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1. Message from Chief of Police Robert Hart

The College of the Holy Cross is committed to providing a safe and secure community, where students, faculty and staff may experience academic, professional and personal success.

The College rejects and condemns all forms of harassment, discrimination, retaliation and disrespect, and is committed to sustaining a welcoming environment for everyone and especially for those vulnerable to discrimination on the basis of race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation or gender identity. It is the policy of the College to adhere to all applicable state and federal laws prohibiting discrimination. The College does not discriminate unlawfully in admission to, access to, treatment in or employment in its programs and activities on the basis of a person’s race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission.

To achieve this goal the Department of Public Safety provides a comprehensive program of police, security, crime prevention, fire safety, emergency medical, parking, transportation and related public safety services to help ensure the College community remains a safe and pleasant place to live, work and learn. The Department of Public Safety has established a partnership with students, staff and faculty in the development of crime prevention, security assessment, response and education. This partnership is the foundation of maintaining an environment which encourages mutual respect, caring and safety for the campus community.

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (more commonly referred to as “the Clery Act”) was passed in 1990 and requires all postsecondary educational institutions participating in federal Title IV student financial assistance programs to disclose certain crime statistics, safety related policies and procedures, fire safety information, and fire statistics in an annual security report to be published by October 1st each year. The College of the Holy Cross publishes its annual security report on the Department of Public Safety website: http://www.holycross.edu/campus-life/public-safety/safety-security-fire-report. The College through DPS, disseminates a notice of the availability of this report via a mass email to all current students, faculty, and staff. Anyone may obtain a paper copy of the Annual Security Report by contacting the Department of Public Safety at (508) 793-2224, or by making a request in person at the Department of Public Safety, which is located on the campus in O’Kane 5.

This report is published by the Director of Public Safety using information collected from Public Safety records, Director of Title IX Initiatives’ records, local law enforcement (Worcester Police Department, West Boylston Police Department), as well as state and federal law enforcement partners. The Public Safety Department records and maintains crime statistics for publication in the Annual Safety/Security & Fire Report each year. (Except where noted, the College’s reference to years in this Report relate to the calendar years for which the Clery Act requires reporting.)

The Department of Public Safety officers enter all reports of all crime incidents reported directly to the department in an automated case management software program called ARMS. Once an Officer enters the report, a Department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department periodically examines the data to ensure that all crimes that have been reported are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting (UCR) Handbook and the FBI National Incident Based Reporting System (NIBRS) Handbook (sex offenses only).

The Department of Public Safety maintains a close relationship with the Worcester Police Department and the West Boylston Police Department to ensure that we are notified of any crime report that is made directly to the Worcester Police Department and/or the West Boylston Police Department.

CAMPUS SECURITY AUTHORITIES

The Clery Act requires the College to disclose certain crimes that occur within the College’s Clery geography and that are reported to Campus Security Authorities (“CSAs”). CSAs include any member of the Department of Public Safety; any individual who has responsibility for campus security, but who is not a member of the Department of Public Safety; any individual identified by the College as someone to whom a crime should be reported; and any College official who has significant responsibility for student and campus activities. Individuals with these job functions or who have been designated as CSAs receive annual training on mandatory reporting obligations.

A designated CSA must report to DPS or the Title IX Coordinator, as appropriate, of the existence of all known incidents so that the incidents can be recorded as statistics and, where appropriate, included in the College’s Annual Security Report.

Examples of the College’s CSAs include, but are not limited to:

- Department of Public Safety staff members
- Athletic coaches
- Advisors to student groups
- Student affairs staff members
- Title IX Coordinator and Deputy Title IX Coordinators
- Residential Life staff members

Professional counselors and pastoral counselors acting in their professional capacity are not CSAs, and the Clery Act specifically exempts them from the responsibility to report to DPS criminal behavior disclosed to them.
3. The Department of Public Safety

Role, Authority and Training
The members of the Public Safety Department are all armed Sworn Police Officers in accordance with the provisions of Chapter 22C, section 63 of the Massachusetts General Laws and have full law enforcement authority in and upon all property owned, controlled, occupied or used by the College.

Public Safety officers receive recruit training at the Massachusetts State Police or Municipal Academy before they are commissioned as Public Safety Officers. Annually, all Officers receive at least forty hours of in-service training in First Aid, CPR, Firearms, Safety, Policy Reviews, All Hazard Training, Active Shooter, Hate Crimes, Dating, Stalking and Domestic Violence and law updates. Many officers also receive specialized training in sexual assault investigations, crime prevention, RAD (Rape Aggression Defense) training.

Working relationship with local, state agencies
The Department of Public Safety maintains a close working relationship with the Worcester Police Department, the West Boylston Police Department, the Massachusetts State Police, the Worcester County District Attorney ‘s office and Federal law enforcement agencies.

4. Reporting Crimes and Other Emergencies

The College encourages individuals to promptly report crimes to the Department of Public Safety or Worcester Police. The College Department of Public Safety will assist individuals with contacting the Worcester Police to make reports if the individual requests or requires assistance.

Reporting Crimes

Individuals are encouraged to report crimes to either the College or the applicable law enforcement agency.

Voluntary, confidential reporting

The Department of Public Safety accepts voluntary reports of crimes in cases where the victim or witness of a crime does not wish to pursue either judicial or disciplinary action. The Department of Public Safety cannot ensure that an allegation will remain confidential, however, because there are instances in which it is obligated to notify the College (specifically the Title IX Coordinator) of any incidents that might implicate the College’s Sexual Misconduct Policy or might indicate a pattern of crime with regard to particular location, method, or assailant, and can help alert the campus community to potential danger. The College has also listed confidential resources in this Report and the Sexual Misconduct Policy for individuals who would like to speak with someone on a confidential basis.

Victims may anonymously report an incident of sexual misconduct, including violence (sexual assault, dating violence and stalking) by using the online reporting form located here: https://apps.holycross.edu/titleix/reports/new. All such reports are included in the annual disclosure of crime statistics. In addition, anonymous reports assist the College in evaluating whether a Campus Crime Alert should be issued and in collecting valuable information about incidents of sexual violence that are not ultimately reported to the police. Those who are required to report crimes may not use this anonymous online reporting form to fulfill their reporting obligation.

Any publically available record keeping, including Clery Act reporting and disclosures, will not contain personally identifying information. Chaplains and counselors will inform individuals of their ability to provide a confidential report of an incident to the College for inclusion of the crime statistic in this annual security report.

Anonymous online reporting option for victims of sexual misconduct:
https://apps.holycross.edu/titleix/reports/new
Reporting Missing Persons

A person may be declared “missing” when their whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of their behavior patterns, plans or routines. or 24 hours whichever is sooner. There are many instances in which persons are missing for unexplained reasons and under circumstances where they may be considered at risk.

In every instance when a person is reported missing, response time is of the essence. The Resident Assistant, Professional Staff Member or any other reporting party associated with the College, upon being notified of a Missing Person as defined shall immediately call or notify Public Safety (x2222).

Students at the College of the Holy Cross have an option to identify a confidential individual to be contacted not later than 24 hours after the student has been determined to be missing. Students may register a confidential contact person at any time by updating their information with the institution. This information will only be accessed by authorized campus officials and law enforcement in furtherance of a missing person’s investigation.

Public Safety will respond to all instances of missing persons and notify the Dean on Duty. Public Safety will also gather as much information as possible from the reporting party to include name, age, last known whereabouts, residence, physical and emotional condition at the time last seen, what if anything was said by the person and any other pertinent information available. Public Safety will also conduct a “Hasty Search” on foot from the last known location to the most probable route of travel to the residence hall, other building on or off campus (within the immediate College Area), or reasonable place on campus based upon the initial information gathered.

If the missing person is not found, nor their whereabouts discovered, during the “Hasty Search”, the Dean on Duty will be immediately advised, along with the Director of Public Safety or Designee. Should information be gathered or conditions exist during the course of the above events that the missing person is in eminent danger, the appropriate local and/or state emergency response personnel will be immediately notified.

Where do I report a missing person?
Department of Public Safety- (508) 793-2222
Police- 911
5. Timely Warnings – Crime Alerts

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the College issues “Crime Alerts.” The College will generally issue Crime Alerts for the following crimes: arson, aggravated assault; criminal homicide; robbery; burglary; sex assaults; and hate crimes. The College will post these warnings through a variety ways, including, but not limited to, posters or bulletins, emails and social media.

The purpose of these Crime Alerts is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. The College will issue Crime Alerts whenever the following criteria are met:

i. A crime is committed;
ii. The perpetrator has not been apprehended; and
iii. There is substantial and on-going risk to the physical safety of other members of the campus community because of this crime.

Such crime alerts will be issued for: Clery Act crimes that are reported to any campus security authority or the local police; or when the College determines that the incident represents an on-going threat to the campus community. The College is not required to issue a crime alert with respect to crimes reported to a pastoral or professional counselor.

Additionally, the College may, in some circumstances, issue Crime Alerts when there is a pattern of crimes against persons or property. The Director of Public Safety and/or the Director of Title IX Initiatives, or designee, will generally make the determination in consultation with other offices, if a Crime Alert is required. For incidents involving off-campus crimes, the College may issue a Crime Alert if the crime occurred in a location used and frequented by the College population.

The College also has the ability to email Crime Alerts to those who register their email address with us. These messages are a very effective way to send important information to the campus community and can assist you in making informed choices about your safety.

6. Emergency Notification & Evacuation Procedures

Emergency Management
The College of the Holy Cross will notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus, unless issuing a notification will compromise efforts of first responders to contain the emergency. Emergency response and evacuation procedures are also publicized through the College of the Holy Cross Web Site.

Drills, Exercises and Training
Warning and notification systems as well as Emergency Response and Evacuation Procedures are tested and evaluated on an annual basis. The scenarios for these exercises change from year-to-year and include several departments from across the campus. These exercises may include drills, table top exercises, emergency operation center exercises, or campus-wide emergency response exercises. The College conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency exercise each year, the College will notify the community of the exercise and remind the community of the information included in the College’s publicly available information regarding emergency response procedures.

Emergency Notification

The Department of Public Safety and/or other campus stakeholders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to the Policy or upon discovery during patrol or other assignments.

In the event of an emergency, the College will notify affected members of the campus community without delay, as set forth below, taking into account the safety of the community unless issuing notification will, in the professional judgment of the Director of Public Safety, or their designees, compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the College may elect to delay issuing an emergency notification. As soon as the conduction that may compromise efforts is no longer present, the College will issue the emergency notification to the campus community.
DETERMINING THE APPROPRIATE SEGMENT OR SEGMENTS OF THE CAMPUS COMMUNITY TO RECEIVE AN EMERGENCY NOTIFICATION.
College and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the College mass notification system, the College will also post applicable messages about the dangerous condition on the College homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, College officials will distribute the notification to the entire campus community.

DETERMINING THE CONTENTS OF THE EMERGENCY NOTIFICATION The Department of Public Safety will determine the contents of the notification based on each situation. The College has developed template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure that individuals are aware of the situation and they know the steps to take to safeguard their personal and community safety.

PROCEDURES FOR DISSEMINATING EMERGENCY INFORMATION TO THE GREATER COMMUNITY Audible exterior warnings will notify the community of an impending or existing threat with brief instructions to be followed in the event of such an emergency. Further information will be provided through telephone, text message, social media and/or e-mail alerts directly to all members of the community who have provided their contact information and are signed on for Connect-Ed.

ENROLLING IN THE COLLEGE’S EMERGENCY NOTIFICATION SYSTEM Community members should sign up their phone numbers with the College’s ConnectEd system in order to receive these emergency notifications. Please contact the Department of Public Safety to set your phone number up.

7. Security of and Access to Holy Cross Facilities

Access to Campus Facilities
Most campus facilities, other than student residence halls, are accessible to members of the campus community, their guests, and visitors during the day, at night and on weekends depending on scheduled events and time of the year.

Access to Resident Facilities
All exterior doors to student resident halls and female corridors are locked 24 hours a day. An electronic computerized card access system monitors all exterior doors and the corridor doors to the women’s areas.

Access to the halls is by the Holy Cross Crusader One Cards, which are issued by the Department of Public Safety. The cards are programmed to allow access into the residence halls. Students are encouraged to report all missing and lost cards as soon as possible to the Department of Public Safety. All reported missing and lost cards are immediately removed from the card access system and replacement cards are issued. All exterior doors to the resident halls are equipped with an anti-prop/vandalism device. This device activates an alarm in the Department of Public Safety Dispatch Center when a door is propped or held open. When an alarm is activated, a public safety officer is dispatched to investigate the cause of the alarm.

All overnight guests of students must be registered in STAR (the College’s Student Record system). They must register their motor vehicle with the Department of Public Safety.

Maintenance and Security of Campus Facilities
The College maintains a very strong commitment to campus safety and security. A Safety Committee reviews all employee injuries, reports of hazards and makes recommendations to the College Administration for corrective action. Annual audits are conducted to assist in identifying possible hazards. The audits include the College grounds, exterior lighting, parking lots and access to all buildings.

The Department of Public Safety, Physical Plant, and the Student Government Association conduct a periodic check of campus lighting. Public Safety Officers are required to identify and report any possible safety hazards and lighting problems during their regular patrols and report their findings to the appropriate authorities. On-call Physical Plant personnel may be contacted to respond to any maintenance emergency. Contact can be made through the Public Safety Department by calling 508-793-2224 anytime day or night.

The campus buildings and grounds are patrolled 24 hours a day by Public Safety Officers in vehicles, bicycles and on foot. All buildings are secured in the evenings and opened for special events or activities.
8. **Crime Prevention Programs**

The Department of Public Safety places particular emphasis on crime prevention. A primary vehicle for accomplishing this goal is the College’s comprehensive crime prevention program. This program is based upon the dual concepts of eliminating or minimizing criminal opportunities whenever possible and encouraging students and staff to be responsible for their own safety/security and the security of others.

The following is a listing of the crime prevention programs and tools offered by the College of the Holy Cross:

a. **Escort Programs**
   The Department of Public Safety provides a personal safety escort service for persons walking on campus and from campus, to a principal place of residence within a reasonable distance of the campus, during all hours when personal safety is a concern.

b. **New Student Orientation**
   A crime prevention presentation, accompanied by brochures and other printed material, is given to new students during the beginning of each academic year. Security is also discussed at the opening day panel for parents and new students.

c. **Residence Hall Security**
   Crime prevention programs accompanied by literature and other printed materials are available in residence halls on a regular basis. Security presentations are given to Resident Assistants (RAs) each year in August, at a training workshop.

d. **Emergency Telephones**
   All residence halls have exterior emergency telephones. Some parking lots have emergency phones; all are identified by a blue light and signs.

e. **Crime Prevention Presentations**
   Crime prevention presentations are made annually to such groups or organizations as resident students, commuter students, faculty and staff including specific academic departments. Programs are tailored to the interests of those requesting a presentation.

f. **New Employee Orientation**
   Crime prevention brochures and other printed material are made available to new employees.

g. **Printed Crime Prevention Material**
   Printed crime prevention brochures, posters etc. related to sexual assault, residence hall safety reminders, off campus safety and library security are distributed at various locations throughout the college campus.

h. **Electronic Access Systems Card**
   A sophisticated access system monitors all residence hall exterior entrances. An alarm monitoring system located in the O’Kane Public Safety office provides state of the art security, ensuring prompt response by a Public Safety officer when a violation or alarm is detected.

i. **Facilities Survey**
   Comprehensive surveys of exterior lighting, exterior doors and grounds are conducted by the crime prevention officer and the student safety committee on a regular basis. All recommendations are submitted to Physical Plant for immediate follow-up.

j. **Operation Identification**
   Operation Identification, a national program of engraving serial numbers or owner recognized numbers on all valuable items, is coordinated by the crime prevention officer and the Officer of Student Affairs. Engravers are made available to all members of the college community.

k. **Crime Prevention Publicity**
   Crime prevention articles and material are provided to the Public Affairs office and *Crusader* on a timely basis.

l. **Crime Prevention Officer**
   The Crime Prevention Officer attends off campus workshops and maintains communication with other institutions to stay abreast of new ideas and programs in the crime prevention area.

m. **Video Monitoring**
   The College deploys a video monitoring system of campus properties and buildings.
9. Sexual and Gender Violence Prevention and Response Policies, Support, and Education

The College will not tolerate discrimination or harassment on the basis of sex, sexual orientation or gender identity, including, but not limited to sexual violence, dating or domestic violence, or stalking, or retaliation, in its community. The College follows through on that commitment, in part, through the implementation of a Sexual Misconduct Policy that defines prohibited conduct and the process by which the College will address such conduct in different circumstances. The Sexual Misconduct Policy applies to all College community members, and all members of the College community are responsible for being familiar with and abiding by the Sexual Misconduct Policy at all times.

a. Policy

The College rejects and condemns all forms of harassment, discrimination, retaliation and disrespect, and is committed to sustaining a welcoming environment for everyone and especially for those vulnerable to discrimination on the basis of race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation or gender identity. It is the policy of the College to adhere to all applicable state and federal laws prohibiting discrimination. The College does not discriminate unlawfully in admission to, access to, treatment in or employment in its programs and activities on the basis of a person’s race, religion, color, national origin, age, marital or parental status, veteran status, sex, disability, genetic information, sexual orientation, gender identity or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission.

The Sexual Misconduct Policy applies to all College community members, and all members of the College community are responsible for being familiar with and abiding by the Sexual Misconduct Policy at all times.

The College will also provide additional relevant resources for the community on the Title IX website. While separate from the Policy, these additional resources are part of the College’s ongoing efforts to ensure an environment free of discrimination on the basis of sex.

b. Definitions of Covered Offenses

Definitions of Prohibited Conduct and Consent under the College of the Holy Cross Sexual Misconduct Policy

The following are the definitions of conduct that is prohibited under the College’s Sexual Misconduct Policy. These definitions are made available to the College community on the College’s website: (http://www.holycross.edu/sexual-respect-and-title-ix):

**Sexual Violence/Sexual Assault:**
Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. Physical sexual acts include, but are not limited to, vaginal or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact. This definition includes rape, sexual assault, sexual battery, and sexual coercion. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship (relationship violence), or may involve individuals not known to one another.

**Other Inappropriate Sexual Contact:**
Having or attempting to have sexual contact of any kind other than that defined as “Sexual Violence” with another individual without consent. Other inappropriate sexual contact may include kissing, touching, or making other inappropriate contact with the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner and without permission.
Stalking:
More than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, texts or other similar forms of contact are used to pursue, harass, or make unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

Relationship Violence (Including Domestic Violence and Dating Violence):
Relationship violence is any intentionally violent or controlling behavior of one individual by a person who is currently or was previously in a relationship with that individual. Relationship violence may include actual or threatened physical injury, sexual violence, psychological or emotional abuse, and/or progressive social isolation.

Consent and Coercion:
Consent is the affirmative and willing agreement to engage in a specific form of sexual contact with another person who is capable of giving consent. Consent cannot be obtained through: (a) the use of coercion, or (b) by taking advantage of the incapacitation or impairment of another individual, including someone who is incapacitated or impaired by intoxication or drugs, is underage, is unconscious, or is asleep. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has chosen freely to engage in a sexual contact.

Definitions of Prohibited Conduct under Massachusetts’ State Law:
In addition to the definitions of conduct that is prohibited by the College, the following are excerpts compiled from the Massachusetts General Laws that describe how certain relevant behavior is defined in Massachusetts. These definitions are not identical to the definitions of conduct prohibited in the College’s Sexual Misconduct Policy, but the College considered these definitions in developing its Policy. These definitions are made available to the College community on the College’s website: http://www.holycross.edu/sexual-respect-and-title-ix.

Sexual Assault (Rape, Indecent Assault & Battery):
Sexual assault is defined under Massachusetts law as rape or indecent assault and battery.

Rape is defined as occurring when a person has “sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his will, or compels such person to submit by threat of bodily injury and if either such sexual intercourse or unnatural sexual intercourse results in or is committed with acts resulting in serious bodily injury, or is committed by a joint enterprise…”

Indecent assault and battery occurs when one person touches another person in an “indecent” way. Examples of indecent assault and battery include touching a person’s buttocks, breasts, or genitals without consent. The Commonwealth must prove that the defendant touched the alleged victim without justification or excuse; and that the touching was “indecent,” and that the alleged victim did not consent. An indecent act is one that is fundamentally offensive to contemporary standards of decency.

Stalking:
The act of “willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury.” Stalking includes, but is not limited to, acts or threats conducted by mail or by use of a telephonic or electronic communication device. Communications include, but are not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Domestic and Dating Violence:
“Abuse” is defined as “the occurrence of one or more of the following acts between family or household members:
• attempting to cause or causing physical harm;
• placing another in fear of imminent serious physical harm;
• causing another to engage involuntarily in sexual relations by force, threat, or duress.”

Family or household members are defined as “persons who:
• are or were married to one another;
• are or were residing together in the same household;
• are or were related by blood or marriage;
• having a child in common regardless of whether they have ever married or lived together; or
• are or have been in a substantive relationship, which shall be adjudged in consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.”

Consent:
In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of this policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

Massachusetts has several laws that define the age of consent and the additional penalties that attach if a person is under the age of 16 or 14. E.g., statutory rape laws, indecent and assault and battery on a person under the age of 14.

Definitions of Prohibited Conduct pursuant to the Clery Act/Violence Against Women Act:

Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Includes Rape, Fondling, Incest and Statutory Rape. Includes attempted Sexual Assault.

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 a relationship will be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition: 1) dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, 2) dating violence does not include acts covered under the definitions of domestic violence.

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

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

Victim-survivors of sexual violence, other inappropriate sexual contact, relationship violence, and stalking experience a wide range of normal feelings and have many questions and concerns. No one deserves to be abused, assaulted or stalked. We want you to know that you are not alone.

Confidential Off-Campus Medical Attention after Sexual Assault or Other Violence. Medical attention is strongly encouraged to treat any possible injuries, including internal injuries or infections, even if there is no visible injury. Please note that there are some medical actions that are more effective if taken within a few days after an offense, such as sexually transmitted infections, pregnancy testing, evidence collection and toxicology testing if there are signs that drugs or alcohol facilitated the offense. Prompt medical attention may be especially helpful to prevent the transmission certain of STIs, such as HIV, as long as medications are administered within the first 24-72 hours following an assault. Generally one may discuss the incident with licensed medical personnel on a confidential basis.

For these reasons, the College recommends that any person who has experienced sexual violence obtain medical assistance at a hospital immediately after or within 72 hours of a sexual assault. These providers offer physical exams and provide sexual and reproductive health services (e.g., STIs and pregnancy testing). Sexual Assault Nurse Examiners (SANE) are available to collect evidence in the event the individual seeks to pursue criminal charges or a protective order.

- St. Vincent’s Medical Center, Emergency Room, 508-363-6025
- University of Massachusetts-Memorial Hospital, Emergency Room, 508-363-6025
- University of Massachusetts-University Campus, Emergency Room, 508-334-3511
- University of Massachusetts-University Campus, Emergency Mental Health, 508-856-3562

Department of Public Safety officers will transport you to the hospital without the need to disclose the purpose of the visit. You may also secure a cab through Health Services or be transported by friends to the hospital.

A Sexual Assault Medical Examination is used to (a) collect evidence important in criminal prosecution or a civil case; and (b) treat possible injuries or illness sustained from the offense. Submitting to the examination gives law enforcement an opportunity to obtain any possible evidence necessary to support your case should you choose to handle this through the criminal justice process. Any evidence collected during the examination is held up to six months in a confidential file which is identified only by a number, not a name. This examination is a voluntary procedure and it does not commit you to any legal action. It is an individual’s right to ask for a SANE nurse to perform the examination.

There is no charge for a sexual assault medical examination completed in a Massachusetts hospital within five days of a sexual assault occurring in the state. The hospital where the examination occurred will work with the Massachusetts Victim Compensation & Assistance Division for the payment of any lab work, emergency room fees, physician fees during the hospital visit, and medications. You may also be eligible for additional expenses associated with your aftercare deemed medically necessary as a result of the incident. This can include further medical treatment, medications, counseling, replacement bedding and clothing (taken during the administration of the kit), security measures, etc. To be eligible for these postexam expenses, you will need to complete the MA Sexual Assault Forensic Kit Post Exam Application provided at the time of discharge.

If a victim-survivor did not obtain an examination, the MA Victim Compensation Fund may also cover the costs of the examination care as well as post examination care (for example, for follow up care for sexually transmitted infection prevention, medication, and testing, counseling, security measures, lost wages, among others) but only if a standard Crime Victims Compensation application to the fund is completed and submitted from the victim survivor and a report must be filed with law enforcement. More information can be obtained at www.mass.gov/ago/vcomp.

The Director of Health Services is available to assist individuals in determining what resources are available. A confidential meeting can be scheduled by calling Health Services at (508)793-2276.

The staff can provide immediate care in a safe environment and review available options with you. Transportation to a local hospital with a support person of your choice can be arranged.
Preserving Evidence Following an Incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking

If an incident of sexual assault, dating violence, domestic violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order.

- In cases of sexual assault avoid washing, douching, using the toilet, or changing clothing prior to a medical exam. Any clothing removed should be placed in a paper bag.
- Evidence of violence, such as bruising or other visible injuries, should be documented including through photographic evidence.
- Evidence of stalking including any communication, such as written notes, voice mail, social media postings, or other electronic communications should be saved and not altered in any way.

d. Reporting Options

The College of the Holy Cross encourages individuals to report incidents and provides a variety of reporting resources to assist with reporting. The Title IX Coordinator leads the College’s efforts to respond to reports of conduct that could trigger the Sexual Misconduct Policy. While individuals may report for inclusion in the Annual Security Report and/or seek resources as set forth below, any non-confidential reports will be managed by the Title IX Coordinator.

Confidential College Reporting

On Campus Medical, Counseling and Pastoral Resources. Some College resources are individuals designated as “confidential resources.” These College employees serve in professional roles in which communications are provided confidential status under the law (e.g., licensed mental health care providers, licensed medical providers, pastoral counselors and clergy) and may not report identifying information about behavior that may implicate the Sexual Misconduct Policy without the consent of the individual who supplied the information in question or otherwise in compliance with law.1 However, these confidential resources will inform individuals of their right to file a complaint under the Sexual Misconduct Policy and/or with the police and may assist in that process. They will tell individuals about the option to report anonymously for inclusion in the annual Clery statistics.

Victims may also use the online form to anonymously report sexual violence https://apps.holycross.edu/titleix/reports/new. These reports will be included in the annual statistics pursuant to the Clery Act.

College Reporting (Not confidential)

To report a violation or make a complaint under the Sexual Misconduct Policy, please contact the Title IX Coordinator or a Deputy Title IX Coordinator.

You may also make a report under this policy to other College employees. The College recognizes that individuals may feel most comfortable disclosing incidents to College employees whom the individual knows well. However, it is important to note that College employees, other than the confidential resources described above, are obligated by law to disclose reports and information concerning unlawful discrimination on the basis of sex, sexual orientation, gender identity, or marital or parental status, sexual harassment (including, but not limited to, sexual violence, relationship violence, stalking and sexual misconduct), or retaliation toward any member of the College community that is shared with them to the Title IX Coordinator. These employees are known as “Responsible Employees.” With the exception of the confidential resources listed above, all full-time and part-time faculty and employees and Residence Advisors are considered Responsible Employees.

Once a Responsible Employee learns or receives a report, the College is on notice and then may be required to investigate. Whenever possible, Responsible Employees will disclose their duty to report incidents before someone reveals information about an incident. The College encourages individuals to speak with a Responsible Employee so that an incident can be investigated and properly resolved.

1 Confidential resources generally will not share identifiable information without the reporting individual’s permission, unless:

- Sharing is required to address an imminent risk of harm to the safety of the community at large, the individual sharing the information, or another member of the community; or
- The individual alleged to have been harmed is a minor (under 18), in which case the Massachusetts Department of Children and Families must be notified.
- Elder or disabled individual abuse

Please note that such employees who receive reports when not functioning in their licensed or confidential capacity (e.g., when teaching a course) are not prohibited from making a report. For example, a Jesuit professor or administrator is not a confidential resource when they are teaching classes, or acting as administrators.
When a report is made to the Department of Public Safety, the Director of Title IX Initiatives, the Title IX/Nondiscrimination Investigator or any Deputy Title IX Coordinator, the person to whom the report is made shall inform the individual of their option to notify local law enforcement authorities, including the Worcester Police or the Department of Public Safety. The reporting party also retains the right to report or not to report to law enforcement at all points during the reporting process. The individual shall be informed of the importance of preserving evidence required for proof of possible criminal activity. The individual shall also be informed of the resources such as on and off-campus counseling, mental health, and other student services and will be provided with their written notice of Rights and Resources.

Sometimes individuals report to a non-confidential party, but wish to remain confidential. For individuals who inform the College that they wish to remain confidential, the College will try to honor this request, provided that such confidentiality does not affect the safety of the individual, the community or otherwise hinder the College’s need to investigate. For parties who do not want to participate in the investigation as a complaining party, the College will not require participation, but parties should be aware that it may affect the College from being able to fully investigate and respond to the incident.

**Criminal Reporting (not confidential)**

Individuals who believe that they may have been victims of a crime may file a criminal complaint with the Department of Public Safety and/or the local police department where the incident occurred. An individual may make BOTH a criminal complaint and a complaint to the College under its Sexual Misconduct Policy.

The College encourages individuals to report incidents to the police so the police can take appropriate measures to help individuals and prevent future crimes. However, individuals are never required to report an incident to the Department of Public Safety or the local police and can decline to do so.

If anyone would like assistance in filing a report with local law enforcement, the Department of Public Safety will help. If you wish to file a report with off-campus authorities, you may choose to go directly to the local police department. The College will provide transportation for you to go to the police department to file a report. You also may choose to have the police come to campus. The College can arrange for a discreet and private place to meet for this purpose.

By filing a report, you are not committed to seeking criminal prosecution of the assailant. However, the College will evaluate its obligation to conduct an internal investigation.

- **Holy Cross Department of Public Safety**, O’Kane 5 (in O’Kane Basement), 508-793-2222. If you wish to file a report on campus, a trained sexual assault officer in the Department of Public Safety is available to meet with you to receive your report.
- **Worcester Police Department**, Sexual Assault, 9-11 Lincoln Square (Exit 17 off I-290, turn left), 508-799-8661 (8am - midnight); 508-799-8600 (midnight - 8am)
- **District Attorney’s Office**, Child Abuse and Sexual Assault Unit, 255 Main Street, Worcester, MA, 508-792-0214
Protection Orders

The College complies with Massachusetts law in recognizing Abuse Prevention Orders and Harassment Prevention Orders. Any person who obtains an Abuse Prevention Order (commonly referred to as a “209A Order”) or a Harassment Prevention Order (commonly referred to as a “258E Order”) from Massachusetts or any reciprocal state should provide a copy to the Department of Public Safety and the Title IX Coordinator.

In the event a person is seeking to obtain either an Abuse Prevention Order or a Harassment Prevention Order, the Department of Public Safety will make all reasonable attempts to help facilitate the required process. An individual that has received or is in the process of seeking such an order may also meet with the Department of Public Safety to develop a Campus Safety Plan, which is a plan for the Department of Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.

If you need help with obtaining an order, the Massachusetts Office for Victim Assistance (http://www.mass.gov/mova/) offers a program called SAFEPLAN that provides specially trained and certified advocates to help you in many courts across the state. Call the SAFEPLAN hotline at 1-877-785-2020

There are other programs in some courts that provide people who can help you fill out the forms and go with you to the courtroom. In some cases the advocate is from the local domestic violence service provider. In other cases, District Attorney Office victim-witness advocates assist people in filing for a 209A order.

If you are in crisis and courts are closed, you can call or go to the Department of Public Safety or the Worcester Police Department. The Department of Public Safety, working in conjunction with the Worcester Police Department, can help facilitate an immediate protective order.

Rights and Resources, Including Accommodations and Interim Measures

WRITTEN NOTICE. Individuals who have reported sexual assault, domestic/dating violence, or stalking, whether or not the incident occurred on or off campus, shall receive a written explanation of their rights and options. This written explanation identifies existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the Worcester community. It also describes options available assistance in, and how to request, changes to academic, living transportation and working situations or protective measures. The College of the Holy Cross will make such accommodations or provide such protective measures if the individual requests them and they are reasonably available, regardless of whether the individual chooses to report the incident to the Department of Public Safety, the Title IX Coordinator (or any investigators or deputies) or to local law enforcement.

Process: Stages, Timing, Sanctions

The College of the Holy Cross’s process for investigating and resolving complaints is conducted by officials who receive annual training on the issues related to dating/domestic violence, sexual assault and stalking. They are trained in how to conduct an investigation that protects the safety of the parties and promotes accountability. The College’s overarching goal is that all complaints be investigated in a prompt, fair, and impartial manner.

The College’s commitment to non-discrimination includes an assurance that the College will not tolerate unlawful discrimination or harassment on the basis of person’s sex, marital or parental status, sexual orientation, gender identity or any other unlawful basis or retaliation in its community.

The College follows through on that commitment, in part, through the implementation of its Sexual Misconduct Policy and Process for Investigating and Resolving Complaints. These policies and procedures apply to all College community members, and all members of the College community are responsible for being familiar with and abiding by them at all times.

This process describes how the College will investigate a report that an individual has engaged in conduct that could violate the College of the Holy Cross Sexual Misconduct Policy (http://www.holycross.edu/sexual-respect-and-title-ix), and determine what, if any, safety measures and/or disciplinary sanctions are appropriate.
1. Initial Steps; Interim Measures

After receiving a report of conduct that could fall under the Sexual Misconduct Policy, the Title IX Coordinator or his or her designee (5) will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable the College to assess the need to take any immediate action to address the safety and health needs of the Complaining Party (6) and the College community, and to determine the next steps for investigating the reported conduct and the need for any interim measures. These initial steps may take approximately 1-3 days from the report, but the time period may be longer or shorter, depending on a variety of factors, including, but not limited to, schedules of parties, the information provided and the individual’s interest in proceeding.

These initial steps may include, but are not limited to, the following:

(A) The Title IX Coordinator will contact the Complaining Party and encourage him/her/them to meet to discuss the nature and circumstances of the reported conduct, review relevant documentation that is available and address the need for any interim measures. Examples of interim measures with respect to sexual misconduct may include no-contact orders, requests for academic adjustments, changes to living, dining, transportation, working and/or immigration situations, statutorily provided leave to employees pursuant to M.G.L. c. 49, §52D, and other actions to address the situations and the Complaining Party’s immediate physical safety and emotional needs and concerns on an interim basis.

(B) The Title IX Coordinator will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of the College community that warrants issuance of a timely warning, a stay-away order for any persons, or any other interim protections, including, but not limited to, suspension of a student, placing an employee on leave, or restricting any individual from other privileges prior to completing an investigation. During the interim action, the College reserves the right to prohibit the individual from entering upon the College’s property or participating in any College activities absent written authorization from an appropriate College official. The failure of an individual to comply with an interim restriction is a violation of this Policy and may lead to additional disciplinary action. The decision to impose interim restrictions will be communicated by the Title IX Coordinator in writing and will be effective immediately.

(C) The Title IX Coordinator will notify the Complaining Party about: (a) the availability of the Sexual Misconduct Policy; and (b) the right to report and the right to decline to report the matter to Department of Public Safety and/or to local law enforcement if the conduct is potentially criminal in nature (and that such a report will not change the College’s obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that the College delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct).

(D) The Title IX Coordinator will notify the Complaining Party of the available resources for seeking medical treatment, counseling, spiritual guidance, or other interim measures.

(E) If the Title IX Coordinator determines the reported conduct could, in any way, trigger the Sexual Misconduct Policy, he or she will contact the Complaining Party to discuss that determination. In connection with allegations of sexual misconduct, if, at this time, the Complaining Party requests that the process not move forward, the College will weigh that request against the College’s obligation to address any risk of harm to the Complaining Party or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complaining Party’s request not to proceed to investigation is granted, the Title IX Coordinator will proceed to Section 3.

(F) If the Title IX Coordinator determines that the reported conduct would not, in any way, trigger the Sexual Misconduct Policy, he or she will advise the Complaining Party of such in writing and refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate College policy. (If new information is subsequently provided, the decision whether or not to investigate the reported conduct may be reevaluated.)

2. Optional Informal Resolution Procedure.

The following Informal Resolution Procedure may not be used in an effort to resolve allegations of Sexual Violence, Other Inappropriate Sexual Contact, Inducing Incapacitation, Stalking or Relationship Violence, as each of those terms is defined in the Sexual Misconduct Policy.

At any time prior to convening a Determination Panel, a Party may request an informal resolution of a complaint rather than an investigation by contacting the Title IX Coordinator. All Parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. If the Title IX Coordinator determines that informal resolution is appropriate, the Title IX Coordinator will notify the Parties.

The Title IX Coordinator will designate a College representative to facilitate a dialogue with the Parties in an attempt to reach a resolution. The allegation will be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them which is approved by the Title IX Coordinator in consultation with other appropriate College administrators. A Party may withdraw from the informal resolution process at any time.

The Title IX Coordinator may initiate an investigation at any time that deems it appropriate in his or her sole discretion.

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3. The Investigation Phase

The investigation phase may take approximately 30-40 days, but may be shorter or longer, depending on a variety of factors, including but not limited to: the number of incidents reported, the schedules of those involved, the number of parties and witnesses, the availability of witnesses, the academic calendar and other factors.

(A) Notice of an Investigation. If it is determined that the reported conduct could trigger the Sexual Misconduct Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the Complaining Party and Responding Party that will include a brief description of the allegations, the portions of the this Policy that are alleged to have been violated, and any interim measures in place about which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility.

(B) Information about Advisors in Connection with Allegations of Sexual Violence, Other Inappropriate Sexual Contact, Relationship Violence and Stalking. In connection with an allegation of sexual misconduct involving sexual violence, other inappropriate sexual contact, relationship violence or stalking, each Party, including any Reporting Party, may have a single advisor of such Party’s choice present during any College disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Sexual Misconduct Policy. Advisors may not participate actively while present at any disciplinary proceeding and may not speak or otherwise communicate on the part of the Party that the advisor is advising. However, the advisor may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. An advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisers if they unduly delay the process. The advisor is not permitted to attend a meeting or proceeding without the Party without the prior approval of the Title IX Coordinator, as determined in his/her sole discretion. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator. A union-represented employee who is a Responding Party may choose as an advisor a person who is not a union representative, if the Responding Party does not desire to have the union representative participate in the proceeding.

(C) Support Services and Resources. The Parties should review College and Community Resources regarding the available support services and resources at the College and in the community. At the request of either Party or witness, the Title IX Coordinator can discuss further the support services, resources, and options available.

(D) Designation of Investigator. The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). At the College’s discretion, the investigator may be an internal or an external investigator and more than one investigator may be assigned. All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by the College or engaged by the College for the purpose of conducting investigations under the Sexual Misconduct Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after delivery of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final. The Title IX Coordinator may consult with other College personnel (e.g., the chair of the Committee on Faculty Affairs in the case of teaching faculty) to discuss any conflicts of interest.

(E) Nature of the Investigation. The investigation will include separate interviews with the Complaining Party, the Responding Party, and any witnesses whom the Investigator(s) believe will provide necessary and relevant information. The investigation may include the review of documentation or other items relevant to the reported conduct. The Investigator(s) will provide the Parties with written notice of meetings at which their presence is required.

(F) The Parties’ Identification of Potential Witness and Documentation. The Parties have the opportunity (and are expected) to provide the Investigator(s) with the identification of potential witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items or questions they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the Investigation Phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation.

(G) Investigation Prohibitions. Neither Party will be permitted to question or cross-examine the other Party directly during the investigation or disciplinary proceedings. Moreover, the Investigator(s) generally will not gather or consider information related to either Party’s sexual history outside of the conduct in question.

(H) Responding Party Voluntary Agreement to Policy Violation. At any point prior to convening a Determination Panel, a Responding Party may agree in writing to the alleged violation(s) of the Sexual Misconduct Policy and, in the cases of sexual harassment not involving sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, a proposed sanction. In cases of sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, the individuals responsible for imposing sanctions will determine and impose sanction(s) pursuant to Section 5(a) below.


4. Investigative Report and Determination of Responsibility by Determination Panel

This phase may take approximately 7-10 days, but may be shorter or longer, depending on a variety of factors, including but not limited to: the number of incidents reported, the schedules of those involved, the number of parties and witnesses, the academic calendar, further investigation that may be necessary in light of a party’s written response and other factors.

(A) **Content of the Investigative Report.** At the conclusion of the Investigation Phase, the Investigator(s) will prepare an Investigative Report, which should include a summary of the factual information presented during the Investigation Phase, a separate section where the Investigator(s) point out relevant consistencies or inconsistencies (if any) between different sources of information, and a separate section describing the Investigator(s)’ perception of the demeanor of the individuals interviewed. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Misconduct Policy or what sanctions may be appropriate. These determinations will be made by the Determination Panel, as described below.

(B) **Review by the Parties.** The Parties will have an opportunity to review the Investigative Report and may submit written comments about the content of the Investigative Report to the Investigator(s) within five (5) calendar days of the date they are notified that the Investigative Report is available for review. This review will take place at a secure location and in a secure manner determined by the College. The time to submit written comments can be extended for a brief period if the Title IX Coordinator concludes, in his/her sole discretion, that the additional time is warranted. Likewise, the secure location and manner of reviewing the Investigative Report can be determined if the Title IX Coordinator deems it necessary and appropriate. Each Party may have such Party’s advisor review the Investigative Report with them. Photographs or any other copies of the Investigative Report are not allowed by either Party or advisor. The comments submitted by the Parties may not exceed ten (10) double spaced pages unless a higher page limit is otherwise determined to be necessary and appropriate in the sole discretion of the Title IX Coordinator. After reviewing the submissions, if any, from the Parties, the Investigator(s) may determine that either additional investigation is required or no further investigation is needed. If further investigation is conducted, the Investigator(s) will include any additional relevant information in the Investigative Report. The Investigative Report will then be submitted to the Title IX Coordinator. Any submissions made by either Party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report.

(C) **Convening the Determination Panel.** The Title IX Coordinator will convene a three member determination Panel (the “Determination Panel”) from a previously established pool of College community members trained to decide cases pursuant to this Policy and sexual misconduct cases. In no instance shall the Panel include students. In the event that a Responding Party is a teaching faculty member (8), at least one of the members of the Determination Panel shall be a tenured faculty member. The Title IX Coordinator will provide the Parties with the names of the persons assigned as the Determination Panel members for their case. As soon as possible, but no later than three (3) calendar days after delivery of the identity of the assigned Determination Panel members, the Parties should inform the Title IX Coordinator (in writing) of any conflicts of interest in regard to the selected members assigned to the Determination Panel. If a conflict of interest is raised regarding any of the individuals assigned to the Determination Panel, the Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned to the Determination Panel. The Title IX Coordinator may consult with other College personnel (and shall consult with the chair of the Committee on Faculty Affairs in the case of any conflict of interest with respect to a proposed Determination Panel member who is a teaching faculty member) to assess any conflicts of interest. The Title IX Coordinator’s decision regarding any conflicts is final. The Title IX Coordinator will then submit the Investigative Report to the Determination Panel members and set a subsequent date for the Determination Panel to meet to determine responsibility.

(D) **Review and Determination by the Determination Panel.** The Determination Panel will make a determination as to whether or not the Responding Party is responsible for violating the Sexual Misconduct Policy by having engaged in some or all of the reported conduct. The Determination Panel has the authority to accept the Investigative Report without seeking additional investigation, or to ask the Investigator(s) to conduct additional investigation on specific points. The Determination Panel, in its discretion, may invite the Investigator(s) to attend a Determination Panel meeting if the Panel believes it would be helpful to have an opportunity to ask the Investigator(s) any questions arising from the Investigative Report. The Determination Panel also has the authority, in their discretion, to speak directly with any persons identified in the Investigative Report. The Determination Panel, as the ultimate decision-maker in the matter, is provided broad discretion.

(E) **Notification of Decision.** Upon reaching a determination of responsibility, the Determination Panel will provide a written notification of its decision to the Title IX Coordinator. If sanctions are necessary, they will be assigned in accord with Section 5 below. The notification will consist of a brief statement of the allegations and the determinations made by the Determination Panel and with respect to a Responding Party who is a student, any sanctions that are imposed pursuant to Section 4. While the notification may, at the discretion of the Determination Panel, include a brief description of the determination process, it will not include any recommendations for sanctions with respect to Responding Parties who are employees or faculty members.

(F) **Standard of Proof.** All findings and determinations of responsibility under the Sexual Misconduct Policy will be made using a preponderance of the evidence standard. This standard requires the determination of whether it is more likely than not that a fact exists or a violation of the Sexual Misconduct Policy occurred. Please note that the preponderance of the evidence standard is not the standard used for criminal culpability in most jurisdictions and a determination of responsibility under the Sexual Misconduct Policy does not equate with a finding of a violation of criminal laws. Conversely, lack of a prosecution or conviction in a criminal proceeding does not necessarily imply that the College’s Sexual Misconduct Policy was not violated. The two procedures are significantly different and utilize different standards for determining violations.
(G) Student Groups, Organizations and Teams. A student group, organization or team may be held collectively responsible for a violation of this Policy when one or more members of the group or other individuals associated with the group, organization or team are found responsible for a violation of this Policy and the Determination Panel separately determines that:

- members of the group, organization or team acted in concert with respect to misconduct;
- the individual found responsible for committing the misconduct was either acting on behalf of the group, organization or team or engaged in an activity sponsored, financed or endorsed by the group, organization or team or its leaders;
- the misconduct grows out of, occurs during, or is related to any activity or event sponsored, financed or endorsed by the group, organization or team;
- any leader, officer, or team captain of group, organization or team had knowledge of the misconduct or incident before or while it occurred and failed to take corrective action; and/or
- a pattern of individual misconduct by members of the group, organization or team is found to exist.

The designated student leader or leaders (e.g., president, officer(s), or team captain(s)) shall represent the student group, organization or team throughout the process. There shall be no right of individual appeal of any member of the student group, organization or team to a group sanction.

5. Determining Sanctions

(A) Sanctioning Decision. Sanctioning may take approximately 2-4 days (except for students, whose sanctions are determined at the same time that responsibility is determined), but may be shorter or longer, depending on a variety of factors, including but not limited to: the number of incidents reported, the parties’ schedules, the academic calendar and other factors. The College employees responsible for determining sanctions are as follows:

(i) Students. Sanctions regarding students and student groups, organizations and teams will be determined by the Determination Panel. The Determination Panel, in its discretion, may ask a Student Affairs representative to appear before and address the Determination Panel regarding sanctions. The Determination Panel’s determination will be shared with the Parties as set forth in Section 6. Sanctions may be determined during the same meeting in which responsibility is determined, as set forth in Sections 4(c) and (d).

(ii) Teaching Faculty. The Title IX Coordinator will provide the Vice President for Academic Affairs and Dean of the College (“Dean of the College”) with a copy of the Determination Panel’s written notification of its determination of responsibility as well as the Investigative Report. The Dean of the College will determine an appropriate sanction(s). If the Dean determines that a sanction of dismissal for is recommended, the sanction will be reviewed pursuant to the Statutes of the Faculty (or after such time as the Statutes of the Faculty are amended to remove sanctions of dismissal under the Sexual Misconduct Policy from review under Statutes of the Faculty, Section 7(b)). The Dean will then provide written notification to the Title IX Coordinator of the action taken with regard to the faculty member.

(iii) Exempt Employees, Other Than Teaching Faculty. Sanctions regarding exempt employees, as defined by the College, will be determined by the Employee’s Vice President (or his/her designee). The Director of Human Resources (or his/her designee) will be consulted on any sanction. The Title IX Coordinator will provide such vice president and director with a copy of the Determination Panel’s written notification of its determination of responsibility as well as the Investigative Report.

(iv) Non-Exempt Employees. Sanctions regarding non-exempt employees, as defined by the College, vendors, independent contractors and other third parties will be determined by the Director of Human Resources (or his/her designee). The Title IX Coordinator will provide the Director of Human Resources with a copy of the Determination Panel’s written notification of its determination of responsibility as well as the Investigative Report.

(B) Types of Sanctions.

(i) Employees, including Faculty Members. Sanctions imposed with respect to Responding Parties who are employees or faculty members may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, probation, reprimand, warning, training and/or counseling, no-contact order, among others.

(ii) Students. Sanctions may include, but are not limited to, one or more of the following: expulsion, suspension, probation, reprimand, warning, restitution, education/counseling, no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, and/or loss or restriction from College employment.

(iii) Student Groups, Organizations and Teams. Sanctions for groups, organizations and teams may include suspension, revocation or denial of registration or recognition, probation, reprimand, warning, restitution, education, restriction, among other possible sanctions.

(iv) Considerations. In determining an appropriate sanction, the College may take into account the following:

- The nature and circumstances of the misconduct.
- The impact of the misconduct on the Complaining Party.
- The impact of the misconduct on the College community.
- The disciplinary history of the Party deemed responsible.
- Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case.
- Range of sanctions typically imposed for similar violations.
Possible sanctions for those found responsible for sexual violence, other nonconsensual sexual contact, domestic/dating violence, stalking and hate crimes:

- 10 hours community service
- 15 hours community services
- 20 hours community service
- 25 hours community service
- Reflection paper
- 1 hour educational training
- 2 hours educational training
- 3 hours educational training
- 4 hours educational training
- 5 hours educational training
- Probation 1 semester
- Probation 2 semesters
- Probation 3 semesters
- Probation 4 semesters
- Probation 5 semesters
- Probation 6 semesters
- Probation 7 semesters
- Probation 8 semesters
- Suspicion 1 semester
- Suspicion 2 semesters
- Suspicion 3 semesters
- Suspicion 4 semesters
- Suspicion 5 semesters
- Suspicion 6 semesters
- Suspicion 7 semesters
- Suspicion 8 semesters
- Suspicion 9 semesters
- Suspicion 10 semesters
- Expulsion/termination of employment

Except for expulsion/termination of employment, all sanctions may be combined with one or more other sanctions listed in Section 5(b)(i) or (ii) above.

(v) Additional Remedies. The sanctioning authority described in Section 5(a) may also identify additional remedies to address the effects of the conduct on the impacted Party. Remedies may include extending or making permanent any interim or safety measures. If a Complaining Party declined or did not take advantage of a specific service or resource previously offered, the College may re-offer the service as applicable or necessary. The Title IX Coordinator also may consider broader remedial action for the campus community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures. In addition, in the Title IX Coordinator may refer any matter raised, but not addressed hereunder, that may potentially violate any other College policy, rule, or procedure to the appropriate College officials to address such matters, irrespective of the finding under this Policy.

6. Notification of Investigation Outcome

Upon completion of Sections 4 or 5, as necessary, the Title IX Coordinator will inform the Parties simultaneously and in writing of (i) the outcome of the disciplinary proceeding; and (ii) the procedures for either Party to appeal the result of the disciplinary proceeding. The Title IX Coordinator will also inform other College officials with a legitimate educational interest about the outcome of the finding. Notice to these other individuals will be accompanied with a request that the information should remain confidential except in situations in which disclosure is necessary to protect the safety of the community.

If the alleged victim is deceased as a result of a crime involving sexual assault, other nonconsensual sexual contact, stalking, domestic/dating violence or hate crime, the next of kin of such alleged victim will be provided the notice of outcome upon written request to the Title IX Coordinator.

7. Appeals

The appeal period may take approximately 7 days from delivery of notice of request for an appeal, but may be shorter or longer, depending on a variety of factors, including but not limited to: academic calendar, schedules of the parties involved, information and issues contained in the request for an appeal and other factors.

(A) All Appeals (Other Than Appeals Involving a Responding Party Who Is a Teaching Faculty Member with a Recommended Sanction of Dismissal).

The following appeal process applies to all appeals other than any appeal involving a determination in which a Responding Party is a Teaching Faculty Member with a recommended sanction of dismissal which are addressed under Section 7(b) below.

Within seven (7) calendar days of the delivery of the notice of the decision of responsibility and/or sanction, either Party may appeal the
decision by submitting to the Title IX Coordinator a letter stating why the Party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate. A Party appealing under this section may only appeal on the following grounds:

- **Procedural error** by the Investigator(s) or Determination Panel that materially prejudiced the Party requesting review; and/or
- **Newly discovered material information** that was not known to the Party requesting review and not available to the Investigator(s), the Determination Panel, or the individual determining the sanction, and which likely would have changed the finding of responsibility or the sanction imposed had it been available.

The Party submitting the appeal must set forth in detail the grounds for review and must attach all materials that he or she wishes to have considered in the appeal process. The Title IX Coordinator will provide a copy of the appeal submitted by one Party to the other Party.

**The Appellate Officer(s):** In the instance of an appeal under this Section 7(a), the Title IX Coordinator will appoint one or more Appellate Officer or Officers (the “Appellate Officer(s)”) from a previously established pool of College employees who have received training on sexual misconduct cases and appeals; in any case involving a teaching faculty member, there will be a three Appellate Officer panel, including at least one tenured faculty member (selected by the Title IX Coordinator in consultation with the chair of the Committee on Faculty Affairs). The Vice President of Student Affairs (or his/her trained designee) generally will be the Appellate Officer for matters in which a Responding Party is a student. The Title IX Coordinator will provide the Parties with the names of the assigned Appellate Officer(s) for their case. As soon as possible, but no later than three (3) calendar days after delivery of the identity of the assigned Appellate Officer(s), the Parties should inform the Title IX Coordinator in writing of any conflicts of interest in regard to the assigned Appellate Officer(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individual(s) should be assigned as the Appellate Officer(s). The Title IX Coordinator may consult with other College personnel to discuss any conflicts of interest (and shall consult with the chair of the Committee on Faculty Affairs in the case of any conflict of interest with respect to a teaching faculty member assigned as an Appellate Officer). The Title IX Coordinator’s decision regarding any conflicts is final.

The Appellate Officer(s) will decide the merits of the appeal and, in so doing, may consult with the Investigator(s), the Determination Panel, the individual(s) issuing the sanction, or any other individual that the Appellate Officer(s) deems appropriate. Sanctions of all types (including, but not limited to, any form of suspension, dismissal, or separation from the College) can be imposed, in full or in part, while an appeal is pending at the sole discretion of the College.

The Appellate Officer(s) may deny the appeal and affirm all or part of the determination of responsibility or the determination of sanction, or the Appellate Officer(s) may refer the matter back to the Investigator(s), the Determination Panel, and/or the individual determining the sanction for further consideration. If the matter is referred back to the Investigator(s), the Determination Panel, and/or the individual determining the sanction for further consideration, the Appellate Officer(s) will provide specific instructions with the referral. In the event of a referral for further consideration, the Title IX Coordinator will be consulted and further proceedings may be commenced, as appropriate under the circumstances and consistent with this Policy.

The decision of the Appellate Officer(s) regarding the appeal will be in writing and is final. The Title IX Coordinator will inform the Parties simultaneously and in writing of the outcome of the appeal.

**(B) Appeals with respect to a Responding Party who is a Teaching Faculty Member Involving a Recommended Sanction of Dismissal.**

Any appeal involving a determination in which a Responding Party is a Teaching Faculty Member with a recommended sanction of dismissal of the Teaching Faculty Member will be reviewed under the *Statutes of the Faculty* only.

8. **Timeframe for Completion of Investigation and Disciplinary Process**

The College cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process, if any, within sixty (60) days of the delivery of the written notice of the investigation to the Parties. This time period does not include the time for any appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the College temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this Policy may be altered by the Title IX Coordinator for good cause. The College’s overarching goal is that all complaints be investigated in a prompt, fair, and impartial manner.

9. **Additional Matters**

**(A) Duty of Honesty.** All Parties and witnesses are obligated to be completely honest during the course of the entire process set forth in this Policy. Any person who knowingly makes a false statement – either explicitly or by omission – in connection with any part of the process may be subject to separate College disciplinary action. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of violation of the policy.

**(B) Duty of Cooperation.** All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing the Sexual Misconduct Policy and these procedures. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Sexual Misconduct Policy may be subject to separate and/or additional College disciplinary action.
(C) Respect for Privacy. The College values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Sexual Misconduct Policy. The U.S. Department of Education has provided guidance indicating that there are situations in which it may be necessary for an institution to override a request for privacy or confidentiality in order to meet its obligations under the law. In the event circumstances result in the College overriding a request for privacy or confidentiality to meet its obligations, the College will do so with the utmost sensitivity and respect for the circumstances and the individuals involved.

(D) Recording the Proceedings. The Parties are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under the Sexual Misconduct Policy or these procedures or the Investigative Report. The Title IX Coordinator may make exceptions to this prohibition in limited circumstances if he or she concludes, in his or her sole discretion, that a recording is warranted, and upon written request of the Party seeking the recording that explains the need for the recording.

(E) Follow-up with Reporting Party. Where the Title IX Coordinator deems appropriate, he or she may contact the Reporting Party to provide an update on the process, the timing and extent of which will be determined by the Title IX Coordinator and depend upon the nature of the allegations and the situation.

(F) Prohibition against Retaliation. The College will not tolerate retaliation in any form against any persons for their participation or involvement in the reporting, investigation, and/or resolution of matters reported or subject to the Sexual Misconduct Policy. The College will take appropriate steps to prevent and/or address retaliatory conduct immediately. The College includes retaliation in its definition of prohibited conduct under this Policy.

(G) Amnesty for Students Reporting Sexual Violence, Relationship Violence and Stalking. The College encourages reporting under the Sexual Misconduct Policy and seeks to remove barriers to reporting. Students may be hesitant to report sexual violence, relationship violence or stalking out of a concern that they, or witnesses, might be charged with a violation of the College’s drug and alcohol policies or Community Standards. While the College does not condone such behavior, the College places a priority on the need to address sexual violence, relationship violence and stalking. The College generally will not hold a student who in good faith reports or is a witness during an investigation of sexual violence, relationship violence and stalking under the Sexual Misconduct Policy accountable for disciplinary violations of the College’s Community Standards that do not place the health and safety of any other person at risk or create a danger to the College community. The College retains the right to require students to attend counseling or drug/alcohol related courses even in circumstances in which disciplinary conduct will not be pursued under this part.

(H) Special Situations. The College retains the right to determine, in its sole discretion, if it will address a report of conduct under the Sexual Misconduct Policy administratively and outside of the process described herein when the safety of the College community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the Parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of the College and/or the community to do so. Without limiting the foregoing, when an investigative report in a student matter indicates that there may be possible Student Code of Conduct violations in addition to an alleged violation of the Sexual Misconduct Policy, the Title IX Coordinator will consult with the Director of Student Conduct and Community Standards or designee, to determine appropriate Community Standards violations. In these situations the investigation and resolution procedure may follow the Sexual Misconduct Policy to determine whether violations of the Code of Conduct and Community Standards took place in addition to the alleged violation of the Sexual Misconduct Policy as determined by the Title IX Coordinator.

5) Where the Title IX Coordinator is listed as the designated point of contact for any role in the Sexual Misconduct Policy, he or she may designate a Deputy Title IX Coordinator or another qualified member of the College community to assume the role at issue, as necessary and appropriate. (6) The individual who experienced conduct that may have violated the Sexual Misconduct Policy will be referred to as the “Complaining Party.” The individual who is alleged to have violated the Sexual Misconduct Policy will be referred to as the “Responding Party.” When the Complaining Party and the Responding Party are discussed collectively, they will be referred to as the “Parties” and may be referred to as a “Party.” There may be instances where another person, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under the Sexual Misconduct Policy, and that person is referred to as the “Reporting Party.” In those limited circumstances, the College will determine which of the protections provided to the Complaining Party under the Sexual Misconduct Policy are also applicable to the Reporting Party. (7) Advisors are not permitted in connection with investigations of any other allegations of violations of the Sexual Misconduct Policy. Nothing in the College’s Sexual Misconduct Policy is intended to undermine or alter any rights afforded to a union-represented employee, as provided by applicable law or any collective bargaining agreement, including, but not limited to, a union-represented employee’s Weingarten rights. (8) For purposes of this Policy, the “teaching faculty” is defined by reference to Chapter I, Section A of the Faculty Statutes.
Programming

“The informed by the presence of diverse interpretations of the human experience, Holy Cross seeks to build a community marked by freedom, mutual respect, and civility.” - Mission Statement, College of the Holy Cross

The prevention of sexual assault, relationship violence and sexual harassment is aligned with the mission of the College, where students are challenged to answer the question “What are our obligations to one another?” Respect for, and obligation to, another individual is the foundation of healthy relationships and the key to prevention.

Consistent with this mission, the College of the Holy Cross provides prevention programming and educational opportunities throughout the year and throughout a student’s time at the College. Education begins at orientation, where College staff members discuss the College’s policy prohibiting sexual assault and relationship violence, resources and safety. New students also participate in “Equalogy,” an interactive play that addresses sexual assault. Incoming students also participate in HAVEN, an online program that educates participants about the importance of understanding healthy relationships, definitions of prohibited behaviors, the intersection between alcohol and sexual assault and campus resources. During the first month of school, these students also participate in mandatory bystander programming instruction facilitated by the College’s Relationship Peer Educators (RPE), a student organization and key partner in the College’s awareness raising and prevention efforts.

Programming is also offered to community members throughout the year. The RPEs provide ongoing awareness raising programs and events on healthy relationships and the root issues underlying sexual violence. They also facilitate the One Love Foundation’s Escalation workshop, a primary prevention program designed to address sexual and relationship violence. In addition, students participate in other opportunities to raise their awareness of these issues and reduce risk, including Take Back the Night vigil, sponsored by the Women’s Forum, and R.A.D. self-defense classes, offered by the Office of Public Safety.

The Office of Title IX Initiatives offers programming on the Sexual Misconduct Policy to students, with a goal of preventing sexual and relationship violence by discussing definitions of prohibited conduct and the consequences of violating the policy. Students are provided information on the College’s process, including rights, resources and potential sanctions. The program also raises awareness and provides information on risk reduction and tips for bystander intervention.

New employees are required to participate in online sexual harassment prevention training, a training that discusses forms of sexual harassment and provides tips for stepping in as a bystander. All employees are offered programming on the College’s Sexual Misconduct Policy on a monthly basis; this program discusses the College’s policy and process, available resources and tips for bystander action. In addition, through a variety of academic programs and departments, including the Gender, Sexuality and Women’s Studies concentration, human resources and the office of the director of Title IX initiatives, all provide programs to community members to facilitate an understanding of these issues with the goals of prevention, bystander awareness, risk reduction, and awareness raising.

Sexual assault is never the fault of the victim-survivor. While no safety measure is failsafe, here are risk reduction tips to consider: Trust your instincts. If you feel unsafe, go to a safe place and call for help. Be active in supporting a safe community. If you see others engaging in potentially inappropriate actions, speak up and get involved if you safely may do so, or contact someone to assist you. Perpetrators seek to take advantage of vulnerabilities. Be alert to people pressuring you or others to use alcohol or other drugs. Alcohol and drugs are often used by perpetrators to create vulnerability to sexual assault.

Bystander Intervention Tips:

- Join the conversation, change the topic and distract the parties
- Offer to walk someone home
- Enlist friends- yours or theirs
- In volatile situations, call the Department of Public Safety or the Police
- Never put yourself in harm’s way

Programming and educational opportunities for all community members are offered throughout the year by a variety of departments: the S.A.F.E.R. presidential committee, the department of public safety, the office of residential life, the counseling center, the chaplain’s office, academic departments, the office of student involvement, the athletic department, the gender, sexuality and women’s studies concentration, human resources and the office of the director of Title IX initiatives, all provide programs to community members to facilitate an understanding of these issues with the goals of prevention, bystander awareness, risk reduction, and awareness raising.
10. Sex Offender Registration

Campus Sex Crimes Prevention Act
The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The Act also requires registered sex offenders to provide to appropriate state officials notice of each institution of higher education at which the offender is employed, carries on a vocation, or is a student.

How to Inquire
Members of the College of the Holy Cross community may request information about sex offenders in Massachusetts at the Massachusetts Sex Offenders Registry Board, telephone (978) 740-6400 or http://www.state.ma.us/sorb or the Worcester Police Department (508) 799-8600.

Penalties for Improper Use of Sex Offender Registry Information
Information contained in the Sex Offenders Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by not more than two and one half years in the house of corrections or by a fine of not more than $1000 or by both such fine and imprisonment.

11. Alcohol and Drugs

Alcohol and Drug Policy
The College policies prohibit the unlawful possession, use, or distribution of alcohol and controlled/illegal drugs by any member of the College community. All community members are expected to fulfill their obligations and responsibilities pursuant to the College’s policy, federal, state, and local laws. Any disciplinary action imposed by the College may be in addition to any penalty imposed by an off-campus authority.

Both students and employees are subject to prosecution under applicable state or federal laws. The College reserves the right to require the withdrawal of any student or termination of any employee whose continued presence in the community constitutes a risk to the health, safety, or general well-being of the College community or themselves.

In accordance with state and federal laws, the College has established the following priorities regarding alcohol use on campus:

- To stress moderation, safety and individual accountability for those 21 or over who choose to drink.
- To provide an atmosphere free from coercion for those who choose not to drink.
- To discourage and prohibit underage drinking, as well as illegal drug use.
- To prevent problem behavior and to combat alcohol abuse/drug abuse.
- To provide prevention and intervention information and education for all students, faculty and staff.
- To inform students about confidential and effective guidance and counseling for those with special concerns and needs related to alcohol or drug use or abuse.

Alcoholic beverages may not be brought to athletic events, nor may they be consumed at such events. This prohibition includes intramural and club sports as well as spectators at varsity athletic contests. The College has a “Tailgating Policy” that is a component of the College’s comprehensive approach to the consequences associated with alcohol use and abuse.

We encourage all students and employees to read and adhere to the College’s alcohol and drug policies, available at:

- Employee Drug and Alcohol Policy: [www.holycross.edu/policies-procedures](http://www.holycross.edu/policies-procedures)

Alcohol and Other Drug Education for Employees
The College recognizes that alcohol and drug abuse are treatable illnesses. The College strongly encourages employees to seek assistance for problems of drug and alcohol abuse before the individual’s relationship with the College is jeopardized. Early intervention and support may improve the success of rehabilitation. A number of counseling and rehabilitation programs are available to individuals, on a confidential basis, to provide education, counseling and coordination with available community resources to assess the seriousness of suspected drug and alcohol issues and address drug and alcohol abuse problems. A list of local programs is available from the Human Resource department and reprinted here:

**REHABILITATION AND COUNSELING:**

1. AdCare Hospital. 107 Lincoln Street, Worcester, MA 01605, 1-800-ALCOHOL or 800-345-3552 or 508-799-9000
2. Spectrum Health Systems. 10 Mechanic Street, Suite 302, Worcester, MA 01608, 508-792-5400

**COMMUNITY RESOURCES:**

  Local meeting look-up at: [www.aaworcester.org/meetinglookup.htm](http://www.aaworcester.org/meetinglookup.htm)
In appropriate circumstances, an unpaid leave of absence may be granted an employee to participate in a rehabilitation program. Also, the College’s group health insurance plan may provide certain benefits during drug or alcohol rehabilitation to subscribers. For information, consult the booklet or website describing benefits available under the plan, or contact your health insurance carrier. While the College recognizes substance abuse as a treatable condition, there are positions of such critical nature that substance abuse may be grounds for immediate termination including safety sensitive positions and positions which require possession of a driver’s license.

**Alcohol and Other Drug Education for Students**

All incoming students whether they are first year or transfer students are required to take an on-line alcohol education course called, AlcoholEdu for College. This course is given prior to the students’ arrival on campus with a follow-up portion of the course given 6 weeks in to the semester. In addition, incoming students attend a program during Fall Gateways called, “Think Before You Drink”. This programs includes a student made film entitled, "Reality Check: Drinking on a College Campus” and a discussion with a member of the Students for Responsible Choices, a peer education group dedicated to promoting low-risk choices regarding the use of alcohol and other substances.

The Office of Wellness Programming presents additional programs to the campus wide community throughout the academic year. These include Alcohol Awareness Week, campus speakers, a 21st birthday card initiative, and participation in the National Alcohol Screening Day. Other alcohol education occurs, when the director presents trainings and workshops to a variety of campus groups including: Orientation Leaders, Resident Assistants, and athletic teams. For students who have violated the college alcohol policy, educational meetings are a component of the college sanctioning procedure. Students meet with Residence Life staff for an educational meeting or are referred to the Office of Wellness Programming for an educational intervention called, BASICS.(Brief Alcohol Screening and Intervention for College Students)

**Campus Advisory Board on Alcohol (CABA)**

This Board is composed of students, faculty, staff and administrators. The primary responsibility is to make recommendations to the Vice President for Students Affairs on campus policy and best practices related to the issue of alcohol. During the 2007-08 academic year the campus was recognized by a national organization with an Excellence Award for alcohol prevention efforts. During the 2008-09 academic year, the college received the highest honors Excellence Award for their prevention efforts which came with a $10,000 award.

**Good Samaritan Policy**

Holy Cross considers the safety and personal well-being of the student body a priority. The College recognizes that there may be alcohol or other drug-related medical or safety emergencies in which the potential for disciplinary action could act as a deterrent to students who want to seek assistance for themselves or others.

The Good Samaritan Policy is designed to enable dangerously intoxicated or impaired students, or their guests, to receive the professional medical treatment they need.

When a student aids an intoxicated or impaired individual by contacting Public Safety or Residential Life staff, neither the intoxicated individual nor the individual or student reporting the emergency will be subject to disciplinary action.

In rare circumstances such as cases where other violations occur, students may be referred for disciplinary adjudication. Examples include, but are not limited to fights, verbal or physical harassment, disorderly conduct, property damage or vandalism.

For drug violations for which the above indicated programs would not be appropriate, the College utilizes the services of campus resources as well as private providers in the community to provide appropriate services and educational opportunities.

**Hazing Policy**

Hazing is prohibited under Massachusetts General Laws (MGL 269, Section 17) and by the Student Code of Conduct.

Hazing refers to any activity or situation created that may humiliate, abuse, degrade or endanger a person’s physical or mental health, in connection with joining or belonging to a group or organization, regardless of the person’s willingness to participate. This includes, but is not limited to the following: forced or coerced consumption of alcohol or drugs; morally degrading, humiliating or illegal activities or games; physical abuse (whipping, paddling, branding, beating, forced calisthenics, creation of excessive fatigue); forced isolation; sleep deprivation; being forced to wear embarrassing or humiliating attire in public; and consumption of vile substances.
12. Fire Report

Fire Safety
The College of the Holy Cross Residence Halls all have a complete Sprinkler System and a fully addressable Simplex Fire Detection System. Each building reports a fire signal directly to the Worcester Fire Department along with the campus Public Safety dispatch center. All systems are tested annually to meet state and local codes. In addition, each student room is supplied with a dry chemical fire extinguisher and a smoke detector wired to the Department of Public Safety and the Worcester Fire Department. Evacuation plan placards are located on each floor.

Definition of a Fire: For the purposes of fire safety reporting, a fire is, “Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner”

Fire Drills are held campus wide for the Residence Halls twice per year.

Total 2015 Fire Drills: 2 per residence hall (22 in total).

Whenever the fire alarm is activated, students are required to leave the building immediately, and may not return until the building fire alarm system has been deactivated, as well as receiving permission from the Residence Life staff or Public Safety. Tampering with or misuse of fire alarms, fire extinguishers, smoke detectors, or any fire safety equipment or signage is prohibited.

Students are not allowed to use or possess personal grills or hibachis that use propane or charcoal in the residence halls or outside of the residence halls. For a listing of permitted and prohibited items in student housing please see the Student Handbook (www.holycross.edu/sites/default/files/files/studenthandbook.pdf).

For health and safety reasons, all buildings at the College of the Holy Cross, including residence halls, are smoke free. Smoking is not permitted in any area of the buildings. In order to keep entry ways smoke free, smoking is not permitted within twenty feet of entryways. Students are provided Fire Safety Education during orientation to the College of the Holy Cross and at other times as needed. Employees are provided fire safety and education during new hire orientation and at other times at the direction of their supervisors. It is the policy of the College that should anyone discover a fire situation as defined, they are to activate the fire alarm and leave the building immediately.

Public Fire Log
Because the College is an institution that maintains on-campus student housing, it must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. The fire log must include the nature, date, time, and general location of each fire.

Any entry or addition to an entry to the fire log must be made within two business days of receipt of the information. There were no defined fires in the residence halls for the years 2013 or 2014. The following were the fires reported in 2015:

<table>
<thead>
<tr>
<th>Name of Facility</th>
<th>Fires</th>
<th>Injuries</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alumni Hall</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Carlin Hall</td>
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<td>Clark Hall</td>
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<td>Hanselman Hall</td>
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<td>Williams Hall</td>
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<td><strong>Total</strong></td>
<td>0</td>
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<td>0</td>
</tr>
</tbody>
</table>

Should a student or employee discover that a fire has occurred they should report it immediately to Public Safety (x2222) or to the Worcester Fire Department (911).
13. Clery Statistics

Definitions Used For Reportable Crimes.

The following definitions apply to the incidents of crime disclosed in the crime statistics tables contained within this report:

**Clery Act Felony Definitions**

- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Sexual Assault:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- **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.
- **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.

**Clery Act Sex Definitions**

**The following sex offenses fall within the definition of “sexual assault” under the Clery Act:**

- **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part of object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Violence Against Women Reauthorization Act (VAWA) Crimes**

- **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **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.
- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress. (“Course of conduct” means behavior composed of two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, engages in any of the following: monitoring, following, observing, threatening, surveilling, or communicating to or about a person, or interfering with a person’s property. “Substantial emotional distress” means significant mental suffering or anguish.)
Arrests and Referrals for Discipline for Violations of Liquor, Drug and Weapons Laws

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

- **Drug Abuse Violations**: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbituates, benzedrine).

- **Weapons**: Carrying, Possessing, etc. The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**Hate Crimes**

Under the Clery Act, a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. “Bias” is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin, or gender identity. For Clery purposes, hate crimes include any Clery Act felony (murder or non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, or arson) together with any of the following crimes to the extent they manifest evidence of bias:

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

- **Simple Assault**: An unlawful physical attack by one person on 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 conduct, but without displaying a weapon or subjecting the victim to actual attack.

- **Destruction, damage or 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 the property.
### Collected Statistics

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*This category includes all on-campus incidents, including those listed in the category below, “In dormitories or other residential facilities.” Therefore, the two categories are not cumulative, but possibly duplicative. Holy Cross accepts third party reporting for sex offenses which occurred on or off campus and may result in duplicated reports.

**Hate Crimes**
There were no reported hate crimes for 2013, 2014 and 2015. A hate or bias-related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias.

**Unfounded** There were no Clery Reportable Crimes that were deemed “Unfounded” for 2013, 2014 and 2015.