

Jeanne Clery Act
**Campus Security Policy, Campus Crime Statistics
&
Fire Safety Report**
October 1, 2012

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

Policy for Preparing the Annual Disclosure of Crime Statistics

Police Services prepares this report in collaboration with local municipal police agencies and with the Division of Student Life. Campus crime, arrest and referral statistics include those reported to Police Services, designated campus officials, and local law enforcement agencies. Each year, an email notification is sent to all enrolled students and all current employees to provide the website address to access this report. Copies of the report may also be obtained at Police Services, Human Resources, and Admissions. Prospective students and employees may request a copy of this report in person or they may request that a copy be mailed to them free of charge.

General Information

Merrimack College is located at 315 Turnpike Street, North Andover, MA 01845. The college community of approximately 3,000 is part of the towns of Andover and North Andover, which have a combined population of 52,000, and is 2.5 miles from the city of Lawrence with a population of 70,000. The college shares with its neighboring communities many interests and problems, including a concern about crime.

Approximately 1630 students live on campus and about 650 commute to classes. The college employs approximately 700 full-time and part-time faculty, administrators, and staff members. Access to the residence halls is limited to students and their guests in accordance with college procedure (see Security in the Residence Halls). Employee access to campus residential areas is restricted to work-order calls performed under strict supervision. The public is admitted to cultural, recreational and sporting events on campus and access is limited to the facilities where the events are held.

Department of Police Services

The Department of Police Services primary focus is to provide a safe and secure campus environment so that learning will be optimized. Police Services enforces all regulations of the college and laws of the Commonwealth of Massachusetts. The department is comprised of sworn police officers, civilian dispatchers, and clerical staff. Campus police officers are licensed as special state police officers under Mass. General Law Ch. 22C Section 63 and have complete police authority to apprehend and arrest anyone involved in illegal acts on campus. Police Services maintains a collaborative working relationship with Andover and North Andover Police Departments, as well as the State Police, and may occasionally call upon their services.

Officers are trained in First Responder/CPR and are trained in & equipped with a sidearm, police batons & pepper spray. Officers patrol the campus 24 hours a day by foot, bicycle, & cruiser. Surveillance cameras within the Campus Center and in the resident student parking lots provide additional security.

Police Services provides a 24-hour safety escort service where persons can be escorted from one campus location to another.

Reporting Crimes and Suspicious Activity

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

While reporting crimes directly to Police Services is preferred, crimes may also be reported to any other person that the Clery Act identifies as *Campus Security Authorities* – those college officials who have a significant responsibility for student and campus activities. Those designated as *Campus Security Authorities* who become aware of Clery Act crimes (those listed below in our statistics report) are required to report the incident to Police Services for statistical purposes in the annual Clery Act report. If a person reporting a crime to a *Campus Security Authority* requests anonymity, the request will be honored to the extent permitted by law. The following is a partial list of *Campus Security Authorities* at Merrimack College:

- Dean of Campus Life; 978-837-5321; Sakowich Campus Center Rm. #376
- Assistant Dean of Campus Life; 978-837-5174; Sakowich Campus Center Rm. #312
- Director of Student Activities, 978-837-5502; Sakowich Campus Center Rm. #370

Note: Campus pastoral and professional counselors, when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are, however, encouraged, if and when they deem appropriate, to inform persons being counseled of the procedures to report crimes.

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

Anyone who has a tip or information concerning a crime on campus is encouraged to send an email to michael.delgreco@merrimack.edu or to call the Crime Tips Hotline at x-5777 (or 978-837-5777 from non-college phones). Additionally, victims or witnesses may report crimes to Police Services on a voluntary, confidential basis solely for inclusion in the annual security report statistics.

Bias Incident Response Protocol

Merrimack College values diversity, inclusion and an environment free from discrimination. The College is committed to providing a safe, respectful educational and work environment that is free from harassment and intimidation.

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

Definitions

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

Hate Crime: Criminal conduct motivated by hatred, bias or prejudice based on actual or perceived protected class status as defined by relevant state and federal laws including race, ethnicity, age, physical disability, religious affiliation, gender or sexual orientation. Examples include verbal threats of violence, physical attacks, property damage against a protected class of people.

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

The Merrimack Code of Conduct states that any offense committed by a student, including but not limited to physical abuse, vandalism and conduct infringing upon the rights of others, and which includes intimidation that is motivated by race, ethnicity, age, physical disability, religious affiliation, gender or sexual orientation carries sanctions up to and including separation from the College.

Procedure

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

All reports should include the following information or as much detail as possible:

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

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

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

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

Confidentiality: All reasonable efforts will be made to protect the confidentiality of individuals targeted and to maintain the confidentiality requested by the reporting party.

Timely Warnings

In the event that a situation arises that constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued by Police Services and/or the President's Office/Public Relations. The warning will be issued through the college email system to students and employees. Depending on the particular circumstance of the crime/situation, posters or other forms of notification, may supplement the email notification.

Rave Alert Emergency Notification System

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

Members of the Department of Police Services do monthly test messages on Rave Alert to ensure they maintain familiarity with the system and to determine any problems with its function.

Merrimack College Emergency Response Procedures Plan

The purpose of the Merrimack College Emergency Response Procedures Plan (ERP) is to establish guidelines, assign responsibilities, and promote awareness in responding to emergencies that may affect the Merrimack College Community. Additionally, the plan is designed to provide guidelines to assist those affected in dealing with crisis, coordinate with external entities, and provide resources to expedite the return to normal operations with minimal impact. The plan was created to complement plans that have been developed on the national, state and county level.

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

Preparation Overview

The ERP is designed to provide guidelines for responding to a variety of incidents and emergencies that affect Merrimack College. Not all emergencies require the same degree of response; each incident will be evaluated on a case-by-case basis.

Levels of Emergencies:

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

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

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

Note: Both Major Emergencies and Disasters will require notification of Emergency Response Procedures Team. (ERT)

All members of the ERT team will be notified through the Emergency Notification system (RAVE). Police dispatch will confirm members have been notified by checking off their names as they call Police Services. The President or his designee will authorize the campus wide notification of all students, faculty and staff of any event that will impact the day-to-day operation of the campus. Rave and email notifications will be sent out notifying members of the Merrimack College community of the events occurring.

Evacuation Procedure Guidelines

Building Evacuation

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

Campus Evacuation

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

Exigent Circumstances: A situation where an immediate decision must be made due to the nature of the emergency or threat. An example of this may be a credible bomb threat or explosion.

Missing Person Procedures

“Suzanne’s Law” requires local police to notify the National Crime Information Center (NCIC) when someone between 18 and 21 is reported missing. This law became effective in the Spring of 2003 as part of the national “Amber Alert” Bill. The federal law is named after Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998. This law is intended to encourage police to begin investigating immediately when college-age people disappear, instead of waiting a day which has been common practice.

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

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

If located, verification of the student’s health and intention of returning to the campus is made. Where and

when appropriate, a referral will be made to Hamel Health.

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

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

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

Students are given no option to register a confidential contact person to be notified in the case that a student is determined to be missing. Each student's parent or guardian will be designated by the College as the contact person.

Education & Crime Prevention

Various departments on campus - including Police Services, Residence Life, Health & Counseling - offer educational presentations on topics including personal safety, sexual assault prevention, alcohol abuse, fire safety, and crime prevention. During orientation and in meetings with Resident Advisors, students are made aware of the safety and security services available to them. New employees are made aware of these services at new employee orientation. Emails and other communications from Police Services remind college community members of the safety and security services.

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

Alcoholic Beverages

Massachusetts General Laws and local town by-laws regarding alcoholic beverages apply on Merrimack College property. These laws and by-laws are enforced by Police Services and violators are subject to arrest and criminal prosecution. The possession or transporting of any alcoholic beverage by anyone under 21 years of age, as well as the procuring of any alcoholic beverages for anyone under 21, is a violation of state law. The drinking of any alcoholic beverage in any public place, regardless of age, is a violation of town by-laws without prior college approval. Violators of these laws, as well as violators of college alcohol regulations, are all subject to campus judicial sanctions.

Illegal Drugs

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

Substance Abuse Education

Compliance with Section 120 of the Higher Education Act (Drug & Alcohol Abuse Prevention) is ensured by the Office of the President and the Officer of Student Life.

Physical Security

The Physical Plant Department maintains college buildings and grounds with a concern for safety and security. In conjunction with Police Services and Residence Life, it inspects facilities regularly and promptly makes repairs affecting safety and security, such as broken windows and locks. Security issues pertaining to campus buildings should be directed to Police Services. Community members may also call Physical Plant or leave a message on 5FIX (x5349) for issues that do not require immediate attention.

Security in the Residence Halls

Merrimack College has five residence halls, fourteen townhouses and two apartment complexes. The college does not provide or supervise off-campus housing, and the college, although recognizing the fraternity and sorority system, prohibits fraternity and sorority housing on campus. Area Coordinators, Resident Advisors, and most members of the college Residence Life staff, live in the residence halls. The duty Area Coordinator is available twenty-four hours a day. The duty Resident Advisor is available from 8pm to 7am. All Residence Life staff members are thoroughly trained in enforcing residence hall security policies. The Residence Life staff contributes to the safety and security of the campus by participating in appropriate training by administrators, police personnel, and municipal police/fire departments.

Outside doors in the residence halls are locked; an electronic card opens the doors. Visitors, who must be invited by a student living in the residence hall, must sign in and be escorted while they are in the building. Students are responsible for the whereabouts and the behavior of their guests.

Overnight guests may remain on campus for up to three days. All student rooms, including the townhouses and apartment complexes, have conventional key access but all locks are Medeco Level IV, which prohibits obtaining duplicate keys. Key blanks are released from the manufacturer only upon written authorization from the college. All locksets are Schlage schedule "D" or greater and are UL approved.

Student Responsibility

The cooperation and involvement of students is an essential component in a successful campus safety program. Students must assume responsibility for their own safety and the security of their belongings by taking simple common sense precautions. Room doors should be locked at night and when the room is unoccupied. Valuables such as stereos, cameras, televisions, and personal computers should be engraved with the person's driver's license number and state - Police Services will provide the tools without cost. Vehicles must be parked in assigned areas and should be kept locked at all times. All students should take advantage of the safety escort service. Students should report individuals whom they feel do not belong in their residence area, or unusual incidents on campus, to Police Services.

MERRIMACK COLLEGE SEXUAL ASSAULT POLICY

Merrimack College is committed to ensuring the safety and well-being of its entire community. Sexual assault or rape constitutes vicious acts of personal violation which will not be tolerated. They are crimes that impact the survivor medically, educationally, socially, sexually and legally. The rights and care of the survivor are of primary concern to the college. Its policy and procedure have been implemented to facilitate the care of the survivor, the safety of the entire community and the enforcement of the strongest sanctions against an assailant.

Merrimack College's Code of Student Conduct prohibits: "physical harm... indecent behavior... and acts which humiliate, degrade or otherwise harm an individual." Also, the college's policy on sexual harassment forbids "unwanted sexual advances... and coerced sexual acts." These policies indicate the seriousness of these

offenses and the college's intolerance of sexual assault in any form.

The policy on sexual assault or rape applies to all members of the Merrimack College community. Employees as well as students can access any of the available resources for medical care, support and referrals.

Definitions

- **Rape**: Sexual or unnatural intercourse including penetration of an orifice with an object, which is committed without the survivor's consent, by force or by threat of bodily injury. Acquaintance rape is rape by an acquaintance, friend, date, lover or spouse.
- **Sexual Assault**: Forced, manipulated, or coerced sexual activity, which may or may not include intercourse or penetration. It includes unwanted fondling, rape, child molestation, incest, same-sex sexual assault, acquaintance rape, and marital rape.
- **Intercourse**: Vaginal, Oral or Anal Intercourse.
- **Orifice**: Vaginal, Oral or Anal Opening.
- **Object**: Penis, Finger, Tongue, or any Material Object.
- **Consent**: Requires a voluntary and uncoerced yes on the part of both parties involved. Circumstantially, yes may not mean yes. By Massachusetts Law, if a person is asleep, passed out, unconscious or mentally impaired, they cannot give consent. If a person has been drinking, or is experiencing fear, intimidation or coercion, you cannot be assured of or assume voluntary consent, even if there seems to be verbal consent.

What to do if you are Sexually Assaulted or Raped

Merrimack College recognizes the seriousness and complexity of a survivor's response to the trauma of sexual assault or rape. Our primary concern is the well-being of the survivor and our services are designed to provide respectful, complete, timely support. It is essential that the survivor understands all of the available options and is encouraged to obtain assistance.

Where You Can Go for Help

- **Hamel Health Center** (978-837-5441, Monday-Friday 8:30am-6:30pm) - Sexual Assault Advocates, specifically trained to handle rape situations, are available on an emergency basis 24 hours a day. They can be contacted by anyone through the Department of Police Services. The staff of the Hamel Health Center, which includes Sexual Assault Advocates, a doctor, nurses and a psychologist, is the only resource on campus that can assure complete confidentiality within the law. The use of this staff, particularly the Sexual Assault Advocate, assures personal support, accurate information about the survivor's options and uncomplicated coordination of any services the survivor chooses such as medical care or academic or residential changes. A Sexual Assault Advocate is also available to accompany the survivor for medical services as well as provide ongoing support.
- **Lawrence General Hospital** (1 General Street, Lawrence, MA; 978-683-4000, ext. 2500; open 24 hours a day) - Designated SANE (Sexual Assault Nurse Examiner) nurses have been specially trained to handle sexual assault or rape situations. By asking at the emergency room reception desk to speak with a SANE nurse privately, she will assure privacy and proper medical care. The hospital will gather evidence that may be needed should the survivor decide to institute criminal proceedings. The hospital is required to report a sexual assault or rape incident to the police department of the town where the incident occurred. The name of the survivor and alleged assailant are withheld unless the survivor specifically authorizes the release of this information.
- **Police Services** – (978-837-5911) open 24 hours a day - Police Services has police officers specifically trained to work with the survivors of sexual assault or rape. Campus Police officers can provide accurate information on the survivor's options, contact a Sexual Assault Advocate or any other support person the survivor chooses, arrange for medical treatment and provide transportation for medical services. A Campus Police officer is required to notify the Dean of Students that a sexual assault or rape has been reported and to document the incident. The name of the survivor and alleged assailant are withheld unless the survivor specifically authorizes the release of this information.
- **Residence Life** – (978-837-5500) or residence building extensions; Mon-Fri 8:30am-4:30pm; on call 24

hours a day via Police Services Dispatch) - The entire Residence Life staff has been trained to assist and support a survivor of sexual assault or rape. They can provide accurate information on the survivor's options, contact a Sexual Assault Advocate or any support person the survivor chooses, contact the hospital and arrange transportation with Police Services, and arrange for someone to accompany the survivor. After arranging for the care of the survivor, a Resident Assistant is required to notify the Resident Director on call that a sexual assault or rape has been reported. The name of the survivor and alleged assailant are withheld unless the survivor specifically authorizes the release of this information.

- Dean of Campus Life (978-837-5321; Mon-Fri 8:30-am-4:30pm) - The Dean of Campus Life can provide accurate information on the survivor's options, arrange for any contacts or care the survivor authorizes, facilitate any changes in residency or academic scheduling the survivor requires and offer assistance if the survivor chooses to file a complaint within the college's student conduct system. The Dean of Campus Life is required to notify the Department of Police Services that a sexual assault or rape has been reported. The name of the survivor and alleged assailant are withheld unless the survivor specifically authorizes the release of this information.
- Campus Ministry (978-837-5450; Mon-Fri 8:30am-4:30pm) - Campus Ministers are available for personal support. They can provide accurate information on the survivor's options; contact a Sexual Assault Advocate or any support person the survivor chooses and help the survivor decide which course of action to pursue.
- YWCA of Greater Lawrence (38 Lawrence Street Lawrence MA 01842; 1-877-509-9922; 24 hours a day) - An off-campus agency specializing in caring for the needs of survivors of sexual assault or rape. Services include a 24-hour emergency hot line, individual and group counseling and Sexual Assault Advocates who can provide accurate information about the survivor's options, accompany the survivor for medical and/or legal services and provide ongoing support.
- Local Town Police (for sexual assaults & rapes that occur off-campus; 24 hours a day) - The police will interview the survivor and attempt to apprehend the alleged assailant if the survivor chooses to press charges. They will also transport a survivor to the closest hospital equipped to handle rape cases.
 - North Andover Police Department, 566 Main Street, North Andover, MA (978-686-1212)
 - Andover Police Department, 32 North Main Street #2, Andover MA (978-475-1212)

The Rights of the Survivor

The College recognizes the survivor's need to maintain privacy and control of his/her life. At all times the names of the survivor and alleged assailant, as well as any details of the incident, remain confidential unless the survivor authorizes the release of this information. This policy encourages the survivor to obtain the appropriate services helpful to his/her recovery.

The College will also make any changes in residency or academic scheduling necessary to ensure the personal safety of the survivor.

The College encourages survivors to exercise their right to bring charges against the assailant to the police and/or to college authorities for their own sense of justice and for the protection of the community.

Options to Prosecute

If the survivor chooses to file a complaint within the Merrimack College Judicial System, the procedure will be facilitated by the Dean of Students. The rights of both the survivor and the accused are protected under the existing Merrimack College Student Conduct System.

Student rights of both the survivor and the accused are:

1. Prompt notification and explanation of the allegations.
2. A hearing by an Administrative Hearing Officer or the Student Conduct Board unless the student(s) is offered and accepts the option of resolving the case without a formal hearing.

3. Counsel by a member of the Merrimack College community which the student(s) must arrange for him/herself. Attorneys at law may not participate in any college student conduct proceedings.
4. The opportunity to present a reasonable number of witnesses and/or character references at hearings.
5. The opportunity to question, directly or indirectly, people presenting testimony against him or her.
6. The opportunity to petition the Dean of Students within three working days for reconsideration of the case.
7. Prompt notification of both the survivor and the accused of the results of the hearing.

The college's right to impose disciplinary sanctions is independent of any other court actions the survivor may pursue. If it is determined through proper student conduct proceedings that Merrimack College's Student Code of Conduct has been violated, the college will consider sanctions against the assailant up to and including suspension or expulsion from the institution.

The survivor has the right to pursue additional legal options through the court system either separately or in conjunction with a college student conduct complaint. Assistance in filing criminal charges or obtaining a restraining order against an alleged assailant can be obtained through the Merrimack College Department of Police Services, the Sexual Assault Advocates at the Hamel Health Center, the police department in the town where the incident occurred, or the Rape Crisis Hot Line (1-800-542-5212).

The Rights of the College

Where clear danger to the college community exists, the College reserves the right to take action to safeguard the community while protecting the survivor's privacy to the greatest extent possible. Those determining clear danger will be the Dean of Students and the Director of Police Services.

Reporting Requirements

Any member of the college community, whom the survivor believes can address a complaint of sexual assault, is required to report the incident to the Department of Police Services for statistical purposes. The name of the survivor and alleged assailant are withheld, as well as incident details, unless the survivor specifically authorizes the release of this information.

Educational Programming

Accurate information and discussion opportunities empower students around healthy choices and prevention techniques. The Coordinator of Health Education at Merrimack College facilitates programming on such topics as date rape, alcohol and drug use and its connection to rape, sexual violence, assertiveness training and domestic violence.

CAMPUS SEX CRIMES PREVENTION ACT

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

How to Inquire

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

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

Improper Use of Sex Offender Registry Information

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

CRIME STATISTICS AND CRIME RATES

In accordance with the Crime Awareness and Campus Security Act of 1990, Merrimack College furnishes current students and employees, as well as those applicants for enrollment or employment who so request, an annual report of campus security policies and crime statistics. (Crime statistics for all colleges and universities may be obtained on the internet at www.ope.ed.gov/security for the most recent three-year period ending December 31, 2008.)

OFFENSE	On Campus			Residential ¹			Public		
	09	10	11	09	10	11	09	10	11
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offense-Forcible	2	1	1	2	1	1	0	0	0
Sex Offense-Non Forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	1	0	0	0	0	0	0	0
Burglary²	18	26	12	15	20	7	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	1	0	0	1	0	0	0	0
Liquor Law Arrests³	11	9	23	0	2	3	0	0	0
Liquor Law referrals⁴	278	211	312	89	190	295	0	0	0
Drug Law Arrests³	0	2	4	0	0	3	0	0	0
Drug Law Referrals⁴	28	34	45	13	20	19	0	0	0
Weapons Law Arrests³	0	1	4	0	0	1	0	0	0
Weapons Law Referrals⁴	3	5	1	2	1	1	0	0	0
Hates Crimes⁵	0	1	0	0	0	0	0	0	0

Notes:

1. *Residential* statistics are a subset of *On-Campus* statistics (numbers are also counted in the *On-Campus* column).
2. The Clery Act definition of burglary is much broader than the Massachusetts definition, including offenses that would be classified under Massachusetts law as larceny (theft).
3. *Arrest* category also includes persons who were not arrested but summonsed to court, even if the person participated in a first-time offender diversion program that resulted in no formal criminal process (no arraignment).
4. Violations of law that were referred to the college's student conduct system without any criminal prosecution.
5. A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual orientation of any person. For this report, an incident is counted as a hate crime only if there is an underlying *Clery Act* offense or a crime involving bodily injury.

FIRE SAFETY REPORT

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

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

Fire Alarms & Drills

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

Only Deegan East and Ash Residence Halls do not have evacuation/exit plans posted. The College is preparing to implement this as part of future improvements.

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

Fire Safety Education

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

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

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

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

FIRES	2009					
Name of Facility	Fires	Injuries	Deaths	Damage	Category	Cause
Deegan West	0	0	0	0		
Deegan East	1	0	0	0	Undetermined	Unknown
Ash Center	0	0	0	0		
O'Brien	0	0	0	0		
Monican	0	0	0	0		
St Ann Apartments	0	0	0	0		
St Thomas Apartments	0	0	0	0		
Townhouse 1	0	0	0	0		
Townhouse 2	0	0	0	0		
TOTAL	1	0	0	0		

FIRES	2010					
Name of Facility	Fires	Injuries	Deaths	Damage	Category	Cause
Deegan West	0	0	0	0		
Deegan East	0	0	0	0		
Ash Center	1	0	0	\$100	Intentional	Arson
O'Brien	0	0	0	0		
Monican	1	0	0	0	Undetermined	Unknown
St Ann Apartments	0	0	0	0		
St Thomas Apartments	0	0	0	0		
Townhouse 1	0	0	0	0		
Townhouse 2	0	0	0	0		
TOTAL	2	0	0	\$100		

FIRES	2011					
Name of Facility	Fires	Injuries	Deaths	Damage	Category	Cause
Deegan West	0	0	0	0		
Deegan East	0	0	0	0		
Ash Center	0	0	0	0		
O'Brien	0	0	0	0		
Monican	1	0	0	\$50	Unintentional	Open Flame
St Ann Apartments	0	0	0	0		
St Thomas Apartments	0	0	0	0		
Townhouse 1	0	0	0	0		
Townhouse 2	0	0	0	0		
TOTAL	1	0	0	\$100		