I want to take this opportunity to welcome you to Bentley University, where we make every effort to provide a safe and secure environment for all members of the campus community. This publication represents one of our efforts to comply with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. While the reported crime at Bentley is comparatively low, we must keep in mind that the potential for crime does exist. By working together and embracing a community-policing philosophy, we can successfully minimize the incidents of crime on our campus.

The men and women of the Bentley University Police Department are dedicated to maintaining a safe campus environment for all. However, we can achieve a truly safe campus only through the cooperation of all students, faculty and staff. Each of us must assume personal responsibility by reporting crime and taking precautions to prevent ourselves from being victimized.

The information in this booklet is meant to inform the campus community of the policies, procedures and programs that exist at Bentley, as they relate to crime awareness. I urge you to take the time to read it thoroughly or review it online at bentley.edu/campus-security-safety-report. Please feel free to contact me with any questions.

Ernest H. Leffler
Executive Director of Public Safety
and Chief of Police
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The information in this booklet is provided as part of the university’s commitment to campus safety and security, and to meet compliance standards set forth in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Bentley University is an institution of higher education containing one main campus of approximately 163 acres within the Waltham, Massachusetts, city limits. Approximately 5,500 students are enrolled in courses at Bentley University, and 1,200 faculty and staff support the institution.

**Reporting Criminal Actions or Emergencies**

The Bentley University Police Department is responsible for campus law enforcement, security and emergency response. It is the department’s mission to provide a comprehensive program of law enforcement, security and related public safety services to help ensure the campus remains a safe and pleasant place in which to live, study and work. The Michael A. Callahan Police Station headquarters is located on the main campus, on the hill at the Beaver Street entrance. It is open and staffed 24 hours a day by trained professional police, security and communication personnel.

Members of the Bentley University community are urged to immediately report crimes, suspicious activity or other emergencies to the Bentley University Police Department by calling 781.891.3131, and members of the University Police Department will promptly respond. To obtain information or request security services, community members should call the University Police business line at 781.891.2201. All phone lines routed to University Police are staffed 24 hours a day. Crimes can also be reported anonymously or confidentially by filling out and submitting the form provided on the University Police website bentley.edu/campus-life/anonymous-tip-line.

Well-marked red emergency phones are located throughout the interiors of campus buildings in the academic area of the university. Well-marked yellow emergency phones are located throughout the common corridors of residence halls. These phones directly connect the caller to the University Police dispatcher and can be used to report police, fire or medical emergencies. In addition to the red emergency phones, there are a number of beige courtesy phones inside campus buildings that can be used to contact University Police for general business inquiries and non-emergency service requests. These phones can also be used to connect to any other campus phone (except residence halls). If you wish to contact University Police from the courtesy phones, simply dial extension 2201.
Exterior “help” phones with emergency direct-dial service to University Police are also located by entrances of buildings throughout the campus beneath large, blue reflective “Help” signs. Help phones at the exteriors of residence halls not only allow for emergency calls to the University Police but also allow users to dial a friend for access to a particular hall, and are free of charge to anyone seeking information or assistance.

Labels bearing the University Police business, snow information, and emergency phone numbers are placed on all of the phones described on page 3. These numbers are also found on publications printed by the University Police, as well as in the campus phone directory.

The University Police Department maintains both direct telephone and two-way radio contact with the Waltham Police Department. University Police also has direct radio service with the Waltham Fire Department and local ambulance service through the city of Waltham’s 911 system.

Access to Campus Facilities

With the exception of residence halls, most campus buildings and facilities are accessible to members of the campus community, guests and visitors during normal hours of business, and during designated hours on weekends and holidays depending on the variety of events and activities taking place on campus. Once buildings are secured, people requiring access to academic or administrative buildings on campus must contact University Police at 781.891.2201 to be informed of the access requirements established by the university.

Exterior doors to all residence halls remain locked 24 hours a day. Access to residence halls is controlled by electronic card readers; unlimited access is available to all authorized resident students via their Bentley ID card. Guests and visitors who wish to enter residence halls should call their hosts on a campus help phone or contact the Office of Residence Life or University Police for assistance. All residence halls are equipped with intrusion alarms that detect unauthorized access and doors that are propped open. These alarms are monitored at University Police headquarters; University Police officers are dispatched to investigate any reported alarm violations.
Maintenance and Security of Campus Facilities

Bentley maintains a strong commitment to safety and security. Exterior lighting is an important component of keeping the campus safe. Motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted. Members of the university community are strongly encouraged to always use designated walkways, pathways and crosswalks both on and off campus for their safety. The University Police and Facilities Management staff routinely conduct inspections and surveys of exterior lighting on campus to identify lighting problems. The Facilities Management Department gives high priority to maintenance of exterior lights in need of repair or replacement.

More serious maintenance problems are rectified immediately through an emergency notification system maintained between University Police and the Facilities Management trades supervisors. This system provides for the response of Facilities Management tradespeople 24 hours a day. Members of the campus community are encouraged to report any maintenance concerns to Work Order Control at 781.891.2208 during regular business hours or the University Police Department at 781.891.2201.

As a part of routine and directed patrols, University Police Department personnel inspect exterior doors on campus facilities. Doors are checked to ensure that their automatic closing and locking units are working properly. Exterior doors on all campus academic and administrative buildings are locked and secured each evening by campus police and/or campus security officers assigned to the University Police Department. These officers also report door and security hardware operating deficiencies to ensure prompt repairs are made.

Many parking lots and public areas of the campus are routinely monitored by closed-circuit cameras. These cameras forward their pictures to the display and control screens located in the University Police Department’s communications area. Communications specialists routinely use the closed-circuit television system to identify problems that may require a police response.

Parking lots and public areas on campus are regularly patrolled by campus police and campus security officers assigned to the University Police Department.
Law Enforcement Authority and Interagency Relationships

University Police officers are commissioned in accordance with the provisions of Chapter 22C Section 63 of the Massachusetts General Laws. They have full law enforcement authority, including arrest powers, in and upon all property owned, occupied or used by the Bentley community.

All University Police officers are graduates of a police academy conducted and sanctioned by the Massachusetts State Police or the Massachusetts Municipal Police Training Committee. Police officer recruit training academies comprise several months of in-depth training in all aspects of law enforcement, followed by several weeks of field training under the close supervision of a qualified Police Field Training Officer. In addition to formal law enforcement training, Bentley police officers are provided with training specific to campus law enforcement issues to enhance their ability to provide the best service possible to the campus community. Annual in-service training is provided to all officers, and they are frequently assigned to specialized training programs to enhance their professional development.
The University Police Department maintains excellent working relationships with the Waltham Police Department, the Middlesex County District Attorney’s Office, the Massachusetts State Police, other local, campus, state and federal law enforcement agencies and all appropriate segments of the criminal justice system. While there is no written memorandum of understanding with Waltham Police, there is frequent communication between the Chief’s of the departments to ensure our continued working relationship. Crime reports and information are exchanged on a routine basis, including information provided by Waltham Police regarding all reports involving Bentley students.

Various members of University Police participate actively in professional associations that enhance their proficiency in areas specific to their work responsibilities. Members of the department maintain active membership in the International Association of Campus Law Enforcement Administrators, the Northeast Colleges and Universities Security Association, the Massachusetts Association of Campus Law Enforcement Administrators, the American Society for Industrial Security, the Massachusetts Chiefs of Police Association, the International Association of Chiefs of Police and the Massachusetts Crime Prevention Officers Association.

**Security Awareness and Crime Prevention**

Like most other colleges, universities and municipalities, Bentley strives to be proactive rather than reactive — to prevent crimes from occurring. A primary vehicle for accomplishing this goal is the department’s crime prevention program. Whenever possible, crime prevention programs are conducted in concert with educational programs sponsored by university organizations. The university’s crime prevention program takes a two-part approach to the prevention of crime and criminal misconduct. It is designed to eliminate or minimize opportunities for crime on campus, and to create an atmosphere in which students and other community members become more responsible for their own security and the security of others. Following is a list of programs and services provided by the University Police Department to promote crime prevention awareness.
Emergency Notifications. In the case of a major crisis or catastrophic event, Bentley can alert the community through an emergency notification system that is capable of delivering information regarding the crisis and providing instructions as to what steps to take to ensure safety. The system allows for emergency notification via campus email and office, residence hall, home and cell phone numbers (including text messaging). Alerts will also be posted on the Bentley website.

Safety Escort Service. Members of the Bentley community may request a safety escort from one campus location to another whenever there is a concern for their safety and security on campus. Personal safety escorts are available 24 hours a day and may be requested by calling the University Police at extension 2201.

New Student and Parent Orientation. Programs are provided for students and parents to inform them of the services provided by University Police.

New Employee Orientation. All new employees receive information regarding fire as well as general safety and security measures on campus as well as information about crime reporting required by Clery.

International Student Orientation. Held at the beginning of each academic year, this orientation promotes closer relationships between University Police and students of diverse cultural backgrounds. The department coordinates this crime prevention and community-building program with the Division of Student Affairs.

Residence Hall Safety and Security Programs. The University Police Department works closely with the Residential Center to ensure our residence halls remain safe. All first-year resident students are required to attend a one-hour mandatory safety presentation conducted by University Police officials during First Week that covers an array of topics regarding services provided by the University Police, fire safety policies, building egress procedures and general safety. Additionally, the University Police Department may conduct safety presentations to residents of specific residence halls at the request of Residential Center staff should safety concerns or crime trends develop requiring a meeting.
Crisis Planning Committee. This committee meets monthly to identify and address general safety issues on campus, and to review the university’s response protocols in the event of a crisis. The committee comprises various Bentley staff and faculty, including the Chief of Police.

Community Policing Team. The University Police Department uses a team of officers to make and maintain contacts with various organizations throughout campus. As part of our effort to involve campus citizens in a community–police partnership, the process began in the residence halls and has been a successful way to promote community involvement in safety and security issues. This program augments Summer Orientation programs provided by University Police.

Emergency Telephones. Emergency and help phones are located both inside campus buildings and in exterior locations to provide easy contact with University Police for general assistance and emergencies.

Closed-Circuit Television Surveillance. Closed-circuit cameras located throughout campus are monitored by staff at police headquarters.
Personal Safety Programs. These programs are provided by request to any community member or group. Presentations offer helpful hints and self-defense techniques using everyday items.

Rape Aggression Defense (R.A.D.) Training Classes. The University Police Department has specially trained instructors certified to teach this unique self-defense program. The R.A.D. program, specifically designed for women, offers self-defense tactics and training designed to assist women in defending themselves against sexual assault. For information on rape awareness education and prevention, call 781.891.2201.

Rape Awareness, Education and Prevention. In addition to the R.A.D. program and in cooperation with numerous student organizations, University Police delivers presentations on rape awareness, education and prevention. Call 781.891.2201 for more information.

CPR and Standard First Aid Training. This program is provided by request to any group within the university community. Though not commonly associated with crime or criminal activity on campus, the program teaches self-sufficiency and concern for others.

Instructors are members of University Police who are properly trained and certified by the American Red Cross or the American Heart Association.

Printed Crime Prevention Materials. Printed brochures, posters and similar resources are always on hand at the Callahan Police Station, as are various crime prevention videos and films. These are used to conduct programs for students in the residence halls or elsewhere on campus.

Security Surveys. Comprehensive security surveys may be conducted whenever a concern for security is identified. University Police officers trained in conducting security surveys identify problems and recommend corrective action to improve security on campus.
Crime Reporting

Bentley makes every effort to keep the community informed about crime and crime-related problems. The university's duty to inform is taken very seriously. As a result, information related to crime and criminal activity is provided to the community in an accurate and timely fashion. Notification efforts and methods include, but are not limited to, the initiatives listed below.

Annual Campus Security and Fire Safety Report. A comprehensive annual report of crime-related information is compiled, published and widely distributed. The report is also available by request.

Student Newspaper. The Bentley student newspaper, The Vanguard, publishes a biweekly “crime log.” Special feature articles are printed on the rare occasion that a serious crime or an on-campus incident draws wide public attention.

Public Log. The University Police Department prepares and maintains an incident log for public viewing. This log is available for inspection during regular business hours.

Residence Hall Crime Prevention Programs. Each residence hall program features an overview of how students can help in the prevention of crime. These programs are done in conjunction with residence life staff and address issues to enhance students' overall security awareness.

Timely Warning Notices. University Police provide timely warning notices to the community, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences, whenever an incident is considered by the university to represent a threat to the community. Notices will be made using our emergency notification system and/or campus email.

Crime Statistics

Convinced that an informed public is a safety-conscious public, Bentley gladly provides all information related to the safety and security of the campus community. The university willingly complies with all laws pertaining to the reporting of crime and the public’s right to information. Bentley also maintains strict compliance with the privacy act, Buckley Amendment, and all other laws governing the release of personal information. Personally identifying information of victims is not included in publically available logs. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the following statistics are provided for
your information. They are a compilation of the crimes (listed below) reported to Waltham Police, Bentley Police, or any Bentley Campus Security Authority. Crime statistics are collected and reported in accordance with the University Police Clery Reporting Procedure. If you have questions concerning these statistics or campus safety in general, contact the Executive Director of Public Safety. All crimes are listed in the Clery Crime Log, however, only the following crimes are reported annually in this report.

**Murder/Manslaughter:** Defined as willful killing of one human being by another.

**Negligent Manslaughter:** Defined as the killing of another person through gross negligence.

**Sexual Assault:** Under the Violence Against Women Act (VAWA), the definition of sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.”

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Massachusetts defines Rape as sexual intercourse or unnatural sexual intercourse with a person against his will, by force or threat of bodily injury.

**Fondling:** The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Massachusetts defines Indecent Assault and Battery on a person age 14 or over as indecent assault and battery against a person’s will.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Massachusetts defines Incest as persons within degrees of consanguinity within which marriages are prohibited or declared by law to be incestuous and void, who intermarry or have sexual intercourse with each other, or who engage in sexual activities with each other, including but not limited to, oral or anal intercourse, fellatio, cunnilingus, or other penetration of a part of a
person’s body or insertion of an object into the genital or anal opening of another person’s body, or the manual manipulation of the genitalia of another person’s body.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Massachusetts defines Statutory Rape as unlawful natural or unnatural sexual intercourse with a person under 16 years of age.

**Robbery:** Defined as taking or attempting to take anything of value from the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** Defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** Unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle.

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

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

Massachusetts law defines domestic violence as an assault or assault and battery on a household or family member. Household or family member is defined as persons who (i) are or were married to one another, (ii) have a child in common regardless of whether they have ever married or lived together or (iii) are or have been in a substantive dating or engagement relationship; provided, that the trier of fact shall determine whether a relationship is substantive by considering the following factors: the length of time of the relationship; the type of relationship; the frequency of interaction between the parties; whether the relationship was terminated by either person; and the length of time elapsed since the termination of the relationship.
**Dating Violence:** The VAWA definition of dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Per Massachusetts statute above, dating violence is included in the definition of domestic violence.

**Stalking:** The VAWA definition of stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person’s safety or the safety of others; or (b) suffer substantial emotional distress.

For purposes of this definition—(a) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person’s property. (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Massachusetts defines stalking as willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and making a threat with the intent to place the person in imminent fear of death or bodily injury.

**Liquor Laws:** The violation of state and/or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages.
**Drug Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices used in their preparation and or use.

**Weapons Law Violation:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Bentley University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense (incest or statutory rape), the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.
## Criminal Offenses
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* Denotes new change in 2014 for counting any Unfounded incidents
## Arrests and Referrals
### 2013 to 2015

### Arrests
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* Denotes new change in 2014 for counting any Unfounded incidents

### Judicial Referrals
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* Denotes new change in 2014 for counting any Unfounded incidents
**New reporting guidance from The Department of Education and the de-criminalization under one once of marijuana in MA resulted in reporting differences for 2015

### Hate Crimes 2013 to 2015

#### 2015
- 1 Vandalism in Residence Hall, On Campus, bias Religion
- 1 Intimidation in Residence Hall, On Campus, bias Sexual Orientation
- 1 Vandalism in Non-Residence, On Campus, bias National Origin

#### 2014
- 1 Vandalism in Residence Hall, On Campus bias Sexual Orientation

#### 2013
- 1 Vandalism in Residence Hall, On Campus bias Religion
Emergency Response and Evacuation Procedures

In the event of a serious incident or emergency which poses an immediate threat or danger to the health and safety of the Bentley community, Bentley University Police will send an emergency alert notification utilizing the Bentley Emergency Notification System. Based on the nature of the emergency, the responsibility for assessing the severity of the threat begins with the senior staff of University Police, Student Affairs, the Wellness Center, Facilities Management and Risk Management. Once the threat is confirmed, the decision regarding emergency notification will be made by the Crisis Management Team, they will determine the content of the notification, and the notification system will be activated, without delay, taking into account the safety of the community unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The emergency notification system utilizes email, text messaging and telephone voice messaging to alert the community. Emergency messages are also posted on the home page of the Bentley website. Messages will be sent to all community members and will contain only a very brief description of the type of emergency along with instructions on keeping yourself protected. It is critical that you follow the instructions immediately. After the initial alert message, additional information may be distributed by means of another alert message, by email, or by web at bentley.edu and bentley.edu/emergency.

You must provide your contact information to be included in the emergency notification system. Members of the Bentley community are invited to provide or update their contact information at the beginning of each semester, or may update their contact information at any time by logging into MyBentley and clicking on the link titled “Update State or Federal Emergency Contact Information.”

A full-scale test of the Bentley emergency notification system is performed during the fall and spring semesters, and members of the Bentley community will be informed of at least one annual test date in advance by email. On some occasions, the test will be unannounced. Documentation of the tests performed, including a description of the exercise, the date and time, and whether it was announced or unannounced, is kept on file at the University Police Department.

In the event it becomes necessary to evacuate a building, the fire alarm system, or in some buildings a public announcement system, may be used to notify occupants. When the fire alarm sounds, building occupants should
proceed quickly and calmly to the nearest exit, or follow the instructions provided over the announcement system. Always bring essentials with you such as a purse, keys, or jacket since you could be displaced from the building for an extended period of time. Do not use elevators. It is recommended that you familiarize yourself with two means of exit from areas where you routinely work, live or study. Remain outside the building until a public safety official authorizes reentry or directs you to an alternate location should the building need to be evacuated for an extended period of time.

**Procedures for Missing Students Residing on Campus**

If a member of the university community has reason to believe that a student who resides in on-campus housing is missing, the Bentley University Police should be notified. The Bentley University Police will generate an incident report and initiate an investigation in order to attempt to locate the missing student utilizing a wide range of electronic resources as well as making personal contact with friends, classmates, co-workers and relatives. If University Police determines that a student is missing and has been missing for more than 24 hours, the Waltham Police Department, the police department of the community where the missing student maintains a home of record, and the person designated as the student’s missing student contact will be notified no later than 24 hours after the student is determined to have been missing for 24 hours and, if the missing student is under the age of 18 and is not an emancipated individual, Bentley University will notify the student’s parent or legal guardian immediately after University Police has determined that the student has been missing for more than 24 hours.

In addition to registering the name of a person as an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Bentley in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Bentley will notify that individual no later than 24 hours after the student is determined to have been missing for 24 hours. Students who wish to identify a confidential contact for this purpose can do so through the Office of Residential Life. This contact information will be registered confidentially and will be accessible only to authorized campus officials and law enforcement and may not be disclosed outside of a missing person investigation.
Drug and Alcohol Policies

In addition to maintaining strict compliance with all state and federal laws, Bentley has its own drug and alcohol policies. The following acts are prohibited on university premises or at Bentley-sponsored activities and events: distribution, possession or use of any illegal drug and/or the use, possession or distribution of any controlled substance without legal authorization; providing alcoholic beverages to individuals under 21 years of age; possession of alcoholic beverages by individuals under 21 years of age; illegal possession of an open container of an alcoholic beverage; public intoxication; driving while intoxicated; and drinking alcoholic beverages in an unlicensed public place.

In addition to disciplinary sanctions imposed through university procedures, including suspension or expulsion from the university, students and employees may face criminal prosecution and imprisonment under federal and state laws. The online Student Handbook lists details of felony and misdemeanor crimes and subsequent disciplinary actions for students. University staff members may be disciplined under the human resources progressive discipline process initiated by their department head. Faculty members may be disciplined by their respective department head. Faculty and staff members are not excluded from prosecution under federal and state laws merely by virtue of their employment.

Bentley recognizes that there are serious health risks associated with the misuse and abuse of mind-altering drugs, including all controlled substances and alcohol. These risks include, but are not limited to: physical and psychological dependence; damage to the brain, pancreas, kidneys and lungs; high blood pressure, heart attacks and strokes; ulcers; birth defects; diminished immune system; and death. The Center for Health and Wellness, the Counseling and Student Development Office, and the Alcohol and Other Drug Resource Center provide assessment and referral services to stu-
dents. These same offices serve as informational and educational resources for alcohol and other drug-related matters. Information about educational materials and programs offered is available from the Center for Health and Wellness at 781.891.2222 or the Alcohol and Other Drug Resource Center at 781.891.2777.

**Sexual Assault, Domestic/Dating Violence, Stalking Policies**

This section applies to all incidents of rape, fondling, incest, and statutory rape. It also applies to domestic or dating violence and stalking incidents. Individuals are urged to report any of the above incidents to University Police as soon as possible, regardless of where the offense took place and whether or not the offender is known to the individual reporting. University Police will work closely with the reporting party to ensure appropriate medical care and counseling services are offered. Police will also assist victims/survivors in notifying appropriate off-campus law enforcement authorities, when applicable. University Police has male and female officers specially trained in sexual assault investigation who are available 24 hours a day. These officers will assist in notifying on or off campus authorities. There are strict laws governing the protection of a victim’s name during a criminal process, it will be kept private. Contact University Police or the Executive Director of Public Safety if you have any questions about how to proceed with criminal prosecution.

We recognize the delicate nature of these types of incidents and the difficulty inherent in talking about them. Of utmost importance is the emotional well-being of the victim. Resources are available to victims through a number of on- and off-campus offices. On campus University Police, the Office of Student Life, the Center for Health and Wellness, Counseling and Student Development, Spiritual Life Center, or the Office of Residence Life can be contacted for support. See Title IX Policy in this book for further information about accommodations that can be made for survivors.

It is very difficult to know in the immediate aftermath of a sexual assault, stalking, domestic or dating violence incident whether or not an individual will want to pursue legal charges or seek an order of protection. Having evidence collected does not commit an individual to reporting or prosecuting the conduct; the evidence can be sent to the crime lab anonymously and
held for a period of six months. Physical evidence can usually be collected up to five days after an assault, though the likelihood of capturing evidence decreases with time. Showering, urinating, and brushing teeth may destroy evidence. Clothing and bedding may contain evidence and can be taken to the Emergency Room in a paper bag (not plastic). Drugs used in sexual assaults often leave the body very quickly. Individuals suspecting they may have been drugged should attempt to collect urine to take to the ER if urination is necessary before arriving there. All electronic evidence should be saved or otherwise preserved. This is especially important in stalking cases. Witness statements will be requested for prosecution, so giving those names to police, if an individual chooses to report, will be important.

If an individual chooses to report one of the above crimes, there are several options: University Police (781.891.2201), the Waltham Police (781.893.1212), or the Middlesex County Assistant District Attorney’s Office, located at the Waltham District Court (781.897.8650). Cases can also be pursued through the university’s judicial system via the Title IX Coordinator. Please see the Title IX Policy section of this book for further information regarding proceeding through the University judicial system, potential sanctions for students or employees, interim support measures and accommodations.”

**Registered Sex Offender Information**

In compliance with the Federal Campus Sex Crime Prevention Act, current sex offender information for students or employees of the university can be obtained through the Waltham Police Department Detective Unit, located at 155 Lexington Street in Waltham. Additionally, level-three offender information can be obtained from the city of Waltham’s website (city.waltham.ma.us/police-department/pages/sex-offender-page-2). If you have any questions, please call the Bentley University Police Department at 781.891.2201

**Community Responsibility**

The cooperation and involvement of students, faculty and staff in their own safety and security is crucial to maintaining a safe campus environment. All members of the Bentley community can assume responsibility for their own safety and well-being, and the security of their belongings by taking simple, common sense precautions. Bentley staff make every effort to protect, serve and care for everyone in the community, but the university cannot help those unwilling to help themselves. The Bentley University Police and dispatchers hope that all members of the community form a partnership built on mutual respect and cooperation, and through this partnership ensure a safe and secure learning, living and working environment.
Personal Safety Tips

Although the Bentley campus is reasonably safe, crime can happen anywhere and safety can be compromised at any time. No one set of guidelines can completely protect you, but following the tips below can minimize your chances of being victimized. You should always trust your own instincts and follow the rules of common sense, in addition to following these tips.

Residence Hall Security

- Never prop open a door on campus. Doing so could result in uninvited and unauthorized persons entering the residence hall.
- Always lock your room or office, even if you’ll only be gone a minute. Do not leave money, jewelry or other valuables out in the open.
- Get to know others around you and watch out for each other.
- Do not leave notes where anyone can read them stating where, when or how long you will be gone on any electronic media messages, and do not leave notes containing room combination numbers, ATM pin codes, or computer passwords where others can see them.
- Close your drapes and blinds at night.
- Use Operation Identification, available through University Police, to engrave valuables. Contact University Police for more information.
- Always ask who is at the door before you open it.
- Notify professional staff if there are maintenance or lighting deficiencies that may compromise building security.
- If you receive harassing or annoying phone calls, hang up right away with no conversation, reaction or emotion. Then call University Police at 781.891.2201 to report it.

While You are Out and About

We are all responsible for the health and safety of our community members. Social spotting is the act of looking out for your peers in order to prevent harm and seeking immediate help in risky situations. Social spotting can include a variety of behaviors, such as:

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or needs help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.

- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.

- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

- Communicate nonverbal cues that you are calm, confident, and know where you are.

- Cross streets using crosswalks and electronic walk signals.

- Stay in well-lighted, busy areas.

- When using public transportation, follow these rules: use a busy, well-lighted bus stop, sit near the driver, and don’t sleep. Don’t be afraid to tell someone who is harassing you to leave you alone in a firm, loud voice.

- Trust your instincts — if something or someone makes you uneasy, get out or away.

- Walk or jog with a companion.

- Keep your car locked at all times.

- Avoid flashing cash or valuables.

- Have your key in hand as you approach your car, dorm or apartment.

- Call University Police for a personal safety escort if you feel concerned for your safety while on campus.
Fire Safety in Residence Halls

The University Police Department, through its Fire Safety Officer, administers a program of regular inspection, testing and maintenance of university premises to ensure compliance with applicable fire and life safety codes and standards. This includes conducting regular egress drills and offering a variety of educational and training programs in fire safety and prevention techniques for students, faculty and staff. All residence halls meet or exceed local and national fire safety codes and are equipped modern fire alarm systems, including smoke detectors and sprinkler systems.

Reporting a Fire

If you discover or suspect a fire, activate the nearest fire alarm pull station and leave the building or area immediately. Then call University Police at 781.891.3131 or go to the nearest emergency help telephone that is a safe distance from the fire source, which will connect you to University Police. Provide the dispatcher with the specific location of the fire, and any other pertinent information. If your residence hall is equipped with tamper covers over pull stations be aware that:

- Pulling the tamper cover to gain access to the fire alarm pull station will activate the tamper alarm only and will not report the alarm to University Police.

- After pulling the tamper cover you must proceed to pull the lever on the fire alarm pull station. By doing so, the building alarm will sound, alerting University Police and the Waltham Fire Department of the situation.
Fire Suppression Systems

All residence halls are equipped with automatic fire sprinkler systems. A water sprinkler fire suppression system comprises sprinkler heads, associated piping, controls, and water under pressure. In the event of a fire, the sprinkler heads are designed to activate at a predetermined temperature. Do not hang items or material from the sprinkler head, which may activate or interrupt the spray pattern of the device. Do not tamper with any associated components of the water sprinkler fire suppression system.

Smoke Detectors

All residence halls are equipped with addressable fire alarm systems. When a device is activated or tampered with, a signal is sent with the room number of the device to the fire alarm panel and to University Police. All detectors on campus are hard-wired to the main and backup electrical systems for their buildings. Tampering with a smoke detector is a violation of law and could result in an electrical shock.

There are two types of alarms — local and general. A local alarm rings the alarms in the apartment where a smoke detector is activated. A general alarm rings the alarms in the entire building. Both signals are received by University Police who investigate all fire alarm signals. A general alarm will cause a signal to transmit to the Waltham Fire Department.

Tampering with or damaging any fire safety systems is a serious offense and can result in criminal prosecution and/or university disciplinary action.

Preventing Fires

All cooking appliances, except microwave ovens, are prohibited from suites and dormitory rooms. This includes hotplates, hotpots, toaster ovens, popcorn poppers, and any other appliances whatsoever. Apartments may have cooking appliances in the kitchen only. Space heaters are not allowed. In an emergency situation only, Facilities Management will provide an approved space heater for temporary heating purposes.
Cooking is allowed only in apartments and residence hall kitchens. When cooking, remember the following:

- Keep ovens clean at all times.
- Turn on smoke exhaust fans.
- Do not leave the oven or other heat-producing appliances unattended while they are in operation.
- Use only U.L. listed appliances.
- If a pan of grease or a deep-fat fryer catches on fire, immediately turn off the heat, cover the burning pan with a lid if possible and, if available, throw baking soda into the flame. Do not try to extinguish the fire with water, flour, sugar or other materials. Never try to carry a cooking utensil with burning liquid.
- Do not open the door of your apartment or residence hall kitchen to clear cooking smoke. Instead, open a window. Otherwise you will set off the hallway smoke detectors and create a false alarm.

**Additional Fire Prevention Guidelines**

- Plug all types of multiple plug adapters directly into wall outlets. Do not use more than two extension cords in a single multiple-plug adapter. Check cords for wear and have faulty appliances repaired or removed from the residence.
- Flammable and combustible liquids are prohibited in all residence halls. This includes charcoal briquettes, lighter fluids, gasoline, benzene, propane, alcohol, cleaning fluids, oil-based paints and thinners.
- All types of open flames including candles and incense are strictly prohibited in all campus buildings.
- Halogen lamps and neon signs are prohibited, even if they are non-functional.
- Combustible waste should be disposed of as soon as possible. Trash and garbage should be emptied in the proper refuse containers, not left in corridors or hallways since this may delay building egress. Limit room trash collection to a maximum of one 12-pack sized box of mixed recyclables and two kitchen-size trash bags or one large trash bag. Accumulations larger than this are not allowed.
Room furnishings should not obstruct or hamper any access to an exit. All doors must be able to swing freely in their full range of motion. Bicycles chained to stairways or landings are prohibited and will be removed.

Motorcycles, mopeds, gasoline engines, engine parts or any flammable fuels are prohibited in all campus buildings.

Do not drape any type of combustible material over lamps or other electrical fixtures.

Do not prop open fire doors. Closed fire doors are designed to prevent smoke and fire from spreading.

Do not use flammable decorations at any time, including during the holiday season. Live trees or combustible ornaments are not permitted. This includes cardboard cut-outs from boxes.

Do not hang any items from the ceiling as they may interfere with the designed spray pattern of the sprinkler system or the path of heat and smoke to a fire detection device.

**Smoking Policy**

Smoking (including cigarettes, cigars, pipes, e-cigarettes, and any other smoke-producing tobacco products) by students, faculty, staff, guests, visitors, and contractors is prohibited on all properties owned or leased by campus, including (but not limited to): all interior space on campus and property leased by the university, all outside property or grounds on the university campus, including areas such as walkways, breezeways, patios, and parking lots - including all vehicles, all outside property leased by the university, all vehicles leased or owned by the university, all indoor and outdoor athletic facilities.

**Apartments and Suites — Orchards, Rhodes, Fenway, Copleys, Forest, Kresge, Falcone Complex, and North Campus Apartments**

Each bedroom and living room has a smoke detector. If one smoke detector is activated (causing a local
alarm) the alarms in the apartment will ring and University Police will be notified. When the smoke condition clears, the alarm will silence by itself.

If two smoke detectors are activated within an apartment or suite, the general alarm will ring for the building. This will cause University Police to respond along with the Waltham Fire Department.

The hallways are also equipped with smoke detectors. If one hallway or other common area (including lounges and study areas) is activated, the general alarm for the building will be activated.

**Apartments and Suites — Collins and Boylston**

Each bedroom has a smoke detector. If one smoke detector is activated (causing a local alarm) the alarms in the apartment will ring and University Police will be notified. When the smoke condition clears, the alarm will silence by itself. If two smoke detectors are activated within an apartment, the general alarm will ring for the building. This will cause University Police to respond immediately, followed by Waltham Fire Department.

A heat detector is located in each living room near the kitchen. They react to sudden and rapid changes in temperature over a specific time period or a high heat build-up. If this detector is activated, then the general alarm for the building will be activated and University Police will respond immediately.

The hallways are also equipped with smoke detectors. If one hallway or other common area (including lounges and study areas) is activated, the general alarm for the building will be activated.

**Dormitories and Special Housing — Slade, Miller, Trees, Stratton, Cape and Castle**

All bedrooms and common areas (lounges, hallways, and study areas) are equipped with smoke detectors. If one smoke detector is activated, the general alarm will ring for the building. This will cause University Police to respond immediately, followed by Waltham Fire Department. You will be judicially charged for all false alarms.

**Escaping From a Fire**

As soon as the fire alarm sounds, prepare to exit immediately. Touch your door to test its temperature. If it is hot, put towels or clothing around the door frame to prevent smoke from entering. Open your window and wave something white to attract attention.

If the door is cool, evacuate your room as soon as possible. Go to the nearest exit. **DO NOT WAIT** for a staff person to tell you to leave. **It is your responsibility to evacuate the building in a quick and orderly fashion!**
If there is smoke in the hall, stay low and proceed to the nearest exit. There are two exits on every floor. Do not panic if one of the exits is blocked, proceed to the next one.

- Stay calm. Do not run or shout.
- Do not use an elevator. In the event that you are in an elevator when the alarm sounds, it will bring you to the main floor.

It is essential to determine which residents have safely escaped. You should assemble in the adjacent parking lot to your residence hall. Do not attempt to re-enter the building until the Fire Department or University Police has declared the emergency over.

**Fire Drills**

Fire drills are conducted each semester to familiarize everyone with the sound of the alarms, building egress routes and designated gathering spots outside the building. Use the emergency exit locations to evacuate the building safely. Failure to evacuate when the fire alarm sounds is not only dangerous but punishable by a fine and/or other disciplinary action.

Fire extinguishers are located in all campus buildings. These are to be used only for their intended purpose, and should not be removed at any other time. Extinguishers are to be used only by trained personnel.

**Fire Safety Education and Training**

A fire safety education program is presented during the first week of classes for all incoming first-year resident students. Attendance at this presentation is mandatory. Procedures to follow in the event of a fire alarm are reviewed, as well as the fire safety policies that are in effect in the residence halls.

**Plans for Future Improvements in Fire Safety**

Bentley University intends to remain on task with regard to its prevention strategies (education, inspections, fire drills and device maintenance), and will continue to upgrade fire alarm systems throughout the campus. A deferred maintenance program replaces/upgrades existing fire alarm systems that are approaching their service life expectancy. Whenever buildings undergo major renovations, the life safety systems, fire detection and fire suppression systems are replaced with current code compliant systems.
<table>
<thead>
<tr>
<th>Residential Building Name</th>
<th>Total Fires in Bldg</th>
<th>Fire Number</th>
<th>Date of Fire</th>
<th>Time of Fire</th>
<th>Category</th>
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### Bentley University Annual Fire Report 2013-2015

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### Bentley University Fire Safety System
#### 2013 to 2015

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<th>Residential Building Name</th>
<th>Fire Alarm Device On Site Monitored By Bentley Police</th>
<th>Full Sprinkler</th>
<th>Smoke Detectors Bedrooms</th>
<th>Attic Heat Detectors</th>
<th>Number of Evacuation Test/Drills 2014</th>
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N/A = No Attic
Located on Forest Street, north of the main campus.

Evacuation Meeting Areas

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<th>NO. Evacuating Building</th>
<th>Evacuation Meeting Area</th>
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<td>West porch of Adamian Academic Center</td>
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<tr>
<td>1 Morison Hall</td>
<td>West porch of Adamian Academic Center</td>
</tr>
<tr>
<td>2 Adamian Academic Center</td>
<td>East porch of Baker Library</td>
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<tr>
<td>3 Boylston Apartments</td>
<td>North entrance to Student Center</td>
</tr>
<tr>
<td>3 Rhodes Hall</td>
<td>North entrance to Student Center</td>
</tr>
<tr>
<td>4 Jennison Hall</td>
<td>LaCava Quad leading up to Library</td>
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<tr>
<td>4 LaCava Center</td>
<td>LaCava Quad leading up to Library</td>
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<tr>
<td>4 Rauch Building</td>
<td>LaCava Quad leading up to Library</td>
</tr>
<tr>
<td>5 Smith Technology Center</td>
<td>West porch of Lindsay</td>
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<tr>
<td>6 Falcone Apartments</td>
<td>Greenspace</td>
</tr>
<tr>
<td>7 Miller Hall</td>
<td>East side of north parking lot by parking deck</td>
</tr>
<tr>
<td>8 Collins Hall</td>
<td>BBQ area at north side of Collins</td>
</tr>
<tr>
<td>9 Forest Hall</td>
<td>Pedestrian walk intersection at Rhodes/Student Center/Kresge</td>
</tr>
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<td>9 Student Center</td>
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<td>10 Tree Dormitories</td>
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Pedestrian walk intersection at Rhodes/Student Center/Kresge
Lawn / bus stop at Circle Road by the Tree Dorms
North entrance of Fenway Hall
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The following was the Title IX and Gender-Based Discrimination Policy at the time of this publishing. The policy is currently being edited, but all resources will remain the same. If you would like information or to view the most up to date policy, please contact any of the people on the following page.
Bentley University

Mission of Bentley University: To educate creative, ethical, and socially responsible organizational leaders by creating and disseminating impactful knowledge within and across business and the arts and sciences.

Mission and Purpose of this Policy: This policy has been designed to eliminate barriers on Bentley University's campus that are rooted in harassment or discrimination based on an individual’s sex, gender, and/or gender appearance.

Questions Regarding this Policy: Please forward any questions to those responsible for Bentley’s Title IX compliance.

Erin Kelley
Title IX Coordinator
Director of Student Conduct and Development, Student Center 320
781.891.2329

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Deputy Title IX Coordinator for Student Support Assistant Director of Gender Equity and Development, Student Center 320
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I. Policy Statement
Congress passed the Higher Education Amendments in 1972, and included within them was Title IX, which states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” Since 1972, several other federal and Massachusetts state laws have been adopted to offer further protection to those in higher education (i.e., students, staff, faculty, and third parties) from discrimination and harassment based on a person’s sex or gender. Bentley University is firmly committed to establishing an environment free of such discrimination and prohibits such acts, including: sexual harassment, sexual exploitation, sexual harassment including sexual violence (i.e., sexual assault and non-consensual sexual touching, forcible or not), relationship abuse (including domestic violence and dating violence), voyeurism, and stalking.

Additionally, retaliation against anyone who reports an incident of harassment or discrimination listed above, brings forward a complaint, or participates in an investigation of harassment or discrimination is also prohibited. Retaliation is also prohibited against those who, in good faith and reasonable manner, oppose an act or policy believed to constitute sex- or gender-based discrimination. It is the responsibility of Bentley University's Title IX Coordinator to ensure that inquiries into reports of misconduct described above are made, as well as formal investigations consistent with applicable grievance procedures that are described in the following policy.

Bentley University will always respond to complaints, reports, allegations, and information about sex- and gender-based discrimination that it knows or should know about. These responses will serve to stop prohibited conduct, prevent its recurrence, and address any lingering impact that it had on both individuals and the larger campus community. Bentley also reaffirms the rights of reporting parties (see section IX for a full list of definitions) to decide whether they wish to be involved in any of the University's processes to address sex- and gender-based harassment or discrimination. Bentley is also strongly committed to supporting reporting parties through the numerous support services available.

The University encourages those who wish to receive confidential support services regarding sex- and gender-based discrimination to seek assistance from staff in the Counseling Center, the Center for Health and Wellness, the Boston Area Rape Crisis Center, and/or seek medical attention.

Responsible employees of the University are required by law to report allegations of sexual harassment and other forms of sex- and gender-based discrimination that they observe or learn about to the Title IX Coordinator.
The University has identified its “responsible employees” to include Deans and Directors in the Division of Student Affairs, all staff members in the Office of the Dean of Student Affairs, University Police, and all Residential Center Staff (including Resident Assistants). Please note that as more employees are trained in responding to such disclosures, this list will be updated appropriately.

Employees whose positions legally require confidentiality (i.e., licensed mental health counselors and health professionals) are not responsible employees. If you have a question regarding reporting responsibilities, please contact the Title IX Coordinator.

All employees of Bentley University are strongly encouraged to offer information on how to report such incidents to students and colleagues, as well as report this conduct directly to the Title IX coordinator. Responsible employees who fail to report allegations of sexual harassment and other forms of sexual misconduct that they observe or learn about may be subject to disciplinary action. Bentley University is mandated to respond promptly and appropriately to any allegations of sexual harassment or other forms of gender-based discrimination. Under these policies, the university will consider the effects of off-campus conduct for faculty, staff, students, visitors, and community members when evaluating whether a hostile environment was created on campus. Any person responsible for, or involved in, retaliation will be subject to disciplinary action up to and including expulsion or termination.

Additionally, Bentley also seeks to ensure our campus and culture is inclusive for all students, and as such has committed to engaging in several preventative and proactive educational programs and initiatives. For a list of some of the programs Bentley offers, please see section XI of this document.

II. Resources for Information and Assistance
Bentley University offers various resources for students, staff, and faculty seeking information or support regarding gender-based discrimination and harassment. Bentley also acknowledges that each person experiences and responds in differing ways, and there are a variety of formal and informal options for support. Please review the information regarding your options for support, assistance, and reporting so that you can make an informed decision based on personal needs. Your needs may change over time, so please also know that you may choose to utilize different forms of response at different times. Any member of the Bentley community (including visitors) is welcome to contact the Title IX coordinator for information regarding this policy or the procedures outlined within it. The resources highlighted in Appendix A also provide information, assistance, and support to those who seek it.
III. Title IX at Bentley

Bentley University will always respond to complaints, reports, allegations, and information about sex- and gender-based discrimination that it knows or should know about. The Title IX Coordinator for Bentley University is responsible for providing leadership regarding the Title IX and Gender-Based Discrimination Policy, ensuring that ongoing trainings and education regarding sex/gender-based harassment and discrimination take place, as well as compliance-related reporting.

Additionally the Title IX Coordinator will be responsible for:

- Tracking and monitoring incidents, including sex-based discrimination and sexual misconduct
- Ensuring that the University responds effectively to each complaint

When a formal report is made to the Title IX Coordinator, they will ensure that the appropriate measures are taken, including obtaining an external investigator and convening a Title IX hearing panel, however the Title IX Coordinator will not participate in the investigation, hearing, or in the deliberations regarding the report (see section XI for more information on investigation procedures and protocols).

Bentley University also has two Deputy Title IX Coordinators, one focused on supporting students and another focused on supporting staff and faculty. These individuals can offer further information to those who may have questions about this policy, and formal reports can be submitted to them. The Deputy Title IX coordinators will also keep individuals involved in formal investigations up-to-date regarding its progress. The Deputy Title IX coordinators also will not participate in the investigation, hearing, or in the deliberations regarding the report (see section XI for more information on investigation procedures and protocols).

The Title IX Coordinator and Deputy Title IX Coordinators are knowledgeable about, and will provide information on, all options for complaint resolution. Both the Title IX Coordinator and the Deputy Title IX Coordinators can assist in providing interim support measures to remedy the impact of an incident.

Any student, staff, faculty, or guest of Bentley who reports that they have experienced domestic violence, dating violence, stalking, sexual assault, or any other violation of our Title IX and Gender-Based Discrimination Policy will receive an e-mail outlining resources, investigation and disciplinary procedures, and opportunities for interim support measures/accommodations that can be made to restore their sense of safety on our campus.
IV. Interim Support Measures

One way in which Bentley will support those who bring forward claims of sex- or gender-based discrimination is to offer interim measures and supports to remedy to the impact of the alleged misconduct. Examples of interim measures include:

- Providing University “No Contact” orders to all parties involved
- Changes in housing assignment or room combination
- Assistance from support staff
- Academic support services
- Help in rescheduling exams
- Limiting access to university facilities and activities pending resolution of the matter
- Change in class schedule
- Change in work schedule or job assignment
- Arrangements for medical services

These are just some examples of the interim support measures that the University may take to support individuals involved in an incident of sexual misconduct. As each individual will have their own needs and requests, the University is committed to tailoring interim measures to the specifics of each incident in a fair and equitable manner. Individuals seeking to access interim support measures can contact the Title IX Coordinator or the Deputy Title IX Coordinators.

V. Scope of this Policy

The federal mandates established by Title IX and the Campus SaVE Act reaffirm that students, staff, faculty, and visitors have the right to be free from discrimination based on their gender, sex, sexual orientation, and gender appearance. All procedures regarding incidents involving students can be found in Appendix B of this policy, while all procedures for incidents involving staff and faculty can be attained by contacting the Deputy Title IX Coordinator for Faculty and Staff Support.

This policy applies to any behaviors involving community members both on and off campus. Examples of off campus coverage of this policy include incidents that occur on faculty-led study abroad trips, the Commencement Week trip for graduating seniors, internship sites, service-learning sites, and off-campus residences of students.
VI. Confidentiality
Bentley encourages reporting parties to talk to an employee about what happened and seek out appropriate resources and support. Please note that faculty and staff members on campus have different roles and responsibilities for reporting information should a student disclose an act of sexual misconduct:

- Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”

- Other employees may talk to a student in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an investigation into an incident against the student’s wishes.

- Certain employees are required to report all the details of an incident (including the identities of both the reporting and responding parties) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to Bentley and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them. Ideally this information will inform students so they can make deliberate choices about where to turn should they become a survivor of sexual violence. Bentley encourages students to talk to someone identified in one or more of these groups. For more information on which employees serve in each of these capacities, please see Appendix C.

VII. Options for Assistance
For more information regarding options for assistance, regarding both immediate and ongoing concerns, please see Appendix A.

VIII. Defining and Recognizing Prohibited Conduct
Conduct that is prohibited and encompassed by this policy includes sexual harassment, sex and gender discrimination, sexual assault, rape, stalking, and relationship abuse (including domestic and dating violence). It is a violation of this policy to either commit these acts or attempt to commit them. These acts are also a violation of federal and state law (including Title IX, the Campus SaVE Act, and the Violence Against Women Act). These acts are prohibited in any sex or gender configuration (i.e., between the opposite or same sex), regardless of sex and gender identity. Acts of harassment or
sex- and gender-based discrimination may vary in severity and include, but are not limited to, the following categories:

A. Sexual Assault  
B. Sexual Exploitation  
C. Sexual Harassment  
D. Harassment Based on Sexual Orientation/Gender Identity  
E. Stalking  
F. Relationship Abuse  
G. Retaliation  

Bentley University’s **Definition of Consent** applies to all of these acts. Bentley University adheres to the following definition of consent:

- Consent is a clear, active, and affirmative permission to act. The person who initiates sexual activity is responsible for obtaining the other person’s consent for that activity each and every time. The existence of a dating relationship does not imply consent.

- Consent can never be assumed or implied. The absence of “No” or silence does not mean that consent has been given. Additionally, consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent is not present when coercion, manipulation, intimidation, or force is used. Coercion includes continued pressure after an individual has made it clear that they do not want to engage in the behavior. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- Consent is also not present if a person is known to be (or, based on the circumstances, should reasonably be known to be) mentally or physically incapacitated. An incapacitated individual is someone who cannot make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a sexual interaction. This includes a person whose incapacity results from mental disability, sleep, involuntary physical restraint, unconsciousness, use of alcohol or other drugs.

- Consent is never present if an individual is under the legal age of consent (16 in the state of Massachusetts).

*Aspects of this definition were informed by ATIXA’s Model Code and Harper College.*
A. Sexual Assault
Sexual assault is a form of sexual misconduct that is a violation of University policy as well as federal and state statutes. The Commonwealth of Massachusetts defines sexual assault as “any sexual activity that is forced, coerced, or unwanted” and refers to the crimes of rape and indecent assault and battery. Bentley University adheres to the following definitions of rape and indecent assault and battery:

- Rape includes penetration (oral, anal, or vaginal) of any orifice with any object without effective consent.
- Indecent Assault and Battery includes non-consensual sexual contact without penetration.

The severity of the crime is the same whether the responding party is a stranger or known to the reporting party. All students, faculty, and staff should be aware that the University is prepared to respond to any incidents of sexual assault. Individuals who commit sexual assaults will be subject to disciplinary action that can include suspension or expulsion from Bentley as well as civil and criminal penalties.

B. Sexual Exploitation
Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. This behavior may not fall within the definition of non-consensual sexual contact/activity, non-consensual sexual intercourse/penetration, or sexual harassment, but it is still a violation of policy.

There are many degrees and types of sexual exploitation including, but not limited to:

i. **Photographing or Video/Audio Taping Sexual Contact or Sexual Activity**
   Photographing or taping someone (via audio or video) involved in sexual activity, sexual intercourse, or in a state of undress without their consent or knowledge constitutes prohibited sexual exploitation. Even if a person consented to the sexual activity or intercourse, photographing or taping someone without their knowledge goes beyond the boundaries of that consent.

The dissemination of photographs or video/audio of someone involved in sexual activity, intercourse, or in a state of undress without their knowledge or consent constitutes a separate and additional act prohibited by this policy.
ii. Voyeurism
Voyeurism is the act of observing a person involved in sexual contact/activity, sexual intercourse, or in a state of undress without their knowledge or consent.

iii. Inducing Intoxication/Incapacitation for the Purpose of Sexual Activity
Offering drugs, alcohol, or other substances to a person with or without their knowledge with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity is a violation of this policy. This type of conduct constitutes sexual exploitation regardless of whether any sexual activity takes place.

C. Sexual Harassment
Bentley University adheres to the following definition of sexual harassment:

1. Unwanted sexual advances that may take the form of inappropriate sexual or suggestive comments, sounds or jokes; unsolicited touching or fondling; unwanted intercourse or assault;
2. Unwelcome requests for sexual favors; and/or
3. Other behavior of a sexual nature where:

  Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment or participation in a university-sponsored educational program or activity. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual. Such conduct has the purpose or effect of unreasonably interfering with an individual’s academic or work performance, as well as creating an intimidating, hostile, or offensive educational, social, living or working environment.

D. Harassment Based on Sexual Orientation/Gender Identity
Harassment based on sexual orientation/gender identity is defined as derogatory comments, actions, or conduct (either verbal or physical in nature) directed toward an individual by virtue of their presumed status as a heterosexual, gay, lesbian, bisexual, or transgender person which:

1. Humiliates or intimidates an individual;
2. Impedes academic or work performance; and/or
3. Interferes with university life.

E. Stalking
Massachusetts law defines stalking as a willful and malicious pattern of conduct or acts directed at another person that seriously alarms and causes a reasonable person to suffer substantial emotional distress. The law further states that the stalker makes a threat with the intent to place the person in fear of death or bodily injury.
Stalking behaviors may include following or watching, unwelcome gifts, or communications in person, in writing, or through the use of technology. It also includes accessing personal information to monitor a person’s activity. Individuals found responsible for instances of stalking will be subject to disciplinary action that can range from education to expulsion.

F. Relationship Abuse
Relationship abuse can be physical, sexual, verbal, or emotional. It is unwanted and causes physical or emotional harm. At Bentley, relationship abuse can involve current or former intimate partners, roommates, or teammates. Relationship violence occurs in both same-sex and opposite-sex relationships. All students, faculty, and staff should be aware that the university is prepared to respond to any incidents of relationship abuse. Individuals found responsible for instances of relationship abuse will be subject to disciplinary action that can range from education to expulsion.

G. Retaliation
Retaliation occurs when an adverse action is taken against an individual for raising concerns about conduct which is prohibited by law or policy. All members of the Bentley community have the right to raise concerns or file a complaint through the student conduct system without fear of retaliation. Additionally, it is both unlawful and a violation of University policy to retaliate against an individual for filing a report of sexual misconduct or gender-based discrimination.

Retaliation is also prohibited against anyone who participates in an investigation of sexual misconduct or gender-based discrimination. Examples of retaliation can include hostility, intimidation, threats, exclusion, and discrimination. Any person who retaliates against an individual reporting sexual misconduct or gender-based discrimination and/or someone who participates in a sexual misconduct or gender-based discrimination investigation is subject to disciplinary action up to and including expulsion from the University.

IX. Additional Provisions, Definitions, and Clarifications

Leniency: Students may be concerned about reporting Sexual Misconduct believing that their own behavior might subject them to disciplinary action (e.g., a reporting party or witness is underage and was using alcohol or drugs at the time of the incident). Witnesses and reporting parties should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether someone was, for example, using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, Bentley University will
seek to make the Sexual Misconduct allegation the primary focus of any investigation or disciplinary action. In such circumstances, the University will exercise leniency regarding secondary conduct violations (e.g. underage drinking) and those issues will not be subjected to adjudication. It should be noted that the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity.

**Confidentiality:** Because breaches of confidentiality compromise the ability of the University to investigate and resolve claims of prohibited harassment and discrimination, administrators responsible for implementing this policy will attempt to protect the confidentiality of harassment and discrimination proceedings to the extent reasonably possible. All participants in the process are required to respect the confidentiality of the proceedings and circumstances giving rise to the dispute.

On campus, complete confidentiality can only be guaranteed when a concern is shared with the Medical Provider, the Counseling Center, and with certain Spiritual Life Staff, and when the concern does not involve a continuing threat of serious harm to self or others.

A list of confidential resources on and off campus is available in Appendix A. The University is obligated to investigate all allegations that may constitute prohibited harassment or discrimination. Any person seeking information or guidance concerning potential harassment or discrimination should be advised that the University may need to take action once informed of an allegation whether or not the person wants to pursue a complaint.

**Academic Freedom and Harassment:** Bentley University is committed to principles of free speech and upholding the tradition of academic freedom. This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Harassment or discrimination prohibited by this policy is not a proper exercise of academic freedom.

**Use of Alcohol or Drugs:** A person who has consumed alcohol and/or drugs still has a responsibility to obtain ongoing consent for any sexual activity with another person. The use of alcohol or other drugs by the person initiating sexual activity will never be accepted as excuse for failing to obtain consent. Reporting Party: An individual bringing forth a report or that they have experienced one or more acts of sexual misconduct described in this policy.

**Responding Party:** An individual who is alleged to have carried out one or more of the prohibited acts defined in this policy.
X. Reporting an Incident

Individuals may choose to seek action or assistance both on campus as well as through the surrounding community. Additional or interim measures may be provided to you to remedy the impact of the alleged misconduct. The following situations are example of reasons why you might choose to report an incident of misconduct:

- To seek formal action against someone, such as removing them from a class or campus
- To educate the person about their behavior through use of the University’s Title IX processes and procedures
- To make Bentley aware of the behavior in case it is part of a larger pattern
- To confront the individual and make your voice heard about how you feel about what happened
- To receive assistance in changing classes or other on campus arrangements
- To receive support in coping with an incident

Mediation will not be used as a means to address or resolve cases of sexual misconduct, and those who have reported/experienced an incident of sexual misconduct will not be required to resolve the matter directly with the respondent. A reporting party should also know that they have options to bring criminal or civil actions against the responding party.

Reporting Confidentially

If you are seeking support but want to maintain confidentiality, the best on campus resources for you include the clinicians in the Center for Health and Wellness, any staff in the Counseling Center, or any ordained ministers on the Spiritual Life staff. All of these resources are including in the cost of attendance for students, and the clinicians in the Center for Health and Wellness and Counseling Center staff can be seen on an emergency basis. The off campus resources listed in the previous section are also confidential resources. You may consider a confidential option if you:

- Would like to know about support and assistance but are not sure if you want to pursue formal action against the individual;
- Have questions or would like to process what happened with someone without involving police or Title IX procedures; and/or
- Do not want the responding party (i.e., alleged violator) to know that you are seeking help or support. NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or abuse of a minor.
Formal Reporting Options
Bentley University encourages all students, faculty, and staff to file a formal report of an incident to designated campus officials. All staff members in the Office of the Dean of Student Affairs, University Police, all Deans and Directors of Student Affairs, and the Residential Center Staff (including Resident Assistants) are designated as campus officials. Reporting to any of these individuals is considered an official notice to the institution. After you file a report, you should expect the institution to investigate and properly resolve the incident through administrative procedures. Information disclosed in a formal report will be shared only with individuals who need to know of the incident, including the incident investigator, responding party, witness(es), and deputy Title IX Coordinator.

Please note that separate protocols exist for criminal reports. If you would like to file a criminal report, please contact University Police at 781.891.2201.

*Please be aware that if you file a formal report, your name and the relevant reported information will be disclosed and will appear in the investigation report. This also means that the case may proceed to a Title IX hearing.*

You may consider filing a report if you:

- Would like formal action taken. Formal action can include assistance in: obtaining a restraining order or University “No Contact” order, filing criminal charges, or conduct or employment action for the responding party if they are found responsible for violating university policy.

- Would like the University to be aware of the situation in case it happens again.

For more information on the Title IX and Gender-Based Discrimination procedures (including investigations and hearings), please contact the Title IX coordinator or Deputy Title IX coordinators. You can also review the full policy at bentley.edu/campus-life/sexual-assault.

Disclosing to Other Responders on Campus
You may seek advice from other employees on campus after an incident occurs. These responders, including most faculty and staff, are encouraged to call the Title IX coordinator when an incident of sexual violence or misconduct is reported to them, especially if there is cause for fear of a person’s safety. If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk them.

Please note that these responders may choose to share your personally identifiable information if it will help to best support you. If information about your identity is shared, it will only be as necessary and with as few
people as possible. All efforts will be made to protect your privacy. You may consider speaking to these responders if you:

- Have more general questions about the policies and procedures
- Are seeking support in accessing confidential resources or reporting options

XI. Investigation and Adjudication Procedures and Protocols
For information regarding investigation and adjudication procedures and protocols for students, please see Appendix B of this policy. For procedures and protocols for faculty and staff, please contact the Deputy Title IX Coordinator for Faculty and Staff.

XII. Prevention and Education
Bentley University prides itself in being a leader in providing ongoing educational programs and initiatives for its community related to sex/gender-based discrimination. Examples of these educational efforts include:

- **First Year Seminar Class** and **Plenary Sessions** focused on Sexual Assault and Relationship Violence

- **Speak About It** A performance-based educational program that all first year students attend in mid-September and debrief within their First Year Seminar (FYS) class. From their website: “A combination of humorous yet provocative skits, interactive dialogue, and powerful monologues, Speak About It is the wisdom of an array of mistakes, misfortunes, successes, and perspectives; a compilation of true stories that captures what healthy sex can and should look like and how to spark dialogues about it. It specifically addresses issues including consent, sexual assault and bystander intervention. Our goal is to have a conversation about having a conversation about sex, and to leave students feeling educated, entertained and empowered to create change on their campus.” speakaboutitonline.com

- **Consent Day** An event based on a program that educates the community on the concept of consent, including asking for and providing consent. Over 300 student attendees come together to promote healthy communication, respect and an understanding of consent between romantic partners.

- **Haven** An online module that educates all incoming undergraduate, transfer and graduate students on the issues associated with sexual assault and relationship violence, taking into account their unique perspectives and experiences. The survey includes key definitions and statistics regarding sexual assault, along with campus-specific policies, procedures and resources.
■ **AlcoholEdu** An online evidence-based prevention tool that creates a highly personalized user experience which inspires students to reflect on and consider changing their drinking behaviors.

■ **Bystander Trainings** Available for all students and student organizations, these interactive programs provide an interdisciplinary approach to examine how students can help in various social situations. The bystander workshops increase students’ motivation and confidence to respond to behaviors that threaten a peer’s health, safety or well-being.

■ **Hook-Up Culture Panel**

■ **Guess the Straight Person**

■ **Ally Training** Offered to students, faculty, and staff

■ **Intergroup Dialogue (IGD)** A leadership series designed to deepen self-awareness, enhance critical thinking and hone communication skills. The primary goal of IGD is to create sustained, face-to-face interactions with students from different social identities, and provide students with a forum to cultivate relationships and raise awareness for social justice.

■ **White Ribbon Campaign** A movement by men that encourages participation from all genders to end violence against women. Members from Fraternity and Sorority Life partnered with the football team and distributed over 1,000 white ribbons and received 500 signatures from students who pledged to help end gender-based violence. The White Ribbon Campaign takes place in October as part of Interpersonal Violence Awareness Month, with a culminating event at the Family Weekend football game.

■ **The Hunting Ground** Bentley hosts a screening of the documentary film, *The Hunting Ground*, which delves into the prevalence of sexual assault on college and university campuses and how institutions of higher education have responded to these incidents. After the film a panel discussion is held to further discuss this topic, and how it is addressed on our campus.

### XIII. Trainings for Faculty and Staff

At a minimum, all responsible and confidential employees will receive annual training facilitated by the Title IX Coordinator, including Resident Assistant Staff. The Title IX Hearing Panel for student incidents will receive biannual trainings as well. Additional trainings for these employees, as well as others will be organized by the Title IX Coordinator and/or Deputy Title IX Coordinators. As trainings will occur throughout the year, please contact the Title IX Coordinator for a complete list of the trainings that have occurred to date.
Appendix A

CAMPUS AND COMMUNITY RESOURCES

Bentley University offers various resources for students, staff, and faculty seeking information or support regarding gender-based discrimination and harassment. Bentley also acknowledges that each person experiences and responds in differing ways, and there are a variety of formal and informal options for support. Please review the information regarding your options for support, assistance, and reporting so that can make an informed decision based on personal needs. Your needs may change over time, so please know that you may choose to utilize different forms of response at different times.

If you have experienced an act of sex- or gender-based discrimination or harassment, our first concern is your safety and well-being. Bentley University offers some on campus resources to assist students who have been affected by sexual violence or sexual misconduct. The greater Boston area also offers many additional services and support options. Bentley community members are encouraged to utilize any resource on or off campus available to them.

Safety Concerns: Any individual concerned for their immediate safety on campus can contact University Police at 781.891.3131, and if off campus, should contact the local police via 911.

Confidential Resources on Campus: If you are not sure if you would like to proceed with formal action (i.e. filing a police report or reporting to the University), there are support services available while you consider those options. The Counseling Center, the Center for Health and Wellness, and the Spiritual Life staff can be good places to start if you are not sure whether to report:

- **The Counseling Center**: 781.891.2274 (located on the second floor of the Callahan Police Building)
  - All staff in this office are confidential resources

- **The Center for Health and Wellness**: 781.891.2222 (located in the basement of Rhodes Hall)
  - All clinical staff are confidential resources
  - Resource Advocates, specifically Jessica Greher Traue and Lauren Salmo, are limited reporters, which means they will only share information about the incident reported, not any information that is personally identifiable to you.
The Spiritual Life Staff
- All ordained ministers are confidential resources
- All lay staff are limited reporters, which means they will only share information about the incident reported, not any information that is personally identifiable to you.

Formal Reporting Resources on Campus: Please contact any of these offices if you would like to file a formal report of an incident of sex- or gender-based discrimination or harassment:

- The Office of the Dean of Student Affairs: 781.891.2161 (located in Lewis Hall)
- The Residential Center: 781.891.2148 (located in Lewis Hall)
- University Police (located on the first floor of the Callahan Police Building):
  - Non-Emergency: 781.891.2201
  - Emergency: 781.891.3131

Off Campus/Community Resources
The following resources are not managed by Bentley University but may be helpful to you, especially in assisting you with a variety of needs that you may have beyond your campus experience.

Newton-Wellesley Hospital
2014 Washington Street
Newton, MA 02462
617.243.6000

Newton-Wellesley Hospital provides free and confidential services for survivors of domestic and sexual violence. Domestic violence and sexual trauma affects people of every race, culture, faith, age, gender identity and sexual orientation.

Fenway Community Health Center (several locations)
1.888.242.0900

The mission of Fenway Health is to enhance the well-being of the lesbian, gay, bisexual and transgender community and all people in our neighborhoods and beyond, through access to the highest quality health care, education, research and advocacy.

Boston Area Rape Crisis Center (BARCC)
Hotline: 1.800.841.8371
Business: 617.492.9306

BARCC was founded in 1973 to create a hotline to answer calls from rape survivors. Today, it is a national leader in providing a 24-hour hotline, 24-hour medical advocacy, individual and group counseling, and legal
advocacy. BARCC also provides community awareness and prevention services.

BARCC assists thousands of sexual violence survivors and their families, friends and communities each year, regardless of sex, gender identity, race, physical/developmental disabilities, income, ethnicity, class, religion, or sexual orientation. Services are provided in English, Spanish, Haitian Creole, and French, with other languages available upon request.

**Casa Myrna**  
Hotline: 1.877.785.2020

Casa Myrna provides safe housing, legal assistance, counseling, and other support services for survivors of domestic abuse and relationship violence. Services are offered in multiple languages. Rape, Abuse and Incest National Network (RAINN) Hotline: 1.800.656.HOPE

The Rape, Abuse and Incest National Network is the nation’s largest anti-sexual violence organization. RAINN operates the national sexual assault hotline at 1.800.656.HOPE (4673) and the national sexual assault online hotline at rainn.org. The hotline offers free, confidential services. RAINN educates the public about sexual violence and leads national efforts to prevent sexual violence, improve services to victims, and ensure that rapists are brought to justice.

**SANE (Sexual Assault Nurse Examiners)**  
SANE (Sexual Assault Nurse Examiners) are registered nurses and nurse practitioners who have completed specialized training to assist sexual assault victims. They perform the pelvic exams and collect all forensic evidence (think CSI). SANE nurses are available at only specific hospital emergency rooms.

The evidence collected is sealed in Massachusetts evidence collection kits (rape kits) and sent to a crime lab for evaluation. The SANE nurse records the victim’s account of the assault and can testify at any legal proceedings.

Both the Boston Police Crime Lab and the State Police Crime Lab report that SANE nurses gather better evidence than non-SANE nurses. Also, having one person maintain control of all of the rape kit evidence before it gets to the lab reduces any chance of errors and makes prosecution of the perpetrator easier. The Massachusetts Department of Health reports that when a SANE nurse is utilized, a guilty verdict is returned 95 to 100 percent of the time.
Appendix B

INVESTIGATION/ADJUDICATION PROCEDURES AND PROTOCOLS FOR INCIDENTS INVOLVING STUDENTS

I. INTRODUCTION:
Congress passed the Higher Education Amendments in 1972, and included within them was Title IX, which states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...” Since 1972, several other federal and Massachusetts state laws have been adopted to offer further protection to those in higher education (i.e., students, staff, faculty, and third parties) from discrimination and harassment based on a person’s sex or gender. Bentley University is firmly committed to establishing an environment free of such discrimination and prohibits such acts, including: sexual harassment, sexual exploitation, sexual harassment including sexual violence (i.e., sexual assault and non-consensual sexual touching, forcible or not), relationship abuse (including domestic violence and dating violence), voyeurism, and stalking.

Additionally, retaliation against anyone who reports an incident of harassment or discrimination listed above, brings forward a complaint, or participates in an investigation of harassment or discrimination is also prohibited. Retaliation is also prohibited against those who, in good faith and reasonable manner, oppose an act or policy believed to constitute sex- or gender-based discrimination. It is the responsibility of Bentley University’s Title IX Coordinator to ensure that inquiries into reports of misconduct described above are made, as well as formal investigations consistent with applicable grievance procedures that are described in the following policy.

Bentley University will always respond to complaints, reports, allegations, and information about sex- and gender-based discrimination that it knows or should know about. These responses will serve to stop prohibited conduct, prevent its recurrence, and address any lingering impact that it had on both individuals and the larger campus community. Bentley also reaffirms the rights of reporting parties to decide whether they wish to be involved in any of the University’s processes to address sex- and gender- based harassment or discrimination. Bentley is also strongly committed to supporting reporting parties through the numerous support services available. The University encourages those who wish to receive confidential support services regarding sex- and gender-based discrimination to seek assistance from staff in the Counseling Center, the Center for Health and Wellness, the Boston Area Rape Crisis Center, and/or seek medical attention.
Responsible employees of the University are required by law to report allegations of sexual harassment and other forms of sex- and gender-based discrimination that they observe or learn about to the Title IX Coordinator. The University has identified its “responsible employees” to include Deans and Directors in the Division of Student Affairs, all staff members in the Office of the Dean of Student Affairs, University Police, and all Residential Center Staff (including Resident Assistants). Employees whose positions legally require confidentiality (i.e., licensed mental health counselors and health professionals) are not responsible employees. If you have a question regarding reporting responsibilities, please contact the Title IX Coordinator. All employees of Bentley University are strongly encouraged to offer information on how to report such incidents to students and colleagues, as well as report this conduct directly to the Title IX coordinator. Responsible employees who fail to report allegations of sexual harassment and other forms sexual misconduct that they observe or learn about may be subject to disciplinary action. Bentley University is mandated to respond promptly and appropriately to any allegations of sexual harassment or other forms of gender-based discrimination. Under these policies, the university will consider the effects of off-campus conduct for faculty, staff, students, visitors, and community members when evaluating whether a hostile environment was created on campus. Any person responsible for, or involved in, retaliation will be subject to disciplinary action up to and including expulsion or termination.

Additionally, Bentley also seeks to ensure our campus and culture is inclusive for all students, and as such has committed to engaging in several preventative and proactive educational programs and initiatives.

II. PRELIMINARY ISSUES/DEFINITIONS
A. Jurisdiction
Any person may file a complaint of sexual misconduct through this process against a Bentley student who is currently enrolled in the University, regardless of where the alleged Sexual Misconduct occurred. The person filing the complaint is the Reporting Party. The student against who the complaint is filed is the Responding Party. The Reporting Party need not be a Bentley student, although the majority of disciplinary charges brought against Bentley students are brought by other students. If the person bringing the report is not a current Bentley student and/or the alleged conduct did not occur on campus, at a University affiliated location, or at a University sponsored event, the matter will be referred to the Title IX Coordinator (Erin Kelley, 781.891.2329) for a determination regarding whether the University can exercise jurisdiction over the matter. Although there is
no geographical limitation to invoking this process, it should be noted that the greater the distance away from campus that the misconduct is alleged to have occurred, the more difficult it may be for the University to investigate and address the conduct. In cases where Bentley has exercised jurisdiction, the University will investigate the incident of sex/gender-based harassment or discrimination to the best of its ability regardless of location.

B. Administrative Investigation/Disciplinary Action
The University may independently initiate a disciplinary investigation/action against a student under this adjudication process, called a “Dean’s Complaint.” In this type of Administrative Investigation or Action, the University will act as the reporting party in the adjudication of a sexual misconduct report against a student. Such reports will proceed under the processes outlined herein and may result in disciplinary action as if the reporting party were a student.

C. Timing of Complaints
There is no time limit for the submission of a complaint alleging Sexual Misconduct. A report received after the semester has ended or during a University break may result in a delay in the adjudication of the report until the beginning of the subsequent semester in which the Responding Party is enrolled. Please note that the University’s ability to provide effective sanctions for violations of this policy is limited once the Responding Party is no longer enrolled at Bentley.

The University reserves the right to initiate adjudication of a report immediately when necessary to protect the interests and safety of the Bentley University community, even when the incident takes place after the end of the semester.

D. Intentional Presentation of False Information
Participants in the Title IX and Gender-Based Discrimination Adjudication Process must present, in good faith, truthful and accurate information to those involved in ensuring a fair process (including Title IX and Deputy Title IX coordinators, Independent Investigators, and the Title IX Hearing Panel). Knowingly making false statements or presenting inaccurate information is unacceptable and will result in a separate disciplinary action regarding that conduct. Please note that filing a report or providing information which a party or witness genuinely believes is accurate, but which is ultimately dismissed due to insufficient evidence or found to be untrue, does NOT constitute the intentional presentation of false information.

E. Reporting Conduct/Leniency
Students may be concerned about reporting Sexual Misconduct believing
that their own behavior might subject them to disciplinary action (e.g., a reporting party or witness is underage and was using alcohol or drugs at the time of the incident). Witnesses and reporting parties should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether someone was, for example, using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, Bentley University will seek to make the Sexual Misconduct allegation the primary focus of any investigation or disciplinary action. In such circumstances, the University will exercise leniency regarding secondary conduct violations (e.g. underage drinking) and those issues will not be subjected to adjudication. It should be noted that the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity.

**F. Right to Investigate and Decide Related Matters**

The Independent Investigation and the Hearing Panel’s Decision will not be restricted to the violations alleged in the formal report. The Panel reserves the authority to pursue any additional potential violations of University Policy that have been identified through the Title IX and Gender-Based Discrimination Adjudication Process Investigation. The Title IX Coordinator will notify the parties of the new allegations, and will decide whether such allegations will be investigated by the Independent Investigator or will be considered in another student conduct process. In any case, the adjudication of any other violations of Policy outside of the realm of sexual misconduct will not delay the prompt resolution of the pending Title IX report.

**G. No Contact Between Participants**

When the Title IX Coordinator receives a formal report alleging sexual misconduct, a University No Contact Order (also known as a stay-away order) will be issued barring any communication between the Reporting Party and the Responding Party. This Order prohibits any attempt to contact or respond to any communication from the other party, either directly or through others (e.g. friends, family members, attorneys, others). The Deputy Title IX Coordinator for Student Support will work with students involved in the Title IX and Gender-Based Discrimination Adjudication Process to help facilitate the No Contact Order between the parties, so that they may attend classes and use University facilities as appropriate. A No Contact Order may be extended after the conclusion of the adjudication process at the request of either party. In cases where a demonstrated violation of this Order has been shown, the responsible student may be separated from the University
pending the final resolution of the adjudication process. Bentley Police are able to provide information and assistance to students who wish to seek a protective order from the courts.

H. Interim Support Measures
The University will not automatically restrict a student from attending classes or participating in other University activities on the basis of a formal report pending in the Sexual Misconduct Adjudication Process. However, the University does reserve the right to impose interim remedial measures at any time upon learning of an allegation of sexual misconduct, if the University has concerns about the safety of the Bentley community. Such measures may include, but are not limited to, restrictions regarding movement on campus, removal from University housing and/or removal from campus. The decision to impose interim support measures is made at the discretion of the Title IX coordinator. The University will also enforce any orders that are issued by the Courts of the Commonwealth of Massachusetts.

I. No Retaliation
Retaliation against anyone who brings forward a report of sexual misconduct, or who participates in this adjudication process in any manner is strictly prohibited. Retaliation is also prohibited against anyone who opposes, in a reasonable manner, an act or policy believed to constitute a violation of the Title IX and Gender-Based Discrimination Policy. Retaliation includes things like hostility, intimidation, threats, exclusion or in any way discriminating against an individual because of the individual’s complaint or participation in this process. Anyone responsible for retaliation or threats of retaliation, whether that person is the reporting party or another person, will be subject to disciplinary action by the University. A party may also be responsible for retaliation by someone affiliated with them (i.e., a friend or family member). Retaliation should be reported promptly to the Title IX Coordinator (Erin Kelley, 781.891.2329). Retaliation by a person not affiliated with the University may be addressed by the police.

J. Witnesses
The Reporting and Responding Parties have the right to identify any individuals who may be witnesses to the conduct alleged in a formal report. The parties should be aware that it is possible for both the Reporting and Responding Parties to list the same people to speak as witnesses on their behalf. Witnesses should only be encouraged to cooperate and to speak the truth. Witnesses should not be intimidated, threatened, or improperly influenced in any way by either party or through others (e.g. friends, family members, attorneys, others). Any attempt to threaten, intimidate or the otherwise improperly influence the testimony of a witness will result in a
separate disciplinary action by the University. The Investigator will attempt to contact and interview any witnesses identified by the parties that the Investigator deems to be relevant to the resolution of the formal report.

K. Support Person
Students involved in the Title IX and Gender-Based Discrimination Adjudication Process as Reporting or Responding Parties may be more comfortable navigating the process with the help of a support person. A support person is someone whom the student trusts to provide advice and support during the process. A support person can be any person the student feels comfortable confiding in, and need not be affiliated with the University (i.e., a friend, a family member, a person from a support or advocacy agency). A support person may accompany the student to any part of the adjudication process, including any meetings with the Title IX Coordinator (or Deputy Coordinator), Hearing Panel, and Investigator. The support person does not participate in the process and, as such, cannot be a witness to the allegations in the complaint. A support person must agree to maintain the confidentiality of the process.

L. Confidentiality
Any information or written material related to a formal report filed under the Title IX and Gender-Based Discrimination Adjudication Process will be treated as confidential. Disclosure of such information by parties or witnesses to anyone other than the Title IX (or Deputy) Coordinator, the Panel, the Investigator, legal counsel, support persons, clergy, and/or confidential counselors is strictly prohibited and may subject the person responsible for the disclosure to disciplinary action. Although discretion will remain important, the parties are not restricted from discussing and sharing information relating to their complaint with others that may support them or assist them in preparing their report. However, please note that parties will be required to disclose the names of any person to whom such confidential information will be shared. Any person with whom such confidential information is shared will be required to maintain confidentiality. The Investigator, the Panel, legal counsel, support persons, clergy, confidential counselors and any other authorized person with whom a student has shared disciplinary case materials are prohibited from disclosing that information to others without the express written permission of the Title IX Coordinator. Any disclosure of confidential information without written permission may subject the student who made the initial disclosure to disciplinary action. Accordingly, students should carefully consider the persons with whom they share information. Reporting and Responding Parties shall
not share their statements with anyone not authorized to see it, at any time during the process. These confidentiality obligations are intended to help protect the privacy of all participants, as well as the integrity of the disciplinary process. Participants should be aware that the University maintains the discretion to share confidential information internally, if necessary, to comply with its obligations regarding campus safety and Title IX. If a student participant in this process is also enrolled in another institution, the University may be required to disclose information regarding the pending report to that organization. In either situation, such disclosures will be made in the most limited manner possible and the recipients will be advised that the information must be maintained in a confidential manner.

Confidentiality will remain in full force even after the conclusion of the disciplinary case, with the exception of generic reporting of the case in the University’s annual unified crime report. In some instances, the Responding Party can be spoken to without the Reporting Party being identified and without filing or moving forward with a formal report. In these instances the privacy and confidentiality of the individual raising a concern will be protected to the extent possible. In other cases, issues of confidentiality must be balanced against the University’s need to investigate and to take appropriate action.

Students with questions or concerns about the persons with whom they may disclose information should consult with the Title IX Coordinator (Erin Kelley, 781.891.2329) or the Deputy Title IX Coordinator for Student Support (Alex Hirs, 781.891.2364).

M. Attorneys
Although not necessary, the Reporting and Responding Parties have the right to seek the assistance of a private attorney, at their own expense, regarding a formal report. An attorney for a party may inquire with the Title IX Coordinator regarding the pending complaint.

N. Criminal Conduct
When a formal report involves allegations which may also constitute criminal conduct, participants are advised to seek legal counsel before making any written or oral statements. This Title IX and Gender-Based Discrimination Adjudication Process does not attempt to create a courtroom environment and attorneys for students are not permitted to actively participate in the process. However, participants should seek legal advice about how this disciplinary process could impact any criminal case in which they are or may become involved.
The University will conduct its own investigation and adjudication of a formal report, regardless of whether the alleged misconduct is also being pursued through the criminal justice system. The University will attempt to comply with law enforcement requests for cooperation. At times, that cooperation may require the University to temporarily suspend its independent investigation while law enforcement gathers evidence. The University will promptly resume its independent investigation as soon as it is notified that doing so would not impede any law enforcement activities.

O. Admissibility of Evidence
The Independent Investigation process is intended to arrive at the truth of the matter, without the formalities associated with rules and procedures specifically designed by lawyers to manage courtroom litigation. Students can address issues and present documents to the Investigator without concerns about admissibility. It should be noted that if the Investigator determines that the issues raised and/or documents presented are relevant and probative of whether the alleged conduct occurred, then, in the interest of fairness, that information will be disclosed to the opposing party.

1. Sexual History: In a case of sexual misconduct, the past sexual history of the Reporting and/or the Responding Party or either party's sexual history with others will NOT be used in determining whether the alleged misconduct occurred. Prior consensual sexual activity between the two parties will not be determinative of the issue of consent in the pending formal report. Consent to one sexual act does not constitute consent for another sexual act.

2. Medical and Counseling Records: The use of medical and/or counseling records in the Adjudication Process is rare. Medical and counseling records are privileged and confidential documents that students will never be required to disclose in this Process. “Privileged” means that these documents cannot be shared with anyone other than the treating professional unless the patient agrees to disclosure. Students should be aware that there are legal implications to agreeing to produce privileged records. Students are encouraged to seek advice from a knowledgeable source about the possible consequences of releasing this information. A Reporting/Responding Party who, after due consideration, believes that their own medical or counseling records would be helpful in determining whether sexual misconduct occurred, has several options for voluntarily presenting this information:
a. The Reporting Party can voluntarily decide to present their own medical or counseling records to the Independent Investigator as part of the documents which they would like to have the investigator consider in conducting their investigation. Please note that if a party decides to produce such records, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.

b. On occasion, the Investigator may ask the Reporting Party to voluntarily agree to provide these records if the Investigator believes that such documentation exists and that it would be helpful in conducting their investigation. A party is under no obligation to provide this information and may simply say “no” to this request. A party has a right to refuse to provide these records and that refusal is completely acceptable.

Prior to responding to such a request, a party is encouraged to consult with their support person about the implications of agreeing or denying the request. Please note that if a party does decide to produce such records, they must be produced in their entirety. The production of excerpts or selected documents is inappropriate and will not be considered.

c. The Investigator may ask a Reporting or Responding Party to voluntarily provide a verification of therapeutic or medical services to confirm simply that such treatment occurred, but not providing any details regarding that treatment. On rare occasions, a person may be in possession of the medical and/or counseling records of another party or witness. Such records can only be presented to the Investigator under the following circumstances: (i) the person can show that the records are relevant to the pending formal report; (ii) the person can document or otherwise prove that the records were legally obtained; and (iii) the records can be authenticated. Failure to meet any of these conditions means that the records will not be considered in the determination regarding the alleged misconduct.

P. Parental Notification
Since the University views students as adults, parents and guardians will not be notified when a formal report is filed under the Title IX and Gender-Based Discrimination Policy. Students are encouraged to inform their parent(s) or guardian(s) if they are involved in a disciplinary action and should refer them to the Title IX Coordinator if they have questions. If, at the conclusion of the adjudication, a student is separated from the University or University Housing, the University generally will attempt to inform that student’s parent(s) or guardian(s) at the time such discipline is imposed.
Q. Title IX
Under state and federal law, including Title IX, Sexual Misconduct (which includes sexual harassment, sex/gender discrimination, sexual exploitation, rape, sexual assault and/or relationship violence or stalking) is prohibited. Definitions of this conduct and options for addressing this conduct are included in the Title IX and Gender-Based Discrimination policy. Pursuant to its obligations under the law, including Title IX, the University will make an inquiry into all allegations of sexual misconduct of which it becomes aware, regardless of whether a formal report has been filed. The Independent Investigator act as the neutral fact-finding body responsible for making inquiries into allegations of conduct that may violate Title IX. As such, it is possible that the parties may have been interviewed by an Independent Investigator prior to a formal complaint having been filed. An Independent Investigator that has been vetted by the University will be retained for all cases of sex/gender-based harassment and/or discrimination brought under this Adjudication Process. Upon the initiation of an Independent Investigation by the Title IX Coordinator under this process, the Independent Investigator will review any information previously obtained through an inquiry (if made), in light of the information provided through the statements of the parties regarding the report. The Independent Investigator will then conduct any additional investigation that is necessary to address the allegations of the report. The Investigator will include all relevant findings from the investigation in the Investigation Report submitted to the Title IX Hearing Panel. Investigations will only be conducted by investigators who have been specially trained to address issues of sexual misconduct and who are otherwise knowledgeable about investigating and analyzing Title IX complaints.

R. Title IX Hearing Panel
Under Title IX and Gender-Based Discrimination Adjudication Process, the final decision regarding the complaint will be made by a Panel of three trained individuals. This Hearing Panel will consist of three administrators from within the University. These panelists will be chosen from a pool of administrators, all of whom will be specially trained in the adjudication of sexual misconduct. The panelists from this pool will be chosen by the Title IX Coordinator. Either party has the right to raise any concerns he/she may have regarding a possible conflict of interest with any of the Hearing Panel members who have been assigned to the matter. In the event that one of the members has a conflict of interest, they may recuse themselves from the Panel. The Title IX Coordinator will then chose another trained Panel member to sit in the place of the original panelist. The Title IX Coordinator will select a Hearing Panel Chair. Decisions regarding the composition of the Panel are made at the sole discretion of the Title IX Coordinator. An effort will be made to have the Panel be reflective the demographics/identities of the parties, if known.
III. THE ADJUDICATION PROCESS

A. Filing a Formal report
   1. Reporting Party’s Statement
   2. Confidentiality/Non-Retaliation Acknowledgment

B. Responding to a Formal Report
   1. Initial Meeting
   2. Confidentiality/Non-Retaliation Acknowledgment
   3. Responding Party’s Statement

C. Independent Investigation
   1. Document Review
   2. Party Interviews
   3. Witness Interviews
   4. Expert Witnesses

D. Investigation Report

E. Hearing Panel Conference

F. Supplemental Investigation Procedures

G. Withdrawal/Acceptance of Charges
   1. Reporting Party May Withdraw Complaint
   2. Responding Party May Accept Responsibility
   3. Responding Party May Withdraw

H. Hearing Panel’s Decision

I. Appellate Process
   1. Procedural Error
   2. New Evidence
   3. Disciplinary Action too severe or not severe enough

J. Conclusion of the Case
   1. Document Retention
   2. Internal Reporting

This is the adjudication process under which allegations of sexual misconduct, including sexual assault, will be resolved. Under ordinary circumstances during the academic year, this Adjudication Process should be completed within 60 days from the receipt of the formal report. Formal reporting options can be found in section IX of the Title IX and Gender-Based Discrimination policy. Students also may have legal remedies available outside of Bentley, including filing charges with the police, filing a civil action and/or filing an administrative action. Bentley University recognizes that the decision about whether to bring a formal report against another student can
be complicated and challenging. Nevertheless, students should know that all complaints will be taken seriously and will be investigated.

A. Filing a Formal Report
A person who has experienced an incident of sexual misconduct including sexual harassment, sex/gender discrimination, sexual assault, relationship violence, stalking, sexual exploitation, and/or any other sexual misconduct committed by a Bentley student may file a complaint against a student responsible for that conduct.

Reports should be filed with either:

**Erin Kelley**
Title IX Coordinator
Director of Student Conduct and Development
Student Center 320
781.891.2329

**Alex Hirs**
Deputy Title IX Coordinator for Student Support
Assistant Director of Gender Equity and Development
Student Center 320
781.891.2364

The individual bringing the allegation is called the Reporting Party. The Reporting Party is welcome to bring a support person with them to any meetings with the Title IX or Deputy Title IX Coordinator.

1. **Reporting Party’s Statement:** To file a formal report against a student, the Reporting Party must submit an initial, written statement detailing the allegations of the misconduct. This statement is the first opportunity for the Reporting Party to describe the allegations against the Responding Party. The statement should communicate the Reporting Party’s full account of the event and its context, as well as the Reporting Party’s reflections. To facilitate the process, the Reporting Party should:

   - Tell the story in full. Relate in full the facts of the incident as you recall them. Take care to distinguish between what you saw, heard, or experienced first-hand from what you may have learned later from others.

   - Describe the context. It is important for you to give your perception of the Responding Party’s conduct and the context in which the alleged incident occurred, including its location, and any witnesses to it.

   - Reflect on the event. It is helpful for you to provide any conclusions you have drawn about the incident, stating clearly why you believe the Responding Party’s actions may have violated University policy or the Code of Conduct.
The Reporting Party’s Statement should include the name of the accused student, the date and location of the alleged sexual misconduct and the details of the alleged misconduct. This statement should provide as much detail as possible about the facts surrounding the alleged sexual misconduct.

A descriptive list of all sources of information (e.g., witnesses, correspondence, records, etc.) should be included in the Reporting Party’s Statement. This list should include information which the Reporting Party believes should be considered in deciding disciplinary action, along with a brief explanation of why this information would be relevant and helpful to the process. Please identify the sources and/or location of this supporting information but do not attempt to obtain this information yourself. The Independent Investigator will solicit any relevant statements or documents referenced through this process.

The Reporting Party’s Statement is one of the most important documents to be considered in the Adjudication Process. Once submitted, the Reporting Party’s Statement may not be amended. The statement must be written by the Reporting Party.

It is unacceptable for a Reporting Party to submit a statement written by others, including parents, support persons, or attorneys. However, Reporting Parties are encouraged to share a draft of the statement with a support person who is well-positioned to discuss, among other matters, the statement’s style, organization, length, and clarity, while also anticipating questions it may raise for the Independent Investigator.

The accused student, or Responding Party, will not be allowed to see the Reporting Party’s Statement until the Independent Investigator has concluded their investigation.

2. **Confidentiality/Non-Retaliation Acknowledgment:** The Reporting Party will be required to not disclose or discuss anything relating to the formal report with anyone other than those authorized to see such information under this process. The Reporting Party will still be able to discuss the facts underlying the subject the formal report with counselors, clergy, other therapeutic professionals and family. The Reporting Party should refrain from discussing the formal report itself and/or the adjudication process with anyone affiliated with Bentley. This is to preserve the integrity of the investigative process and also to prevent allegations of retaliation. Through this Acknowledgment, the Reporting Party also agrees to refrain from any retaliatory conduct against the Responding Party or any witnesses in the matter, as discussed under Section II,
Paragraph I., and may be responsible for any retaliation by persons affiliated with the Reporting Party (i.e., a friend or family member).

B. Responding to a Formal Report
The person against whom the formal report is brought is called the Responding Party. The Responding Party shall be given written notification when a formal report has been filed against them.

1. Initial Meeting: Notice that a Formal Report has been filed against a Reporting Party will be provided to that student in person. The Responding Party is welcome to bring a support person by either the Title IX Coordinator or Deputy Title IX Coordinator. At this meeting, the Title IX or Deputy Title IX Coordinator will discuss the nature of the complaint, explain the rights and responsibilities of the Responding Party, explain the prohibition against retaliation, explain the Investigation and Adjudication Process and give the Responding Party a copy of the relevant policies.

2. Confidentiality/Non-Retaliation Acknowledgment: The Responding Party is required to adhere to the Confidentiality/Non-Retaliation Acknowledgment, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see/hear such information under this process. Through this Acknowledgment, the Responding Party also agrees to refrain from any retaliatory conduct against the Reporting Party or any witnesses in the matter, as discussed under Section II, Paragraph I., and may be responsible for any retaliation by persons affiliated with the Responding Party (i.e., a friend or family member). Refusal/failure by the Responding Party to meet and cooperate with the Title IX or Deputy Title IX Coordinator or Independent Investigator regarding this matter or to abide by the Confidentiality/Non-Retaliation Acknowledgment, as determined by the Title IX Coordinator, may result in either (1) a suspension of the Responding Party from the University and/or (2) the adjudication of the formal report without input from the Responding Party.

3. Responding Party’s Statement: Like the Reporting Party, the Responding Party will be asked to provide a written response to the nature of the complaint. The Responding Party’s Statement must be submitted to the Independent Investigator. The Responding Party’s Statement should contain the Responding Party’s full recollection of the alleged incident. This statement is the Responding Party’s first opportunity to respond to the allegations made by the Reporting Party. The statement should communicate the Responding Party’s recollection of the event and its context, as well as the Responding Party’s reflections:
- Tell the story in full. Relate in full the facts of the incident as you recall them. You should take care to distinguish between what you saw, heard, or experienced from what you may have learned later from others.

- Describe the context. It is important for you to give your perception of the conduct and the context in which the alleged incident occurred, including its location, and any witnesses to it.

- Reflect on the event. It is helpful for you to provide any conclusions you have drawn about the incident, stating clearly why you believe that your actions have not violated University policy.

A descriptive list of all sources of information (e.g., witnesses, correspondence, records, etc.) should be attached to the Responding Party’s Statement. This list should include information which the Responding Party believes should be considered in deciding the disciplinary action, along with a brief explanation of why this information would be relevant and helpful to the process. Please identify the sources and/or location of this supporting information but do not attempt to obtain the information yourself. The Independent Investigator will solicit relevant statements or documents referenced through this process.

The Responding Party’s Statement will be one of the most important documents to be considered in the Adjudication Process. Once submitted, the Responding Party’s Statement may not be amended. The statement must be written by the Responding Party. It is unacceptable for a Responding Party to submit a statement written by others, including parents, support persons, or attorneys. However, Responding Parties are encouraged to share a draft of the statement with a support person who is well-positioned to discuss, among other matters, the statement’s style, organization, length, and clarity, while also anticipating questions it may raise for the Investigator. The Responding Party will be required to acknowledge that they wrote the Responding Party’s statement.

C. Independent Investigation

After both parties have submitted their statements, Title IX Coordinator will initiate an Investigation, utilizing neutral, external investigators retained by Bentley. These investigators have been vetted by the University, and determined to be free from bias, and well-trained in conducting Title IX investigations.

It is the responsibility of the Investigator, not the parties, to gather the evidence relevant to the formal report and the facts raised in the parties’ statement, to the extent reasonably possible. During the course of the investigation, the Investigator may utilize some or all of the following procedures, in whatever order the Investigator deems most appropriate. The scope of
the Independent Investigation will not be limited to information provided by the parties or to the violations outlined in the formal report. In all cases, the Investigator will conduct an adequate, reliable, and impartial investigation into the allegations of the report, reviewing all evidence deemed to be relevant. Parties and Witnesses will make themselves reasonably available to the Investigator. The Bentley Beliefs compel all students to act with integrity and honesty in their academic, personal, and professional lives. Students who refuse to cooperate with the Investigator in the Independent Investigation, as determined by the Title IX Coordinator, are in opposition of this core belief and may face disciplinary action for their refusal to cooperate.

1. **Document Review:** Once statements have been submitted by the parties, the Investigator will review the statements and all of the supporting material referenced. The Investigator will then attempt to obtain any documents or other materials deemed relevant to the investigation. Any documents or information deemed to be material to the findings regarding the formal report, or any other violations will be disclosed to both parties for comment or rebuttal.

2. **Party Interviews:** The Investigator will interview the Reporting Party and the Responding Party separately. This meeting is an opportunity for the participant to discuss their recollection of the event in question, supplement any written statements already submitted, voice any concerns, and to work with the Investigator to determine what information may helpful in the investigation of the allegations. Parties may also discuss the impact that this experience has had on them. The Investigator may interview the parties more than once, as necessary. The Reporting Party’s or Responding Party’s support person may accompany them to all the meetings with the Investigator but may not participate in the conversation. Prior to sitting in on any interviews, the support person will be required to agree to a Confidentiality/Non-Retaliation Acknowledgment, agreeing not to disclose or discuss anything relating to the formal report with anyone other than those authorized to see or hear such information under this process. At the conclusion of the interview, participants are permitted to make an optional closing statement.

3. **Witness Interviews:** The Investigator will attempt to contact and interview any witnesses identified by the parties that the Investigator deems to be relevant to the resolution of the formal report. The Investigator may also interview any other persons which he or she finds to be potentially relevant to this matter. Witnesses may request from the Title IX or Deputy Title IX Coordinator a University Support person to
be present with them during their interview. Prior to being interviewed, a witness will be required to agree to a Confidentiality/Non-Retaliation Acknowledgement, agreeing not to disclose or discuss anything relating to the formal report and their interview with anyone. Through this Acknowledgement, the witness will also agree to refrain from any retaliatory conduct against the parties or any witnesses in the matter, as discussed under Section II, Paragraph I., and may be responsible for any retaliation by persons affiliated with them (i.e., a friend or family member). The Investigator will employ best efforts to interview relevant witnesses who are no longer on campus or in the Boston area, attempting to contact them by phone or Internet.

4. **Expert Witnesses:** The Investigator reserves the right to consult with any experts which they deem necessary to the determination of the facts of this case. An expert witness could be consulted to review or provide a professional opinion regarding evidence discovered in the Independent Investigation.

D. **Investigation Report**
Once the Independent Investigation has been completed, the Investigator will evaluate the information obtained during this process. The Investigator will prepare a report summarizing and analyzing the relevant facts received through the Investigation, noting any supporting documentation or statements. The Investigator may draw conclusions regarding the credibility of all testimony and the reliability of documentation. The Investigator will present the Investigation Report to the Hearing Panel. Under ordinary circumstances, the Investigation Report should be submitted to the Hearing Panel within 15 days after the completion of the Independent Investigation. Both the Reporting and Responding Parties will be allowed to review the Investigation Report prior to the Hearing Panel's Conference. Students and their support person will be allowed to view the Investigation Report in the presence of the Deputy Title IX Coordinator or designee.

E. **Final Statements at the Hearing Panel Conference**
Reporting and Responding Parties will be provided the opportunity to provide separate final statements at the Hearing Panel Conference (which will typically take place within 15 days after the conclusion of the Independent Investigation). The Reporting Party, if they choose, will provide their statement first, and the Responding Party will speak the Hearing Panel last (if they choose to provide an individual statement). At this time, each party will have an opportunity to comment on and respond to the information presented and provide any additional information that may not have been reviewed by the Investigator but should be considered prior to a decision being rendered regarding the formal report.
The parties must provide any rebuttal statements, documents or other new information regarding the sources of potentially relevant information and/or witnesses, in writing to the Title IX Coordinator, within 72 hours of the Hearing Panel Conference.

F. Supplemental Investigation Procedures
After meeting with the parties and reviewing any additional information submitted for consideration, the Panel may determine that additional inquiry is needed in order for a decision to be rendered regarding the formal report. If so, the Hearing Panel Chair will ask that the Investigator conduct a Supplemental Investigation regarding the areas of concern. The Investigator will focus any additional investigation on the specific inquiries made by the Hearing Panel. The Investigator will then prepare and submit a Supplemental Investigation Report addressing the findings as to the issues raised by the Hearing Panel. Under ordinary circumstances, any additional investigation and Supplemental Investigation Report should be completed and submitted to the Panel within 30 days of the request for the Supplemental Investigation. The Hearing Panel Chair reserves the right to schedule a subsequent Hearing Panel Conference to address the findings from the supplemental investigation with the parties separately, should the Panel feel, at its discretion, that such a meeting would be helpful to the process.

G. Withdrawal/Acceptance of Charges
1. Reporting Party May Withdraw the Report: Prior to the Hearing Panel’s Decision, the Reporting Party may withdraw the formal report. Withdrawal of the report will, under most circumstances, end the Adjudication Process for that complaint. Once a report has been withdrawn, it cannot be filed again by the Reporting Party within this Process. The University reserves the right to move forward with the formal report, even after the Reporting Party decides to withdraw it, at the request of the Responding Party or in order to protect the interests and safety of the Bentley community.

2. Responding Party May Accept Responsibility: Prior to the Hearing Panel’s Decision, the Responding Party may accept responsibility for the misconduct alleged in the formal report. This acceptance, under most circumstances, will end the Adjudication Process and the matter would then be referred to the Hearing Panel to decide the issue of the appropriate disciplinary action against the Responding Party. The Panel may take the Responding Party’s acceptance of responsibility into consideration in determining the appropriate sanction. Once the Responding Party accepts responsibility, such acceptance cannot be withdrawn. A written
finding of the accepted complaint and the resulting disciplinary action will be issued by the Panel, which will become part of the Responding Party’s student records and will be shared with the Reporting Party. 3. Responding Party May Withdraw: At any time up until three (3) days after the Hearing Panel Conference, the Responding Party has the right to withdraw as a student from Bentley University. In such a case, the Responding Party will leave the University with the notation “Student Withdrew with Disciplinary Charges Pending” on their disciplinary record. After withdrawing, the Responding Party will not be eligible to return to the University. A Responding Party’s withdrawal will end the Adjudication Process for that complaint. On the fourth (4th) day after the Hearing Panel Conference, the Responding Party will no longer be allowed to withdraw, as the pending Panel’s Decision and disciplinary action will determine his/her status with the University. Under certain circumstances, and at the discretion of the Panel, the time period for the Responding Party to withdraw may be extended if a Supplemental Fact-Finding Investigation has been requested by the Panel. In that case, the Responding Party’s right to withdraw would expire three (3) days after any subsequent Hearing Panel Conference is held, or after notice that a subsequent Hearing Panel Conference will not be scheduled.

H. Panel’s Decision

Upon determining that all of the issues regarding the formal report have been fully investigated and adequately addressed, the Hearing Panel will issue its Decision. The decision will be made on the preponderance of the evidence standard – that is whether the facts presented in the Investigation Report support a finding that it is more likely than not that University policy has been violated. The decision of the Panel will be reached by a majority. The Hearing Panel will base its decision solely on the information presented in the Investigation Report and any Supplemental Investigation Report. Under ordinary circumstances, the Hearing Panel’s Decision will be issued, in writing after the Decision Conference and/or the receipt of any Supplemental Investigation Report. The Panel Chair will draft the Panel’s written decision and submit it to the Title IX Coordinator.

The Panel may issue the following decisions to a formal report:

- A finding that a University policy was violated. The Panel will then impose the appropriate disciplinary action.

- A finding that a University policy was not violated as there is insufficient information to substantiate the allegations of the formal report. The Panel will then dismiss the formal report.
Once the Panel’s Decision has been issued, both the Reporting Party and the Responding Party will be notified by the Deputy Title IX Coordinator. Each party will meet with the Deputy Title IX Coordinator and/or the Title IX Coordinator separately to receive a copy of the Panel’s Decision, referencing the supporting information that the Hearing Panel relied on from the Investigation Report. The Hearing Panel’s Decision is a confidential document that can only be shared with authorized persons as noted in this process (i.e., support persons, attorneys, counselors, or clergy). Anyone disclosing the Panel’s Decision to a person not authorized to see it shall be subject to disciplinary action. If the Hearing Panel’s Decision results in disciplinary action which includes separation from campus, that sanction will be imposed immediately, regardless of whether an appeal has or will be filed. The Title IX Coordinator has the discretion to allow a Responding Party to complete any pending coursework remotely, if deemed appropriate by the faculty members involved.

I. Appellate Process
Both the Reporting Party and Responding Party are entitled to appeal a Hearing Panel’s Decision issued through the Adjudication Process. The person filing the appeal is the Appellant. An appeal must be filed, in writing, within ten (10) business days of their meeting with the Deputy Title IX Coordinator and/or the Title IX Coordinator. To submit an appeal, an appellant should a letter to the Appellate Administrator, the Vice President of Student Affairs or their designee, outlining their reason for appeal. The opposing party will be notified if an appeal has been filed. In some situations, both parties may file an appeal. In this situation, the Appellate Administrator will consider and review both appeals together.

The appeal letter should be delivered to:
J. Andrew Shepardson PhD
Vice President of Student Affairs/Dean of Students
Rauch Administration Building
Bentley University
Waltham, MA 02452

The appeal will be considered by an impartial and well-trained administrator who was not part of the initial Decision-Making Panel. In considering the appeal, the Appellate Administrator will be given the appeal, the statements of the Reporting Party and Responding Party, and the Panel’s Decision to review.
There are only three grounds on which a Panel’s Decision can be appealed:

1. **Procedural Error:** The Appellant alleges that there was a deviation or change from the procedures outlined in the Adjudication Process Policy which adversely impacted the outcome of the matter.

2. **New Evidence:** The Appellant alleges that, subsequent to the issuing of the Hearing Panel’s Decision, new evidence became available which would have impacted the outcome of the formal report. The Appellant must:
   (i) present the new evidence;
   (ii) show why it was unavailable prior to the Hearing Panel’s Decision;
   and (iii) show that the new evidence could have altered the outcome of the complaint. The opposing party will be given an opportunity to rebut these assertions by the Appellant. If the Appellate Officer determines that there is evidence that meets these requirements, it will remand the matter to the Hearing Panel for investigation and review in light of the new evidence.

3. **Severity of The Disciplinary Action:** The Appellant alleges that the sanctions imposed are too harsh or impose an undue hardship.

The written appeal must specifically state the grounds under which the appeal has been filed and must be submitted within the 10-day time limit after their meeting with the Deputy Title IX Coordinator and/or the Title IX Coordinator. The appeal must set forth the information/evidence to support the appeal. Appeals which do not comply with these requirements may not be considered. The appeal is not an opportunity to argue that the initial decision was wrong. The appeal is not a new fact-finding process. Once the appeals process has been complete, the final decision will be provided to both parties.

**J. Conclusion of the Case**

1. The Title IX Coordinator will maintain investigative files for purposes of Title IX compliance. Any and all documents retained at the conclusion of a formal or informal resolution of a complaint will be maintained by the University in a safe and confidential manner.

2. Internal Reporting: Once a final resolution has been reached, whether through a Hearing Panel Decision or by acceptance of responsibility, that disciplinary decision, if it includes a suspension or expulsion, will become a permanent part of the Responding Party’s student records. As such, the outcome of this disciplinary adjudication may be available to other administrators within the University for their review if needed.
Appendix C

Resources: People Who Can Help

Faculty and staff members on campus have different roles and responsibilities in reporting information should a student disclose an act of sexual misconduct. Please pay close attention to both confidential and responsible employees, as they have markedly different duties for reporting information. The list of responsible employees is up to date as of September 1, 2014.

Confidential Employees
These staff members are not required to report any information about an incident without a student’s permission.

Limited Reporters
These staff members can generally talk to a student without revealing any personally identifiable information about an incident. A student can seek assistance and support from these individuals without triggering a University investigation that would reveal the student’s identity or the fact that the student has disclosed the incident.

Responsible Employees
- These employees have the duty to report incidents of sexual violence or other student misconduct. If a student tells a responsible employee about an incident of sexual violence, the student has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.
- A responsible employee must report all relevant details about the sexual violence shared by the student, including the names of all students involved; the nature of the alleged incident; and the date, time, and specific location of the alleged incident.
- To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the student’s consent.

Responders
- These individuals, including most faculty and staff on campus, are encouraged to notify the University when a student reports an incident of sexual violence or misconduct, especially if there is cause for fear of a person’s safety. These individuals consist of those without supervisory responsibility of authority to address sexual misconduct.
- If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them.
For more information regarding resources and support, please contact:
Erin Kelley
Title IX Coordinator
781.891.2329
ekelley@bentley.edu

Alex Hirs
Deputy Title IX Coordinator for Students
781.891.2364
ahirs@bentley.edu

<table>
<thead>
<tr>
<th>CONFIDENTIAL EMPLOYEES</th>
<th>LIMITED REPORTERS</th>
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<tr>
<td>■ Staff members in the Counseling Center</td>
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<tr>
<td>■ Clinicians, physicians, and nurses in the Center for Health and Wellness</td>
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<tr>
<td>■ Ordained ministers, clergy members, and pastoral counselors in the Office of Spiritual Life</td>
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<tr>
<td>■ Jessica Greher Traue, Center for Health and Wellness</td>
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<tr>
<td>■ Lauren Salmo, Center for Health and Wellness</td>
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<tr>
<td>■ Non-ordained ministers and lay administrators in the Office of Spiritual Life</td>
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<tr>
<th>RESPONSIBLE EMPLOYEES</th>
<th>RESPONDERS</th>
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<tr>
<td>■ All resident assistants (RAs)</td>
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<tr>
<td>■ The Office of the Dean of Student Affairs</td>
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<tr>
<td>■ The Residential Center</td>
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<tr>
<td>■ All Deans and Directors in the Division of Student Affairs</td>
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<tr>
<td>■ University Police</td>
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<td>■ Most faculty and staff members</td>
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Online resource for Bentley students
bentley.edu/campus-life/sexual-assault-and-relationship-violence
IMPORTANT TELEPHONE NUMBERS

Bentley University Police
  Emergencies .................................... 781.891.3131
  Business Line .................................... 781.891.2201
Alcohol and Other Drug Resource Center ........ 781.891.2777
Boston Area Rape Crisis Center Hotline ......... 800.841.8371
Center for Health and Wellness .................. 781.891.2222
Counseling and Student Development ............ 781.891.2274
Domestic Abuse Hotline ......................... 800.899.4000
Mount Auburn Hospital ............................ 617.499.5025
Newton-Wellesley Hospital Emergency Room ... 617.243.6193
Newton-Wellesley Urgent Care (Waltham) ...... 617.243.5590
Office of Student Life ............................. 781.891.2700
Residence Life Office ............................... 781.891.2148
Spiritual Life Center ............................... 781.891.2194
Waltham Police (business) ......................... 781.893.1212
Waltham Fire (business) ............................ 781.893.4105
BENTLEY UNIVERSITY is one of the nation’s leading business schools, dedicated to preparing a new kind of business leader — one with the deep technical skills, broad global perspective, and high ethical standards required to make a difference in an ever-changing world. Our rich, diverse arts and sciences program, combined with an advanced business curriculum, prepares informed professionals who make an impact in their chosen fields. Located on a classic New England campus minutes from Boston, Bentley is a dynamic community of leaders, scholars and creative thinkers. Bentley University Graduate School of Business emphasizes the impact of technology on business practice, in offerings that include MBA and Master of Science programs, PhD programs in accountancy and in business, and customized executive education programs. The university enrolls approximately 4,100 full-time undergraduate, 140 adult part-time undergraduate, 1,430 graduate, and 34 doctoral students. Bentley is accredited by the New England Association of Schools and Colleges; AACSB International — The Association to Advance Collegiate Schools of Business; and the European Quality Improvement System, which benchmarks quality in management and business education.