

# *Student Handbook*

*New England Conservatory*

*2019-2020*

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# *About the Student Handbook*

The New England Conservatory Student Handbook presents essential information: the character and mission of the school, the academic policies and opportunities to learn outside of the formal classroom, the conservatory's disciplinary code, the campus and community setting, and other policies.

This Handbook does not constitute a contract between the conservatory and its students. While the goal is to make the Student Handbook comprehensive, the absence of an applicable policy from these pages does not excuse a member of the community from complying with that policy.

## *Mission and Core Values*

### Mission

New England Conservatory educates and trains musicians of all ages from around the world, drawing on the talent and deep reservoir of experience of our distinguished faculty. We are dedicated to inculcating the highest standards of excellence and nurturing individual artistic sensibility and creative growth. Understanding that music is one of the transcendent expressions of human civilization, NEC aspires to ensure it a central place in contemporary society.

### Core Values

We believe that the study of music builds human capacity, elevates the soul, and prepares our students for lives that enhance the public good.

We believe our students must have a supportive and collegial learning environment that maximizes the individual attention they receive from their teachers, and allows them to explore and develop their unique artistic personalities.

We believe in the critical importance of mutual support among faculty that encourages the highest standards of excellence and accommodates innovation, individual teaching philosophies, and a broad range of disciplines. We believe that we have a responsibility to reinforce and expand the position of music in society by educating the next generation of music leaders, incubating new work, and sharing our sublime art with the widest possible audience.

## *Accreditation*

New England Conservatory is accredited by the New England Commission of Higher Education (formerly the Commission on Institutions of Higher Education of the New England Association of Schools and Colleges, Inc.).

Inquiries regarding the accreditation status by the Commission should be directed to the administrative staff of the institution. Individuals may also contact:

### **New England Commission of Higher Education**

3 Burlington Woods Drive, Suite 100

Burlington, MA 01803-4514

(781) 425-7785

[info@neche.org](mailto:info@neche.org)

# *Conservatory Academic Policies*

## Academic Catalog

The Academic Catalog is a resources for academic rules and procedures. The Academic Catalog contains information about academic programs available at the Conservatory, including detailed information on majors, minors and concentrations, academic achievement, prizes and awards, degree requirements, academic credit, academic standing, and the Academic Review Committee. The catalog also provides information on leaves, withdrawal, and readmission.

## Academic Integrity

Students have an obligation to behave honorably and ethically in carrying out their academic, musical, and personal activities.

## Academic Dishonesty

Academic dishonesty is claiming the work of others as your own. Examples include copying from another student, using facts, ideas, words or phrases from an un-cited source, or relying on hidden notes during an examination. Please note that while at times it may be acceptable to re-use your own work from a prior course to build upon your research, you may only do so with permission of the instructor.

## Plagiarism

All NEC students are required to conform to strict ethical standards. The following list of instances of plagiarism is taken from the MLA Handbook:

- You took notes that did not distinguish summary and paraphrase from quotation and then you presented wording from the notes as if it were all your own.
- While browsing the Web, you copied text and pasted it into your paper without quotation marks or without citing the source.
- You presented facts without saying where you found them.
- You repeated or paraphrased someone's wording without acknowledgement.
- You took someone's unique or particularly apt phrase without acknowledgement.
- You paraphrased someone's argument or presented someone's line of thought without acknowledgement.
- You bought or otherwise acquired a research paper and handed in part or all of it as your own.

The MLA handbook advises the following practices to avoid plagiarism:

- Making a list of the writers and viewpoints you discovered in your research and using this list to double-check the presentation of material in your paper.
- Keeping the following three categories distinct in your notes: your ideas, your summaries of others' material, and exact wording you copy.
- Identifying the sources of all material you borrow—exact wording, paraphrases, ideas, arguments, and facts.
- Checking with your instructor when you are uncertain about your use of sources

Also, please note that translating directly from a non-English source without citation is also considered plagiarism.

A confirmed case of plagiarism may lead to both academic and disciplinary consequences. The professor will decide the academic consequence: the Conservatory recommends a failing grade on the paper and in the class.

Every suspected case of plagiarism is reported to the Dean or Senior Associate Dean of Students. The Dean or Senior Associate Dean of Students will make a decision about disciplinary consequences. In addition, the Dean or Senior Associate Dean of Students may choose to convene a meeting of the Student Disciplinary Committee (see Disciplinary Codes and Procedures) to review the evidence and determine appropriate consequences, ranging from exoneration to expulsion.

## Practice Room Use

Conservatory practice rooms are available on a “first-come-first-served” basis. However, there are a few guidelines that we expect everyone to follow:

- All students practicing in the Jordan Hall building, the 33 Gainsborough building and the 3rd floor of the St. Botolph building are required to place their NEC ID's in a card holder, which are located inside the window of each practice room door.
- Students may use the rooms for as long as they wish, but they must be present in the rooms to retain their use.
- Students who leave rooms for more than fifteen (15) minutes lose the use of rooms.
- Rooms cannot be saved through meals, classes, or other prolonged periods of time.
- Students are responsible for the condition of the rooms, and, if there is any damage attributable to them, they are responsible for these expenses.
- Students are responsible for any items left in a practice room. Students cannot save rooms by keeping items in the rooms.
- Under no circumstances may students teach in practice rooms or studios.
- Students and staff must be observable in studios, offices and practice rooms at all times. Window coverings (shades, drapes, papers and posters, or any other obstruction in the window) will be removed.

## Hours

The Jordan Hall building is open for practicing seven days a week, Sunday through Saturday, from 7:00 a.m. until 12:00 midnight. The 33 Gainsborough building is open for practicing seven days a week, Sunday through Saturday, from 7:00 a.m. until 11:00 pm. The St. Botolph building is open for practice Monday through Friday, from 7:00 a.m. until 12:00 noon, then again, on a limited basis, from 6:00 p.m. until 11:00 pm; there are Continuing Education classes on weekday evenings in the St. Botolph building, which limits the number of rooms available for evening practicing. St. Botolph is open for practicing on Sunday from 7:00 a.m. to 10:30 p.m. Occasionally, the St. Botolph building is closed on Holiday weekends.

The Jordan Hall, 33 Gainsborough and St. Botolph buildings are used almost exclusively by the Preparatory and Continuing Education division until 6:00 p.m. on Saturday.

## Preparatory and Continuing Education

The Conservatory's Preparatory School uses Jordan Hall, 33 Gainsborough and St. Botolph buildings for programming on Saturdays, from 8:00 a.m. until 6:00 p.m. During that time, the Conservatory's College students may only use rooms reserved through the Concert Halls Office for rehearsals, not for individual practicing.

## Types of Practice Rooms

There are four different kinds of practice rooms

- Open rooms: these rooms are available to anyone, first-come-first-serve.
- Locked studios: these are reserved for use by the studio instructor and his/her students. The administration requires each instructor to authorize keys or Penguin Pass codes for each of his/her students.
- Priority rooms: There are a limited number of Piano Priority and Percussion Priority Rooms; these rooms are designated as priority rooms. Priority for these rooms must go to pianists or percussionists, since they pay annual fees for their use. This means that a pianist has priority over a singer or another instrumentalist, even if that singer or instrumentalist has nowhere else to go. Please see "Piano Priority Practice Room Policy for further details.
- Jazz/CI Ensemble Rooms: There are a limited number of rooms that have a piano, drum set and amplifiers available. These rooms are designated priority rooms for Jazz and CI students or those needing access to a drum set and/or amplifiers for rehearsals only.

## Piano Priority Room Policy

The policies below will be enforced by NEC staff. Students who do not abide by these policies may be asked to leave these rooms.

- Piano Majors who have paid the “Piano Priority fee” are eligible to use these rooms – a sticker indicating access to these rooms should be on the student ID.
- A student ID must be placed, picture side out, in the ID holder on the door window during use of the room.
- Students may leave the room for a maximum of 10 minutes – if a student is gone for longer than 10 minutes, he/she will have to give up the room to another student who is waiting for a practice room.
- Students are not permitted to teach private lessons in these rooms, nor in any room at NEC.
- Students are not permitted to bring drinks and/or food in the room and cannot eat in these rooms – no exceptions.
- Both College and Preparatory School faculty reserve some of these rooms for studio lessons/coachings at various times in the week – these reservations will be indicated on a printed schedule (updated weekly) outside the room.
- The Schools of Preparatory and Continuing Education have priority with these rooms during the day on Saturdays.
- Students whose studio teacher has a locked studio are eligible to receive a copy of the key to the studio for practicing when the studio is not being used – keys can be obtained from the Building Operations department on specific days/times.
- Please do not leave any unattended valuables in the room, even though it is locked – NEC is not responsible for any missing or stolen items.
- Be courteous and respectful to other piano students waiting for rooms.
- For any emergency, please call Public Safety at x1777 or 617-585-1777.

## Piano Priority Rooms

- JH208, JH248, JH249, JH250, JH251, JH256, JH259, JH302, JH303, JH305, JH308, JH310, JH312, JH316, JH318, JH322, JH324, JH349, JH351, JH359– all of these rooms may occasionally be reserved for faculty instruction and coaching as well as Piano audition days in February/March, but are otherwise available for practicing
- Piano faculty who do not have a locked studio may reserve these rooms for their studio teaching.



# *Conservatory Non-Academic Policies*

## **Bicycle Registration**

Registration is required of all students parking bicycles in the racks in the pavilion outside of 33 Gainsborough. Please note that stickers are non-transferable and access to the courtyard is only for members of the community with a valid Penguin Pass. A new bicycle requires a new registration from Public Safety.

The City of Boston has prohibited bicycles from being locked to the wrought iron fencing along St. Botolph Street, Gainsborough Street, and Huntington Avenue. Any bicycle locked to these locations will be removed at the owner's expense. NEC is not responsible for damaged or stolen bicycles.

Please note: due to reports of fires and the potential for serious injury, hover boards are banned from campus.

## **Communication Policy**

### **Student Addresses and Telephone Numbers**

The Conservatory does not give out student addresses or telephone numbers, except as published in its *Student Directory* and in accordance with the Conservatory's FERPA policy. However, we are required by state, federal and local authorities to maintain an accurate listing of students' addresses, so it is important that you keep the Office of Student Services informed and up-to-date regarding your current local (academic year), permanent (family) and summer addresses (with corresponding telephone numbers). Students with text-enabled cell phones are also required to update their cell phone numbers, so that important information from our Emergency Notification System can be transmitted via both NEC email and text messages.

The school can maintain up to five different addresses for you: local, permanent, billing, parent, and temporary /summer. During the academic year, we send all written correspondence to your local address; during the summer, to your permanent address. We will always send your tuition and fees bills to the billing address you have given us.

### **Faculty Messages and Mail**

If you need to contact a teacher, you may do so either by emailing them or by placing a note in their faculty mailbox located on the first floor of Jordan Hall near the entrance. Should you need the home address or telephone number of a teacher, you may ask for it at the Provost and Dean of the College's Office. Please remember: teachers sometimes ask that we not release their telephone numbers; we respect teacher privacy and will not release information about faculty without their permission.

## Snow Days

Be prepared for inclement weather, especially in the winter months. In the past the Conservatory has been forced to cancel school. Closings or delays are posted on the NEC website; in addition, emails will be sent to students at their NEC email addresses and text messages sent via the cell phone of record in the ENS.

## Information

In addition to email, NEC communicates with the community through the below means:

- *Bulletin Boards:* Each department and ensemble has a bulletin board where teachers post information on meetings, auditions, or concerts. Each approved student organization also has an assigned bulletin board. Make it a point to find bulletin boards that pertain to your interests. The Office of Student Services Bulletin Board, located along the second floor corridor of the St. Botolph Building, will display information on advising and registration, exam schedules, student activities, health services and so on. If you wish to advertise a non-recital event, please visit the Student Activities Center to get your poster approved. See Bulletin Board and Advertising Policies below.
- *Mailboxes:* As a student, you have your own mailbox. Resident students have their Conservatory and U.S. mail delivered to their boxes in the Residence Hall lobby. All mail must be addressed in English to insure proper delivery. Students are expected to check their mailboxes regularly, and they are responsible for reading and understanding all notices delivered to their mailboxes.

## Demonstrations

Demonstrations that do not interfere with the operation of the Conservatory, people's freedom of movement, individual civil rights, or Conservatory property are permitted. The Conservatory cannot tolerate demonstration or activities that exceed any of these parameters; students involved may be liable to disciplinary action.

Decisions by the Office of Student Services and Public Safety regarding appropriate security for a demonstration or event will be determined by reviewing the following circumstances: nature of the demonstration or event; number of participants; location; type of event; time of the event; admission policy (open or closed); history of previous events; marketing plan for the event; NEC status of the group; etc. Various levels of security may be required. The security required may include but is not limited to: NEC Staff; Student Club/Organization Advisors; Boston Police Officers; Public Safety; Private Event Security; Bag Searches; Wristbands; and/or Re-admittance Policies. Additional security measures may be required by the Office of Student Services.

## Free Speech

New England Conservatory considers freedom of inquiry and discussion essential to education. Thus, NEC recognizes the rights of all students to engage in discussion, to exchange thoughts and opinions, and to speak, write, or publish freely on all subjects as guaranteed in our state and national constitutions.

In discharging these rights, students must also recognize their responsibilities; consequently, the Conservatory expects orderly and dignified expression.

## Gambling

Students may not gamble, play pyramid games, or sell lottery tickets. Casino or other game events are permitted in designated areas that are approved by city and state laws, as part of properly scheduled events, and in strict accordance with regulations issued by the Office of the Student Services.

## Grievance Policy

The following applies to all grievances except those covered under NEC's Title IX Policy on Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment. Any student who believes that they have been aggrieved by the application of Conservatory policy or other educational decision should first raise the issue with the faculty member or administrator who made the decision in question. Alternatively, the student may first raise the issue with the Chair of the appropriate Department. Any grievance should be raised within thirty days of the action or decision that forms the basis of the grievance. The faculty member, administrator or chair will respond within ten academic days of receipt of the grievance. If the student is not satisfied with the response by the faculty member, administrator or Chair, they may seek further review from the Dean of Students. Such further review should be sought within two weeks of the initial response by the faculty member or administrator or Chair. The Dean will respond within ten (10) academic days of the receipt of the grievance. If the student is not satisfied with the response by the Dean, they may, within ten (10) days of the Dean's response, seek a final review from the Provost and Dean of the College. The Provost and Dean of the College will listen to the grievance and conduct an inquiry as he sees appropriate and make a determination within thirty (30) days. The Provost and Dean of the College's decision shall be final and binding. The time limits in this policy may be extended by the Conservatory for good reason.

## Guest Policy

Students are responsible for the actions of their guests. Guests must be in the presence of their host at all times. The student is responsible for advising the guest of all Conservatory policies.

In the residence hall, guests are any persons who are not officially assigned to live in the residence hall. This includes other NEC students, children, relatives of NEC students, and NEC alumni. Overnight guests, defined as persons staying beyond 2 a.m., are permitted to stay in the assigned room of the host with consent of all roommates. It is required that any student hosting guests will be in residence while their guests are present. It is not okay to leave a guest in your room when you leave.

A student entertaining guests in the residence hall is responsible for seeing that their guests know residence hall and NEC policies and abide by them, as they will be held responsible for their actions on NEC property. Guests must wait at the security desk until the host being visited is called down to escort them upstairs. The host is also responsible for escorting their guests out of the residence hall when they leave.

No guests shall be allowed to remain in the residence hall for an unreasonable amount of time, and the Conservatory reserves the right to determine the length of time a guest may stay. As a general guideline, anything longer than three nights will be considered unreasonable.

All guests are expected to respect the rights of residents and to abide by residence life and NEC policies and regulations. Guests whose behavior is not cooperative and respectful may be required by the Conservatory to leave. Violators of the guest policy will be subject to disciplinary action.

Residents may not lend keys or ID cards to guests or other NEC students.

Each resident has the right and responsibility to ask any unwanted person to leave their room at any time for any reason. The person asked to leave must do so.

## ID Policy

Students **MUST** carry a valid NEC ID card at all times. Students must present their NEC ID card to the guard at the front security station upon entering any NEC building. Students are prohibited from lending their card to another person. Misuse of NEC ID cards will result in disciplinary action. Students who refuse to show a valid NEC ID card upon request by any member of the Conservatory staff or faculty, including Public Safety guards are subject to disciplinary action.

## Motor Vehicle

The Massachusetts Motor Vehicle Law requires that all out-of-state students, including those who do not bring cars to Massachusetts, sign an acknowledgement that they have been informed of the law.

The Massachusetts Motor Vehicle Law requires out-of-state students bringing vehicles into the Commonwealth of Massachusetts to file a nonresident driver statement with the local police department in which their school is located.

“It is unlawful for a resident student to fail to file a nonresident driver statement with the police department located in the same city or town as the school or college attended, in accordance with Section 3 of Chapter 90 of the Massachusetts General laws. Failure to file such a statement is punishable by a fine not to exceed \$200.”

New England Conservatory, in turn, is required by the Commonwealth to keep a record and provide proof to the state that students have been apprised of the law. Eligible students must formally acknowledge they have been notified of the law.

### Instructions for complying with the law

- All out-of-state students, including those who do not bring cars to Massachusetts, are required to read and sign the acknowledgment form. The form is distributed to all new students during orientation and may be downloaded from the Massachusetts Registry of Motor Vehicles website.
- In addition, students bringing vehicles into the Commonwealth of Massachusetts are required to download and complete the Nonresident Driver Statement from the Massachusetts Registry of Motor Vehicles.
- Deliver form (by mail or in person) to the Registrar in the Office of Student Services.
- The Registrar will mail completed forms to the Boston Police Department and will then provide a state-approved decal to the student. This decal must be prominently displayed in the uppermost center portion of the windshield of the student’s vehicle.

### Performance and Recording Release

All concerts presented by NEC performing groups/organizations as part of NEC’s academic concert calendar may be audiotaped, filmed, or videotaped. In addition, NEC may engage in commercial audio recording, film and video projects featuring its performing groups/organizations. NEC reserves all rights to these audio recordings, films or videotapes (known collectively hereafter as “Recordings”), including the right to broadcast, license, assign, and distribute the Recordings and derivatives thereof in all media, for any purpose and without limitation. All NEC students assign to NEC all copyright and other rights in such performances and Recordings, including any proceeds earned from commercial distribution or other use of the Recordings. In addition, a student’s name and likeness in the published materials associated with these Recordings may be used by NEC and its agents. NEC is released from any claims arising out of broadcast, commercial distribution and promotion of these recordings.

## Jordan Hall Video and Audio Recording Policy

NEC students and student ensembles may have opportunities to perform in NEC's Jordan Hall. Jordan Hall concerts are audio recorded by NEC professional engineering staff and archived in the Blumenthal Family Library. Recordings of required student recitals or NEC student ensembles can be requested through the NEC Recording and Performance Technology Services department (RPTS). Students presenting unrequired recitals may hire the RPTS department to record (audio/video/stream) their recital for a fee.

Students who would like to hire a videographer for NEC ensemble concerts must first seek approval from NEC's Director of Recording and Performance Technologies Services, Lisa Nigris, at least 30 days in advance of the concert date. Requests for approval of video recording can be emailed at [recording@necmusic.edu](mailto:recording@necmusic.edu). Any requests approved for video recording of Jordan Hall concerts will be done so under the following conditions:

- You, or your appointed videographer, will video tape only that portion of the concert in which you are the featured soloist. No other portion of the concert may be recorded.
- The video recording is for your own personal evaluation and archival use. NEC authorizes you to duplicate and submit the recording for audition purposes, if you so desire.
- You will not post the video online on YouTube, your personal website or on any other website. Any desire to post the video in any public domain must be approved by NEC's Marketing & PR department.
- You will not distribute the recording via DVD or as an electronic file for any commercial or non-commercial purpose.

Placement of video cameras will be at the discretion of the House and Stage Managers and will not be allowed to obstruct any aisle, doorway or other means of egress.

## Poster Policy

At NEC we recognize that posters are an important way to share events and recitals within our community. Our poster policy is designed to satisfy the needs of our students, allowing our campus to reflect the character of our students, and our commitment to providing a community that is free of discrimination, harassment, and bullying. This includes, but is not limited to, discrimination or harassment based on sex, race, color, gender, age, sexual orientation, gender identity, religion, ethnic or national origin, physical or mental disability, veterans' status, and membership in uniformed services. Posters that may be construed as creating a hostile environment for any member of our community - including college, continuing education and preparatory students, as well as members of the public who may attend our concerts - will be immediately removed. Repeated violations of the poster policy will lead to disciplinary action.

Locations of posters must also adhere to the guidelines prescribed to us by the Boston Fire Marshall. Posters and flyers advertising NEC events and concerts, including those by NEC recognized organizations and clubs, student recitals and on- and off-campus concerts may be posted on campus only in dedicated areas. Posters may not obscure other posters and must be appropriate for public viewing.

- Dedicated Posting Areas include: bulletin boards in the Jordan Hall, St. Botolph, 33 Gainsborough and SLPC buildings that are labeled for this purpose, Posters placed in non-designated areas will be taken down.
- Departmental Locked Bulletin boards are maintained by the Department Head. Postings for these boards must be contained behind the glass. Posters on the outside of the glass will be taken down.
- Postings within the Residence Hall are managed and approved by the Office of Student Services and/or the Residence Director. All unapproved posters, including those placed in the elevator, will be taken down.
- Any flyers created by a recognized Club or Organization must be approved by a staff member in the Office of Student Services prior to being hung up. Approved posters will be stamped. Any posters found without an approval stamp, will be taken down.

Questions about poster locations may be directed to the Building Operations Office ([buildingoperations@necmusic.edu](mailto:buildingoperations@necmusic.edu)). Questions about content should be directed to the Office of Student Services.

## Retaliation

Retaliation for making good faith reports of student misconduct or for participating, cooperating, or being associated with an investigation or student conduct process, is prohibited. Anyone who believes he or she has been the target of prohibited retaliation should immediately contact the Dean of Students. Any person found to have engaged in prohibited retaliation shall be subject to disciplinary action.

## Standards for Student Clubs and Organizations

Student clubs and organizations work to make sure that any member of the community feels welcome and included at their events.

Events held on-campus and off-campus by NEC students or student organizations are expected to be in compliance with all student handbook policies. Students or student organizations hosting the event are responsible for ensuring behavior that reflects well upon that community. Event hosts can be held responsible for their guests' safety and actions both on- and off-campus. Failure to comply with campus policies may result in disciplinary action against the individuals and/or the sponsoring organization.

Student organizations wishing to conduct sales or promotional activities must receive written authorization from the Office of Student Services.

# *Health & Safety Policies*

## Alcohol and Drug Policy

### Alcohol Policy

In Massachusetts, the legal drinking age is 21. Underage drinking, or providing alcohol to a minor, is illegal. The Conservatory requires its students to follow all state laws and regulations on alcohol, including those governing sale, purchase, or serving of alcoholic beverages. Those who violate state law or school policy will face disciplinary action, including the possibility of suspension or expulsion. In addition, we expect students of legal age to recognize the responsibilities of choosing to drink; disruptive, noisy, or belligerent behavior violates the school's expectations. NEC reserves the right to confiscate alcoholic beverages and containers whenever NEC's alcohol policy is violated. Students who live in the Residence Hall are also held to the Alcohol and Alcohol Paraphernalia Residence Hall policy.

### Drug Policy

Under the 1988 Anti-Drug Abuse law, the Conservatory is required to provide a drug-free environment; NEC does not condone possession, use, sale, or distribution of illegal drugs. Students who participate in such activities face disciplinary action. The Conservatory also prohibits drug paraphernalia (including bongs, clips, pipes and other items) from its premises. These items are subject to confiscation; students using them are liable to disciplinary action, including the possibility of suspension or expulsion. Therefore, the use, possession, or cultivation of marijuana for medical or recreational purposes is not permitted on Conservatory property.

Students should also recognize that, in addition to Conservatory sanctions, students face potential loss of financial aid for any violation of the 1988 Act. The Department of Education has announced that all Title IV student aid (including Pell Grant) recipients are required to certify that their benefits have not been suspended or terminated due to a drug conviction. Institutions finding out that students are convicted of drug offenses during periods of enrollment covered by Pell Grants must report the miscertification and withhold further Title IV payments.

In addition, under Federal Law, notice may be provided to the parents of students under age 21 who violate the Conservatory's Drug and Alcohol Policies

### Anti-Bullying Policy

The state of Massachusetts defines bullying as "the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any



combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school." New England Conservatory will not tolerate bullying in any form. Students who believe they have been or are being bullied should report the incident to the Dean of Students.

## CARE Team

The New England Conservatory CARE (Concern, Assessment, Response, Evaluation) Team provides coordinated support for students in distress and addresses concerns about student behavior, academic progress, and personal issues, including mental health concerns. The CARE Team gathers information from personal contact with students, faculty, staff and family members, as well as from reports submitted by members of the community.

The CARE Team is committed to the following:

- Identifying students of concern who are in need of extra support
- Assessing the most appropriate way to intervene and support a student
- Addressing student behaviors that impact our community
- Intervening so a student may achieve academic and personal success
- Balancing the needs of an individual student with the needs of the community

The Academic Catalog defines active students as a person who is enrolled in, registered for, and attending scheduled New England Conservatory activities. All active students are subject to the Disciplinary Code. The Disciplinary Code prohibits any behavior that infringes upon the safety, property, rights, or privileges of others, or which impedes the educational process. Potential violations of Disciplinary Code will be addressed through the disciplinary code process in addition to any response by the CARE Team. In the event a student's status changes from active to inactive, the team will still engage in the process outlined below; however, the objective and outcome might be different than if a student remains on campus.

The CARE team is chaired by the Dean of Students and includes members from Residence Life, Academic and International Advising, Health Services, Counseling Services, and Public Safety. CARE team members attend CARE team meets and have full access to the team's electronic records. If members are unable to attend a meeting, they have designee backups who attend. The departments they represent are crucial to the CARE Team's function. Many core members keep records in their own departments and can share this information with the team through the Family Educational Rights and Privacy Act's emergency exception clause or when a school official has legitimate educational interest. The Health and Counseling Center also operates under state confidentiality laws for their records. Whenever possible, the CARE team will attempt to

obtain a release from the student for relevant medical, psychological, and/or health records.

## Dangerous Weapons and Fireworks

NEC is committed to providing a safe and secure environment in which to study, research, live, work, and visit. Prohibitions on the possession and use of firearms and other dangerous weapons are essential to that goal, and required by law. This policy applies to all faculty, staff, students, and visitors, and to all activities undertaken on NEC's campus, or in areas that are leased or occupied for NEC activities.

For purposes of this policy, firearm means any pistol, revolver, rifle, smoothbore arm from which a shot, bullet, or pellet can be discharged by whatever means, including BB guns, air guns, paintball guns, or other projectile devices.

Dangerous weapon means those items which are, by their nature, capable of causing serious injury or death, including but not limited to firearms, knives larger than 2.5 inches/6.0 centimeters (with the exception of knives that are intended to be used for the purpose of cooking or reed making), stilettos, daggers, switch knives, double edge knives, ballistic knives, knives with a detachable blade capable of being propelled, metallic knuckles, black jacks, blow guns, sling shots, nunchaku, zoobow, kung fu sticks, throwing stars, leather armbands or other clothing that has metallic spikes, points, or studs, clubs, chains, explosives, explosive agents of any kind, fireworks, firecrackers, cherry bombs, smoke bombs, chemical sprays, mace, oleoresin capsicum (pepper spray), tear gas, or other dangerous weapons or articles. Any item, including innocent items, when used in a dangerous fashion such as an assault and battery, may be considered a dangerous weapon.

NEC prohibits the use, possession or sale of firearms, whether loaded or unloaded, on campus, including residence hall rooms, by anyone other than police or other law enforcement personnel, even if the person has a legal license or permit to carry the firearm.

NEC also strictly prohibits the use or possession of all other dangerous weapons, including replicas.

Weapons will be confiscated by the Public Safety and violators may be subject to removal from campus, termination from employment, referral for student disciplinary action, including suspension or separation, and/or criminal prosecution.

A student who possesses any articles for sporting purposes (for example, bow and arrows) should check with Public Safety or Residential Life to determine whether such articles are among those prohibited by statute or NEC policy.

Violations of this policy may also constitute violation of state law. For example, Massachusetts law prohibits anyone from carrying a firearm in any building or any grounds of a college or university campus. Violations of weapons laws are reported under federal and state law.

## Destruction or Theft of Property

Students share in responsibility for the upkeep of buildings and equipment. Any student who damages or defaces school property or the property of others will be liable for damages and subject to disciplinary action. In the Residence Hall, common area damages are the responsibility of all residents of the floor on which the damage occurs, unless the responsible party can be identified. Residence Hall common area damages are billed for students on the floor in question.

## Notice of Trespass Order

The New England Conservatory, as the lawful owner of the buildings and premises of the New Conservatory campus, has the right and obligation to control or limit access to the campus by any individual. When Public Safety deems a student to be an immediate health or safety threat to the community outside of regular business hours and further investigation is needed to assess the situation, Public Safety may issue a notice of trespass order which bans the student from campus and NEC events (on-campus or off) until contacted by the Dean of Students or the Director of Public Safety in order to make an assessment of the situation and a determination about next steps. A notice of trespass order or other order excluding an individual from a part or all of the campus may be withdrawn or modified only by the authorized NEC administrative office from which it was issued.

## Fire Protection

In the event of a fire alarm or any other order that the premises be vacated, all persons, including students, faculty, and administration, must exit the premises immediately. This policy is to ensure the safety and wellbeing of all people in the event of an actual emergency. It is the Conservatory's policy to treat all alarms as if there is an actual emergency. Any student who fails to vacate the premises immediately shall be subject to disciplinary action.

NEC supports the promotion of fire safety awareness and protection. As such:

- Fire drills will be held periodically (in accordance with state regulations). Students failing to participate in a fire drill will face disciplinary action.
- Any student found tampering with fire extinguishers, emergency signs, fire protection equipment, or fire exits is a violation of both state and Conservatory regulations. Students who inflict malicious damage on equipment (including pull-boxes, hoses,

smoke alarms, heat sensors, signs, or fire extinguishers) or block fire doors will be liable to fines, disciplinary action and the possibility of a criminal arrest.

Fire equipment should be used only during fire emergencies.

## Hazing Policy

The Commonwealth of Massachusetts passed anti-hazing legislature in December 1987, making it a crime punishable by state law:

### **Section 17: Hazing; organizing or participating; hazing defined**

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. The term 'hazing' as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provision of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

### **Section 18: Failure to report hazing**

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or other, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

### **Section 19: Issuance to students and student groups, teams and organizations; report**

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team, student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's

compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understand and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution, which fails to make such report."

New England Conservatory will not tolerate hazing of any kind; its discipline committee will review any such activity – or any failure to report such activity – according to procedures outlined under the disciplinary code above.

## Health and Counseling Center Policies

NEC's Health and Counseling Center, provides timely, comprehensive, and student-centered care to full and part-time graduate and undergraduate students. We are here to help you optimize your physical and emotional health while you are studying at NEC. We encourage you to take advantage of the health services that we offer and to visit when you are ill, injured, stressed or experiencing a mental health issue.

All full-time students are required to enroll in the Health and Counseling Center and pay the Health Center fee. Medical Services are billed to the student's health insurance plan, without additional "out of pocket" fees at the time of the visit. Counseling services are offered to students at no charge.

## Counseling Center

The Counseling Center is staffed by mental health professionals skilled at addressing a wide range of concerns, including anxiety, depression, relationship dynamics, self-esteem issues and substance abuse. Scheduled and walk-in appointments are available throughout the academic year. Our staff psychiatrist is available for psychopharmacologic care and consultation. Call 617-585-1284 with any questions or to schedule an appointment.

## Health Center

The Health Center staff is comprised of a board certified physician/medical director, and board certified advanced practice nurse practitioners, who provide a broad range of confidential primary and urgent care services on-site, including:

- Well care (routine physical examination, screening tests, immunizations)
- Evaluation and treatment of acute injuries and illnesses
- Evaluation and treatment of chronic illness
- Performance injury screening

Student advocacy, including expedited referral and coordination of care with specialists and health care institutions

The Health & Counseling Staff are collectively familiar with the special needs of students and musicians and have complementary areas of expertise in internal medicine, college health, mind/body medicine and the stress response, musculoskeletal overuse injuries, vocal problems and performing arts medicine. Please call 617-585-1284 with any questions or to schedule an appointment.

**All services provided at the Health & Counseling Center are strictly confidential.**

## Emergency and After Hours Care

After hours (evenings and weekends) care for non-life threatening health problems is available at a number of different urgent care centers in the area, which are posted on the [health center website](#).

Emergency care is available at several major academic teaching hospitals within a 1-3 mile radius of NEC including Beth Israel Deaconess Medical Center, Brigham and Women's Hospital, Children's Hospital Boston, Boston Medical Center, Tufts Medical Center, and Massachusetts General Hospital.

## Health Report

Prior to registration, all incoming U.S. and international resident students must:

Complete and submit a Student Health Report that includes documentation of previous immunization history and/or proof of immunity against certain infectious diseases, as required by Massachusetts state law (*to be reviewed and signed by a healthcare provider*)

- Comply with college and state-mandated vaccinations
- Provide proof of health insurance

In addition to completing the paper version of the Student Health Report, students will be required to:

- Register as a user on the NEC Student Health Portal with their NEC issued Student ID number
- Upload the completed paper version of the form signed by a health care provider to the Student Health Portal

A \$150 fee will be charged for late or incomplete Student Health Report submissions. Please contact the Health Center at 617-585-1284 for more information.

**Students under the age of 18**, upon arrival to NEC, must have a parent or legal guardian complete and sign the Consent for Treatment Section found on the first page of the Student Health Report.

## Health Insurance

The Commonwealth of Massachusetts requires all students to have insurance that covers hospitalization and specialists' care. All full time students will automatically be enrolled in NEC's Student Health Insurance Plan annually. NEC's plan, administered by Gallagher Insurance Agency, provides benefits for a 12-month period that meets or exceeds all requirements. Any student who demonstrates comparable insurance coverage may waive NEC's plan. For information about NEC's student health insurance plan, the on-line waiver process, and questions about insurance requirements, goes to [www.gallagherstudent.com/NEC](http://www.gallagherstudent.com/NEC). NEC mails a full description of coverage to all students and will enroll all students who have not waived the school plan by August 9, 2019. For further information, students may contact the Business Office at 617-585-1221. Students who have paid the insurance premium and who take a leave of absence from NEC will be covered through the remainder of the coverage period (see Leave of Absence Policy).

## Medical Amnesty

The NEC community values the health and safety of its members and supports an environment that encourages students to seek help when there is the need for assistance. This policy has been established to encourage students in high risk situations involving the consumption of alcohol and/or other drugs to promptly seek medical assistance without fear of disciplinary action from the Conservatory.

Students for whom medical or staff assistance is necessary due to being dangerously intoxicated and/or under the influence of drugs will be granted amnesty from NEC's disciplinary process in accordance with the terms of this policy. Therefore, the Conservatory will not take disciplinary action for possession or consumption of alcohol and/or other drugs against:

- A student who initiates a request for medical assistance for oneself;
- A student who initiates a request for medical assistance for another student; and

a student for whom medical assistance is sought.

In case of a medical emergency, students should call 9-1-1 immediately. Public Safety should also be called, at 617-585-1777.

Consistent with putting our student's health and safety first, NEC will approach repeated incidents as a serious health risk. While amnesty from the disciplinary process may be applied, a meeting with a Dean in the Office of Student Services may result. For students who are involved in extreme alcohol and/or drug-related emergencies for which amnesty may be granted, the Conservatory may recommend educational intervention, assessment, and/or parent/guardian notification when appropriate. NEC's response to these incidents is independent of any action taken by local law enforcement.

Medical amnesty applies only to alcohol or other drug-related medical emergencies. Medical amnesty does not apply to other conduct violations such as, but not limited to: assault, sexual assault, harassment, hazing, vandalism, operating under the influence, property damage, or distribution of illicit substances. Additionally, in an effort to identify patterns of problematic behavior involving the use of alcohol and/or other drugs, the Conservatory will document the incident in a record that remains separate from the student's permanent disciplinary file.

## Medical Marijuana and Recreational Marijuana

Massachusetts legislation under Massachusetts Act (Chapter 369) "An Act for the Humanitarian Medical Use of Marijuana" allows for the controlled use of medical marijuana in the Commonwealth. Thus, Massachusetts citizens may legally obtain a medical marijuana "registration card" from the Massachusetts Department of Public



Health. However, Conservatory students, staff and faculty who possess a medical marijuana “registration card” are not permitted to possess and or use any form of marijuana on NEC property or at NEC-sponsored events.

In addition, the Commonwealth of Massachusetts through 935 CMR 500.00 has legalized the sale of marijuana for recreational purposes to individuals at least 21 years old. Although Massachusetts law permits the use of medical marijuana and recreational marijuana/cannabis, Federal laws outlined by the Controlled Substances Act (CSA) has classified marijuana as a schedule 1 drug which prohibits the use, possession and/or cultivation of marijuana. Therefore the use, possession, cultivation, or sale of marijuana in any form violates federal law. NEC must comply with the Drug-Free Communities and Schools Act (DFSCA) (20 U.S.C.1011i; 34 C.F.R part 86) as well as the Drug Free Workplace Act which requires a drug free campus environment. Institutions of higher education, such as NEC, must comply with the Drug-Free Communities and Schools Act regulations or risk losing federal funding such as financial aid. Any student, staff, or faculty member who violates NEC policy prohibiting the use and/or possession of illicit drugs (including medical marijuana) on campus may be subject to disciplinary action.

## No Contact Orders

When a verbal or physical altercation, sexual misconduct, stalking, harassment, discrimination, retaliation, bullying, or hazing has been alleged, or when otherwise deemed appropriate under the circumstances, the Dean of Student or designee has the authority to issue no contact orders to the persons involved. A no contact order is used to restrict encounters between individuals. Refusal to adhere to the order after written or verbal notification of its terms is prohibited and violations of the no contact order may result in disciplinary action.

No contact orders typically prohibit the parties subject to the order from having direct or indirect contact, including but not limited to email, mail, text messages, social media, or telephone. A no contact order may also result in mandated changes to a student’s academic schedule, on-campus employment, room assignment, or participation in campus events or activities. No contact orders will typically be kept in place for a defined period of time, but may be modified and/or extended as the administrator issuing the order deems necessary.

## Smoking Policy

Smoking is prohibited on the Conservatory campus. The Massachusetts clean indoor air act of 1988 requires that smoking be prohibited at private colleges within the commonwealth except in designated areas. Committed to providing a safe and healthy environment for all members of its community, New England Conservatory fully complies with the act. NEC prohibits smoking in all indoor spaces, including entrance foyers and within 25 feet of all buildings. This provision also applies to e-cigarettes.

## Student Right-to-Know and Campus Security Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute codified at **20 U.S.C. §1092(f)**, with implementing regulations in the US Code of Federal Regulations. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to \$35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

The "Student Right-to-Know and Campus Security Act" (P.L. 101-542), broader in scope than the Clery Act, requires schools eligible for Title IV funding to calculate completion or graduation rates and to disclose these rates to all students and prospective students. The act also requires each school that participates in any Title IV program to submit a report to the Secretary of Education annually.

In compliance with the Student Right-to-Know and Campus Security Act, information regarding graduation rates may be obtained in the Registrar's Office, St Botolph Room 241, information regarding safety and security may be obtained from the Public Safety Department, Student Leadership and Performance Center. It is NEC's policy to disclose to an alleged victim of any crime of violence the results of any disciplinary proceeding against the alleged perpetrator of such crime. Further information is available in the Office of Student Services, St Botolph Room 241.

# *Emotional Support Animals and Service Animals*

New England Conservatory's Office of Student Services is responsible for coordinating the Conservatory's compliance with Title III of the American's with Disabilities Act (ADA) of 1990, as amended, and the Rehabilitation Act of 1973, as amended. The Americans with Disabilities Act prohibits discrimination on the basis of a disability. ADA compliance is an essential component of the Conservatory's Policies on Equal Opportunity and Non-Discrimination in Employment and Equal Opportunity and Non-Discrimination in Education. New England Conservatory seeks to accommodate persons with disabilities through the Office of Student Services. As part of the Conservatory's commitment to accommodate persons with disabilities, particularly persons who need the assistance of service animals, the Office of Student Services has developed the following guidelines to address service and assistance animal requests and usage on New England Conservatory's campus.

Different provisions govern the use of "service animals" and "assistance or emotional support animals," depending on the context in which the accommodation is needed. The term "service animal" and the guidelines outlined in more detail below are based upon the provisions outlined in the U.S. Department of Justice's revised regulations for implementing the ADA for Title II and Title III (for State and Local Governments and Title III requirements for Places of Public Accommodation). These rules govern the availability of a "service animal" as an accommodation in public spaces on campus. For more details on DOJ's guidance on service animals, please refer to: [http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm).

The term "assistance animal" (or Emotional Support Animal/ESA) and the guidelines are based upon the Fair Housing Act ("FHA"). These provisions apply only to students who live in the residence hall. In the context of housing, disabled persons may request a reasonable accommodation for assistance animals in addition to dogs, including emotional support animals under the Fair Housing Act or Section 504 of the Rehabilitation Act.

## **SERVICE ANIMALS**

The ADA defines service animals as "dogs that are individually trained to do work or perform tasks for people with disabilities." According to ADA, to qualify as a Service Dog, the dog 1) must be specifically trained to perform certain tasks; natural dog behaviors do not qualify; 2) must mitigate the person's disability; 3) must be needed by that specific handler. The law obligates state and local governments and any places that are open to the public to permit service animals to accompany people with disabilities anywhere members of the public are allowed to go.

## *PSYCHIATRIC SERVICE DOGS*

Psychiatric Service Dogs (PSDs) are dogs that have been trained to perform tasks that assist individuals with psychological disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by PSDs may include reminding the handler to take prescribed medication, providing safety checks or room searches, turning on lights for persons with Post Traumatic Stress, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.

## *EMOTIONAL SUPPORT ANIMALS*

Emotional Support Animals (ESAs), sometimes referred to as “comfort animals,” or “companion animals,” are animals whose presence alone has a positive effect on an individual with a disability. ESAs are not trained to perform a task or service. ESAs are not considered service animals under the ADA or Massachusetts law regarding service animals. This means ESAs are not permitted to go anywhere the public is allowed to go under the definition of “service animal.”

For more information about support animals and ESAs and how to apply, please visit our [Disability Support Services page](#).

## Responsibility of Persons with Service Dogs or Emotional Support/Assistance Animals

- The animal must never be on NEC’s campus without being attended and under the control of the handler with the exception of within the resident’s room in the residence hall. This means the animal must be on a leash or in a carrier or cage. The owner is liable for all actions of the animal and should be in total control and restraint of the animal at all times.
- The owner must clean up all messes immediately. Any waste material, including litter, should be placed in a plastic bag and disposed of in an outside trash receptacle, such as the dumpster next to Jordan Hall. Indoor trashcans should not be used for this purpose.
- The animal must be properly cared for and nourished.
- The animal must not be unduly disruptive or pose an immediate threat to others. The Dean of Students, or her/his designee, shall be responsible for making such determinations about an animal’s conduct within the Residence Hall and on other Conservatory property. If a decision is made that an animal has been unduly disruptive or poses an immediate threat to others, the animal must be removed immediately. The owner may appeal the decision within 2 business days. The appeal shall be in writing and delivered, as appropriate, to the Provost, or her/his designee. A decision on the appeal will be made within three business days of receipt of the appeal and will be final.
- In the event that the Dean of Students, or her/his designee, determines that an animal should be removed from campus, including the Residence Hall, for disruptive behavior, provided the decision is not based on the animal posing an immediate threat or being unduly disruptive (see 4 above), the owner shall be given written notice to remove the animal within 48 hours. The owner will have 24 hours to respond. The response, if any, will be reviewed and a final decision made within the initial 48 hour period. The decision of the Dean of Students, or her/his designee, shall be final.

- All liability for the actions of the animal (bites, scratches, running away, etc.) are the responsibility of the owner. The Conservatory encourages owners to consider appropriate liability insurance.
- The owner is responsible for taking all reasonable precautions to protect the property of the Conservatory and its residents.
- If the owner takes vacation or has extended leave (more than 24 hours), the animal must be removed from the Residence Hall.
- If the owner resides in the Residence Hall, the owner will notify the Resident Director if the animal escapes.
- Necessary precautions should be made for Building Operations and other Conservatory personnel to enter the residence hall room when the owner is not present. The animal must be caged or crated, or removed from the room, during the time that personnel are in the room. The Conservatory is not liable if the animal escapes during one of these visits.
- The owner of an approved animal in the residence hall will provide to both the Dean of Students and the Resident Director, the emergency contact information of an individual who will be on call to care for the animal in the event the owner is unable to care for the animal.
- Owners of animals are solely responsible for any damage to Conservatory property caused by the animal. This shall include, after the owner vacates the premises, any cleaning outside that is routinely done for any room. Cleaning services outside those routinely performed may include, but are not limited to, steam cleaning of all carpets and drapes, and abatement for fleas or other pests and odors. If furniture requires replacing, that also shall be the responsibility of the owner. Any such fees will be posted to the owner's individual student account and/or deducted from the student's housing deposit.

For more information please email [dss@necmusic.edu](mailto:dss@necmusic.edu).

# *Information Technology Policies*

## General Student Technology Information

- Students are not required to purchase computers for their NEC work.
- NEC does not sell computers or software.
- All College student receive an NEC account and email address automatically (details are below).
- NEC Wifi is available throughout NEC's new Student Life and Performance Center building. Students seeking Comcast Xfinity services (streaming tv and email) must do so through NEC's Wifi services. Students are responsible for their own Comcast accounts.
- Students are authorized to use public area and Computer Lab (SBG11) computers and NEC WiFi only.
- General use computers are available within the Computer Lab, room SBG11.

## *NEC ACCOUNT AND PASSWORD INFORMATION*

All College students are issued an NEC account and password automatically. Details are available in the Office of Student Services (SB 224).

- Never share your account or password information with anyone.
- Students are \*strongly\* encouraged to change their initial passwords. Account passwords can be changed at any time by logging into web mail (see link below) clicking on "options" and choosing "change password".
- Students are responsible for all use of their accounts and information contained within.

## *NEC EMAIL INFORMATION*

All College students are provided with an NEC email account using the firstname.lastname@necmusic.edu format. To access your NEC email remotely, go to <https://mail.necmusic.edu>.

## *CAMPUS PORTAL*

Additional departmental specific information, web forms, and links to other resources are available on the campus portal available at <https://my.necmusic.edu/>

## *NEC'S EMERGENCY NOTIFICATION SYSTEM*

Student Cell phone information is collected during orientation and registration events. All student's NEC email addresses and cell phone numbers are automatically enrolled within the Campus Emergency Notification System. All students are required to update the Office of Student Services with any cell phone telephone number changes and/or updates during the academic year.

## *NEC WIRELESS SERVICE (WIFI)*

The Campus Wireless is available for College students with an active account. Campus WIFI is available throughout campus including the Student Life and Performance Center, the Student Lounge in Jordan Hall, the SB 3rd floor classrooms and the 2nd and 3rd floor of the Jordan Hall building. For information on wireless access, please go to the Office of Student Services (SB 224). Wireless Internet access is a shared resource, so use only your fair share of computing resources. Inhibiting or interfering with the use of the network and services by others is prohibited.

- Students are allowed to use their personal mobile devices to connect to the campus wireless access service, only. Regrettably, voice controlled personal assistants, such as Amazon's Echo/Dot, do not work directly with the NEC wifi system and must be connected to a mobile phone or tablet via a personal internet hotspot or sharing connection.
- Non-NEC students must use the NECWIFIGUEST service, only. Any unauthorized use of the wireless service is strictly prohibited.

### *To Connect to NEC WIFI*

SSID= NECSTUDENTS

Username = firstname.lastname

Password = your NEC account password

## *RESPONSIBLE AND ETHICAL TECHNOLOGY USE POLICY*

Many users share the computing facilities at New England Conservatory. These facilities are shared and must be used responsibly by everyone. All students are therefore required to exercise responsible, ethical and legal behavior when using the Conservatory's computing facilities and services. The following list, though not exhaustive, provides some guidelines for responsible and ethical behavior:

- Abide by all applicable laws. Do not violate any Federal, State, local law or ordinance.
- Use only computers, computer accounts, and computer files for which you have been authorized. Unauthorized technology resource access is strictly prohibited.
- Use technology resources for Conservatory related work, only.
- Do not engage in unlawful, malicious or disruptive activities.
- Do not view or distribute obscene, pornographic, profane, or sexually oriented material.
- Do not violate laws, rules and regulations prohibiting sexual harassment.
- Do not encourage the use of controlled substances for criminal or illegal purposes.
- Do not create or distribute messages containing defamatory, false, inaccurate, abusive, threatening, racially offensive or otherwise biased, discriminatory or illegal material.
- Do not deliberately obtain, create or distribute incendiary statements to incite violence or promote the use of weapons in the execution of a crime.
- Do not send or post information that is defamatory to the Conservatory, its products/services, colleagues, employees, students and/or customers.

- Do not obtain, share or exchange confidential, proprietary information, trade secrets, or any other privileged, confidential, sensitive or proprietary information.
- Protect NEC's data and the systems you use. Treat computing resources and data as a valuable Conservatory resource. Do not make unauthorized copies of NEC data.
- Abide by all applicable copyright laws and licenses. Do not download, copy or pirate software and/or electronic files that are copyrighted or without authorization. NEC policies and the law expressly forbid the copying of software that has not been placed in the public domain or distributed as "freeware" or "shareware." Reproduction of copyrighted material is subject to the Copyright laws of the United States (Title 17, U.S.C.). Infringement of copyright may subject persons to fines and penalties.
- The use of any NEC accounts, systems or networks for illegal file sharing, torrenting, etc. is strictly prohibited.
- Take due precaution against the spread of computer viruses. Do not maliciously attempt to propagate viruses; attempt to gain unauthorized access to systems or accounts, applications or other data; intentionally cause congestion, disruption, disablement, alteration, impairment or intentionally jeopardize NEC's networks or systems.
- Do not modify or tamper with network wiring hardware and jacks. Network services and wiring may not be extended beyond the port provided. All IP addresses are the property of NEC. The retransmission or propagation of network services is prohibited without explicit permission. This includes the installation of hubs, switches, wireless equipment and/or any/all personal computer equipment. The NEC network may not be used to provide computer services or Internet access to anyone outside of NEC for any purposes.
- Respect the privacy and personal rights of others. Do not access, attempt to access or copy another user's electronic mail, data, programs, or other files without permission.
- The following activities are specifically prohibited: disclosing your password to others; using somebody else's account to gain access to NEC systems; use of illegal software on any NEC system or network; copying, altering or deleting someone else's files without that person's permission; forging messages; attempting to access accounts, passwords and systems; sending harassing or threatening messages; The sending of unauthorized anonymous messages; the sending of bulk unsolicited messages; reading someone else's files without permission; system attacks; denial of services; and other malicious uses of the network and systems.
- Report any violations. All are encouraged to report any violation of these guidelines by another individual and any information relating to a flaw in or bypass of computing facility security to the Dean of Students and the Information Technology Services department.

### *MONITORING DISCLOSURE*

Use of any NEC-owned technology service (i.e. account, email, wireless service, Internet, etc.) is a privilege granted by the Conservatory if such use does not violate this policy. Accordingly, NEC data and data traffic is not private and NEC reserves the right to monitor and/or access it with or without notice.

All technology services, components and data created or modified remain the property of NEC and are subject to monitoring, inspection and/or evaluation in order to assure technology service integrity; business operations and continuity and compliance with NEC policies and state and federal laws. Therefore, all users should not have any expectation of privacy when using technology services. Any unauthorized or



inappropriate use discovered during such monitoring activities will constitute a violation of this Policy.

#### *VIOLATIONS OF THE GUIDELINES*

Failure to comply with the above Conservatory policy constitutes a violation and may lead to disciplinary action and/or criminal prosecution. Individuals are encouraged to report information concerning instances in which the above guidelines have been or are being violated. In accordance with the established Conservatory practices, policies, and procedures, confirmation of inappropriate use of NEC technology resources may result in termination of access, expulsion from the Conservatory, termination of employment, legal action, or other disciplinary action.

# *Library Policies*

NEC community members are expected to follow accepted academic standards in the use of information. Guidance on the correct use of information and documentation of sources can be found on the [Blumenthal Library's website](#).

NEC complies with relevant Copyright laws in all areas. Copying you may do without permission:

- Any material that has a copyright date before 1924 is in the public domain and may be copied or scanned without permission.
- Emergency copies are allowed if music for an imminent performance or audition has been forgotten. However, you must already own the music yourself.
- For teaching or other academic purposes, you may copy 10% or less of a whole work.
- For an exam or for the purpose of teaching, you are allowed to make a single copy of a sound recording that's owned by NEC.

Copying you may not do without permission:

- You may not photocopy or scan material in order to avoid purchasing it. This means that, if it has a copyright date after 1923, you are not permitted to photocopy or scan a score or book unless you already own it.
- You are not permitted to download a CD or a DVD to your laptop or copy it at any computer.
- You may not reproduce materials designed to be consumable, such as workbooks or tests.
- Even if an item is out of print (and published after 1923), permission from the publisher must be sought in writing before copying is permissible.

Detailed copyright guidelines are on the Blumenthal Library [copyright guide](#).

Use of licensed information resources and computing facilities: Most of the electronic information sources are provided to NEC students through licensing arrangements. All members of the NEC community are bound to follow any licensing restrictions. Specific restrictions are provided on the Blumenthal Library website.

The following general guidelines apply to all licensed resources:

- Access to licensed resources is for the NEC community and members of the public. Passwords and access codes should not be shared with anyone outside of NEC.
- Systematic, comprehensive downloading of information is not permitted. You may not download an entire database, book or journal, or substantial portions of it.

- Commercial use of or selling information from these resources is not allowed.

Members of NEC community are expected to follow relevant Information Technology policies when using work stations in the Blumenthal Library or when accessing library resources from any location.

NEC community members should respect the needs of others requiring access to library materials and be ready to share these materials in a timely manner. When a book is recalled for use by another community member, it must be returned to the library promptly. Due dates of materials from NEC and other libraries must be respected.

Certain areas of the library facility may be restricted to certain uses — i.e., group study rooms, quiet areas, etc.

Maintaining and preserving Blumenthal Library materials and facilities is an obligation of all members of the community. Members of the community are not to remove Blumenthal Library materials from the facility without checking them out according to Blumenthal Library circulation policies. Community members are responsible for any damage to library materials while they are checked out and may be charged for replacement of the item and processing. A full description of the Blumenthal Library's circulation policies is available on the [Library's website](#).

NEC students are responsible for the actions of guests that they bring into the Blumenthal Library.

NEC has entered into a number of collaborative arrangements with other libraries for access to resources and services. NEC Blumenthal Library's ability to borrow materials from other libraries is based on our good reputation of returning materials in a timely fashion and in good condition. Community members are responsible for following the circulation and usage policies of these libraries and may be held financially responsible for any loss or damages.

Records of library transactions (circulation, interlibrary loan requests, database access, workstation logs and reference assistance) are considered confidential. An individual's use of specific materials will be released only to law enforcement officials with legal authority to obtain such materials and proper documentation. Normally a subpoena is required for release of such information.

# *Residence Life Policies*

## *RESIDENCE HALL CONDUCT EXPECTATIONS*

The policies and procedures of the Residence Hall are designed to create a living environment that is conducive to the mission of New England Conservatory, allows residents to study and practice with unnecessary distraction, and is inclusive while offering opportunities for personal development. Residence Hall staff is responsible for enforcing Conservatory policies within the Residence Hall. Support of and compliance with policies is the responsibility of each member of the NEC community. Violation of Residence Hall policies can lead to disciplinary action. Please refer to ***Disciplinary Code and Procedures*** for a full description. Incoming undergraduate students are required to live in the Residence Hall for their first four semesters at NEC. Housing exemptions are reviewed on a case-by-case basis and requests should be submitted to the Director of Residence Life and Housing. Students requesting an exemption from on-campus housing due to a medical diagnosis and/or disability, must submit the **Request for Reasonable Housing Accommodations form** to **Disability Support Services**.

## Residence Hall Policies

For a full list of the Residence Hall policies, please reference the Housing Contract. All residents are required to submit a signed copy before move-in and are responsible for knowing and understanding all policies and procedures. For any questions or clarifications needed for any Residence Hall policy, please contact the Resident Director.

## *ALCOHOL & ALCOHOL PARAPHERNALIA*

All students are expected to adhere to the NEC Alcohol Policy. Students living within the Residence Hall are also responsible for acknowledging and adhering to the below policy provisions:

- Alcohol is only permitted in the rooms of residents who have been confirmed as 21 or older, who do not live with an underage roommate, and when persons under the age of 21 are not present. Compliance with the following regulations is required:
- In accordance with the law, residents under the age of 21 are prohibited from having alcoholic beverages or containers (including empty containers or paraphernalia) in their rooms, and are also prohibited from being in a room where opened alcoholic beverages are present.
- Residents who are 21 or older and who do not live with a resident who is under the age of 21 may choose to use alcohol responsibly in their room. When alcohol is present, the resident will be held responsible for identifying and removing any person who is not of legal drinking age. Anytime alcohol is open and exposed, the door to the room must remain closed.
- The consumption of alcoholic beverages in common areas (hallway, lounge, bathroom, etc.) is prohibited, regardless of age.

- Residents who are 21 or older must have the alcohol concealed in a bag upon entering the building, go directly to their room, and leave it in their room.
- Alcohol may not be kept hallways, common areas, or in the communal fridge.
- Students, regardless of age, are prohibited from being disorderly or destructive due to alcohol consumption while in the Residence Hall. Students found to be disorderly will face disciplinary action.
- Beer kegs, beer bong, or other manufactured and/or handmade alcohol receptacles whose purpose is to aid in the rapid ingestion of alcohol are forbidden in the Residence Hall. This applies to all residents, regardless of age. These items will be confiscated and disciplinary action may apply.
- Participation in games or activities intended to increase the rate of consumption of alcoholic beverages is prohibited.
- Alcohol that is present or being consumed in the Residence Hall in violation of the law or Residence Hall rules and regulations will be confiscated and disposed of. Students involved will face disciplinary action.
- The consumption of alcoholic beverages on the streets of Boston or other public areas is prohibited by law.

### *DRUGS & DRUG PARAPHERNALIA*

Possession, use, and/or sale of any drugs by federal standards in the Residence Hall may result in immediate suspension and/or expulsion from campus housing and/or New England Conservatory. All students are expected to adhere to the NEC Drug Policy.

Prescription medication should only be in the possession of the patient to whom it is prescribed for the amount prescribed. The sale to or use of prescription medications for whom the medication is not prescribed may result in suspension and/or expulsion from the Residence Hall and/or New England Conservatory.

Any illegal drug and/or drug paraphernalia is not permitted within the Residence Hall and, upon suspicion and/or sight, may result in an immediate room search and may be subject to NEC Security or Boston Police turnover. Drug paraphernalia is defined as equipment, products and/or materials that are used, intended to use, designed for use, or have come in contact with any type of drug (illegal by federal standards).

### *GUESTS*

Please see the NEC Guest Policy

### *HALL SPORTS*

Due to the high probability of injury to a bystander or participant and the possibility of damage to the Residence Hall, unsupervised athletic contests, contests of physical skill or strength, and other sports-related activities, either of a traditional or improvised nature, are not permitted in the Residence Hall.

## *LAUNDRY*

Residence Hall laundry facilities are for the use of NEC residents only. Clothing and other laundry items that are abandoned will be disposed of.

## *LOUNGES*

Floor lounges are to be kept clear of personal belongings at all times. Any objects left in the floor lounges will be confiscated and disposed of immediately. Conservatory-owned furniture in floor lounges may not be moved onto other floors or into students' rooms. Floor lounges may not be used for sleeping, practicing/instrument playing, or any other activity deemed disruptive to the Residence Hall community.

## *PETS*

Pets of any kind, including fish, are not permitted within the Residence Hall. For information on service and/or emotional support animals on campus, please see the Emotional Support/Assistance Animal Policy.

## Quiet, Courtesy & Practicing Hours

### *STANDARD QUIET HOURS*

Weekday Hours (Sunday evenings - Friday mornings): 10:00pm - 10:00am

Weekend Hours (Friday evenings - Sunday mornings): 11:00pm - 11:00am

\*Official NEC holidays or emergency closures extend weekend hours.\*

### *PRACTICING (IN YOUR ROOM) HOURS*

Weekday Hours (Monday-Friday): 10:00am – 9:00pm

Weekend Hours (Saturday and Sunday): 11:00am – 9:00pm

\*Practicing is defined as any sound created by an instrument, but not exclusive to the voice, reed testing, or percussion instruments\*

During these hours, it is the resident's responsibility to maintain an acceptable level of quiet as outlined in the following guidelines:

- After 9:00pm, practicing, playing and/or use of any instrument in the Residence Hall is not permitted. Room doors must remain closed whilst practicing and/or making instrument noises such as reed making.
- Rehearsals involving two or more students are not permitted in student rooms.

- Practicing (see above for definition) in a Residence Hall common space such as a lounge, bathroom, hallway, etc. is never permitted at any time of day, including singing in the shower.
- Outside of quiet hours noise must not exceed a low muffled sound in an adjacent room. This includes conversations, noises from electronic devices, etc. These standards also apply in common spaces.
- See Appliances and Electronic Devices for further regulations.

### *COURTESY HOURS*

Outside of quiet hours, residents are expected to respect other residents' reasonable requests for quieter conditions. This includes but is not limited to practicing and rehearsals. Repeated violations of Quiet, Courtesy and/or Practicing Hours regulations may result in disciplinary action including possible suspension or expulsion from the Residence Hall.

### *ROOFS, LEDGES, FIRE ESCAPES & WINDOWS*

Students are prohibited on rooftops or ledges. Throwing objects from or into windows can be extremely dangerous, both to passersby and property below, and is prohibited in any college building. Disciplinary action may apply.

# *Disciplinary Code and Procedures*

## Section 1: Scope and Administration

### *SCOPE*

New England Conservatory is dedicated to fostering a community that is built on mutual respect and the correlation of rights and responsibilities. In order to fulfill this purpose, a Disciplinary Code is necessary. The Code reflects the values of our community. It also defines clear behavioral expectations that help to ensure an orderly educational environment and encourage free inquiry and expression. However, it is important to bear in mind that a Disciplinary Code is normally framed in negative terms—that is, it describes behaviors that are not acceptable. As such, it can only be taken to embody minimum standards of behavior. The Conservatory encourages all students to embrace a commitment to ethical behavior that is positive, open-ended, and reflects and supports our mission.

### *ADMINISTRATION*

The Code also outlines the process for addressing reported violations of the Conservatory rules and regulations. This process is rooted in the fundamental concepts of fairness to, and respect for, each person who participates in it. The goal is to provide a forum for the unbiased pursuit of truth in matters of dispute, and for the creative resolutions of conflicts. Situations in which one or more students have violated the rights of others will involve the application of sanctions. The point of a sanction is not simply deterrence and punishment, but rather the protection of the community and its values. The Disciplinary Code is a resource created by this community, to assist in maintaining a social environment where all our members can flourish, and grow intellectually.

### *VIOLATION OF LAW AND CONSERVATORY DISCIPLINE*

The Conservatory does not protect students from the consequences of violating federal, state or local laws, and public authorities may act independently to investigate and prosecute such violations. Students charged with legal violations committed on- or off-campus will also be subject to NEC disciplinary proceedings. If the Dean of Students determines that the student is a potential threat to the safety or security of individuals, he or she may suspend the student without prejudice to his or her record until the conclusion of the court case.

## Section 2: Definitions

- The term “Conservatory” means New England Conservatory.
- The term “student” includes all persons taking courses or lessons, for credit or not for credit, at the Conservatory, either full-time, part-time, pursuing undergraduate or graduate degree or diploma programs, or enrolled in any other program. This



Disciplinary Code applies to all locations of the Conservatory including programs or activities sponsored off-campus or abroad. The term “student” does not apply to those enrolled only in the Preparatory School or School of Continuing Education.

- The term “faculty member” means any person employed by the Conservatory to conduct classroom, studio, teaching, or other music activities, or who is otherwise considered by the Conservatory to be a member of its faculty.
- The term “Conservatory Official” means any person employed by the Conservatory performing assigned administrative or professional responsibilities.
- The term “member of the Conservatory community” means any person who is a student, faculty member, Conservatory official or any other person employed by the Conservatory. A person’s status in a particular situation shall be determined by the Dean of Students.
- The term “Conservatory premises” means all land, buildings, facilities or other property in the possession of or owned, used or controlled by the Conservatory as well as any land, buildings, facilities or other property off-campus contracted for use for NEC related events or activities.
- The term “Student Disciplinary Committee” means those persons who have been authorized by the Dean of Students to determine whether or not a student has violated specific Conservatory regulations, as accused, and to recommend sanctions that may be imposed when a violation has been committed. The Dean of Students, or his/her designee, will be responsible for assigning a Chair to each Student Disciplinary Committee that is determining specific allegations of violations by a Respondent. The Chair has the authority to convene the Student Discipline Committee, consisting of faculty, staff, and student representative(s).
- The term “Student Conduct Administrator” means a Conservatory official or group authorized to impose sanctions upon any student(s) found to have violated the Disciplinary Code.
- The term “Appeal Authority” means any person or persons authorized by the Provost and Dean of the College and the Dean of Students to consider an appeal from a decision by a Student Disciplinary Committee or Student Conduct Administrator.
- The term “Appellate Committee” means a group of persons authorized by the Provost and Dean of the College and the Dean of Students-- consisting of the Provost and Dean of the College, Dean of Students, and one non-studio faculty member--to consider an appeal from a decision by a Student Disciplinary Committee.
- The term “shall” is used in the imperative sense.
- The term “may” is used in the permissive sense.
- The Dean of Students is the person designated by the Provost and Dean of the College to be responsible for the administration of the Disciplinary Code.
- The term “policy” means the written regulations of the Conservatory as found in, but not limited to, the Disciplinary Code, Student Handbook, Residence Hall Agreements, Conservatory policies on the NEC website, and the Academic Catalog.
- The term “cheating” includes, but is not limited to:
  - use of any unauthorized assistance in taking quizzes, tests, or examinations;
  - use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments (this includes, but is not limited to, sites such as CourseHero.com or WriteMyPapers.org);
  - the acquisition, without permission, of tests or other academic material belonging to a member of the Conservatory’s faculty or staff;

- engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
- The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling or providing of term papers or other academic materials (see Academic Integrity Policy).
- The term “Complainant” means any person who submits a report alleging that a student violated a Conservatory rule or regulation.
- The term “Respondent” means any student accused of violating a Conservatory rule or regulation.
- The term “Advisor” shall refer to any person that a complainant or respondent selects to provide assistance and support during the adjudication of a matter, at any administrative level in the Review process.
- The term “notification” shall mean providing notice via a student’s Conservatory assigned email account.
- The term “day” refers to academic days or days when the Conservatory is in normal session for the fall or spring semesters. The only exception to this definition is the Appeal Process. For purposes of that section of the Disciplinary process, “day” refers to calendar days.
- Preponderance of Evidence: The standard of proof used to determine, if, based on the information gathered in the matter, it is more likely than not that the Respondent violated the Disciplinary Code

### Section 3: Rules and Regulations

The following conduct may subject a student to disciplinary action:

- Any violation of Conservatory rules, regulations, or policies as found in, but no limited to, the Disciplinary Code, Student Handbook, Residence Hall Agreements, Conservatory policies on the NEC website, and the Academic Catalog.
- Physical abuse—any physical act that threatens, intimidates, harasses, or coerces any person, and/or other conduct which threatens or endangers the health and safety of any person.
- Verbal abuse—any use of words or sounds that threaten, intimidate, harass, incite violence, or coerce any person, and/or other verbal conduct which threatens the health or safety of any person, including, but not limited to, oral, written, and electronic communication.
- Any act of academic dishonesty, including cheating, plagiarism, unauthorized collaboration, or knowingly furnishing false information. (see Academic Integrity)
- Any violation of Residence Hall rules and regulations. (see Residence Hall Policies)
- Attempted or actual theft of property of the Conservatory or property of a member of the Conservatory community or other personal or public property, on- or off-campus.
- Vandalism and/or damage to property of the Conservatory or property of a member of the Conservatory community or other personal or public property, on- or off-campus.
- Intentional setting of a fire. Actions that create a fire hazard. Misuse or abuse of fire safety equipment, including the setting of false alarms, the misuse of emergency exits, the wrongful discharge of fire extinguishers, or tampering with alarm and/or smoke alarms. Included in this is failure to immediately evacuate a building or area upon the sounding of an alarm. (see Fire and Fire Alarm policy)

- Any violation of the Guest Policy.
- Use, possession, manufacturing, or distribution of alcohol beverages (except as expressly permitted by Conservatory regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed or distributed to any person under twenty-one (21) years of age. (see Alcohol and Other Drug Policy)
- Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances (i.e. prescription drugs) in violation of local, state, or federal laws. This includes the possession of paraphernalia associated with controlled substances. Paraphernalia includes but is not limited to bongs, hookahs, rolling papers, etc. Although Massachusetts law permits the use of medical and/or recreational marijuana, federal laws prohibit the use, possession, and/or cultivation of marijuana at educational institutions. Federal law also requires any institution of higher education which receives federal funding to have policies prohibiting the use and possession of marijuana on campus. The use, possession, or cultivation of marijuana for medical and/or recreational purposes is there for not allowed in the Residence Hall or any other Conservatory property. (see Alcohol and Other Drug Policy and Medical Marijuana and Recreational Marijuana policy)
- Smoking on any Conservatory grounds. NEC is a smoke-free campus and environment. (see Smoking policy).
- Any act of discrimination against another student, teacher, administrator, or Conservatory employee on the basis of race or ethnicity, religion, gender, or sexual orientation.
- Any conduct that constitutes a crime under law, whether occurring on- or off-campus.
- Any violation of the Dangerous Weapons Policy.
- Any violation of the Conservatory's Policy on Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment and/or Massachusetts state law related to sexual misconduct. (see Policy on Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment)
- Lying to or bribing a Conservatory official, including faculty, staff, security guards, and students at the Conservatory.
- Misuse of any Conservatory equipment, including instruments from the Instrument Library, Residence Hall furnishings, computer terminals, library materials, audio/visual equipment, etc., in a manner that violates the law or the property rights of the Conservatory and/or others.
- Unauthorized use of electronics or other devices to make and/or publish an audio or video record of any person without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress.
- Failure to display an appropriate NEC ID to staff, faculty, staff, or security guards.
- Unauthorized use, possession, duplication or use of keys or ID cards to any Conservatory premises, facility, or service.
- Disruption or obstruction of academic, musical, or cultural activities at NEC; examples include cell phone interruptions in class, rehearsals, or lessons; excessive noise; or the use of other electronic or mechanical devices that are distracting in a classroom environment.
- Hazing, defined as an act which endangers the mental or physical health or safety of an individual, or which destroys or moves public or private property, regardless of intent, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim does not waive responsibility for any participant. Apathy or acquiescence in the

presence of hazing are not neutral acts, they are violations of the Code. (see Hazing Policy)

- Any act of inappropriate access to employment, financial, academic, or other records regarding one's self or others at NEC, whether as a result of "hacking" or direct access, including efforts to alter one's own billing charges, library fines, or other obligations to the Conservatory.
- Misrepresentation. This includes, but is not limited to, misuse of purchasing authority, accepting unearned funds, and submitting false time sheets.
- Unauthorized use of the name, logo, or seal of New England Conservatory by individuals or groups, or misrepresentation by individuals or groups as authorized spokespersons on behalf of New England Conservatory or any of its offices, departments, or students.
- Display on or within public areas of NEC property of any literature, films, pictures, images, advertisements, flyers, websites, or other materials that an average person applying contemporary community standards would find, taken as a whole, appeals to prurient interests, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value.

## Section 4: Review and Hearing Procedures

### *REPORTING*

Any member of the NEC community may report a violation of the Disciplinary Code to the Dean of Students, who may initiate disciplinary action when he/she has reason to believe a student has violated that code. The report should be submitted as soon as possible after the event takes place to maximize the ability to respond promptly and effectively. In order to permit the expeditious handling of cases involving minor judicial violations or matters that might be resolved through mediation, the Dean of Students may delegate responsibilities for mediation or adjudication to Residential Life or other Student Services administrators.

### *INTERNAL INVESTIGATIONS AND PROCEDURES*

Once the Dean of Students receives a report, he/she may proceed with an informal inquiry into an alleged violation of the Disciplinary Code to try to determine if such a violation has occurred, or to attempt to resolve the matter.

The inquiry may include any student, faculty, or staff deemed appropriate by the Dean of Students. As part of this inquiry, he/she may:

- Determine that no further disciplinary hearing is required and so resolve the issue.
- Drop the case if he/she determines that there is insufficient evidence of any alleged violation.
- Refer the case to a different Student Conduct Administrator.
- Accept an accused student's petition, admitting to a Disciplinary Code violation and agreeing to sanctions determined by the Dean of Students.
- Hold the case for a reasonable time (up to four weeks) while seeking more information.
- Refer the case to the Student Disciplinary Committee for a formal hearing.

In extreme cases in which the Dean of Students determines that there is an imminent risk to the safety of community members or the ongoing functions of NEC and its community, the Dean of Students may suspend or otherwise restrict NEC access for the accused student without prejudice to his or her record until the conclusion of the disciplinary proceeding.

All meetings and hearings associated with any conduct matter will be scheduled to avoid conflict with a Respondent or Complainant's enrolled academic class schedule. This is the only reason that a meeting or hearing may be rescheduled.

### *STUDENT DISCIPLINARY COMMITTEE*

The Dean of Students has the authority to convene the Student Disciplinary Committee. The committee consists of the Associate Dean of Students or the Assistant Dean of Campus Life (chair, non-voting), faculty, staff, and student representative(s). A Respondent may challenge any Committee member for cause, which might include such matters as personal involvement, prior bias, or conflict of interest. Challenges for cause must be stated in writing and submitted to the Student Disciplinary Committee Chair no later than 48 hours after the official notice (see below). A simple majority constitutes a Committee quorum. Student Discipline Committee hearings are closed to the public; only the Committee members, the complainant(s), witnesses, the respondent(s), and their advisor(s) (one per student) are permitted to attend. In conducting its sessions, the Student Discipline Committee will follow these provisions:

- a. **Notice:** student(s) will receive written notice of the hearing at least five academic days before the date of that session, unless the Student Disciplinary Committee Chair determines that circumstances warrant a hearing on shorter notice.
- b. **Advisors:** student(s) may ask for an advisor from within the NEC community to help in preparing a response to the charges or in appearing at any hearing. Advisors are not permitted to address the committee during the hearing. Attorneys are not permitted, unless related criminal charges are pending in the courts, in which case the student's attorney may be present but may not participate. In addition, any person bringing charges to the Committee may seek the assistance of any member of the Conservatory community.
- c. **Evidence, Testimony, Witnesses:** student(s) have the right to present relevant evidence, testimony, and witnesses; to know the nature and source of any evidence or testimony; and to question any such testimony. The Conservatory expects all participants to respect the confidentiality of its proceedings.
- d. **Committee Procedures:** the Student Disciplinary Committee considers evidence, listens to witnesses, and interprets the disciplinary code. It reaches decisions by a majority vote.

e. **Decision:** the Student Disciplinary Committee's determination shall be made on the basis of preponderance of the evidence - whether it is more likely than not that the Respondent(s) violated a Conservatory rule or regulation. The Respondent(s) will receive the Committee's decision in writing within five (5) academic days of the completion of the hearing, unless specific circumstances preclude a decision within that time. In the case of violations involving physical violence or threats, notice of findings and sanctions will be received by the Complainant as well. This decision may include any sanction the Committee considers appropriate, including but not limited to: warning, official reprimand, disciplinary probation, suspension, expulsion from the Residence Hall, or expulsion from the Conservatory. This decision will also be sent to the Respondent's studio professor and department chair. (see Sanctions)

f. **Appeals:** parties who wish to appeal the decision of the Disciplinary Committee must follow the procedures outlined in the Appeal Process.

The Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Student Disciplinary Committee Chair, to be appropriate. Such means may also be used in rare circumstances when the Complainant, Respondent, and/or other witnesses are unable to be physically present at the hearing.

#### *IN ABSENTIA*

If a Respondent, with notice, does not appear before the Student Disciplinary Committee or meet with the designated Student Conduct Administrator as requested, the information in support of the charges shall be presented and considered even if the Respondent is not present. The Student Disciplinary Committee/Student Conduct Administrator will make a decision about responsibility for alleged violation(s) and sanction(s) based upon the information received. Cases decided in absentia may not be appealed.

#### Section 5: Sanctions

The Conservatory has a range of sanctions of graduated severity to deal with infractions of varying seriousness. Insofar as possible, sanctions should "fit" the offense in a common-sense manner. The following sanctions may be imposed upon any student found to have violated a Conservatory rule or regulation. Prior violation(s) of the NEC policy will always be considered as aggravating circumstance(s) that could potentially increase sanction(s) for a current policy violation. The number of prior cases and the egregiousness of those past violations will be carefully considered, and prior violations for similar offenses will be viewed as particularly exacerbating. To determine the sanction or combination of sanctions, the following are considered:

- The severity of the violation
- The Respondent's previous record of relevant disciplinary sanction(s) policy violations and sanctions, if any
- The effect of the Respondent's misconduct upon the Conservatory community and/or individual community members
- Consistency with previously issued sanction(s) for similar misconduct

**POSSIBLE SANCTIONS:**

- Verbal Warning—A verbal notice to the student that the student is violating or has violated a Conservatory rule or regulation.
- Written Warning—A written notice to the student that the student is violating or has violated a Conservatory rule or regulation.
- Loss of Privileges— Privileges within the Conservatory community may be restricted or revoked for a specific period of time.
- Fines— A dollar amount required to be paid to the Conservatory, appropriate to the level of violation.
- Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Educational/Discretionary Sanctions – Sanctions intended to contribute to the education of the student, the Conservatory community and/or to be a form of social restitution. Examples include but are not limited to:
  - Developmental exercises – requirement to attend, plan and/or participate in a program, workshop or other appropriate activity.
  - Conservatory-mandated service – service assignment for a number of hours or the equivalent that is appropriate to the violation.
  - Educational class – attendance at a class or workshop appropriate to the violation such as an Alcohol/Drug Education class.
  - Administrative Reassignment of Housing – A temporary or permanent relocation of a person's housing assignment in the Residence Hall.
- Residence Hall Suspension—Separation of the student from the Residence Hall for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Residence Hall Expulsion—Permanent separation of the student from the Residence Hall.
- Disciplinary Probation—a defined period during which additional violations of the Conservatory rules and regulations may lead to further disciplinary action as determined by the Student Conduct Administrator.
- Suspension—Separation of the student from the Conservatory for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- Expulsion—Permanent separation of the student from the Conservatory without opportunity for readmission.
- Revocation of Admission and/or Degree—Admission to or a degree awarded from the Conservatory may be revoked for fraud, misrepresentation, or other violation of any Conservatory rule or regulation in obtaining the degree, or for other serious violations committed by a student prior to the actual start of classes or graduation.
- Withholding Degree—The Conservatory may withhold the awarding of a degree otherwise earned until the completion of the process set forth in Disciplinary Code

Review process, including the completion of all sanctions imposed, if any, at its sole discretion.

## Section 6: Appeal Process

### Disciplinary Committee Cases

#### *APPEAL REQUIREMENTS*

A decision reached by the Student Disciplinary Committee may be appealed by the Respondent. For cases involving violations of physical violence or threats, the Complainant may also submit an appeal in support or disagreement with the original decision and/or sanction(s) imposed by the committee.

- A written appeal which shall not exceed 1,500 words or 3 pages (appeals that exceed the 1,500 word count will not be considered)
- If the appeal is to express disagreement with the original decision and/or sanction, it must be based upon one or more of the following grounds for appeal:
  - There was a significant procedural error by the Student Disciplinary Committee.
  - There was new information to be considered sufficient to alter a decision not brought out in the original hearing because such information and/or facts were not reasonably available at the time of the hearing.
- Appeals submitted by third parties, including legal representation, will not be considered.

#### Steps for Appeal:

1. Written appeals must be filed with the Disciplinary Committee Chair within five (5) calendar days of notification of the decision. This is the only period for appeal. Should one party decide to appeal and the other does not, the party not appealing does not receive a new five (5) day period.
2. The Disciplinary Committee Chair will have two (2) academic days to determine the validity of the appeal based on the grounds listed in the Appeal Requirements.
3. If the Disciplinary Committee Chair determines the appeal is not valid based on the grounds listed in the Appeal Requirements, the original sanctions of the Disciplinary Committee remains with no further option to appeal.
4. If the Disciplinary Committee Chair determines the appeal is valid, the appeal will be forwarded to the Appellate Committee (consisting of the Provost and Dean of the College, the Dean of Students, and a non-studio faculty member).
5. The sanction(s) imposed as a result of the original hearing shall be in effect until such a time as an appeal is granted and the sanction(s) is charged. Any exception to this shall only be made at the discretion of the Dean of Students.
6. An appeal shall be limited to a review of the approved supporting documents from the hearing or review, along with the written appeal.
7. The Appellate Committee has ten (10) calendar days from receipt of the appeal from the Disciplinary Committee Chair to make a decision. The Appellate Committee may reduce the severity of the sanction, increase the severity of the sanction, or sustain the original sanction. When circumstances warrant, as determined by the Appellate Committee, the



case may be referred to a new Student Disciplinary Committee for additional proceedings.

8. The Respondent will then be notified of the Committee's decision by the Dean of Students. For cases involving violations of physical violence or threats, notice of the outcome will be provided to the Complainant as well.
9. The decision of the Appellate Committee is final.

### Other Administrationally Proposed Sanctions

- Any sanctions given by a single Student Conduct Administrator (without a Student Disciplinary Committee hearing) may also be appealed by either the Respondent or the Complainant and must be filed in within five (5) calendar days of notification of the decision. Such appeals shall be in writing and shall be delivered to the appropriate Appeal Authority outlined in the outcome letter. Appeals submitted by third parties, including legal representation, will not be considered.
- The appeal shall not exceed 1,500 words or 3 pages. Appeals which exceed 1,500 words will not be considered.

The Appeal Authority may reduce the severity of the sanction, increase the severity of the sanction, sustain the original sanction, or refer the case to the Student Disciplinary Committee. The appeal decision is final.

# *Policy on Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment*

New England Conservatory (NEC) is committed to providing a safe learning and working environment. We comply with all state and federal guidelines relating to sexual misconduct and sexual or gender-based discrimination or harassment, including Title IX of the Higher Education Amendment Act (1972), the Violence Against Women Act (1994 and 2013), and the Campus Sexual Violence Elimination Act (2013).

This policy applies to allegations of sexual misconduct and sexual or gender-based discrimination and harassment at NEC as mandated by Title IX of the Educational Amendments of 1972, and applies to all members of the NEC community. Allegations of sexual misconduct involving any member of the NEC community should be reported to:

**Nick Macke**, Title IX Coordinator  
Office of Human Resources  
St. Botolph Building, room 203  
617-585-1229

Sexual misconduct and sexual or gender-based discrimination or harassment can take a number of forms, including intimidation and the creation of a hostile environment. It can occur between strangers or acquaintances, or people who know each other well, including between people who are or have been involved in an intimate or sexual relationship. It can be committed by anyone, regardless of gender or gender identity, and can occur between people of the same or different sex or gender. This policy prohibits all forms of sexual misconduct and sexual or gender-based discrimination or harassment.

## **1. VIOLATIONS OF THE SEXUAL MISCONDUCT POLICY**

### **a. Sexual Assault (including Rape)**

Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault is often more broadly defined as any sexual activity that is forced or coerced or unwanted. Sexual assault includes, but is not limited to:

- i. Intentional touching of another person's intimate parts without that person's consent;
- ii. Other intentional sexual contact with another person without that person's consent; or
- iii. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- iv. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Rape is defined in Massachusetts by three

elements: penetration of any orifice by an object; force or threat of force; against the will of the victim.

**b. Sexual Harassment**

1. Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive.
2. Sexual harassment includes any conduct or incident that is sufficiently severe and/or pervasive that it is likely to limit or deny a student’s ability to participate in or benefit from NEC’s educational programs or an employee’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct. Sexual harassment can take many forms, and can:
  - i. Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff or student.
  - ii. Occur between persons of unequal power status, such as supervisor to subordinate, faculty member to student, ensemble coach to student, or between any student leaders to their peers. Although sexual harassment often occurs in the context of an exploitation of power by the person with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (such as a student harassing a faculty member).
  - iii. Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
  - iv. Occur by or against a person of any sex, gender identity or expression, or sexual orientation.
3. The following non-exhaustive list includes examples of behavior that could, in appropriate circumstances, be considered sexual harassment:
  1. Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
  2. Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
  3. Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person’s sexuality or gender.
  4. Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
  5. Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or websites of a sexual nature. (For more information on misconduct using NEC’s

computing facilities, please see the Computer, Internet Use and Account Policy.)

6. Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
  7. Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
  8. Use of a position of power or authority to:
    - a. threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or
    - b. promise rewards in return for sexual favors.
  9. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
4. Hostile Environment Harassment. A hostile environment exists when sexual harassment is sufficiently severe or pervasive to interfere with, or to deny or limit a student's ability to participate in or benefit from the school's program based on sex. To determine whether a hostile environment exists, NEC will consider a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including:
- . the type, frequency, and duration of the conduct;
  - i. the identity and relationships of persons involved;
  - ii. the number of individuals involved;
  - iii. the location of the conduct and the context in which it occurred; and,
  - iv. the degree to which the conduct affected the student's education or the employee's employment.
5. The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.
- c. **Sexual Exploitation**
- Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:
- . Prostituting another person;
  - i. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
  - ii. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
  - iii. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable

expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

d. **Stalking**

Stalking is a course of conduct involving more than one instance of inappropriate and unwanted attention, harassment, threatening or intimidating physical or verbal contact, or any other course of conduct directed at a person that could be reasonably regarded as likely to alarm or place that person in fear of harm or injury, including physical, emotional, or psychological harm. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another or have an intimate or sexual relationship, or may involve people not known to one another.

e. **Relationship (Dating and Domestic) Violence**

Relationship violence is abuse, violence, or intentionally controlling behavior between partners or former partners involving one or more of the following elements:

- . causing bodily injury;
- i. purposely or knowingly causing reasonable apprehension of bodily injury;
- ii. emotional abuse creating apprehension of bodily injury or property damage;
- iii. repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship).

f. **Conduct in Relationships between Individuals of Different Conservatory Status**

- . In the academic context, sexual harassment often involves the inappropriate personal attention by an instructor or other faculty or staff member who is in a position to exercise professional power over another individual. This could include an instructor who determines a student’s grade or who can otherwise affect the student’s academic performance or professional future. Sexual harassment can also occur between persons of the same Conservatory status. An example would be persistent personal attention from one colleague to another in the face of repeated rejection of such attention. Both types of harassment are unacceptable. They seriously undermine the atmosphere of trust essential to the academic enterprise.
- i. Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between an instructor or other faculty or staff member of NEC and a person for whom he or she has a professional responsibility (i.e., as studio teacher, ensemble coach, instructor, advisor, evaluator, supervisor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or staff there is an element of power.
- ii. The consequences of asymmetries can be felt in many different contexts and types of relationships. What constitutes “power” varies according to context and individual. For example, although NEC may not recognize a student in an extracurricular organization to have power over a student who would like to join that organization, one or both of the students in

question may perceive their relationship to be affected by a power dynamic. As members of a community characterized by multiple formal and informal hierarchies, it is incumbent upon each of us to be aware of and sensitive to the ways in which we exercise power and influence and to be judicious in our relationships with others.

g. **Prohibited Sexual Relations with Students**

No employee shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with any student at NEC.

h. **Relationships between Individuals of Different Conservatory Status**

Amorous relationships between individuals of different Conservatory status that occur outside the instructional context can also lead to difficulties. In a personal relationship between an instructor or other faculty or staff member, and an individual for whom the instructor or other faculty or staff member has no current professional responsibility, the instructor or other faculty or staff member should be sensitive to the possibility that he or she may unexpectedly be placed in a position of responsibility for that individual's instruction or evaluation. This could involve being called upon to write a letter of recommendation or to serve on an admissions or selection committee involving the individual. In addition, one should be aware that others may speculate that a specific power relationship exists even when there is none, giving rise to assumptions of inequitable academic or professional advantage for the student involved. Although graduate students, teaching fellows, tutors, and undergraduate course assistants may be less accustomed than Faculty members to thinking of themselves as being in a position of greater authority by virtue of their professional responsibilities, they should recognize that they might be viewed as more powerful than they perceive themselves to be.

i. **Other Prohibited Forms of Sex Discrimination**

This includes forms of different treatment on the basis of sex (including on the basis of sexual orientation, gender identity, and/or gender expression) that is not otherwise set forth as Prohibited Conduct (above). Such conduct will be treated under NEC's Unlawful Discrimination, Harassment, and Retaliation Policy unless the Title IX Coordinator, in consultation with appropriate Conservatory officials, determines otherwise.

j. **Retaliation for Filing a Complaint of Sexual Misconduct**

. Retaliation is any acts or words that constitute intimidation, threats, or coercion because of a person's:

0. Report of behavior defined in this policy
1. Assistance in reporting behavior defined in this policy
2. Participating in any acts or words that constitute intimidation, threats, or coercion as listed above
3. Protest of conduct which is in violation of this policy, and that would also deter a reasonable person from reporting or assisting in reporting a violation of the policy, participating in any proceeding under the Policy or protesting of conduct in violation of this Policy.

i. An adverse reaction does not include minor annoyances or another's lack of good manners, as those actions will not deter a reasonable person from engaging in the process.

ii. It is a violation of Massachusetts and federal law and a violation of this policy to retaliate against a person for filing a complaint of sexual

misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person who has reported sexual misconduct, filed a sexual misconduct complaint, or participated in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion or termination of employment.

- iii. Retaliation, occurring either during or after the filing of a sexual misconduct complaint, is a violation of NEC policy. If a member of the community feels that they are being harassed or retaliated against due to their involvement in a Title IX investigation, he or she should immediately notify the Title IX Coordinator.

## 2. REPORTING POLICY VIOLATIONS

### a. **Who can I tell if I want to keep it confidential?**

Members of our Health and Counseling Center are the only NEC employees NOT required to disclose sexual misconduct violations. Any information shared at the NEC Health and Counseling Center is strictly confidential. Health care providers in our center can provide confidential advocacy, crisis counseling and medical services, as well as explain options for additional support. Visits are confidential and medical records cannot be released without your consent unless subpoenaed by a court of law. There is a healthcare professional on-call for phone consultations after-hours. If the Health and Counseling Center is closed, listen to the outgoing message at 617-585-1284 for directions on how to page the doctor on-call. NEC's Health and Counseling Center is located at 241 St. Botolph Street, Room 112.

### b. **Are there times when NEC cannot keep the information confidential?**

0. NEC respects the desire for confidentiality and will always strive to protect a person's right to privacy. However, confidentiality can limit NEC's ability to conduct a thorough investigation and take appropriate disciplinary action. Additionally, NEC may be required to break confidentiality if the reported incident was systemic or part of a broader pattern, or poses a credible threat to the safety of the NEC community or the public at large.

### c. **Do I have to tell the police?**

NEC urges students to report instances of sexual misconduct or domestic abuse to the police. However, we understand that sometimes people are hesitant to take this step. A police report is NOT required for NEC to begin an investigation into a sexual misconduct violation. Similarly, while the involvement of law enforcement may slightly alter NEC's approach, it will not preempt NEC from conducting its own determination as to whether this Policy was violated.

### d. **How do I report a violation to someone at NEC?**

- . Students are encouraged to report violations to staff within the Office of Student Services or the Office of Public Safety who have been educated in the rights of and services available for both complainants and respondents.
  - i. Employees are encouraged to report violations directly to the Title XI Coordinator in the Office of Human Resources.
  - ii. Violations may be reported orally or in writing at any time without limitation.
  - iii. Designated NEC administrators are available to support both the complainant and the respondent, and provide an explanation of rights, including access to counseling and medical services and the ability to

institute a separate criminal complaint, including obtaining a restraining order through the Boston Police Department.

e. **What will happen to the person I have accused?**

The responding party has a right to be informed of the accusation and of the investigative procedures, including the right to an advisor. During the investigation, the Title IX Coordinator will attempt to separate the accused from the accuser. This may require a room-change in the residence hall, and/or a temporary change of course/rehearsal schedules. As with all disciplinary cases, if the Title IX Coordinator determines that there is an imminent risk to the safety of community members or the ongoing functions of NEC and its community, he/she may suspend or otherwise restrict NEC access for the accused without prejudice to his or her record until the conclusion of the disciplinary proceeding.

f. **Student Amnesty for Underage Drinking, Excessive Drinking and Illegal Drug Use**

Although underage drinking, excessive drinking and illegal drug use are violations of NEC's Code of Conduct, students will be given amnesty for these offenses when there are allegations of sexual assault. In other words, a student who is assaulted while under the influence of drugs or alcohol – or who witnesses an assault or a violation of this Policy – should not be afraid to report the incident to school officials.

### 3. *INVESTIGATION AND ADJUDICATION PROCESS*

a. After receiving a report of conduct that could implicate the Policy, the Title IX Coordinator or his or her designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable NEC to assess the need to take any immediate action to address the safety of the Complainant and/or NEC community, and to determine the next steps for investigating the reported conduct and the need for any interim measures. These initial steps may include, but are not limited to, the following:

- . The Title IX Coordinator will contact the Complainant and encourage the Complainant to meet to discuss the nature and circumstances of the reported conduct, review relevant documentation that is available, and address the Complainant's immediate physical safety needs, including the need for any interim measures. Examples of interim measures may include no-contact orders, requests for academic adjustments or other accommodations, access to additional support services, changes to living, transportation and working situations, and other actions to address the situations and concerns raised on an interim basis.
- i. The Title IX Coordinator will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of NEC community that warrants issuance of a timely warning, a stay-away order for any persons, or any other interim protections. The Title IX Coordinator will consult with senior administrators re: same.
- ii. The Title IX Coordinator will notify the Complainant about:
  - 0. the availability of the Policy;
  - 1. the right to report (or decline to report) the matter to Public Safety and/or to local law enforcement if the conduct is potentially criminal in nature; and
  - 2. that a report to law enforcement will not change NEC's obligation to potentially investigate the matter but it may briefly delay the



timing of the investigation if a law enforcement agency requests that NEC delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.

- iii. The Title IX Coordinator or his or her designee will notify both the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other interim measures. These resources can be found at <https://necmusic.edu/title-ix/resources>.
- b. If the Title IX Coordinator determines the reported conduct could implicate the sexual misconduct policy, he or she will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, NEC will weigh that request and the reasons for it against NEC's obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant's request not to proceed to investigation is granted, the Title IX Coordinator will proceed to initiate the investigation.
- c. If the Title IX Coordinator determines that the reported conduct would not implicate the Policy, he or she will advise the Complainant of such in writing and refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate Conservatory policy. (If new information is subsequently provided, the decision whether or not to investigate under the Policy may be reevaluated.)
- d. Notice of an Investigation  
If, during the initial assessment, it is determined that the reported conduct could trigger the Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include a brief description of the allegations, the portion(s) of the Policy that are alleged to have been violated, and any interim measures in place about which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility.
- e. The Role of Advisors in the Process  
In connection with an allegation of sexual misconduct involving sexual violence, other inappropriate sexual contact, relationship violence or stalking, each Party, including any Reporting Party, may have a single advisor of such Party's choice present during the disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Policy. Advisors may not participate actively while present at any disciplinary proceeding and may not speak or otherwise communicate on the part of the Party that the advisor is advising. However, the advisor may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. An advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process. The advisor is not permitted to attend a meeting or proceeding without the Party (as a proxy or otherwise) without the prior approval of the Title IX Coordinator, as determined in his/her sole discretion. The Conservatory reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator.

- f. Designation of Investigator  
The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the “Investigative Report”). At NEC’s discretion, more than one investigator may be assigned. NEC may also exercise discretion in assigning an external investigator to conduct the investigation with NEC’s internal investigator. (In addition, NEC may assign an external investigator, without assigning an internal investigator.) All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by NEC or engaged by NEC for the purpose of conducting investigations under the Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.
- g. Nature of the Investigation  
The investigation will include separate interviews with the Complainant, the Respondent, and any witnesses whom the Investigator(s) believe will provide necessary and relevant information. The investigation may include the review of documentation or other items relevant to the reported conduct. The Investigator(s) will provide the Parties with written (letter or email) notice of meetings at which their presence is required.
- h. The Parties’ Identification of Potential Witness and Documentation  
The Parties have the opportunity (and are expected) to provide the Investigator(s) with the identification of potential witnesses who have specific information about the reported conduct and with whom they would like the Investigator(s) to speak. The Parties also have the opportunity (and are expected) to provide the Investigator(s) any documentation or other items they would like to be considered. All information described in this section must be presented to the Investigator(s) in writing and include a brief description as to how the persons, documents, and/or items are relevant to the reported conduct. This information must be provided to the Investigator(s) during the investigation phase and without delay upon becoming aware of it. The Investigator(s) will exercise discretion in their determination of what information to consider and which potential witnesses identified by the Parties can provide relevant information to the investigation.
- i. Investigation Prohibitions  
Neither Party will be permitted to question or cross-examine the other Party during the investigation or disciplinary proceedings. Moreover, the Investigator(s) generally will not consider information related to either Party’s sexual history outside of the conduct in question.
- j. Content of the Investigative Report  
At the conclusion of the investigation phase, the Investigator(s) will prepare an Investigative Report, which should include a summary of the factual information presented during the investigation phase, including inconsistencies (if any) between different sources of information. The Investigative Report will not include

a determination by the Investigator(s) as to whether a Party has violated the Sexual Misconduct Policy, or what sanctions may be appropriate.

k. Review by the Parties

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

l. Adjudication

0. The respondent and the complainant will receive written notification of the Title IX Coordinator's findings and sanctions. Sanctions may range from exoneration to expulsion or termination of employment.
1. The Title IX Coordinator will review the report submitted by the designated investigator(s) and make a determination, based on a preponderance of the evidence, as to whether there was a violation(s) of the sexual misconduct policy.

m. Appeals

0. Upon receiving notice of the final outcome, either party may file an appeal. Within five (5) business days of receiving written notice of NEC's determination on responsibility and sanctions, either the Complainant or the Respondent may appeal the decision by submitting to the Title IX Coordinator a letter stating why the party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.
1. A party may appeal only on the following grounds: (i) newly discovered material information that was not known to the appellant party during the investigation and which likely would have changed the finding of responsibility or the sanction imposed had it been available; or (ii) substantial procedural error that materially prejudiced the appellant party. The party submitting the appeal must set forth in detail the grounds for review and must attach all materials that the party wishes to have considered in the appeal process. The Title IX Coordinator will provide a

- copy of the appeal submitted by one party to the other party and provide them five (5) business days to provide a written response.
2. Following the receipt of the appealing party's review and expiration of the time period for the other party to respond, the Title IX Coordinator will appoint an Appellate Officer who will decide the merits of any appeal and in so doing, may consult with the investigator(s), the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The purpose of the appeal is not to rehear the case; rather, it is to determine if there is sufficient information presented to allow a reconsideration of the original decision.
  3. Any action assessed or recommended by NEC may be enforced, in whole or in part, pending the outcome of the appeal at the sole discretion of the Title IX Coordinator, including a removal or suspension.

#### 4. *POLICY AND PROCESS PROVISIONS*

##### a. Withdrawal While Charges Pending

- . Should a student decide to withdraw from NEC while charges are pending, the investigative process will proceed in the student's absence to a reasonable resolution. The student will not be permitted to return to NEC unless all sanctions have been satisfied. The student will not have access to an academic transcript until the allegations have been resolved.
- i. Should an employee decide to resign from NEC while charges are pending, the investigation process will proceed in the employee's absence to a reasonable resolution. The employee will not be permitted to reapply for new employment with NEC unless all sanctions have been satisfied.

##### b. Duty of Honesty

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

##### c. Duty of Cooperation

All Parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing the Policy and these procedures. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under the Policy may be subject to separate and/or additional Conservatory disciplinary action.

##### d. Respect for Privacy

NEC values the privacy of individuals involved in the reporting, investigation, and/or resolution of matters subject to the Policy. The U.S. Department of Education has provided guidance indicating that there are situations in which it may be necessary for an institution to override a request for privacy or confidentiality in order to meet its obligations under the law. In the event circumstances result in NEC overriding a request for privacy or confidentiality to meet its obligations, it will do so with the utmost sensitivity and respect for the circumstances and the individuals involved.

- e. Recording the Proceedings  
The Parties are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under the Policy or these procedures or the Investigative Report. The Title IX Coordinator may make exceptions to this prohibition in limited circumstances if he or she concludes, in his or her sole discretion, that a recording is warranted, and upon written request of the Party seeking the recording that explains the need for the recording.
- f. Special Situations  
NEC retains the right to determine, in its sole discretion, if it will address a report of conduct under the Policy administratively and outside of the process described herein when the safety of NEC community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the Parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of NEC and/or the community to do so.
- g. Responding Party Voluntary Agreement to Policy Violation  
At any point prior to the conclusion of the investigation, a Respondent may agree in writing to the alleged violation(s) of the Policy and, in the cases of sexual harassment not involving sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, may offer a proposed sanction. It is within NEC's sole discretion whether to accept the proposed sanction or assign a different sanction. In cases of sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, the Title IX Coordinator will determine and impose sanction(s) pursuant to the Policy.
- h. Optional Informal Resolution Process
  - . A Party may request an informal resolution of a complaint rather than an investigation by contacting the Title IX Coordinator. All Parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. If the Title IX Coordinator determines that informal resolution is appropriate, the Title IX Coordinator will notify the Parties.
  - i. The Title IX Coordinator will designate a Conservatory representative to facilitate a dialogue with the Parties in an attempt to reach a resolution. The allegation will be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them and which is approved by the Title IX Coordinator in consultation with other appropriate Conservatory administrators. A Party may withdraw from the informal resolution process at any time prior to its completion and NEC will continue the investigation.
  - ii. The Title IX Coordinator may initiate an investigation at any time that deems it appropriate in his or her sole discretion.

## 5. KEY TERMS

- a. Complainant
  - . The complainant is the person making the allegations of sexual misconduct.
- b. Consent

- . If a person is mentally or physically incapacitated or impaired so that he or she cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.
- i. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.
- ii. Consent must be informed and voluntary, and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.
- iii. Consent which is informed, freely and actively given through clear words or actions, and creates mutually understandable permission regarding the conditions of sexual activity. Effective Consent is achieved only where each party mutually understands what behavior the party's partner consents to and what behavior the party's partner does not consent to with regard to physical and sexual interactions. Effective Consent at one time does not imply Effective Consent at any other time. Effective Consent cannot be obtained: (1) through silence alone (absent a non-verbal action clearly demonstrating consent); (2) from minors (under the age of 16 in Massachusetts), individuals with mental disabilities, or incapacitated persons; or (3) through physical force, threat of physical force (by words, gestures, or non-verbal actions), coercion, fraud, intimidation, or incapacitation.
- c. Incapacitation
  - . Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason.
  - i. It is a violation of this policy and Massachusetts law to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of capacitation, especially in cases when alcohol or drugs are involved.
- d. False Allegations  
Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.
- e. Force  
The use of force to cause someone to engage in sexual activity is, by definition,

non-consensual contact, and is prohibited. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this policy, force includes the use of any of the following:

0. Physical Force, Violence, or a Weapon
  1. Threats
  2. Intimidation and Implied Threats
  3. Coercion
- f. Respondent  
The respondent is the person against whom a complaint of sexual misconduct has been made.

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**Find more information on:**

**[Reporting Violations](#)**  
**[Investigation & Adjudication Process](#)**  
**[Resources](#)**

# *Reporting Violations of NEC's Title IX Policy*

## Determining Confidentiality

NEC respects the desire for confidentiality and will always strive to protect a person's right to privacy. However, confidentiality can limit NEC's ability to conduct a thorough investigation and take appropriate disciplinary action. Additionally, NEC's may be required to break confidentiality if the reported incident poses a credible threat to the safety of the NEC community or the public at large. Official school records are protected under FERPA, but like medical records, are subject to subpoena.

NEC may be required to break confidentiality if the reported incident was systemic or part of a broader pattern, or poses a credible threat to the safety of the NEC community or the public at large. If confidentiality cannot be granted, the adjudication process will still be available; NEC will continue to provide support and feasible accommodations; NEC will provide relevant information only to those with a need to know.

### **Do I have to tell the police?**

NEC urges students to report instances of sexual misconduct or domestic abuse to the police. However, we understand that sometimes students are hesitant to take this step. A police report is NOT required for NEC to begin an investigation into a Title IX violation.

### **How do I report a violation to someone at NEC?**

Designated NEC administrators are available to support both the complainant and the respondent, and provide an explanation of rights, including:

- Access to counseling and medical services
- Access to legal services, including obtaining a restraining order through the Boston Police Department
- Strategies to avoid contact with the respondent while the investigation is pending
- The option to change enrollment status, such as taking a Leave of Absence

New England Conservatory is committed to an environment where open, honest communications are the expectation, not the exception.

Students are encouraged to report violations to a member of the Title IX team (listed below), who have been educated in the rights of and services available for both complainants and respondents:

### **Nick Macke**

Title IX Coordinator

Director of Human Resources

Office of Human Resources (St. Botolph Building, room 203)



617-585-1230

[nick.macke@necmusic.edu](mailto:nick.macke@necmusic.edu)

**Robin Searcy**

Assistant Director of Student Life

Office of Student Services

617-585-1792

[robin.searcy@necmusic.edu](mailto:robin.searcy@necmusic.edu)

**Steven Sweat**

Director of Residence Life and Housing

Office of Student Services

617-585-1188

[steven.sweat@necmusic.edu](mailto:steven.sweat@necmusic.edu)

**Christine Witmer**

Assistant Director, Preparatory School

Preparatory School

617-585-1356

[christine.witmer@necmusic.edu](mailto:christine.witmer@necmusic.edu)

Alternatively, students may log into **My NEC** to access confidential, third-party reporting options, provided by EthicsPoint, listed under the "Security & Safety" tab.

In cases of emergency, students should contact **Campus Safety** at 617-585-1777.

**What will happen to the person I have accused?**

The responding party has a right to be informed of the accusation and of the investigative procedures, including the right to an advisor. Please see the **[RESOURCES PAGE](#)** for a complete description of rights of the Complainant and Respondent. During the investigation, the Title IX coordinator will attempt to separate the accused from the accuser. This may require a room-change in the residence hall, and/or a temporary change of course/rehearsal schedules.

As with all disciplinary cases, if the Title IX Coordinator determines that there is an imminent risk to the safety of community members or the ongoing functions of NEC and its community, he/she may suspend or otherwise restrict NEC access for the accused student without prejudice to his or her record until the conclusion of the disciplinary proceeding.

## *Title IX Investigation & Adjudication Process*

After receiving a report of conduct that could implicate the Policy, the Title IX Coordinator or his or her designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable NEC to assess the need to take any immediate action to address the safety of the Complainant and/or NEC community, and to determine the next steps for investigating the reported conduct and the need for any interim measures.

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

1. The Title IX Coordinator or his or her designee will notify both the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other interim measures. These resources can be found at <https://necmusic.edu/title-ix/resources>.
2. The Title IX Coordinator will notify the Complainant about:
  - the availability of the Policy;
  - the right to report (or decline to report) the matter to Public Safety and/or to local law enforcement if the conduct is potentially criminal in nature; and
  - that a report to law enforcement will not change NEC's obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that NEC delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.
  - The Title IX Coordinator will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of NEC community that warrants issuance of a timely warning, a stay-away order for any persons, or any other interim protections. The Title IX Coordinator will consult with senior administrators re: same.
3. The Title IX Coordinator will contact the Complainant and encourage the Complainant to meet to discuss the nature and circumstances of the reported conduct, review relevant documentation that is available, and address the Complainant's immediate physical safety needs, including the need for any interim measures. Examples of interim measures may include no-contact orders, requests for academic adjustments or other accommodations, access to additional support services, changes to living, transportation and working situations, and other actions to address the situations and concerns raised on an interim basis.
4. If the Title IX Coordinator determines the reported conduct could implicate the sexual misconduct policy, he or she will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, NEC will weigh that request and the reasons for it against NEC's obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant's request not to proceed to

investigation is granted, the Title IX Coordinator will proceed to initiate the investigation.

5. If the Title IX Coordinator determines that the reported conduct would not implicate the Policy, he or she will advise the Complainant of such in writing and refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate Conservatory policy. (If new information is subsequently provided, the decision whether or not to investigate under the Policy may be reevaluated.)
6. Notice of an Investigation  
If, during the initial assessment, it is determined that the reported conduct could trigger the Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include a brief description of the allegations, the portion(s) of the Policy that are alleged to have been violated, and any interim measures in place about which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility.
7. The Role of Advisors in the Process  
In connection with an allegation of sexual misconduct involving sexual violence, other inappropriate sexual contact, relationship violence or stalking, each Party, including any Reporting Party, may have a single advisor of such Party's choice present during the disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Policy. Advisors may not participate actively while present at any disciplinary proceeding and may not speak or otherwise communicate on the part of the Party that the advisor is advising. However, the advisor may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. An advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process. The advisor is not permitted to attend a meeting or proceeding without the Party (as a proxy or otherwise) without the prior approval of the Title IX Coordinator, as determined in his/her sole discretion. The Conservatory reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator.
8. Designation of Investigator  
The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the "Investigative Report"). At NEC's discretion, more than one investigator may be assigned. NEC may also exercise discretion in assigning an external investigator to conduct the investigation with NEC's internal investigator. (In addition, NEC may assign an external investigator, without assigning an internal investigator.) All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by NEC or engaged by NEC for the purpose of conducting investigations under the Policy. The Title IX Coordinator will provide the Parties with the name of the

person(s) assigned to investigate the reported conduct (the “Investigator(s)”). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator’s decision regarding any conflicts is final.

9. Nature of the Investigation

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

10. The Parties’ Identification of Potential Witness and Documentation

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

11. Investigation Prohibitions

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

12. Content of the Investigative Report

At the conclusion of the investigation phase, the Investigator(s) will prepare an Investigative Report, which should include a summary of the factual information presented during the investigation phase, including inconsistencies (if any) between different sources of information. The Investigative Report will not include a determination by the Investigator(s) as to whether a Party has violated the Sexual Misconduct Policy, or what sanctions may be appropriate.

13. Review by the Parties

The Parties will have an opportunity to review the Investigative Report and may submit written comments about the content of the Investigative Report to the Investigator(s) within five (5) calendar days of the date they are notified that the Investigative Report is available for review. This review will take place at a secure location and in a secure manner determined by NEC. The time to submit

written comments can be extended for a brief period if the Title IX Coordinator concludes, in his/her sole discretion, that the additional time is warranted, and upon written request of the Party seeking the extension that explains the reason the additional time is necessary. Likewise, the secure location and manner of reviewing the Investigative Report can be modified if the Title IX Coordinator deems it necessary and appropriate. The Parties may have the advisors review the Investigative Report with them. Photographs or any other copies of the Investigative Report are not allowed by either Party or the advisors. The comments submitted by the Parties may not exceed ten (10) double spaced pages. After reviewing the submissions, if any, from the Parties, the Investigator(s) may determine that either additional investigation is required or no further investigation is needed. If further investigation is conducted, the Investigator(s) will include any additional relevant information in the Investigative Report. The Investigative Report will then be submitted to the Title IX Coordinator. Any submissions made by either Party pursuant to this section, as well as any other documentation deemed relevant by the Investigator(s), will be attached to the Investigative Report.

#### 14. Adjudication

1. The respondent and the complainant will receive written notification of the Title IX Coordinator's findings and sanctions. Sanctions may range from exoneration to expulsion or termination of employment.
2. The Title IX Coordinator will review the report submitted by the designated investigator(s) and make a determination, based on a preponderance of the evidence, as to whether there was a violation(s) of the sexual misconduct policy.

#### 15. Appeals

0. Upon receiving notice of the final outcome, either party may file an appeal. Within five (5) business days of receiving written notice of NEC's determination on responsibility and sanctions, either the Complainant or the Respondent may appeal the decision by submitting to the Title IX Coordinator a letter stating why the party requesting the appeal believes the determination of responsibility and/or the sanctions were inappropriate.
1. A party may appeal only on the following grounds: (i) newly discovered material information that was not known to the appellant party during the investigation and which likely would have changed the finding of responsibility or the sanction imposed had it been available; or (ii) substantial procedural error that materially prejudiced the appellant party. The party submitting the appeal must set forth in detail the grounds for review and must attach all materials that the party wishes to have considered in the appeal process. The Title IX Coordinator will provide a copy of the appeal submitted by one party to the other party and provide them five (5) business days to provide a written response.
2. Following the receipt of the appealing party's review and expiration of the time period for the other party to respond, the Title IX Coordinator will appoint an Appellate Officer who will decide the merits of any appeal and in so doing, may consult with the investigator(s), the Title IX Coordinator, and any other individual that the Appellate Officer deems appropriate. The purpose of the appeal is not to rehear the case; rather,

it is to determine if there is sufficient information presented to allow a reconsideration of the original decision.

3. Any action assessed or recommended by NEC may be enforced, in whole or in part, pending the outcome of the appeal at the sole discretion of the Title IX Coordinator, including a removal or suspension.

# *Title IX Resources*

<b>RESOURCE</b>	<b>STATUS</b>	<b>REPORTING OBLIGATIONS</b>
<p><b>Health Center Staff</b>            241 St. Botolph Street            Rm 112            Phone: 617-585-1284</p> <p><i>Monday – Wednesday            9am–4pm            Thursday 8:30am–5pm            Friday 9am–4pm</i></p>	<p><i>Confidential            Resource</i></p>	<p><i>None, unless they are being consulted outside the scope of their role with Health Center.</i></p>
<p><b>Counseling Center Staff</b>            241 St. Botolph Street            Rm 112            Phone: 617-585-1398</p> <p><i>Monday 9am–4pm            Tuesday 9am–4pm            Wednesday 9am–4pm            Thursday 9am–4pm            Friday 9am–4pm</i></p> <p><i>Urgent Walk-In hours:            Monday-Friday 1pm-2pm</i></p>	<p><i>Confidential            Resource</i></p>	<p><i>None, unless they are being consulted outside the scope of their role with Counseling Center.</i></p>
<p><b>Public Safety Staff</b>            295 Huntington Ave            Phone: 617-585-1180</p>	<p><i>Non-            confidential            Resource</i></p>	<p><i>Public Safety will report information received about potential sexual misconduct incidents to the Title IX Coordinator. Depending on the nature of the allegations, Public Safety may also be required to include it in a crime log and annual statistics without identifying the alleged victim(s). Public Safety may also provide emergency notifications and/or timely warnings, as appropriate.</i></p>
<p><b>Residence Hall Staff</b>            Student Life &amp;            Performance Center            255 St Botolph Street            Phone: 617-585-1320</p>	<p><i>Non-            confidential            Resource</i></p>	<p><i>Residence Hall Staff will report information received about potential sexual misconduct incidents to the Title IX Coordinator.</i></p>

RESOURCE	STATUS	REPORTING OBLIGATIONS
<b>Community Resources:</b> The Boston Area Rape Crisis Hotline <a href="http://www.barcc.org/help">www.barcc.org/help</a> Phone: 800-841-8371  Victims' Rights Law Center 115 Broad Street, 3rd floor Phone: 617-399-6720 x19  Boston Police Sexual Assault Unit Phone: 617-343-4400	<i>Not an NEC Member</i>	<i>Community Resources are not members of the NEC community. They have no reporting obligations to NEC.</i>

**FAIR AND EQUAL PROCESS FOR BOTH PARTIES**

NEC has sought to design its process to both respond appropriately to complaints alleging inappropriate sexual behavior while also providing a fair and equal process for both parties. The following efforts will be made in the utilization of the Sexual Misconduct Policy:

- The right to an investigation and appropriate resolution of credible allegations of sexual misconduct or discrimination made in good faith to NEC officials;
- The right to be treated with respect by NEC officials;
- The right not to be pressured to mediate or otherwise informally resolve any reported sexual misconduct or gender based discrimination or harassment;
- The right not to be discouraged by NEC officials from reporting sexual misconduct or gender based discrimination or harassment to both on-campus and off-campus authorities;
- The right to be informed by NEC officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to be notified of available resources including: counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;



- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct or gender based discrimination or harassment incident, if so requested by the reporting party and if such changes are reasonably available;
- The right to be informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;
- The right to petition that any NEC representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring an advisor of their choosing to all phases of the investigation and resolution proceeding in which they are invited;
- The right to submit an impact statement in writing to the Title IX Coordinator following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by NEC.

# *Student Records*

## *FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)*

New England Conservatory complies with the Family Educational Rights and Privacy Act (FERPA) of 1974. FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under any applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. NEC is not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records in person. NEC may charge a fee for copies.
- Parents or eligible students have the right to request that NEC correct records which they believe to be inaccurate or misleading. If NEC decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if NEC still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- New England Conservatory must have written permission from the parent or eligible student to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To the parent or parents of a student who claim the student as a dependent for income tax purposes. NEC may require a copy of that portion of a parent's income tax return that shows the student to be a dependent.
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

## *DIRECTORY INFORMATION*

NEC designates the following items as Directory Information. NEC may disclose any of these items without the student's prior written consent, unless notified in writing to the contrary by October 1st of each year. (Students may notify NEC after October 1st,

however NEC can not guarantee that the Directory Information will be excluded from the Student Directory.)

#### *LIST OF DIRECTORY INFORMATION*

- Name
- Local address
- Local telephone number
- Permanent address
- NEC e-mail address
- Month and date of birth
- Program and degree
- Major(s)
- Class year
- Minor(s)
- Concentration(s)
- Participation in officially recognized activities including concerts, TOS, etc.
- Awards, prizes and honors earned in connection with officially recognized activities
- Dates of attendance
- Enrollment status
- Degree(s) earned and degree dates
- Graduation honors
- Anticipated degrees and anticipated degree dates
- Studio instructor's name(s)
- Awards, honors, and prizes received outside NEC that are related to a student's musical career
- Information provided by the student to the Office of Public Relations
- Most recent previous school attended

A complete copy of the FERPA Policy is available on the NEC Website and in the Registrar's Office.

#### *PREFERRED NAME AND PRONOUN POLICY*

Students at NEC may choose to use a first name other than their legal name to identify themselves as long as the chosen (sometimes called preferred) name is not used for the purposes of misrepresentation. Students may also opt to use chosen pronouns.

The NEC community will have access to chosen names and pronouns via the NEC Directory. Students also have the option to change their NEC email address and identification card to reflect their chosen name. Students will be charged the regular replacement fee for reprinting of an identification card. If students do not indicate a chosen name then the name reflected in NEC records will be used. If students do not indicate a chosen pronoun then the pronoun associated with their sex assigned at birth will be used.

Legal names will be used whenever it is required. Students wishing to pursue a legal name change should consult with the Registrar's Office. Changes will be made in as timely a manner as possible.

# *Drug Free Schools and Communities Act*

Drug Free schools and Communities Act Students at NEC College must be aware that their behavior with respect to alcoholic beverages is constrained by two sets of rules: Massachusetts state law and the college's own policies which reflect its concern for the health and well-being of its students. The alcohol and drug policies are set forth in the Non-Academic Policies section of the handbook.

Persons who violate the college's policy regarding alcohol or other drugs are subject to appropriate disciplinary action, counseling, probation, suspension, dismissal and referral to proper law enforcement authorities for prosecution. Massachusetts state law subjects an individual to fines ranging from \$300 to \$1,000, loss of driver's license and/or imprisonment for the following acts:

- Sale or delivery of alcohol to anyone under 21 years of age;
- Possession, purchase, delivery, or transportation of alcohol by anyone under 21 years of age; and
- Misrepresentation or falsification of identification in order to purchase alcohol.
- The law further states that anyone who wishes to purchase alcohol must show, upon request, a valid Massachusetts driver's license indicating that he or she is 21 years of age or older.

The Drug Free Schools and Communities Act also requires that a description of health risks associated with drug use and alcohol abuse be distributed to NEC students. Potential health risks resulting from alcohol and drug abuse include but are not limited to the following:

- Aggressive behavior
- Brain damage
- Bronchitis
- Cancer of the esophagus
- Cirrhosis of the liver
- Delirium tremors
- Fluctuating moods and emotions
- Heart attack
- Hepatitis
- Impotency
- Irritability
- Malnutrition
- Meningitis
- Pancreatitis
- Physical dependence
- Pneumonia
- Pregnancy complications
- Relationship problems

- Respiratory arrest
- Sleep problems
- Ulcers

Resources are available to assist NEC students in understanding and dealing with drug and alcohol abuse. The National Institute on Drug Abuse provides a confidential information and referral line that directs callers to cocaine abuse treatment centers in the local community. Contact Health and Counseling Center for free materials and consultations.

See non-academic policies of this Handbook for policies on alcohol and other drugs. See the Disciplinary Code section of this Handbook for the range of possible sanctions.

# *Equal Opportunity Policy and Non-Discrimination Policy*

## *UNLAWFUL DISCRIMINATION OR HARASSMENT*

It is the policy of the Conservatory to maintain a work and academic environment that is free of sexual harassment and discriminatory actions based on race, color, gender, gender identity, age, sexual orientation, religion, ethnic or national origin, physical or mental disability, genetic information, veterans' status, membership in uniformed services, or any other protected status. Unlawful employment discrimination and sexual harassment by officers, managers, faculty, supervisors, employees, students, advisors, vendors, clientele, and contractors will not be tolerated.

Further, any retaliation against an individual who has complained about sexual harassment or unlawful discrimination, or retaliation against individuals for cooperating with an investigation of a complaint of sexual harassment or unlawful discrimination, is similarly unlawful and will not be tolerated.

The Conservatory will investigate complaints of violation of this policy. Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/ or expulsion.

# *Missing Student Policy*

Safety is a major concern for everyone on campus, and NEC strives to provide an ideal environment for learning, working and living. NEC has instituted the Missing Student Notification Policy to enhance the safety and security of our students.

It is the policy of NEC to carefully investigate any report of a missing student who is enrolled and attending classes at NEC. Missing student investigations will be completed through the cooperation of the Office of Student Services and NEC Public Safety.

In accordance with Federal statutes, if the student is under 18 years of age and not emancipated, NEC must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

This Policy applies to all NEC students, whether or not they reside in student housing.

- A resident student will be deemed missing when the student is reported absent from housing without any known reason.
- A residential or commuting student may be deemed missing when the student is reported absent from the campus or from off-campus assignments with no explanation.
- In the event of statements made by a student indicating a threat to self, that student shall be deemed as missing if the student is not in the company of a NEC official or family member.
- Pursuant to 20 U.S.C. § 1092(j) and 34 C.F.R. § 668.46(h), it is required that any missing student report must be referred immediately to NEC's NEC Public Safety at 617-585-1777,
  - Public Safety will investigate each report and make a determination whether the student is in fact missing in accordance with this policy.

Students have the option to identify a confidential contact person or persons who will be notified within 24 hours in the event that a determination is made that the student is missing. Confidential contact information will be kept separate from general emergency contact information. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.

The NEC Public Safety will contact local police and other law enforcement agencies no later than 24 hours after NEC receives a report that any student is missing.

## ***OFF-CAMPUS STUDENTS - IN THE EVENT THE POTENTIALLY MISSING STUDENT LIVES OFF-CAMPUS:***

1. Contact the Dean of Students or the Associate Dean of Students.
2. The Dean will call the student on their local phone number.
3. If the student does not answer, the Dean will contact the student's instructors to determine whether or not the student has been attending classes and rehearsals.



4. If the Dean is unable to confirm the student has regularly been attending classes and rehearsals, the Dean will notify NEC Public Safety of the reported student.
5. If the Dean is unable to locate the student within 24 hours, the Dean will call the student's emergency contact. (This information is available in student's confidential file.)
6. If the Dean is unable to locate the student within 48 hours, Public Safety or the Dean will notify the Boston Police.

**Dean of Students:** Nick Tatar (617) 585-1313

**Senior Associate Dean of Students:** Rebecca Teeters (617) 585-1311

**24 hour Public Safety:** (617) 585-1777

**Director of Campus Security:** Paul Lombardo (617) 585-1246

*ON-CAMPUS STUDENTS – IN THE EVENT THE POTENTIALLY MISSING STUDENT LIVES ON-CAMPUS:*

1. Contact a Residence Life staff member who will contact the Director of Residence Life and Housing.
2. The Director of Residence Life and Housing will contact the student on their local phone number.
3. If the student does not answer, the Director of Residence Life and Housing will contact the student's roommate (if applicable) to determine the last time the student was seen in the room.
4. The Director of Residence Life and Housing contacts the Dean of Students or the Senior Associate Dean of Students
5. If the student was not seen by his/her roommate within past 24 hours, the Director of Residence Life and Housing will contact the Dean of Students or the Senior Associate Dean of Students to have one of them contact the student's instructors to determine whether or not the student has been attending classes and rehearsals.
6. If the Dean is unable to confirm the student has regularly been attending classes and rehearsals, the Dean or Director of Residence Life and Housing will notify Public Safety of the reported student.
7. If the Dean and the Director of Residence Life and Housing are not able to locate the student within 24 hours, the Dean or Director of Residence Life and Housing will call the student's emergency or missing persons contact. (This information is available in student's confidential file.)
8. If NEC staff members are unable to locate the student within 48 hours, Public Safety or the Dean will notify the Boston Police.

**Resident Assistant on duty phone** (617) 504-4395

**Director of Residence Life and Housing:** Steven Sweat (617) 585-1188

**24 hour Public Safety:** (617) 585-1777

The institution, by law, must contact the custodial parent or guardian and emergency contact person of a confirmed missing student who is under the age of 18 and not emancipated from their parents within 24 hours of determination that the student is missing.

# *Student Employment*

Student employment policies are available from the [Office of Admissions and Financial Aid](#).

# *Voter Registration*

*Massachusetts General Laws, Chapter 51, Sect. 42E*

The law requires all public and independent colleges, universities, high schools and vocational schools to make available affidavits of voter registration forms wherever students register for classes. Massachusetts residents will find such forms in the Office of the Registrar, in St Botolph 224. Students who wish to register in another state may not use these forms. Out-of-state students who want to vote in their home state must use either a mail-in form supplied by an election official in the home state or the federal mail-in affidavit of voter registration.

The latter may be obtained by writing or calling the Massachusetts Elections Division.

# *U.S. Veterans Education Benefits*

The following degree/diploma programs of study at New England Conservatory are reviewed by the Office of Veterans Education of the Massachusetts Department of Higher Education, the State Approving Agency (SAA) for the state of Massachusetts, and recommended for approval by the SAA to the U. S. Veterans Administration for the use of GI Bill<sup>®</sup> educational benefits under the authority of Title 38, U.S. Code and Chapter 1606 Title 10: Undergraduate Diploma, Bachelor of Music (four-year and double-major five-year programs), Graduate Diploma, and Master of Music.

New England Conservatory is in compliance with Title 38 United States Code Section 3679(e). NEC permits any **covered individual** to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 (a “certificate of eligibility” can also include a “Statement of Benefits” obtained from the Department of Veterans Affairs’ (VA) website – eBenefits, or a VAF 28-1905 form for chapter 31 authorization purposes) and ending on the earlier of the following dates:

- The date on which payment from VA is made to the institution.
- 90 days after the date the institution certified tuition and fees following the receipt of the certificate of eligibility.

New England Conservatory will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual’s inability to meet his or her financial obligations to the institution due to the delayed disbursement funding from VA under chapter 31 or 33 provided that the student submits a certificate of eligibility prior to the first day of classes and notifies NEC in writing of their intent to utilize their VA benefits.