

2026

**ANNUAL
SECURITY AND FIRE SAFETY
REPORT**

Montserrat
COLLEGE OF ART

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INTRODUCTION

The Dean of Students and Campus Security Offices prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (The 'Clery Act').

The Clery Act requires colleges and universities to:

- Publish an annual security and fire safety report by October 1 that includes three years of campus crime and fire safety statistics, campus security policies and procedures, and information regarding programs available to educate the University community on safety and crime prevention. This 2024 report covers calendar years 2023, 2024, and 2025.
- Report crime statistics for campus property, on-campus residential facilities and public property that are within the campus or immediately adjacent to and accessible from the campus
- Report fire statistics for each on-campus student residential facility
- Establish policies and procedures relating to campus security and fire safety
- Provide “timely warning” notices of those crimes that are considered to “represent a threat to students and employees”
- Establish and implement emergency notification procedures in the event of emergencies that pose an “immediate threat to the health or safety of students or employees occurring on campus”
- Maintain a public, written crime log that records crimes reported to campus security which occur on campus property, in on-campus student residential facilities and public property that is within the campus or immediately adjacent to and accessible from the campus
- Maintain a public, written fire log that records any fires that occurred in any on-campus student residential facility

The full text of this report can be found on the Montserrat College of Art website at: <https://www.montserrat.edu/campus-safety-security/>

This report is prepared in cooperation with the local law enforcement agencies surrounding our Beverly campus.

Each year, an e-mail notification is sent to all enrolled students and current faculty and staff members that includes the website link to access this report. Copies of the report may also be obtained at the Dean of Students Office at 9 Dane Street.

ABOUT CAMPUS SECURITY

Montserrat College of Art contracts with Allied Universal Security Services to provide on-campus security for 168 hours per week. There is one officer per shift. The officers answer calls, provide directions and answer questions while stationed at the main lobby of the Hardie Building at 23 Essex Street. The officers are required to make frequent foot patrols of the campus, using the Heliaus System, a compliance report management program that ensures critical areas on campus are checked regularly and allows for tracking of incidents by category. During these patrols, the officers assist community members, check all campus building doors, secure the exteriors of residence halls, the exteriors and interiors of academic/administrative buildings and address any suspicious activity. Security personnel also take reports of criminal activity from community members.

The jurisdiction of the security staff is limited to campus buildings and the immediately adjacent property. Security staff calls Beverly Police for assistance when needed.

The College, including the security officers, has a good working relationship with the Beverly Fire and Police Departments. The officers carry a cellphone at all times. Campus Security is based out of the front desk on the first floor of the Hardie Building at 23 Essex Street.

The Campus Security cell phone number: 978-626-2176 (can receive text messages)

Beverly Police Department Non-Emergency number: 978-922-1212 Beverly Fire

Department Non-Emergency: 978-922-2424 Emergency: 911

TIMELY REPORTING AND EMERGENCY NOTIFICATIONS

Timely warnings

The Dean of Students, Director of Campus Security or designee, provides timely warning notices to the community whenever an incident is considered by the College to represent a threat to the community. Notices are made to the entire campus via the campus-wide e-mail system and posted notices on campus, including in campus residence halls.

Emergency notification

Montserrat College of Art utilizes "Omnilert", a system which allows for instant communication to members of the college community through their cell phones and emails in the case of a safety issue or school closing. All students, faculty, staff and campus vendors (security and custodial services) are strongly encouraged to self-enroll in this system:

<https://montserrat.omnilert.net/subscriber.php> and click 'sign up'.

In addition, the College utilizes the campus-wide e-mail system to notify the campus community about weather-related school closing and immediate threats to the health and/or safety of students or employees. The campus-wide e-mail system is designed to reach all active students, faculty, and staff in the campus community.

REPORTING CRIMINAL ACTS OCCURRING ON CAMPUS

Students, or other community members, who are Complainants (victims) of a criminal act or have

knowledge of criminal activities are expected to report this to the College administration, including to Campus Security. The College will investigate such reports and file further reports with law enforcement agencies when necessary. Since the College does not maintain its own police force, members of the Montserrat community should also report all crimes to civil authorities, such as the City of Beverly Police Department. In order to maintain a safe campus, the cooperation of all members of the College community is requested in reporting such incidents. Students who have knowledge of criminal activities are expected to report this to the College administration, and may be held accountable if not reported.

Campus Security Authorities (CSA) are staff to whom crimes can – and should - be reported. Once received, the reports are given to the Dean of Students or Director of Campus Security for determination of action to be taken. A CSA is 'to report allegations made in good faith to the reporting structure established by the institution'.

Crimes should be reported to one of the following:

Director of Campus Security 978.626.2176 or 978.921.4242, ext. 1500
jim.bernhardt@montserrat.edu

Campus Security: 978-626-2176
security@montserrat.edu

Dean of Students: 978-921-4242, ext. 1277
meagan.rennie@montserrat.edu

Additional Campus Security Authorities:

Assistant Director of Campus Life 978-921-4242, ext. 1135

All Resident Assistants (RA) 978-712-0084 (on call phone)
All Security Officers 978-626-2176
Administrators on Call (AOC) 978-801-1135

All Title IX reports should be made to the Title IX Coordinator, Steven Greisdorf, Director of Human Resources: steven.greisdorf@montserrat.edu and/or the Title IX Deputy Coordinator, Meagan Rennie,, Dean of Students: meagan.rennie@montserrat.edu.

Criminal activity may be reported to any member of the community with the understanding that the information should be passed along to one of the offices listed above. Montserrat has identified all employees as 'mandated reporters' which means that they are obligated to report any Title IX violations to the Title IX Coordinator and/or Title IX Deputy Coordinator.

PASTORAL AND PROFESSIONAL COUNSELORS

When acting in their official capacity, pastoral and professional counselors are not required to report crimes for inclusion in the annual disclosure of crime statistics. These professionals are encouraged, however, to share information on how to report a crime if necessary.

MISSING PERSONS POLICY

The Missing Person Policy is intended to comply with the Higher Education Opportunity Act of 2008 to respond to and assist with reports of missing students. This policy applies to students who reside on campus and are deemed missing or absent from the College for a period of more than 24 hours without any known reason or which may be contrary to usual patterns of behavior. Such circumstances could include, but are not limited to; reports or suspicions of foul play, suicidal thoughts, drug use, any life threatening situations, or where a student may be known to be with persons who may endanger the welfare of the student.

In the beginning of the semester, all resident students must designate an individual(s) as the missing person contact. All reports of missing resident students should be directed to the Dean of Students Office who, in conjunction with campus security when necessary, will conduct an investigation to determine whether the student is missing in accordance with this policy. Montserrat will notify the appropriate law enforcement agency no later than 24 hours after the time that the student is determined missing in accordance with such procedures; and after the 24 hours Montserrat will initiate emergency contact procedures in accordance with the student's designation.

ACCESS TO CAMPUS FACILITIES

Consult the notice posted at campus buildings for building access hours. No unauthorized personnel are allowed on the premises during the hours when a building is closed, including when the College is closed. Suspicious persons or activities on campus should be reported immediately to the Security at **978-626-2176** or to other appropriate authorities.

Students are expected to take proper care of keys to studios and apartments, to refrain from propping doors open to ANY space on campus including but not limited to, labs, residences or campus buildings. **It is a serious breach of security to lend a key to anyone, or to duplicate a key.** Actions that compromise security and the safety of self and others will result in disciplinary action being taken.

Access to College Housing

College personnel are authorized to enter an apartment/room at any time and under the following conditions:

- To respond to an emergency;
- To conduct regular and scheduled health and safety inspections announced in advance;
- To perform preventive maintenance, repair damages and take care of building needs.

Staff (defined as Resident Assistants, Director of Campus Life, or other College official, including facilities and security staff) may enter a room for policy enforcement if there is reasonable belief that a violation of College regulations has occurred or is occurring. In all cases, reasonable care will be taken to protect the privacy of the students' apartment and belongings. A staff member will knock and identify themselves before entering. Denying entrance or interfering with any College personnel, including RAs, who request entry as part of carrying out their duties will call for disciplinary action.

Students are expected to respect the need for security in college housing. Students are expected to take proper care of keys/key cards to apartments and to refrain from propping doors open to campus residences. It is against policy to lend a key to someone else, either student or non-student, or to duplicate a key for someone else. It is unlawful to have copies made of college issued keys. Failure to respect security compromises the safety of self and others, and thus may

result in disciplinary action.

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EDUCATIONAL and PREVENTION PROGRAMS

New Student Orientation

Educational sessions on personal and campus safety and security are made by the Director of Campus Security and Dean of Students during New Student Orientation. New students also learn about the Health Center and Counseling Center during New Student Orientation through educational sessions presented by the staff in those areas. Mandatory workshops on sexual violence prevention education are presented by local professionals.

Programming throughout the academic year

Programs are offered to the campus community throughout the year. These programs are offered in the form of workshops (emergency preparedness, personal safety, etc.) for all students, faculty, and staff or through educational outreach such as e-mail notification and/or educational tabling. The College works closely with local agencies to provide timely and helpful workshops for the campus community as the need arises. The College also works with community partners from the Domestic Violence Unit of the Beverly Police Department, Yunity Gloucester, NAGLY and Healing Abuse Working for Change (HAWC) as appropriate.

Because we are a very small campus, with very low incidents of alcohol and drug violations, along with a low incidence of sexual misconduct issues, there are many one-on-one or small group/house 'programming' opportunities with appropriate staff on matters related to education and prevention, including on personal safety.

Identification Cards (IDs)/Card Access

In the first weeks of the semester, identification cards (ID cards) are issued and/or updated. All students are required to obtain ID cards and carry them while on College premises. ID cards must be presented to Campus Security and/or other College officials when requested.

These cards are not transferable. Lending an ID card or falsifying information on an ID card are considered serious infractions and will be handled through the College conduct process.

Lost ID cards must be reported to Campus Security immediately. All students are required to get a replacement card. Temporary identification cards are available from Campus Security. These cards must be returned to Campus Security within 72 hours.

Emergency Call Boxes

Montserrat College of Art is equipped with emergency call boxes at two entrances to the Student Village residence hall. The emergency call boxes dial directly to the campus security cell phone which is carried and answered by the officer on duty.

ALCOHOL AND DRUG POLICIES

Campus policy

The following behaviors are prohibited:

- Possession, use, or distribution of any controlled substance or illegal drug, including marijuana
- Possession, use, or distribution of any drug paraphernalia
- Illegal use, possession, or distribution of alcoholic beverages
- Use, possession, or distribution of alcoholic beverage in campus residences • Use, possession, or distribution of any controlled substance or illegal drug, including marijuana in campus residences
- Unauthorized use of alcoholic beverages and/or any controlled substance or illegal drug, including marijuana in campus facilities
- Public intoxication (alcohol and/or drugs)
- Drunk and/or disorderly conduct
- Being in the presence at the time any of the above actions occur

In compliance with the Federal Drug-Free Schools Act, Montserrat College of Art maintains a drug-free campus. This applies to controlled substances, illicit possession and/or abuse of prescription drugs, and the abuse and/or unlawful use of alcohol. In order to foster the College's role as an educational institution and to protect members of its campus community, Montserrat College of Art restricts the use of alcohol. Montserrat students are not allowed to possess or use alcohol or other drugs on campus. No drugs or alcohol are allowed on the premises for student events or in College Housing. This applies to all students, resident students, and their guests, including those over 21 years of age. Campus Life staff, including RAs, will document violations of alcohol and drug policy that occur in the campus residences and will confiscate any alcohol or drugs.

Students are expected to conform to all state and local laws including those pertaining to possession and use of alcohol and drugs. Any violation of state and local drug and alcohol regulations, which takes place on campus or in the vicinity of the campus, will also be considered a violation of Montserrat's drug and alcohol policy and will be addressed by Student Conduct. Possession of empty containers is taken as evidence of possession of alcohol. Possession of a large number of empty containers (or keg) is also taken as evidence of a serving violation. Providing alcohol to persons under 21 is a violation of state law and will be grounds for disciplinary action whether it takes place on campus or off.

Smoke/strong odor/smell of marijuana in a residence hall will be considered as marijuana use, and will be reported by the Campus Life staff accordingly.

Possession of drug paraphernalia is illegal in Massachusetts and is considered an infraction of college policies as well. Although Massachusetts voters approved the legalization of marijuana in the state, marijuana is still illegal under federal law and since Montserrat College of Art receives federal funding, we must comply with the federal law. As such, it is still against college policy for anyone to possess, grow, use, distribute and/or purchase marijuana on campus. Please also note that marijuana is legal only for people 21 and over (just like alcohol) and use of marijuana in public places in Massachusetts is still banned.

State Law & Alcohol Use

The Commonwealth of Massachusetts regulates possession, sale and use of alcohol. Persons under the age of twenty-one (21) are prohibited from the possession and/or use of alcohol; providing alcohol to persons under twenty-one is prohibited. Violation is subject to severe sanctions including

arrest and criminal prosecution. Driving under the influence of alcohol or with open containers of alcohol is illegal for all persons and is similarly subject to arrest and criminal prosecution. A person in possession of an open container of an alcoholic beverage on public property may be arrested.

A person under twenty-one who is in possession of an alcoholic beverage may be arrested and fined. (M.G.L. c.90 section 24). A person under twenty-one who operates a motor vehicle containing any alcoholic beverage may be arrested, fined and have their driver's license suspended for three months. (M.G.L. c.90 section 24).

Persons under 21 years of age who purchase, attempt to purchase alcohol, make arrangements with another to purchase or procure alcohol, misrepresents their age, alters or falsifies his I.D. with intent to purchase alcohol shall be punished by a fine of \$300. A conviction of this crime will result in a driver's license suspension of 180 days. (M.G.L. c. 138 section 34A)

Any person under 21 years of age who knowingly possesses, carries, or transports alcohol shall be punished by a fine of \$50 for a first offense and \$150 for any subsequent offense. A conviction of this crime will result in a driver's license suspension of 90 days. (M.G.L. c. 138 Section 34C).

A person operating a motor vehicle under the influence of alcohol or any other drug, first offense, may be imprisoned for two years, fined one-thousand dollars and have their driver's license suspended. Punishments greatly increased for any offense after this. (M.G.L. c.90 section 24). Persons using false identification, identification of another, or altered it or falsely obtained ID cards may be arrested, imprisoned for three months and fined. (M.G.L. c.90 section 24).

The City of Beverly Police Department practices zero tolerance for underage drinking. Order 94-2 issued by Beverly Police states that when an officer comes in contact with underage persons using or in possession of alcohol, they can arrest or issue a summons to the underage person, as well as notify the parents or guardians and confiscate all alcoholic beverages. If the person is over 17, the officer proceeds according to the normal adult procedures. The City of Beverly follows all state laws for alcohol use.

Social Host Law

Massachusetts has a social host law, (M.G.L. c.138 section 34), which imposes potential liability on social hosts as a result of their serving alcohol to obviously intoxicated persons or persons under 21 years of age. Students who provide alcohol to minors, including students living in off campus residences, will be subject to disciplinary action by the College in addition to possible charges by the state punishable by a fine of not more than \$2,000 or by imprisonment for not more than one year, or both.

State Law & Drug Use

Federal, state and local laws prohibit the manufacture, distribution, possession and/or use of controlled substances (illegal drugs) and the illicit use of prescription drugs. Violation of these laws is a criminal offense subject to arrest and criminal prosecution in state and/or federal courts.

The penalties for possession of the substances outlined in Massachusetts General Law, chapter 94C, section 34 are punishable by one (1) year or less of imprisonment or by a fine of not more than \$1,000 or both. Possession of heroin is punishable by two (2) years or less in a house of correction or by a fine of not more than \$2,000 or both for the first offense. Possession of marijuana or a Class E substance is punishable by not more than six (6) months in a house of correction or a \$500 fine or both. Possession of all other controlled substances is punishable by up to one year incarceration or a fine of \$1,000 or both. (M.G.L. c. 94C Section 34).

Sanctions for violation of alcohol and drug policy

The sanction for a specific violation of the alcohol and drug policy will reflect the seriousness of the infraction. The sanctions may include: warnings, fines, loss of housing or other privileges, restitution, educational assignments/programs, behavior agreements, disciplinary probation, removal/suspension from on-campus housing, interim suspension, suspension from the college and/or expulsion from the college. Students who have violated the College's alcohol and/or drug policy may also be subject to criminal prosecution under applicable state and federal laws.

SEX-BASED DISCRIMINATION/SEXUAL MISCONDUCT/ TITLE IX POLICIES AND PROCEDURES

Overview

Montserrat College of Art strives to develop a campus community that supports its academic mission and programs. As such, the College supports and promotes an environment that is free from all forms of unlawful harassment, discrimination and sexual misconduct. Sex discrimination, including sexual harassment, sexual violence and sexual misconduct occurring in the classroom, residence halls, or in other campus or off-campus settings in which students may find themselves in connection with their status as Montserrat College of Art students, is unlawful, prohibited and will not be tolerated by the College.

The federal law, which was established in 1972 states, in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." (20 U.S.C. § 1681) Montserrat College of Art, as an institution of higher education that receives federal funds, must comply with this law. The law applies to our students, employees and third parties (visitors, vendors, etc.).

There have been no changes to the law, but the regulations regarding processes that ensure compliance with the law have changed twice in the last few years. In the following pages, you will see two different protocols/policies established by the U.S. Department of Education. There are different definitions and processes for each policy - a set for the regulations established/effective in 2020 and for the regulations established/effective in 2024.

Any incident of sexual harassment/sexual misconduct that occurred prior to August 1, 2024 will be processed using the 2020 regulations. [The 2020 regulations can be found here.](#)

Title IX Team

The Title IX Coordinator is responsible for overseeing the College's response to Title IX reports and complaints and identifying, and helping to address, any systematic patterns or problems that are revealed. They are responsible for coordinating the College's compliance with Title IX including overseeing the complaint resolution process. The Title IX Coordinator may delegate duties to one or more designees but they must retain ultimate oversight. The Title IX Coordinator monitors the education program or activity for all barriers to reporting and barriers throughout the grievance process.

The Title IX Deputy Coordinator can assist students and employees with complaints or concerns about Title IX issues and direct people to the appropriate resources. The Title IX Coordinator and Deputy Coordinator work together to promptly respond to concerns and reports.

The Title IX Coordinator and Deputy Coordinator are NOT confidential resources and must act on any only report related to Title IX.

Any questions should be directed to:

Title IX Coordinator: Steven Greisdorf, EdD.
Director of Human Resources
248 Cabot St, 1st floor 978.921.4242, ext. 1171
steven.greisdorf@montserrat.edu

or

Title IX Deputy Coordinator: Meagan Rennie
Dean of Students
26 Essex St, 1st floor, 978.921.4242, ext. 1277
meagan.rennie@montserrat.edu

Inquiries may be made externally to:

Office for Civil Rights (OCR)
US Department of Education
400 Maryland Ave SW
Washington, DC 20202-1100
Customer Service Hotline # (800) 421-3481
Fax: (202) 453-6012 TDD# (877) 521-2172
Email: OCR@ed.gov Web: <http://www.ed.gov/ocr>

Regional Director, Office of Civil Rights
US Department of Education
5 Post Office Square, 8th floor
Boston, MA 02109
(617) 289-0174

Massachusetts Commission Against Discrimination (MCAD)
1 Ashburton Place, Suite 601
Boston, MA 02108
Phone: (617) 994-6000
TTY: (617)994-6194 Fax: (617)994-6024
Web:
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>
Email: mcad@mass.gov

Statement of Non-Discrimination

Montserrat College of Art does not discriminate and prohibits discrimination and harassment on the basis of race, color, natural or protective hairstyle, religious creed, sex, sexual orientation, gender identity and/or expression, national origin, ethnicity, ancestry, age, disability, genetic information, pregnancy or pregnancy-related condition, because of marital, parental, military service, or veteran status, or any other legally protected status, in accordance with federal, state, and local laws, regulations, and ordinances, including Title VI and Title VII of the Civil Rights Act of 1964, Sections 503 and 504 of the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972, and other similar laws that prohibit discrimination, all as amended. This protection from discrimination extends to all education programs and activities operated by the University, and in admissions (including application for admission) and employment (including application for employment). Retaliation for engaging in protected activity is also prohibited.

The human resources office has been designated to handle inquiries regarding Montserrat College

of Art's non-discrimination policies. Inquiries concerning the application of non-discrimination policies may also be referred to:

Regional Director, Office of Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109
617-289-0174

Compliance with Non-discrimination policies

To ensure compliance with state and federal civil rights laws and regulations, the College has developed internal policies and procedures that provide for a prompt and impartial process for individuals involved in an allegation of harassment or discrimination on the basis of protected class status. The College values all members of the community and works to balance the rights of all those involved in a grievance process during what is a challenging time.

The College complies with Title II, section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act; Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (Title IX); Violence Against Women Reauthorization Act of 2013 (VAWA); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); and Chapter 151B and 151C of the Massachusetts General Laws, as well as all other federal and state laws.

The College will respond promptly to all complaints. Where it is determined that such inappropriate conduct has occurred, the College will act to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Sexual Harassment is prohibited under the Title VII of the Civil Rights Act of 1964, Title IX of the Higher Education Amendments of 1972 (Title IX), the Violence Against Women Act of 1994 (VAWA), and Chapter 151B and 151C of the Massachusetts General Laws.

Definitions

(There are additional terms and definitions throughout this document)

Complainant The person making the allegations of sexual misconduct/sex discrimination.

Respondent The person against whom a complaint of sexual misconduct/sex discrimination has been made.

Consent Consent means words or overt actions by a person clearly communicating a freely-given present agreement to perform a particular sexual act. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity. Consent is active, not passive. Silence or the absence of resistance or saying "no," in and of themselves, cannot be interpreted as consent. Consent can only be given if one is of legal age.

Consent to one form of sexual activity cannot, by itself, constitute consent to other forms of sexual activity. Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.

Previous relationships or previous consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the

parties and the context of the relationship may be factors in determining whether there was consent. An existing sexual, romantic, or marital relationship does not imply consent.

Prior sexual activity with other individuals does not imply consent.

Consent cannot be procured, expressly or implicitly, by use of force, intimidation, threats, or coercion, as that term is defined below.

There can be no consent to sexual activity with someone known to be—or who should be known to be—mentally or physically incapacitated, as that term is defined below.

Use of alcohol or other drugs will never function to excuse behavior that violates this Policy.

Incapacitation A person who is incapacitated cannot give valid consent to sexual contact. Incapacitation means the inability to understand the fact, nature, or extent of the sexual situation.

Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to the influence of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated just because they have been drinking or using drugs. Where drugs and/or alcohol are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non-consent, or the withdrawal of consent, and whether such condition was known or reasonably known to the respondent or a reasonable person in the respondent's position. Use of drugs or alcohol by the respondent is not a defense against allegations of sexual misconduct.

Coercion

Coercion refers to conduct or intimidation that would compel an individual to do something against their will by:

- the use of physical force
- threats of severely damaging consequences, or
- pressure that would cause a reasonable person to fear severely damaging consequences.

Coercion is more than an effort to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to get consent from another.

Confidential employee

An employee whose communications are privileged or confidential under federal or state law; and an employee designated by institution as confidential for the purposes of providing services to persons related to sex discrimination.

A confidential employee must provide specific information to any person who informs employee of conduct that reasonably may constitute sex discrimination. The information to be provided:

- Describe all aspect of reporting options
- Provide information on counseling and crisis services, both on and off campus
- Provide information on medical services, both on and off campus
- Explain the available supportive measures for students
- Explain the institutional disciplinary process
- Provide information on the legal processes by local law enforcement
- Must affirmatively notify the complainant of rights regarding protective and no-contact orders

Montserrat has designated Elisabeth Reickert, Director of Counseling as the confidential employee for sex discrimination situations. She can be reached at elisabeth.reickert@montserrat.edu.

Due to the nature of her position on campus, Elisabeth Reickert, LMHC, Director of Counseling, is always a 'confidential' resource and can assist all students in connecting with necessary resources under any circumstances, including in the case of sex discrimination. She can be reached at elisabeth.reickert@montserrat.edu.

Retaliation

The College prohibits retaliation against any individual who reports harassment, discrimination, or misconduct or participates in an investigation of such reports. Retaliation against an individual for reporting harassment, discrimination, or misconduct or for participating in an investigation of a claim of harassment, discrimination, or misconduct is a violation of this policy and, like harassment, discrimination, or misconduct will be subject to disciplinary action.

Supportive measures

Supportive measures are non-punitive, non-disciplinary services which can be offered to the complainant and respondent. The purpose of supportive measures is to restore or preserve equal access to the College's education or employment program or activity without burdening the other party, including steps taken to protect the safety of all parties and Montserrat's educational environment and to deter sexual harassment. Supportive measures may include, but not be limited to:

- Counseling
- Academic-related adjustments (deadlines, section changes, etc.)
- Modification to work or class schedule
- Mutual limitations on contact between the parties (a campus No Contact Order (NCO))
- Changes in work or on-campus housing locations
- Leave of absence

Additional information regarding supportive measures is noted under the 2024 regulations.

Supportive Measures:

- Must not unreasonably burden either party
- Must be designed to protect the safety of the parties or the educational environment or to provide support during grievance procedures
- May not be imposed for punitive or disciplinary reasons
- Action is not punitive just because same action could be taken after finding of responsibility
- Available to complainant upon report; available to respondent when made aware (informal process or grievance procedure)

Montserrat College of Art can offer a range of supportive measures both prior to and after the filing of a formal complaint or when no formal complaint is filed. These measures may become permanent, depending on the outcome of the grievance process. Requests for supportive measures must be made to the Title IX or Deputy Title IX Coordinator.

Information pertaining to supportive measures offered will be confidential to the extent possible. Violations of the supportive measures enacted will be referred for additional disciplinary action.

Campus and Community Resources

Any community member who has been impacted by sexual harassment or sexual misconduct of any kind is encouraged to seek immediate assistance.

Medical Treatment

Local Emergency Service 911

Beverly Hospital (TeleSANE)
85 Herrick St., Beverly, MA 978-922-3000
<https://www.beverlyhospital.org/>

Salem Hospital (TeleSANE)
81 Highland Ave., Salem MA
978-741-1200
<https://salem.massgeneralbrigham.org/>

Safety
Beverly Police Department 911

Beverly Police Domestic Violence Unit, 978-922-1155
<http://www.beverlypd.org/domesticviolence.html>

Counseling and Emotional Support
Elisabeth Reickert, LMHC, Director of Counseling
Montserrat Counseling Center, 9 Dane Street, 1st floor, 978.921.4242, ext. 1200 or
978.867.9625 elisabeth.reickert@montserrat.edu
montserrat.edu/health-wellness

Uwill, the free, 24/7, mental health support and referral service. Students can call 833.646.1526 to access the support line, or create a profile using your school email at uwill.com/register.

YWCA of Northeastern Massachusetts - North Shore Rape Crisis Center
(NSRCC) 24 hour hotline: 877.509.YWCA (9922)
<https://ywcansrcc.org/programs-services/rape-crisis/>
20 Central Ave, Suite 510, Lynn, MA 01901

Healing Abuse Working for Change (HAWC) ((supports survivors of domestic violence) 24-hour hotline: 800-547-1649, Salem MA office: 978-744-8552
<https://hawcdv.org/>

Training

Title IX Coordinator, Deputy Coordinator, investigators, hearing officers, decision makers and appeal officers are required to participate in annual training. In addition, training programs are offered on-campus, including at new student orientation. Training materials are available for review in the Title IX and Deputy Title IX coordinators offices well as at this link: [July 30, 2025-Title IX Annual Training](#)
For any incident of sex discrimination, as defined below, that occurred ON OR AFTER August 1, 2024, the following process will be utilized.

Prohibited Conduct and Definitions/Descriptions

The following behavior is prohibited at Montserrat College of Art, including in all educational programs and activities:

Sex discrimination which includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.

Sex-based harassment is sexual in nature and includes:

- quid pro quo harassment
- hostile environment harassment

- sexual assault
- VAWA crimes (as defined by the Violence Against Women Act)

Sex-based harassment may be

- Male to female
- Female to male
- Female to female
- Male to male
- Not limited by gender identity

Non-harassment sex discrimination is non-sexual in nature and includes:

- differential treatment
- failure to provide reasonable modifications to a student for pregnancy and related conditions
- retaliation

Sex-Based Harassment

Quid Pro Quo

- Applies to any person authorized by Montserrat to provide an aid, benefit, or service under the institution's education program or activity, including a student
- Explicit or implied conditions that the provision of an aid, benefit, or service is dependent on a person's participation in unwelcome sexual conduct
- Quid pro quo harassment applies to all aspects of Montserrat's education programs and activities, including extracurricular activities and programs

Hostile Environment

Is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively **and** objectively offensive **and** is so severe **or** pervasive that it **limits or denies** a person's ability to participate in or benefit from Montserrat's education programs or activities. Factors which may determine whether hostile environment sex-based harassment is present:

- The effect on complainant's ability to access education program or activity
- The type, frequency, and duration of the conduct
- The parties' ages, roles, previous interactions, and other factors about each party relevant to evaluating effects of conduct
- The location of conduct and context in which conduct occurred
- The presence of other sex-based harassment in education program or activity

Sexual Assault

- Rape: The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- Sexual assault with an object: To use an object or instrument to unlawfully penetrate, however

slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

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

VAWA Crimes

- Domestic Violence: a felony or misdemeanor crime committed by current/former spouse or intimate partner of the victim under domestic or family violence laws of the jurisdiction
- Dating Violence: person with whom victim has/had a social relationship of a romantic or intimate nature (determined by reporting party's perspective and length, type, and frequency of interaction)
- Stalking: course of conduct directed at a specific person that would cause fear for safety or substantial emotional distress.

Non-harassment sex discrimination

Differential treatment:

Conduct, on the basis of sex, that excludes an individual from participation, denies the individual the benefits of, treats the individual less favorably or otherwise adversely affects the term or condition of an individual's employment, education, living environment, or participation in a Montserrat program or activity

Failure to provide reasonable modifications to a student for pregnancy and related conditions: • Montserrat must make reasonable modifications to institution policies, practices, or procedures for a student's pregnancy or related condition as necessary to prevent Sex Discrimination and ensure equal access to Montserrat's education program or activity

- Reasonable modifications are based on a student's individualized needs
- Modifications that would fundamentally alter the nature of the education program or activity are not reasonable
- Failure to make reasonable modifications is a form of sex discrimination

Retaliation:

Is intimidation, threats, coercion, or discrimination against any person by Montserrat, a student, or an employee or other person authorized by Montserrat to provide aid, benefit, or service under the education programs or activities. Retaliation covers only those actions taken for: • The purpose of interfering with Title IX rights, or

- Because the person participated in the Title IX process

Additionally, someone cannot be disciplined for false statements or consensual sexual conduct if based solely on determination whether sex discrimination occurred.

Reporting

Montserrat College of Art will address all reports of Title IX issues.

All employees, including student employees, must report a Title IX issue when they become aware of conduct that constitutes sex discrimination. All members of the community are encouraged to report a Title IX issue, as well.

Anyone may file an anonymous report here:

Report vs. Complaint

A **Report** initiates the college's obligation to respond, including offering supportive measures. In a report, the Complainant's identity may be kept confidential from respondent. Anyone can make a report which can be verbal or written and made to the Title IX Coordinator. All employees, including student employees are required to file a report as noted below:

Employee Reporting Obligations

- When an employee has information about conduct that may reasonably constitute sex discrimination they must notify Title IX Coordinator
- They should also Provide contact information for the Title IX team and information about how to make a complaint of sex discrimination to any person who provided information

Obligation triggered by employee:

- You witnessed the conduct
- You received a report of conduct
- You received information from another source (applications, interviews, personal statements, academic paper, other)

Employee reporting obligations do not apply if employee is personally subjected to sex discrimination

A **Complaint** initiates the grievance process. A complaint cannot be filed anonymously as the grievance process requires that the complainant's identity be disclosed to the respondent, if known.

Who can file a complaint:

Sex-discrimination:

- Complainant
- Parent, guardian or authorized legal representative with legal right to act of behalf of complainant if under the age of 18 years.
- the Title IX Coordinator or Deputy Coordinator may initiate a complaint (limited circumstances)
- All employees, including student employees
- Any person who was participating or attempting to participate in education program or activity at the time of the alleged discrimination

Sex-based harassment:

- Complainant
- Parent, guardian or authorized legal representative with legal right to act on behalf of complainant if under the age of 18 years.
- the Title IX Coordinator or Deputy Coordinator may initiate a complaint (limited circumstances)
- Any student or employee
- Any person who was participating or attempting to participate in education program or activity at the time of the alleged discrimination

Response

Montserrat will respond if there is knowledge of conduct that reasonably may constitute sex discrimination in the college's education program or activity in the United States.

In response to a Title IX report, Montserrat must:

- treat complainant and respondent equitably

- offer and coordinate supportive measures
- notify complainant of grievance procedures and informal resolution process (if available and appropriate)
- notify complainant of right to report to law enforcement and offer help with report (VAWA)
- if complainant does not move forward with a complaint, determine whether Title IX Coordinator will initiate a complaint

When a report is made, written notification will be provided to the complainant about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations, if so requested by the complainant and if such accommodations are reasonably available, regardless of whether the complainant chooses to report the crime to campus security or local law enforcement. In addition, the notification will include information about;

- possible sanctions and protective measures
- procedures individual should follow
- disciplinary procedures
- confidentiality
- existing resources for counseling, etc.
- supportive/interim measures
- Inform complainants that school officials will take steps to prevent all forms of retaliation and take strong responsive action if it occurs

Supportive Measures

In addition to the list of possible supportive measures noted earlier in this policy, under the 2024 regulations, supportive measures:

- may be modified or terminated at the conclusion of the grievance procedures or informal resolution as appropriate
- should not be coordinated by confidential employee
- must keep confidential; only share to extent necessary
- may include a change in academic or extracurricular activities, living, transportation, dining, and/or working situations
- may provide access to on-campus and community resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, visa and immigration assistance, campus escort services, increased security, and student financial aid

Parties have a right to request modification or reversal of decisions regarding supportive measures applicable to them. Montserrat must provide an opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Report to Complaint

Once in receipt of a report, the Title IX Coordinator will determine if a Complaint will be initiated considering the following:

- Complainant's request not to proceed with initiation of a complaint
- Complainant's reasonable safety concerns regarding initiation of a complaint
 - Risk that additional acts of sex discrimination would occur if a complaint is not initiated
- Severity of alleged sex discrimination, including whether finding of responsible would require removal of respondent
- Age and relationship of the parties, including whether the respondent is an employee
- Scope of alleged sex discrimination
- Availability of evidence to assist a decisionmaker in determining whether sex

discrimination occurred

- Whether institution could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures

The Title IX Coordinator can initiate a complaint, without the complainant, but they must notify the complainant prior to doing so and address reasonable safety concerns. They also must take other appropriate prompt and effective steps to ensure sex discrimination does not continue or recur.

Informal Resolution

The offer of an informal resolution may be made at any time prior to a final determination in a sex-discrimination case.

An informal resolution may be offered without complaint, but a notice of allegations must be provided. An informal resolution must be voluntary for all parties. When providing an informal resolution, Montserrat must take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur, which may include institution-wide remedies. Montserrat may decline to offer informal resolution despite one or more parties' wishes.

Before initiating an informal resolution process, Montserrat must provide to the parties notice that explains:

- allegations
- requirements of informal process
- that party may withdraw prior to agreeing to informal resolution and initiate or resume grievance process
- what information Montserrat will maintain and whether and how the institution could disclose such information for use in grievance process
- that the parties' agreement to a resolution would preclude the parties from initiating or resuming grievance process arising from same allegations
- potential terms that may be requested or offered in informal resolution agreement
- informal resolution agreement is binding only on the parties

Possible outcomes for an informal resolution include, but are not limited to:

- no contact order (mutual or one-sided)
- required training/education
- required counseling (off-campus)
- probation
- temporary prohibition on leadership positions/awards
- leave of absence from institution
- agreement not to seek re-enrollment or future employment

Grievance Process

Should a complaint move forward (no informal resolution), the following grievance process will be utilized.

All aspects of the process must be written. It is possible that the process will vary for different types of cases, but all processes must be in writing.

There will be reasonably prompt timeframes for major stages (evaluation of whether to dismiss or investigate; investigation; determination; appeal—if any). The process will allow for reasonable extensions on a case-by-case basis and for good cause, but the reason for the delay must be in

the notice.

Throughout all stages of a Title IX report for sex-discrimination:

- the complainants and respondents will be treated equitably
- there is a presumption that respondent is not responsible for sex discrimination until a determination is made at the conclusion of the grievance procedures

In addition, credibility determinations cannot be based on a person's status as complainant, respondent or witness. The standard of proof is the preponderance of the evidence, unless clear and convincing is used in all other comparable proceedings.

Montserrat will take steps to protect the privacy of the parties and witnesses during grievance procedures.

The college **cannot** restrict ability of parties to:

- Obtain and present evidence, including speaking to witnesses
- Consult with their family members, confidential resources or advisors
- Prepare for or participate in grievance procedures

The college **can** restrict parties in a complaint resolution process from making widespread disclosures via social media or other media regarding the allegations or the process while the process is pending.

Evidence

There will be an objective evaluation of all relevant evidence which is not otherwise impermissible, including inculpatory (Inculpatory means implying or imputing guilt, or tending to incriminate) and exculpatory (Exculpatory means something that tends to clear someone from alleged fault or guilt) evidence. Impermissible evidence and questions seeking evidence cannot be considered, disclosed or used, regardless of whether it is relevant.

Categories of impermissible evidence include:

- Legal privilege or confidential employee, unless person who holds the privilege voluntarily waives privilege or confidentiality
- Party or witness's records made by physician, psychologist or other recognized professional or paraprofessional in connection with provision of treatment, unless written consent for use in grievance procedure
- Evidence that relates to complainant's sexual interest or prior sexual conduct, unless it is offered to prove that someone other than respondent committed alleged conduct or there is evidence about specific incidents of complainant's sexual conduct with respondent and offered to prove consent to sex-based harassment

Prior consensual sexual conduct between parties does not itself demonstrate or imply consent to alleged sex-based harassment or preclude finding that it occurred.

Conflicts of Interest

VAWA: a prompt, fair, and impartial proceeding will be conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused

Title IX: no conflicts of interest or bias as Title IX Coordinator, investigator, decisionmaker, facilitator of informal resolution process, or individual responsible for appeals, for or against complainants or respondents generally and for or against an individual complainant or respondent.

Montserrat will disclose and manage conflicts of interest, consider appearance of bias based on public profile (articles, social media, past professional roles, etc.) and have a process for requesting

disqualification of Title IX Coordinator, investigator, adjudicator, informal resolution process facilitator, or individual responsible for appeals.

Notice of Allegations

Upon initiation of a grievance procedure, written notification of the allegations will be provided to all parties. This will happen prior to the initiation of an informal resolution process.

One notice of allegations form will be available for all grievances procedures.

This notice will include:

- Grievance Procedures for an Informal Resolution (if applicable)
- Sufficient information available at the time to allow each party to respond
- The identities of parties
- Conduct alleged to constitute sex discrimination/sexbased harassment
- The date(s) and locations(s) of alleged incident(s)
- Statement that retaliation is prohibited

General Grievance Procedures apply to all employee-only matters, and all complaints of non-harassment discrimination.

Heightened Grievance Procedures apply to complaints of sex-based harassment involving a student party. In this process, a 'notice of meeting' must be provided to any party whose participation is invited or expected and there must be sufficient time for the party to prepare to participate in the meeting. The notice must include the date, time and location of the meeting; the participants expected at the meeting and the purpose of the meeting.

Dismissal of Complaint

The college must make reasonable efforts to clarify the allegations with the complainant before dismissing a complaint.

Although a dismissal is never required, Montserrat *may* dismiss a complaint if:

- The college is unable to identify respondent after taking reasonable steps to do so
- The respondent is not participating in Montserrat's education program or activity and is not employed at the college
- The complainant voluntarily withdraws any or all allegations in complaint, in writing, and the Title IX Coordinator declines to initiate complaint
- The college determines, remaining allegations (if any), would not constitute sex discrimination
- The conduct alleged in complaint, even if proven, would not constitute sex discrimination

Montserrat will offer supportive measures to complainant and respondent (if applicable) and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

A Notice of Dismissal

Montserrat will promptly notify the complainant of the basis for dismissal. If dismissal occurs after respondent has been notified, promptly notify respondent of the basis for the dismissal following notification to complainant or simultaneously if in writing. Finally, the college will notify the complainant (and respondent if applicable) that dismissal may be appealed and provide opportunity to appeal. An appeal may be made on the following grounds:

- New evidence that wasn't reasonably available

- Procedural irregularity
- Conflict of interest

Consolidation of Complaints

Montserrat may consolidate complaints with more than one complainant or respondent, or by one party against another. The circumstances under which that may happen include:

- When the allegations arise out of the same facts or circumstances
- If some allegations involve post-secondary sex-based harassment involving at least one student

Notice of consolidation will be provided to all parties and they will be given a choice between consent to additional information sharing or redactions. Parties will have the right to access all relevant evidence.

Investigations

All investigations must be adequate, reliable and impartial. Montserrat must conduct an investigation and gather sufficient evidence to make a determination. During the investigation there will be equal opportunity for parties to present witnesses, but the process is not required to allow expert witnesses. Only relevant evidence is to be included, not impermissible evidence. The current regulations allow relevant character evidence.

Advisors

The college must allow an advisor to be present for all parties when investigating:

- Hostile environment or quid pro quo harassment with at least one student party
- Sexual assault or VAWA crime with employee parties
- Sexual assault or VAWA crime with at least one student party

A party can request to have an advisor present for non-harassment sex discrimination case or a hostile environment or quid pro quo harassment with employee parties.

An advisor may be of the individual's choice, including an attorney, although that is not required. The College will not limit the choice or presence of the advisor in any meeting or proceeding, however we may establish restrictions regarding the extent of advisor participation, and those restrictions will apply to all parties equally.

Additional Person

The parties will be provided with the same opportunities, if any, to have persons other than the advisor of the parties' choice present during any meeting or proceeding if doing so would not violate FERPA or other privacy laws. The need for a language interpreter or disability accommodation may result in only one party having additional person present

General Grievance Procedures: Separate investigator and decision maker

- Investigator interviews parties and witnesses
- Investigator drafts investigation report and shares with decision maker
- Decision Maker reviews report to determine:
 - Whether credibility is at issue
 - What questions to ask parties and relevant witnesses
- If credibility is at issue, decisionmaker meets with parties and relevant witnesses
- Recording strongly recommended
- Investigator/Title IX Coordinator provides parties with access to all relevant and not impermissible evidence and investigation report, including evidence obtained during decisionmaker meetings

- Parties have opportunity to respond to evidence and investigation report
- Investigator/Title IX Coordinator assesses whether any additional investigation is necessary
- If necessary, investigator/Title IX Coordinator provides access to amended investigation report and additional relevant and not impermissible evidence
- Decisionmaker makes determination

Process

The process of a sex-discrimination case involves the investigation, the sharing of the investigation report and then the decision-making phase.

After an investigation, each party has the right to access and respond to all relevant and not impermissible evidence.

If credibility is at issue, the decision-maker must question parties and witnesses under General Grievance Procedures. Otherwise, parties have the right to propose questions to be asked at individual meetings or at a live hearing through the Heightened Grievance process. Credibility is NOT in dispute if the respondent admits to facts at issue and/or there is evidence, other than complainant's statements, which leads to an outcome (e.g., security footage).

Providing Access to Evidence

Parties will have access (electronic file sharing site or on-site review) to the description/investigation report in a timely manner once the investigation report is complete, but no longer than ten business days after completion. If the timeframe needs to change based on the nature and volume of evidence, all parties will be notified.

Parties will have access (electronic file sharing site or on-site review and by signing a non-disclosure agreement) to all relevant and not impermissible evidence in a timely manner once the investigation report is complete, but no longer than ten business days after completion. If the timeframe needs to change based on the nature and volume of evidence, all parties will be notified.

Relevant evidence to which access will be provided includes:

- Party and witness interviews
- Documents collected from the parties, including, but not limited to, text messages, emails, social media posts and messages, photos and videos.
- Other evidence, if available, may include police reports, security footage and Wifi access point records.

Additional evidence (Complainant's sexual interests or prior sexual conduct, privileged information, and treatment records) may be available with written consent, waivers, etc.

General Grievance Procedures - Single investigator model

A designated Investigator will interview all parties and witnesses, including questions to assess credibility as needed. Following the interviews, the Investigator will draft an investigation report.

The Investigator/Title IX Coordinator provides access to all relevant and not impermissible evidence and to the investigation report. Parties will then have an opportunity to respond to the evidence and to the investigation report. The Investigator/Title IX Coordinator will assess whether any additional investigation is necessary and If necessary, they will provide access to the amended investigation report and additional relevant and not impermissible evidence. Once that process is complete, the Investigator makes a final determination (decision).

Heightened Procedures: Individual Meetings vs. Live Hearing

During the Heightened Grievance process, there is a choice of using individual meetings or a live hearing. The differences:

If using Individual meetings, the investigator must provide each party with a recording or transcript of interviews/meetings with enough time for reasonable opportunity to propose follow-up questions. This may require multiple rounds of providing access to transcripts, requesting lists of questions, and reinterviewing parties.

If using live hearings, the investigator must allow each party to propose, in advance, questions for parties and witnesses. The relevant questions are asked by decision maker or advisors. The questioning **may not** be conducted by any party. If one party has an advisor who is asking question, and a party does not have advisor, Montserrat must provide an advisor for the purpose of advisor-conducted questioning.

Individual Meetings Process - Single Investigator will proceed as follows:

1. The Investigator interviews all parties and witnesses, including questions to assess credibility as needed
2. The Investigator/Title IX Coordinator provides transcripts or audio to all parties
3. All Parties propose questions for parties and witnesses after reviewing transcripts or audio recordings
4. The Investigator reviews submitted questions for relevancy
5. The Investigator explains decision to reject any party questions, if necessary
6. The Investigator interviews parties and witnesses, including relevant party questions. They will also include questions to assess credibility, as needed
7. The Investigator will repeat steps 2 – 6 as needed
8. The Investigator drafts the investigation report
9. The Investigator/Title IX Coordinator provides access to all relevant and not impermissible evidence and investigation report
10. The Parties have an opportunity to respond to evidence and the investigation report
11. The Investigator/Title IX Coordinator assesses whether any additional investigation is necessary and, if necessary, they will provide access to the amended investigation report and additional relevant and not impermissible evidence
12. The Investigator makes a determination

Live Hearing Process - Separate investigator and decision maker will proceed as follows:

1. The Investigator interviews all parties and witnesses
2. The Investigator conducts follow-up interviews with all parties
3. The Investigator drafts the investigation report
4. The Investigator/Title IX Coordinator will provide access to all relevant and not impermissible evidence and to the investigation report
5. The Parties have opportunity to respond to evidence and investigation report
6. The Investigator/Title IX Coordinator will assess whether any additional investigation is necessary, and if necessary, they will provide access to the amended investigation report and additional relevant and not impermissible evidence
7. The Decision Maker reviews the investigation report and attachments in preparation for live hearing
8. The Decision Maker will conduct the live hearing, with relevant questions from parties asked by decision maker (which is recommended) or the advisor for each party
9. The Decision Maker makes a determination (decision)

Effective Date of Determination of Responsibility

A determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of any appeal or if no party appeals, the date on

which appeal would no longer be timely

Additional Required Post-Determination Notices

For sexual assault and VAWA crimes, the institution must provide simultaneous notice to both parties of any change to the results that occurs prior to the time that such results become final and when such results become final.

Remedies and Sanctions

Remedies: measures provided, as appropriate, to a complainant or any other person identified as having had their equal access to the education program or activity limited or denied by sex discrimination. Remedies are intended to restore or preserve access to the education program or activity after determination that sex discrimination occurred.

Remedies may also be implemented for the broader campus community.

Possible sanctions include:

- Warnings: Reserved for minor violations.
- Fines: Beginning at \$25.00 but could be more depending on the specific conduct case
- Loss of housing privileges, including but not limited to: early arrivals, late stays, break housing. Academic commitments (make-up end of semester evaluations, internships, etc.) may be considered when privileges are lost.
- Loss of other privileges, including but not limited to: Loss of visiting any on-campus housing for any non-resident student, loss of leadership position on campus (club leader, orientation leader, loss of campus employment (including a resident assistant position), loss of opportunity to participate in co-curricular activities and/or events
- Restitution of Damages: Students may be required to make restitution of damages to other students, to Montserrat College of Art, or to any other parties harmed by their actions.
- Educational assignments/programming.
- Behavior Agreements: At times, the Hearing Officer may deem it necessary for a student to enter into a behavioral agreement regarding conduct in college housing and/or the College community, particularly in situations where the student behavior has become an issue for the larger community. Should a behavioral agreement be entered into between a student and the College, the College maintains the right to handle any violations of the agreement administratively rather than through the conduct board. Violations of the agreement may result in referral to a hearing officer.
- Disciplinary Probation: Disciplinary Probation results from findings of unacceptable student behavior as defined by College Student Code of Conduct and/or by federal, state and/or local law. Further violations of the code of conduct while on disciplinary probation may lead to removal/suspension from on campus housing or suspension from the College. Students may be placed on Disciplinary Probation for as little as one semester up to the remainder of their enrollment at the College. The family/guardian of a student will be notified if a student is placed on disciplinary probation.
- Removal/Suspension from on campus housing: Recommendation for this action occurs when the student's behavior creates a threat to self or to others. In some instances, students may be allowed to remain enrolled in the College while being on college housing

suspension.

- **Interim suspension:** When the College believes, on the basis of available information, that the student's continued presence on campus, or in campus housing, endangers self or others, the Dean of Students may interim suspend the student, without prejudice, immediately from the College and/or college housing pending a hearing at the earliest opportunity.
- **Suspension from the College:** A recommendation for this action is made to the Dean of Students when the student's behavior creates a serious threat to that student or others, or when there is a pattern of infractions or behavior in violation of College Policy, and/or Academic Misconduct. When a student is suspended from the College, they are automatically suspended from college housing as well.
- **Expulsion from the College:** Expulsion from the College is the most serious sanction and is permanent. A recommendation for this action is made to the Dean of Students. Should a student be sanctioned with expulsion, they will not be allowed to return to Montserrat College of Art.

Appeals Under Title IX

- Montserrat must notify the other party, in writing, when an appeal is filed
- The Appeal officer will be different than Title IX Coordinator, investigator, and decision maker
- Both parties will be given a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome
- Montserrat will notify parties of the result of appeal and rationale
- If the heightened grievance procedure is utilized, notification must be in writing and must be a simultaneous delivery to all parties

CAMPUS SEX CRIMES PREVENTION ACT

The Federal Campus Sex Crimes Act requires college and universities to issue a statement advising the campus community how to obtain information concerning registered sex offenders from the appropriate state law enforcement agencies. In addition, the act requires sex offenders to provide appropriate state officials notice of each institution of higher education in that state at which the offender is employed or carries on a vocation. Members of the Montserrat College of Art community may access this information by calling the Commonwealth of Massachusetts Sex Offender Registry Board at 978-740-6400 (<https://www.mass.gov/orgs/sex-offender-registry-board>) or by contacting the Beverly Police Department at 978-922-1212.

CRIME LOG and STATISTICS

A public, written crime log that records crimes which occur on campus, on non-campus buildings or property, or public property that are within the campus or immediately adjacent to and accessible from the campus and reported to the College, is maintained at the front desk of the Hardie Building, 23 Essex Street, Beverly, MA 01915.

Crime Statistics

Crime statistics are reported for the campus and surrounding area. The crimes to be reported include criminal offenses, VAWA offenses, arrests for liquor, drug and weapons charges and on-campus conduct cases for liquor, drug, and weapons violations.

Stats for Montserrat College

Date Range:

January 1, 2025 – December 31, 2025

Location: Various campus locations provided by college and surrounding areas

Case # 25BEV-128-AR 4-12-25 Homeless related issue – 2 parties arguing on sidewalk in front of the college. This led to a domestic related arrest.

Criminal Offenses:

Murder/Non-Negligent Manslaughter: 0

Negligent Manslaughter: 0

Forcible Sex Offenses: 0

Non-Forcible Sex Offenses: 0

Robbery: 0

Aggravated Assault: 0

Burglary: 0

Counterfeiting / Forgery: 0

Motor Vehicle Theft: 0

Arson: 0

Hate Crimes: 0

Stats for Montserrat College of Art (continued)

Arrests:

Liquor Law Violations: 0

Drug Law Violations: 0

Illegal Weapons Possession: 0

OFFENSE	ON CAMPU S			RESIDE NTIAL FACILITI ES			PUBLIC PROPER TY		
	2023	2024	2025	2023	2024	2025	2023	2024	2025
<i>Criminal Offenses</i>									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0

Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary / Theft	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<i>VAWA Offenses</i>									
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<i>Arrests</i>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Weapons Arrests (possessing, carrying, etc.)	0	0	0	0	0	0	0	0	0
Drug Abuse Arrests	0	0	0	0	0	0	0	0	0
<i>Referred for Disciplinary Action*</i>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Weapons (possessing, carrying, etc.)	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
<i>Unfounded Crimes</i>	0	0	0	0	0	0	0	0	0

OFFENSE	ON CAMPUS			RESIDENTIAL FACILITIES			PUBLIC PROPERTY		
	2023	2024	2025	2023	2024	2025	2023	2024	2025
<i>Criminal Offenses</i>									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0

Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary / Theft	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0
Public property statistics contain crime statistics from the Beverly Police Department.									
All crimes occurring in residence halls are also recorded under 'on campus'.									

[illegible]

FIRE SAFETY

We urge all students to become familiar with these policies and exit routes. All alarms are to be taken seriously and no one is to remain in the building for any reason when an alarm is sounding.

Community members should know the location of fire extinguishers, alarms, and exits. If you discover a fire, sound alarm and call 911 first, then call the Security phone at **978-626-2176**. **Causing or reporting a false fire alarm is a criminal offense and the person doing so is subject to arrest, fines, and additional College disciplinary action.**

What to do in case of a fire

- DIAL 911 OR sound the building alarm by pulling the alarm box located near an exit.
- Leave the building immediately.
- When you leave a room, please close the door behind you.
- Do not use elevators; use the fire exits only.
- Crawl to stay beneath smoke if necessary.
- Do not open the door if the doorknob or door is warm. If you can't leave a room, open windows at the top and bottom, hang something out the window to attract attention and shout for help.
- Move away from and do not re-enter the building until permitted by the Fire Department officials.

Fire Drills

Throughout the year, Montserrat College of Art conducts unannounced fire drills across campus in compliance with state and local ordinances. Fire drills are an important part of planning for the safety of all members of the Montserrat community.

- During a fire drill, all persons must leave the building via one of the marked fire exits; there are no exceptions to this requirement.
- Failure to evacuate during a fire drill/alarm is a violation of the Student Conduct Code.

- No one should re-enter the building until told to do so by personnel conducting the fire drill.
- Causing or reporting a false fire alarm is a criminal offense and the person doing so is subject to arrest, fines and additional College disciplinary action.

Building evacuation locations

Proceed to the designated area closest to you. Always use caution when crossing a street.

Academic/Administrative

Hardie Building: Beverly Common

24 Essex St.: Beverly Common

1A Knowlton: Yard between 7 and 9 Winter

301 Cabot St: Move down Charnock St to the Anchor Bay Church parking lot

248 Cabot St: In the front of the building move 50 feet down the sidewalk. In the rear of the building, move to the far end of the public parking lot.

9 Dane St: Move down Knowlton, cross the street and gather at 1A Knowlton

Residence Halls

Student Village: Beverly Common

1 Watch Hill Hardie: Beverly Common

7 & 9 Winter: Beverly Common

1 Knowlton: Yard between 7 and 9 Winter

275 Cabot: Yard between 7 and 9 Winter

Fire hazards, policies, and procedures

Studio and Classrooms

- Studio and classroom doors cannot be blocked by anything (furniture, artwork, etc.).
- There are safety cans in the painting studios for the disposal of flammable rags, oil-based waste, and solvents. Additionally, there are safety storage units for the storage of flammable materials. The law requires all containers (including but not limited to baby food and pickle jars) containing flammable liquids to be labeled with the contents, name of owner, and date stored. All containers should be **glass not plastic** and must have a fitted cap or lid. Students should never put a solvent into an unmarked container to store it.
- Never put flammables (just mentioned), on top of, or next to radiators, space type heaters, hot plates, or close to any heat source.
- Anything that creates a flame or ember is not allowed in the studios.
- No smoking in studios, or in any campus building.
- There are fire extinguishers in every classroom and at the end of every hall. These are to be used only if fire blocks your exit from a building.

Residence Halls

Any behavior, which results in a fire is considered extremely serious and will be referred to Student Conduct. Sanctions may be assessed up to and including dismissal from the College. This includes disconnecting or disabling the smoke or fire alarms in campus buildings, as well as complete disregard or negligence of fire safety in cooking, smoking, creating art or any other action. Residents are required to practice prudent and sensible fire-safety measures.

ALL hallways must be kept clean and clear and stairwell and fire exit lights must remain on at all times.

Students are not permitted to:

- Intentionally or recklessly misuse or damage fire or other safety equipment
- Falsely report an emergency including, but not limited to, the false report of bomb, fire, or other emergency in any building, structure, or facility by means of activating a fire alarm or in any other manner
- Use candles or open flames in any way
- Smoke in any Montserrat College of Art housing/facility

- Remain in any building during a fire alarm or drill
- Leave the kitchen unattended when the stove/oven is on
- Hang tapestries, or other appendages from the ceiling, including the sprinkler heads. This will create interference with the sprinkler system.
- Block a walkway with any object, including curtains, sheets or drapes.
- Overload any electrical outlet. Only UL listed power strips and extension cords are permitted.
- Students need to limit clutter and combustibles in their apartments. Excessive trash/clutter/filth is considered a fire hazard and may be addressed through the student conduct system.
- Have additional 'appliances', including but not limited to, mini-fridges, microwaves, coffee makers, etc., in any part of the apartment EXCEPT in the common area of an apartment, preferably the kitchen area.
- Light a fire of any kind in or near any college building, including residential houses.
- Use a closet as a sleeping or studio space.
- Block or keep open, at any time, fire doors.

The following items are considered prohibited items and are not permitted within the residence halls:

- Alcohol/Drugs/Drug paraphernalia
- Pets (including aquarium pets)
- Halogen lamps
- Decorative lights/signs (unless UL certified)
 - Extension cords (unless UL certified)
 - Hoverboards or similar devices
 - Candles/incense
 - Kerosene lamps
 - Space heaters (unless furnished by the College for a temporary emergency)
 - Any items which creates an open-flame
 - Flammable liquids or gasses, including paint thinners
 - Grills, gas or charcoal (also prohibited from the decks, backyards, porches and driveways of all residence halls)
 - Weapons (real, realistic, or decorative)
 - Motor vehicles, including motorcycles, motorized scooters, etc.
 - Opened spray cans that contain flammable vapors such as fixatives and spray paints
 - Any opened oil based media
 - Tattoo guns or any equipment for tattooing

Fire Safety Education

Fire safety regulations and policies, as well as fire evacuation procedures, are reviewed during house meetings on the first weekend of each semester. Additional fire safety information is distributed to the community throughout the year, as needed

FIRE LOG and STATISTICS

A public, written fire log that records any fire that occurs in any on-campus student housing facility is maintained at the front desk of the Hardie Building, 23 Essex Street, Beverly, MA 01915.

	Montserrat College of Art - Fires Summary									
	January 1, 2025-Dece mber 31, 2025									
		2023			2024			2025		
	Name of Facility	Fires	Injurie s	Deaths	Fires	Injurie s	Deaths	Fires	Injurie s	Deaths
	Sturnick Student Village	0	0	0	0	0	0	0	0	0
	42 Essex	0	0	0	0	0	0	0	0	0
	44 Essex	0	0	0	0	0	0	0	0	0
	297 Cabot	NA	NA	NA	NA	NA	NA	NA	NA	NA
	299 Cabot	0	0	0	0	0	0	0	0	0
	Archer Hall	0	0	0	0	0	0	0	0	0
	7 Winter	0	0	0	0	0	0	0	0	0
	9 Winter	0	0	0	0	0	0	0	0	0
	1 Watch Hill	0	0	0	0	0	0	0	0	0
	11 Abbott	0	0	0	0	0	0	NA	NA	NA
	205 Cabot	0	0	0	0	0	0	NA	NA	NA
	41 Essex	0	0	0	0	0	0	0	0	0
	275 Cabot St	0	0	0	0	0	0	0	0	0
	Total	0	0	0	0	0	0	0	0	0