconduct allegation, the College will take appropriate steps to investigate the incident(s), determine responsibility, prevent its recurrence, and address its effects (see Section VIII). At any point during the process, if any person involved has questions about the process, support services, resources, etc. they should bring their questions to the Title IX Coordinator, Deputy, or member of the PMC community they trust.

Privacy

Pine Manor College is committed to respecting the privacy of individuals involved in reports of sexual misconduct. In every report of sexual misconduct, the College will balance the privacy interest of the Parties against the need to eliminate sexual misconduct on campus.

Information obtained in a disclosure and Title IX investigation will be provided only to those individuals involved in the investigation and to College staff that “need to know.”

In some instances, a survivor/victim may wish to keep his/her/their identity confidential or may request that no investigation occur. In such cases, PMC will balance the request of the survivor/victim/complainant against the College’s responsibility to provide a safe and non-discriminatory environment for all College community members.

All Title IX investigative and sanction proceedings, and all related notices or statements issued by PMC will comply with the Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act of 1996 (HIPPA), the Jeanne Clery Act, Title IX, the current Dear Colleague Letters, Violence Against Women’s Act (VAWA), and College Policy. Pine Manor College will not release any information acquired through the sexual misconduct investigation process except as required or permitted by law.
**Bystander Intervention**

Pine Manor College strongly encourages all community members to take reasonable to prevent or stop sexual misconduct when they observe or become aware of it. Taking action may include directly or indirectly confronting the situation (if it is safe to do so), taking steps to interrupt the situation, seeking assistance from a person in authority to assist, or reporting an incident you are made aware of to a PMC employee. Individuals who assist in stopping sexual misconduct will be supported by the College, protected from retaliation, and receive amnesty.

**Amnesty**

Pine Manor College seeks to remove any barriers to reporting sexual misconduct by making the procedures for reporting transparent and straightforward. The College recognizes that a student who has been drinking or using drugs at the time he/she/they is harmed by sexual misconduct or witnesses another person engaging in sexual misconduct may be hesitant to make a report concerning such sexual misconduct because of potential disciplinary consequences for his/her/their own conduct. Any PMC student who reports sexual misconduct, either as a survivor/victim, complainant, respondent, or other will not be subject to disciplinary action by the College for his/her/their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or restorative practices regarding alcohol or other drugs.

**Statement Against Retaliation**

Retaliation is an adverse or negative action taken against an individual for reporting concerns about sexual misconduct, participating in a disciplinary process, or otherwise exercising their rights under this Policy. Retaliation may include, but is not limited to:

- Hostility
- Intimidation
- Threats of verbal abuse
- Exclusion
- Different treatment
- Harassment

Retaliation against anyone who reports sexual misconduct or who is involved in a sexual misconduct investigation is strictly prohibited.

The College will take immediate and responsive action to any report of retaliation and will pursue disciplinary action up to and including immediate, interim, and/or permanent termination of employment or college expulsion. Depending on the nature of the retaliation, Student Affairs may put in place interim measures to ensure the safety of the community and campus.
SECTION V: REPORTING SEXUAL MISCONDUCT
There are several options for community members, victims/survivors, and their friends, classmates, and family members to report sexual misconduct.

Private Reporting Options On-Campus
Pine Manor College students, friends, and family members can talk with any employee they trust at Pine Manor College. Students, friends, and family members should know that nearly all Pine Manor College employees are deemed “responsible employees” or “mandated reporters,” meaning the employee will need to bring the reported incident to the attention of the Title IX Coordinator or Deputy. Pine Manor College students, friends, and family members can also go directly to the Title IX Coordinator or Deputy themselves.

Confidential Reporting Options On-Campus
Pine Manor College students, friends, and families can also talk with confidential resources (listed in Section VI). Confidential resources will not and do not have any obligation to report the incident to the Title IX Coordinator, unless a person expresses self-injury or injury to others.

Emergency/Immediate Reporting Options
In the event that an individual is the victim/survivor of sexual assault or sexual violence, the physical safety and emotional well being of the person is of primary importance. PMC strongly encourages any victim/survivor of sexual assault or violence to seek immediate medical attention from the nearest hospital emergency room (listed in Section VI).

Additionally, if an assault occurred recently, there may be physical evidence present that can be collected for future purposes. The collection of physical evidence does not require a victim/survivor to pursue criminal or civil charges rather it preserves evidence so a victim/survivor has options available to them in the future.

To receive emergency assistance, community members are encouraged to call campus safety when on-campus and 911 when off-campus. On-campus, victims/survivors may ask campus safety to send the Administrator on Call (a member of the live-on Student Affairs team) to respond.

After an act of sexual misconduct, Pine Manor College will not automatically escalate the incident to the local police or emergency personnel unless there is immediate need for medical attention or campus officials do not feel like they can safely secure the campus and ensure the safety of community members. If Pine Manor College does call the police due to medical care and/or campus safety, the victim/survivor can decide whether to proceed forward with a criminal case. Calling the police for medical personnel and safety does not automatically mean the victim/survivor opens a case in the criminal system.

If a victim/survivor decides to go to the hospital, it is encouraged that the victim/survivor does not shower, change their clothing, or brush their teeth as this can help the medical examiner and emergency personnel document the incident and provide appropriate care. The evidence
collected is confidential and can be available to the victim/survivor at a later time. In Section VI, there is a list of resources related to receiving emergency and medical support.

**Anonymous Reporting On-Campus**

Any individual may report an incident to the Title IX Coordinator or Deputy anonymously by sending an email to TitleIX@pmc.edu. The College encourages those reporting anonymously to please share as much information as possible as the College’s ability to respond to an anonymous report may be limited with less information available to us.

**Coordination with Law Enforcement Off-Campus**

If an individual chooses to report an incident of sexual misconduct to Campus Safety, then the individual can choose for Campus Safety to notify the law enforcement agency that has jurisdiction over the alleged crime. To the extent permitted by law, PMC will assist a victim/survivor in making a criminal report and will cooperate with law enforcement agencies if a victim/survivor decides to pursue a criminal complaint. *PMC will not move forward on notifying law enforcement unless there is eminent danger to the community, medical attention is needed, or the survivor/victim asks for law enforcement to be called.*

PMC’s standard of proof for finding a Respondent responsible for sexual misconduct differs than standards and definitions used in criminal cases. A victim/survivor may reasonably seek resolution through PMC’s Title IX complaint process, may pursue criminal action, may pursue both options, or may choose to pursue neither PMC resolution or criminal action.

Whether or not law enforcement agencies decide to prosecute a case is separate from Pine Manor College’s decisions regarding Title IX cases. However, any criminal disposition related to the Title IX complaint may be considered in a Title IX investigation. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

PMC will, to the extent possible and consistent with its obligations to promptly address Title IX complaints, cooperate and coordinate with local law enforcement officers and the prosecutor’s office. For example, the College will comply with law enforcement agency requests for cooperation and such cooperation may require the College to temporarily suspend the fact-finding portion of a Title IX investigation while the law enforcement agency gathers evidence. In such cases, the College will promptly resume its investigation as soon as it is notified by the law enforcement agency that its evidence gathering process is complete.

**Timeframe for Reporting**

Individuals are encouraged to report sexual misconduct as soon as possible to maximize the College’s and/or law enforcement’s ability to respond promptly and equitably. There is no timeframe, though, for reporting an incident, and upon receipt of any report, regardless of when the incident occurred, the College will conduct a Title IX assessment to determine if an investigation should take place. If an incident is brought to our attention after a Respondent is no longer affiliated with PMC, the College cannot impose disciplinary sanctions; however, PMC will take reasonable steps as a College to eliminate sexual misconduct, prevent its reoccurrence,
and remedy its effects, including but not limited to, instituting No Trespass Orders. The College can also provide/assist the victim/survivor with identifying external reporting options, if they so choose.
SECTION VI: ON AND OFF-CAMPUS RESOURCES

The following resources are available to the Pine Manor College community as they may be directly or indirectly involved with a sexual misconduct case. Reaching out for support during a case is critical to ensure one’s health and wellness as the investigation process can bring about different emotions.

Please refer to the Campus Directory for individual’s names and contact information. The Campus Director can be found here: http://www.pmc.edu/directory

On-campus Resources

Emergency Resources

Pine Manor College Campus Safety
(617) 731-7777 (emergency line)
(617) 731-7187
Available 24/7 at the front booth along the College’s driveway

Non-Emergency Assistance

Confidential Resources

Certain professionals on and off-campus are “Confidential Resources.” Confidential resources include medical care providers, mental health care providers, rape crisis counselors, ordained clergy, and attorneys. Because of their roles, these professionals are required and must keep information told to them confidential. Information provided to Confidential Resources cannot be disclosed unless (1) they are given permission to share the information by the person who disclosed the information; (2) there is an immediate threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Since a disclosure to a Confidential Resource is confidential, the College will not know about the alleged sexual misconduct. Without notice of an allegation of sexual misconduct, the College cannot address the incident.

Pine Manor College encourages people affected by sexual misconduct to seek help and assistance from a trained counselor. The confidential resources available to students on campus include the College Counselors and Accessibility Services Coordinator.

For employees looking for confidential resources, Pine Manor College encourages the use of the Employee Assistance Program (EAP). More information on PMC’s EAP Program can be found on Pine Manor College’s Human Resources webpage.

Title IX Coordinator

The Title IX Coordinator oversees the Title IX process. He/she/they works with the Title IX Deputy (defined below) to confirm alleged Title IX cases that involve members of the Pine

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3 Names are not provided in the Sexual Misconduct Policy in effort to keep the document current.
Manor College community. The Title IX Coordinator then brings the case to the attention of involved parties, assigns an investigator, ensures compliance with the outlined Sexual Misconduct Policy, reviews the final report submitted by the investigator, presents the case to the sanction panel, communicates the findings to all parties, and coordinates the appeals process, if applicable.

The Title IX Coordinator tracks trends in Title IX cases and provides aggregate reported sexual misconduct data to the Dean of Student Affairs for reporting purposes. In addition, the Title IX Coordinator is responsible for training people that work directly or indirectly with the Sexual Misconduct Policy including, but not limited to, sanctioning and appeal panel members and mandated reporters/responsible employees.

**Title IX Deputy**
The Title IX Deputy is the Dean of Student Affairs. The Deputy oversees all aspects of support for parties involved in the case, including, but not limited to academic and housing accommodations, No Contact Orders, and interim suspensions. The Dean of Student Affairs ensures compliance with the outlined Sexual Misconduct Policy with the Title IX Coordinator as a means of checks and balances. In addition, the Deputy oversees trainings, educational programming, and awareness events for the students.

In the event that the Title IX Coordinator cannot perform his/her/their duties, the Deputy will fill in for the Coordinator.

**Director of Restorative Practices and Community Standards**
Along with offering support to students involved in Title IX cases, the Director of Restorative Practices and Community Standards oversees cases that fall outside the Sexual Misconduct Policy, including but not limited to, policy violations named in the Student Handbook and violations of interim measures and/or sanctions put in place due to Title IX.

For example:

- If two students have No Contact Orders due to an alleged stalking situation and student #1 sends a text message to student #2, then the breach of the No Contact Order goes to the Director of Restorative Practices and Community Standards.
- If through a sexual misconduct investigation, the findings show that there was no sexual misconduct violation; however, there was an alcohol violation, the case would transfer to the Director of Restorative Practices and Community Standards.

The Director of Restorative Practices and Community Standards also serves on the Title IX Sanction Board (and the Appeals Board, if needed) as a sitting member to ensure consistency and equity between community standards cases and Title IX.

**Responsible Employees/Mandated Reporters**
Pine Manor College employees, resident assistants, and those affiliated with Pine Manor College (e.g., campus safety, food services) are mandated to work in concert with the Title IX Coordinator to ensure a safe and healthy educational environment. Individuals should understand
that all employees of Pine Manor College who are not named above as Confidential Resources are obligated to report sexual misconduct if they observe, witness, or otherwise learn about any member of the College community who engaged in or was impacted by sexual misconduct. If a responsible employee receives information about an incident of sexual misconduct, he/she/they should immediately notify the Title IX Coordinator or Deputy. Any community member who has imminent concerns about a person’s well being should call Campus Safety immediately.

While the responsible employee must escalate the incident to the Title IX Coordinator or Deputy, the responsible employee can tell the survivor/victim that he/she/they are not required to file a formal complaint or participate in the investigation unless they wish to do so. In reporting the incident to the Title IX Coordinator, a responsible employee should always inform the Title IX Coordinator if the victim/survivor/complainant has requested confidentiality.

Responsible employees who are not themselves a survivor/victim or a respondent in the given case should cooperate in good faith with any College sexual misconduct investigation.

When a responsible employee learns about a disclosure of sexual misconduct, the responsible employee should let the victim/survivor/complainant guide the conversation, rather than solicit further details or seek to investigate the matter.

Employees who learn about a sexual misconduct incident should not discuss the incident with others as the Family Equal Rights and Privacy Act (FERPA) protects the students and the information the student has shared is private and sensitive in nature.

The community member should not take it upon him/her/themselves to contact law enforcement unless the victim/survivor consents to his/her/their doing so or needs emergency medical attention.

All PMC employees can support students. If a student wishes to discuss an incident that occurred, Pine Manor College encourages the student to seek a person they trust. In addition, the following people can lend support and/or assist with accommodations:

- Associate Dean of Student Affairs
- Associate Dean of Academic Affairs
- Director of Restorative Practices and Community Standards
- Director of Residential Life
- Athletic Director
- Student Success Coaches
- Student Affairs Graduate Assistants
- Athletic Coaches
- Resident Assistants

Off-Campus Resources
Emergency Assistance
Brookline Police Department
350 Washington Street
Non-Emergency Assistance

The organizations listed below are off-campus medical and community support services. The services they offer are confidential to their clients; therefore, conversations between the organization’s volunteers/employees and students are not shared with Pine Manor College.

**Beth Israel Deaconess Medical Center (Hospital)**
Rape Crisis Intervention Program
330 Brookline Avenue
Boston, MA  02215
617-667-4645
Request a Sexual Assault Nurse Examiner (S.A.N.E)

**Brigham and Women’s Hospital**
75 Francis Street
Boston, MA  02115
617-732-5636
Request a Sexual Assault Nurse Examiner (S.A.N.E)

**Boston Area Rape Crisis Center (BARCC)**
99 Bishop Allen Drive
Cambridge, MA 02139
800-841-8371 (24-hour hotline)
www.barcc.org

*BARCC provides counseling,* legal advice, and advocacy to help survivors/victims consider their options; medical advocates to accompany survivors/victims to the hospital; and legal advocacy. All services are free and available to survivors/victims of sexual misconduct and their friends and family.

**SafeLink**
(877) 785-2020 (24-hours); (877) 521-2601 (TTY & 24-hours)

Massachusetts statewide domestic violence hotline and is operated by Casa Myrna Vazquez, Inc. in Boston. SafeLink calls are answered by trained advocates 24 hours a day in English and

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4 Pine Manor College has a working relationship with BARCC where they provide trainings and workshops on campus for Pine Manor College’s students, faculty, and staff. Pine Manor College’s work with BARCC does not change the confidential status and nature of survivor/victim conversations with BARCC employees and volunteers.
Spanish, and they have the capacity to provide multilingual translation in more than 140 languages.

**The Network/La Red**  
989 Commonwealth Avenue  
Boston, MA 02114  
(617) 742-4911  
www.tnlr.org

The Network/La Red provides free advocacy, support, and safety planning for LGBTQ victim/survivors of domestic and dating violence.

**REACH: Beyond Domestic Violence**  
Waltham, MA 02454  
(800) 899-4000 (free hotline); (781) 891-0724 (office)  
www.reachma.org

Reach Beyond Domestic Violence provides free safety planning, advocacy, 24-hour hotline staffed by domestic violence crisis counselors, and shelter and support services to victim/survivors of domestic and dating violence.

**Fenway Health Center**  
1340 Boylston Street  
Boston, MA 02215  
(617) 267-9001 (help line); (617) 267-0900  
www.fenwayhealth.org

Fenway Health Care provides comprehensive health services for the LGBTQ community and beyond.

**Victims Right Law Center**  
115 Broad Street  
Boston, MA 02110  
(617) 399-6720  
www.victimrights.org

The Victims Right Law Center provides free legal counsel to represent individuals on court-ordered no contact orders, school-based complaints, immigration, and other legal matters related to sexual assault and violence. Assistance is available in both English and Spanish.
SECTION VII: OBILIGATION OF COLLEGE TO REPORT SEXUAL MISCONDUCT
The College has a legal duty to report certain incidents based on federal laws within the College’s Annual Security Report. The Dean of Student Affairs compiles the reported data once a year with records from Campus Safety and the Title IX Coordinator. In the report, only numbers of reported violations of sexual misconduct are reported; names and details of the incident(s) are not reported and remain confidential.
SECTION VIII: TITLE IX INVESTIGATION PROCESS
This section details the investigative process once the College receives a report of sexual misconduct. This section starts with an overview of the timeframe of a resolution then includes information about (in chronological order):

• Interim measures
• Submitting a formal Sexual Misconduct Policy violation report
• Meeting of the Title IX Coordinator and Deputy to confirm allegations and process
• Initial outreach to involved parties
• Investigation process
• Investigative summary/report
• Findings and responsibility
• Written impact statements
• Sanctions
• Appeal process

During this process, involved parties are encouraged to reach out to Student Affairs professionals (e.g., Student Success Coach, Director of Residential Life, Athletic Coach) or trusted faculty for support. Students may bring a support person or confidant (i.e. family member, PMC community member) to any or all meetings with the Title IX Coordinator and investigator, if that is helpful during this process. Pine Manor College’s counselors are also available to all involved parties as a confidential resource.

Timeframe for Resolution
The College will work to investigate all reports of sexual misconduct within 90 days. Extenuating circumstances, including but not limited to, the complexity and severity of a report may require the process to extend beyond 90 days. The parties can expect to receive periodic updates from the Title IX Coordinator and/or Investigator as to the status of the investigation and resolution.

In the event that the investigation and resolution exceed this timeframe, PMC will notify all parties of the need for additional time and best efforts made to complete the process in a timely manner.

The College calculates timeframes in the sanctions process pursuant to business days, which refers to those days that the College is open for business. The College excludes all dates when the College is officially closed for business, including, but not limited to, holidays, snow days, and weekends, from the calculation of business days. In addition, the College in extenuating or unusual circumstances may adjust all timeframes in the sanctions process.

Interim Measures
PMC will provide interim support and reasonable protective measures to prevent further acts of misconduct and to provide a safe educational, living, and work environment. Interim measures are separate than the sanctioning process, which come if responsibility is determined concluding a formal investigation. The process for interim measures includes:

• The Student Affairs On-Call Team will work with the involved parties to determine
the necessity and scope of any immediate interim measures.

- The Student Affairs On-Call Team may invoke interim measures when they receive notice of an alleged violation to the sexual misconduct Policy, even if the Title IX Coordinator has yet to receive the formal report in efforts to prioritize the safety and well being of those involved and the community.
- Pine Manor College may choose to impose interim measures even if a victim/survivor, complainant, and/or respondent does not request protective actions.
- A member of the Student Affairs On-Call Team will assign the interim measures in writing (email and/or hard copy) and, ideally, in-person, as well. The interim measures remain in-place until the student(s) receive documented evidence of such changes (via email and/or hard copy) by a member of the Student Affairs leadership team.
- Students that do not abide by any or all of the interim measures in place may be subject to the Community Standards process for a school policy violation. Depending on the severity of the violation, students may face sanctions up to and including expulsion from the College.
- If students violate their interim measures and receive a suspension or an expulsion for the violation, the Title IX investigation will continue in absentia to bring closure to all involved parties.

Pine Manor College may impose a range of interim measures including, but not limited to:

**No Contact Order**
A survivor/victim, respondent, or third party may request or the College may impose communication and contact restrictions to prevent further, potentially harmful, interactions in the form of a No Contact Order (NCO). These communication and contact restrictions preclude in-person, telephonic, electronic, or third party communications. Communication includes, but is not limited to, verbal and non-verbal communication, implied or inferred communication, communication targeted to the individual or a broader group about the individual. For example,

> When an NCO is in place, a person cannot post on Snap Chat a picture of the place where the alleged incident occurred with the message, “you know what you did here” or “you are lying.”

Involved parties’ friends must also refrain from posting similar messages. If the College puts in place a No Contact Order, details of the NCO are included in the NCO letter.

Individuals may choose to put in place court issued protection in addition to the College’s NCO. Court order protection may include Restraining Orders, Abuse Prevention Orders, or Harassment Prevention Order from the local courts. These orders are part of a civil proceeding independent of the College. If the court issues a court order, PMC will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will try to facilitate on-campus compliance with the order.
For support in this process, students may reach out to their Student Success Coach, college counselors, and/or one of the resources listed in Section VI, On and Off-Campus Resources.

**Academic, Employment, and/or Residence Modifications**

Any party involved in a Title IX investigation may request an academic, on-campus employment accommodation, or a change in residence after a report of sexual misconduct. An individual who requests assistance in changing his/her/their academic or living situation after an incident of sexual misconduct will receive appropriate and reasonably available accommodations. These may include:

- Change in class schedule, taking an incomplete, dropping a course without penalty, attending a class via Skype or other alternative means, receiving an academic tutor, or extending deadlines for assignments;
- Change of residence hall assignment (either temporarily or permanently);
- Change in on-campus work assignment or schedule; and/or
- Providing an escort to ensure safe movement between classes and activities.

The College will work to best accommodate all parties from the date(s) of the sexual misconduct moving forward. The College cannot make modifications or accommodations for anything before the incident. For example,

If a professor drops a letter grade for every 2 missed classes, and an involved community member missed four classes before the incident occurred, the Title IX Deputy cannot ask for the professor to waive the initial four absences.

**Counseling**

Free counseling is available to all Pine Manor College students. To make a counseling appointment on-campus students should email wellness@pmc.edu.

It is not within Pine Manor College’s practices to mandate counseling; however, if students display signs of self-harm or harm to others, the Student Affairs On-Call Team and/or leadership team will escalate the situation immediately and reach out to emergency personnel.

Students on an interim suspension may continue to utilize Pine Manor College’s free counseling services if the therapist agrees to tele-therapy or meeting at another location off-campus, determined by the therapist (e.g. their private practice, The Brookline Center). Students with an interim suspension may not come onto campus for counseling.

Students suspended or expelled from Pine Manor College may not use Pine Manor College’s free counseling services in person or via tele-therapy. If students suspended or expelled want to continue to receive counseling from their therapist, the student and the therapist can make those arrangements outside of Pine Manor College’s contractual relationship with The Brookline Center. Pine Manor College does not cover the co-pay for students seeking counseling who are currently suspended or expelled from the College.
Pine Manor College employees looking for counseling services should reach out to the Pine Manor College’s Employee Assistance Program (EAP) – New Directions. Employees can reach New Directions at 800-624-5544 or via www.ndbh.com – login: SGE3F.

Interim Suspension
Where the report of sexual misconduct poses a risk of harm to the safety and/or well being of an individual or members of the campus community, the College may place any of the involved parties on an interim suspension or impose leave for an employee.

While on interim suspension, parties will not have access to campus, co-curricular activities, and classes. PMC will make reasonable efforts to complete the investigation and resolution within a reasonable timeframe when the College has imposed an interim suspension. As the investigation unfolds, the Dean of Student Affairs or members of the Student Affairs leadership team may roll back the interim suspension measures as they see fit.

Interim suspensions are less than ideal, since they usually go into effect immediately and place a hardship on those involved. Pine Manor College is not responsible for making the students’ travel arrangements or finding housing options for students who receive interim suspensions. In addition, PMC cannot cover the costs of hotels during interim suspensions. In most cases, the College would recommend students return home during this time.

The College does not note interim suspensions on students’ transcripts.

Emergency Notification System (ENS)
If Student Affairs or Campus Safety concludes that a report of sexual misconduct presents an immediate threat to the College campus community, the College will issue a timely notice of the conduct to the College community to protect the health and/or safety of the broader campus community through the Emergency Notification System. The notice will not contain any personal, biographical, or other identifying information of the survivor/victim/complainant.

Submitting a Formal Sexual Misconduct Policy Violation Report
Any individual may report and is encouraged to report a sexual misconduct violation involving a PMC community member by emailing a formal report to TitleIX@pmc.edu or contacting Campus Safety. In the report, the victim/survivor/complainant should include the following information:

- The name of the person(s) alleged to have violated the Sexual Misconduct Policy (“respondent”) or if his/her/their name is unknown, any information available on the respondent to help the College to identify said respondent (e.g., a picture, describing features, friend groups, or vehicle driven) and contact information;
- The name of the survivor(s)/victim(s) and if his/her/their name is unknown, any information available on them to help the College identify said person(s) (e.g., a picture, describing features, friend groups, or vehicle driven) and contact information;
- A statement explaining the nature and circumstances of the report including a list of
Formal reports will go in front of the Title IX Coordinator and Deputy and, assuming an alleged violation occurred, result in a Title IX investigation to determine, pursuant to a preponderance of evidence standard of proof, whether the respondent violated any provision(s) of the Sexual Misconduct Policy.

If a victim/survivor/complainant withdraws his/her/their report, the Title IX Coordinator and Deputy will assess whether sufficient evidence of sexual misconduct exists to support completing the investigation without the victim/survivor’s support.

If the Title IX Coordinator and Deputy determine there is insufficient evidence than the College will not take action against the respondent and the file will remain with the Title IX Coordinator in case the matter needs to be re-opened if, among other things, the victim/survivor/complainant decides to reinitiate the report or independent evidence of sexual misconduct resurfaces. If the Title IX Coordinator and Deputy determine there is sufficient evidence than they will move forward accordingly.

If a respondent admits to a violation, the Title IX Coordinator and Deputy may forego said investigation and refer the matter directly to the sanction process.

**Timeframe for Submitting a Formal Report**
The College does not limit the timeframe for submitting a report. However, victims/survivors/complainants are encouraged to submit any report(s) as soon as possible in order to maximize the College’s ability to investigate and implement timely and appropriate resolution(s). The College cannot pursue disciplinary action against a respondent not affiliated with the College; however, the College can invoke a No Trespass Order.

**Incomplete and Unofficial Reports**
An individual may verbally report or submit an incomplete written report that a PMC community member engaged in sexual misconduct by bringing the allegation to the attention of a responsible employee, campus safety, the Title IX Coordinator, or the Dean of Student Affairs.

The recipient of a verbal report or an incomplete written report should reach out to the Title IX Coordinator who will follow-up with the victim/survivor/complainant to submit the report in writing and include the aforementioned information. In the interim, the Student Affairs On-Call or Senior Leadership Team may put interim measures into place.

Once the Title IX Coordinator receives the formal report, the Title IX Coordinator and Deputy will convene.

**Community Standards and Sexual Misconduct Violations**
When an incident comes forward where a person is reported to have violated both Pine Manor College’s Sexual Misconduct Policy and Student Handbook or other policies (e.g., Faculty Handbook), the investigation for sexual misconduct allegations will supersede the other allegations.
If the Title IX investigation concludes that the respondent did not violate the Sexual Misconduct Policy, but did violate other policies, the Title IX Coordinator will refer the case to the Director of Restorative Practices & Community Standards or the Director of Human Resources (in the case of employees) for resolution in accordance with the appropriate policy.

If the Title IX investigation exposes policy violations outside of the Sexual Misconduct Policy by witnesses who are not protected by the Amnesty Policy (outlined in Section IV), the Director of Restorative Practices & Community Standards or the Director of Human Resources (in the case of employees) will manage the resolution to the case in accordance with the appropriate policy.

**Meeting of the Title IX Coordinator and Deputy to Confirm Allegations and Process**

When the Title IX Coordinator receives a formal report, he/she/they and the Title IX Deputy will come together to review the reported allegation.

During the review of the reported allegations, if the Title IX Coordinator and Deputy believe the Sexual Misconduct Policy does not cover the incident, the Title IX Coordinator will re-assign the case to the Director Restorative Practices & Community Standards for incidents pertaining to students and the Director of Human Resources for incidents involving employees.

If the case falls within the Sexual Misconduct Policy, the Title IX Coordinator will begin oversight of the case to ensure all parties receive appropriate support, the College remains compliant with the Sexual Misconduct Policy, and the College is efficient and thorough throughout the investigative process.

**Initial Outreach to Involved Parties**

Upon moving forward with an alleged violation to the Sexual Misconduct Policy, the survivor(s)/victim(s) and respondent(s) will each receive a letter from the Title IX Coordinator that includes:

- Written notification of the allegation(s) of misconduct under investigation including the specific provisions of the PMC Sexual Misconduct Policy alleged to have been violated.
- Written notification of interim measures taken to ensure safety and encouragement to reach out if additional measures are necessary.
- The name of the Title IX Investigator, appointment confirmation, and/or contact information, if confirmed (if not confirmed, the letter will iterate that this information will come in a follow-up email as soon as the investigator is confirmed.)
- The retaliation policy as described in Section IV.
- Notification that they may have one advisor (e.g., mentor, faculty member, friend, or coach) present when they meet with the Title IX Investigator, and that person may be an attorney. While Pine Manor College allows the parties to retain counsel, PMC does not refer lawyers or pay for them. Any advisor or lawyer attending the investigative meetings may not speak, pose, or answer questions during the
investigation, as their primary presence is in a support role.

- Asking parties to submit a list of witnesses and relevant documentary evidence to the Title IX Investigator (e.g., texts, e-mails, photographs) as soon as possible.
- A reminder to preserve evidence (e.g., texts, e-mails, notes, photographs, etc.) related to the alleged incident and submit them to the Title IX Investigator as soon as possible.
- A list of confidential resources on and off campus.
- A link to the Pine Manor College Sexual Misconduct Policy.
- Advisement to the survivor/victim of his/her/their right to pursue a criminal action against the respondent by contacting the local police and their right to seek a restraining order or harassment prevention order in criminal court. Both of which can occur concurrent to the PMC investigation.
- Advisement that Student Affairs can assist students (and Human Resources, when applicable, for College employees) in offering resources, counseling, support, and contacting/communicating with local police.

In addition, the Title IX Coordinator will have a conversation (via phone or in-person) with the involved parties to walk through the details of the allegation letter, receive a hard copy of the Sexual Misconduct Policy (if meeting in person), and answer any procedural questions.

Investigation Process

1. Upon determination to open an investigation, the Title IX Coordinator will appoint a Title IX Investigator, a person trained to investigate Title IX complaints who does not have any other role in the Title IX process.
2. The Title IX Investigator will investigate the allegations by meeting separately with the respondent, survivor/victim, and witnesses named as important to the investigation. In efforts to ensure a thorough investigation, the Title IX Investigator may ask to meet with, at a minimum, the respondent and survivor/victim more than once.
3. During the investigative meetings, the investigator will attempt to make all parties feel comfortable and informed about the process. The investigator’s questions will aim to (i) uncover the facts and (ii) recommend findings as to whether the respondent violated any provision(s) of the PMC Sexual Misconduct Policy. Pine Manor College uses the standard of proof for all investigations by a preponderance of evidence meaning more than 50% probable.
4. After the initial investigative meetings with the respondent and the survivor/victim, the investigator will provide each individual their own written statements for their review and comments. The respondent and survivor/victim will only see their own statements. The Title IX Investigator will review the comments from each party and incorporate relevant and clarifying comments into the responder and survivor/victim’s individual written statements. The Investigator will separately note comments that conflict significantly with information previously submitted in the revised statements.
5. The Title IX Investigator will be privy to access and review all documented evidence and applicable College records to assess accuracy in the allegations of sexual misconduct against the respondent. If other sexual misconduct allegations exist, copies of those report(s) will be included in the investigation. In the written report, the
Investigator will include his/her/their determinations concerning the relevance of the documentary evidence and append (and redact, if necessary) submitted evidence.

6. Concurrently, the Title IX Investigator will make reasonable attempts to interview any relevant witnesses identified by the parties, or otherwise, and produce written summaries of such witnesses’ statements. These summaries and the statements of the respondent and survivor/victim will form the basis of the Title IX Investigator’s written report.

7. The Title IX Investigator will also gather and assess any other relevant evidence available to the College (e.g., additional witnesses not identified by the parties, security camera footage, respondent’s disciplinary history, expert review of medical records). Relevant information reviewed by the Title IX Investigator will be described in the written report and appended (and redact, if necessary) as appropriate.

8. After reviewing any witness statements, documentary evidence and other relevant evidence, the Title IX Investigator may choose to conduct follow-up interviews with the parties and supplement the parties’ reports as necessary.

9. Throughout the process, the Investigator will try a reasonable number of times to contact involved parties ideally by email and phone. Parties that do not respond by the given date forfeit their right to participate in the process.

Investigative Summary/Report

1. At the conclusion of the investigation, but before the Title IX Investigator reaches any findings, she/he/they will submit a draft report (with a summary of evidence and attachments, but without findings) to the Title IX Coordinator and Deputy for review. The Title IX Coordinator and Deputy may suggest additional clarification or the gathering of additional evidence, as appropriate.

2. The Title IX Investigator will show the victim/survivor and respondent and their respective advisors, if present, a copy of the draft report (still without findings, but as revised consistent with any suggestions from the Title IX Coordinator and Deputy) under the supervision of the Title IX Coordinator. The victim/survivor and respondent have the opportunity to ask clarifying questions and comments.

3. The Title IX Investigator will incorporate any relevant and clarifying comments provided by either party into the draft report. The Title IX Investigator will note any significant deviations from previous statements in said report. If the revisions produce additional relevant evidence, the Title IX Investigator will gather the evidence and include it in the written report. Depending on the nature of the new evidence, the Title IX Investigator may resubmit a new draft of the report to the survivor/victim and respondent for comment.

4. The Title IX Investigator will use a preponderance of evidence standard to ascertain whether the respondent is responsible to have violated any provision(s) of the PMC Sexual Misconduct Policy.

5. The Title IX Investigator will submit the revised draft report including conclusions and findings to the Title IX Coordinator to share with the Title IX Deputy for review. The report will explain and address each element necessary to establish whether the respondent violated the Sexual Misconduct Policy and explain how the Title IX Investigator reached his/her/their conclusions.

6. The Title IX Coordinator and Deputy may offer feedback to incorporate into the final draft, if applicable. The Title IX Investigator will revise the draft report to reflect the
feedback, and the Investigator will resubmit his/her/their revised final draft to the Title IX Coordinator who will share it with the Title IX Deputy.

Findings
The Title IX Coordinator will issue letters to the survivor/victim and respondent informing them of (1) the findings concerning whether the respondent violated any provision of the PMC Sexual Misconduct Policy; (2) the individual opportunity to review the Title IX Investigator’s final report with their advisor or other designee present; and, (3) the names of the individuals on the Sanctions Panel (details on the Sanctions Panel are under “Sanctions” in this section) who will review the investigative report and assign sanctions.

The Title IX Coordinator will deliver communication via email and/or hard copy of the findings. Students who receive the hard copy will get it sent to their current physical address if on-campus or to the student’s home address (based on PMC records) if off-campus.

Impact Statements
The parties will each have two (2) business days from the date they review the Title IX Investigator's report and findings to submit a written impact statement to the Title IX Coordinator. The written impact statement(s) afford impacted parties the opportunity to reflect on the incident(s) and process. The Title IX Coordinator and Deputy suggests the statements answer the following questions:

- What have you learned about yourself through this process?
- What have you done to practice self-care through this process?
- What would you do differently having now gone through this process?
- What sanctioning would you recommend based on the findings from this case?

Involved parties should submit their written impact statements to the Title IX Coordinator who will share the statements with the members of the Sanctions Panel, who will see the impact statements before determining any sanctions.

Sanctions
No later than three (3) business days after the date when the written impact statements are due, the Sanctions Panel will review the following documents: (1) a copy of the final Title IX investigative report; (2) a copy of the respondent's prior disciplinary record, if any; and, (3) a copy of any written impact statements. The Sanctions Panel will then deliberate and decide on what, if any, sanctions are most appropriate to achieve the College’s goals of (1) assuring safety of the individuals in the case and the PMC Community and (2) providing consistency and fairness across Title IX cases and between Title IX cases and Community Standards.

The Sanctions Panel will use the ATIXA 2018 Whitepaper: *The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations*, best practices, and consistency with Pine Manor College’s Community Standards process as a guide for sanctioning. Potential sanctions, individually or in combination, are listed below under “Potential Sanctions.” Where appropriate, the statement of the sanction should include the duration, any conditions to be observed during that period, and the conditions for termination of the sanction.
The Sanctions Panel will use consensus for confirming the sanctions issued; however, when the Sanctions Panel cannot reach consensus, they will utilize a majority vote where each person has one vote.

In the event, through the investigative process, that a determination of physical violence and/or penetration has occurred, the sanctions will result in suspension or at most expulsion from the College.

Within two (2) business days of the Sanctions Panel meeting, the Title IX Coordinator will issue the Sanctions letters. The letter will include advising the respondent, in writing, of the sanctions imposed and advising the victim/survivor of the sanctions imposed, in accordance with applicable law. This communication will also inform the Parties of their rights of appeal. The Title IX Coordinator will deliver communication via email and/or hard copy of the Panel’s findings. Students who receive the hard copy will get it sent to their current physical address if on-campus or to the student’s home address (based on PMC records) if off-campus.

Sanctions Panel
The Sanctions Panel consists of 2-4 Pine Manor College community members that receive training on the sanctioning process. No person on the Panel will have reporting responsibilities to another person on the Panel. The Panel is co-lead by two community members who serve in the co-leader role for a maximum of 3 academic years. For each case, the Panel will consist of at least one co-leader and one member, all of whom have received appropriate training. The Director of Restorative Practices and Community Standards serves as a sitting member to ensure consistency between Title IX and community standards cases. Questions or concerns raised by the Sanctions Panel should be directed to the Title IX Coordinator.

Potential Sanctions
- **Disciplinary Warning** – a behavioral warning to the respondent. No follow-up actions are typically required and nothing is noted in the College’s student’s records.
- **Disciplinary Probation** – a hold on students’ accounts for a determined period, which may limit students’ participation in activities and awards and cause for more severe sanctions if future cases arise in the probation period.
- **Suspension from the College or residence halls** – a finite time, effective immediately, where students are not allowed on campus and/or in the residence halls as a residential student or guest. Restrictions during this time include No Trespass Orders either onto campus and/or in the residence halls. Students suspended in the middle of a semester will receive withdrawals, “W,” on their transcript for that given semester.
- **Deferred suspension from the College or residence halls** – a suspension (see above) that does not start immediately.
- **Expulsion from the College or residence halls** – an infinite time, effective immediately, where students are permanently withdrawn from the College and not allowed on campus and/or in the residence halls as a residential student or guest. Students expelled in the middle of a semester will receive withdrawals, “W,” on their
transcript for that semester and not considered for re-admission to the College.

- *Deferred expulsion from the College or residence halls* – an expulsion (see above) that does not start immediately.
- *Denial of graduation, diploma, and/or degree* – Students may not participate in graduation, receive their diploma, and/or receive their degree from the College.
- *Revocation or withdrawal of degree previously credited, awarded, and/or conferred* – when the College revokes previously awarded degrees and/or diplomas.
- *Restitution* – when the student must financially reimburse the College and/or designated parties for damages, loss, or costs incurred by the College or other party.

**Voluntary Resolution**

In some instances, the parties may choose to resolve a complaint through voluntary resolution. Voluntary resolution may include conflict mediation or restorative conferencing with a third person trained in mediation or restorative conferences who is not already involved in the case to ensure neutrality. Voluntary resolution may only be used:

- When the Title IX Coordinator and Deputy believe this is a plausible option for resolving the concern and both the survivor/victim and respondent (separately) agree to the process; and
- When the complaint does not involve sexual assault or sexual violence as defined in this Policy.

In a voluntary resolution process, the Title IX Coordinator will appoint a neutral third party to conduct and coordinate the conflict mediation or restorative conversation/circle. Because both parties mutually develop and agree upon this process, parties may not appeal the process and/or the results. If the parties are unable to agree on a voluntary resolution or one of the parties does not show up for the mediation or circle, the formal investigative process will continue.

**Admitted Responsibility**

If the respondent admits responsibility of the sexual misconduct stated in their allegation letter, the respondent and survivor/victim may choose to stop the full investigation and proceed to the findings protocol, impact statements, and sanctioning.

If both parties agree to terminate the full investigation, the Title IX Investigator will submit their report based on facts obtained as of the date the investigation ended. In this case, the respondent also forfeits their right to the appeal process.

**Sanction Oversight**

In the event of suspensions and expulsions from the College, the Title IX Coordinator will oversee the sanctions as outlined by the Sanction Panel and coordinate the leave with the Division of Student Affairs. In all other cases (non-suspension and expulsion), the Division of Student Affairs will oversee the sanctions as outlined by the Sanction Panel and keep the Title IX Coordinator informed appropriately.

**Withdrawal of Respondent from PMC College**

During an open investigation, a respondent may not voluntarily withdraw from the College.
Appeals Process
The parties have seven business days to submit a written appeal to the Title IX Coordinator upon a finding of a violation of the Sexual Misconduct Policy.

The grounds for appeal are: (1) a lack of fairness in the procedures or investigative process that may alter the outcome; (2) significant new information (previously unknown) that has been revealed or discovered which materially alter the facts of the matter and may alter the outcome; (3) a lack of fairness in the sanctioning process given the findings. Absent extenuating or unusual circumstances, the Title IX Coordinator will notify the Parties within ten (10) business days regarding granting or rejecting the appeal.

The Title IX Coordinator will assign an Appeals Panel (defined below) to oversee a review of the Title IX incident and sanctions issued. The Appeals Board will receive (1) the sanction and appeal letters; (2) the written impact statements from all parties; (3) a copy of the final Title IX investigative report; (4) and, a copy of the respondent's prior disciplinary record, if any.

The Appeals Panel will then deliberate and decide on what, if any, sanctions are most appropriate to achieve the College’s goals of (1) assuring safety of the individuals in the case and the PMC Community and (2) providing consistency and fairness across Title IX cases and between Title IX cases and Community Standards. The Appeals Board will use the ATIXA 2018 Whitepaper: *The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations*, best practices, and consistency with Pine Manor College’s Community Standards process as a guide for sanctioning. Within the Appeals Board consensus is ideal; however, when the Appeals Board cannot reach consensus, the Board will utilize a majority vote.

In the event that the Appeals Panel grants an appeal, they will let the Title IX Coordinator know to issue a new sanction letter or, if necessary, re-open the case for further consideration.

Appeals Panel
The Appeals Panel consists of 2 Senior Administrators that receive training on the sanctioning process and have no prior connections to the open case. No person on the Panel has reporting responsibilities to another person on the Panel. If warranted, the Director of Restorative Practices and Community Standards can be invited by the Senior Administrators on the panel to join the Appeals Panel as a sitting member to help ensure consistency between Title IX and community standards cases.
SECTION IX: ON-CAMPUS EDUCATION, WORKSHOPS, AND AWARENESS

The Division of Student Affairs works collaboratively with the Title IX Coordinator to provide training, education, and resources to the community concerning sexual misconduct. Pine Manor College addresses training and education on sexual misconduct throughout the year, including:

- Orientation/Welcome Week;
- Ongoing educational programming and workshops;
- Tabling throughout the semester; and
- Student Leadership Training.

Pine Manor College, in consultation and collaboration with the Boston Area Rape Crisis Center and other expert/skilled professionals in sexual assault and Title IX, provide training to the campus community on the following topics:

- Bystander intervention;
- Responding to reports and disclosures;
- Reporting disclosures and the role of a responsible employee;
- On and off-campus confidential and non-confidential resources.