



# DEPARTMENT OF PUBLIC SAFETY 2017

## Annual Clery Crime, Security, and Fire Safety Report (for calendar year 2016)

This publication is produced in compliance with the Jeanne Clery Disclosure of Campus Security policy and Campus Crime Statistics and reflects the Crime and Fire statistics reported during the calendar year 2016.

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# 2016 Crime, Security and Fire Safety Report

## **The Clery Act**

In 1990, Congress enacted the Student Right-To-Know and Campus Security Act (CSA) as part of its Higher Education Reauthorization Act. Congress then amended the CSA three times, first clarifying the timing of reporting dates. CSA was amended a second time in 1992 to include the provisions of the Campus Sexual Assault Victim's Bill of Rights. Passage of the CSA also required passage of the Buckley Amendment Clarification Act, regarding the inter-relation between the CSA's crime reporting requirements and the privacy provisions of The Family Education Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA). In October of 1998, congress passed the third major amendments to the CSA, in its Higher Education Act Reauthorization Act. With the 1998 amendments came the most obvious revision to the CSA, being a name change. The Campus Security Act has been formally renamed the Jeanne Clery Disclosure of Campus Security Policy and Camps Crime Statistics Act, also known as the Clery Act. In October 2009 Congress passed a new CFR 668.49 Institutional fire safety policies and fire statistics, creating a requirement for an institution that maintains any on-campus student housing facility to prepare an annual fire safety report. On August 14, 2008 The Higher Education Act (HEA) was amended by the Higher Education Opportunity Act (HEOA) to specify new Public Safety requirements in the areas of hate crime reporting, emergency response and evacuation procedures, missing student notification, and fire safety issues. In addition, existing guidance for defining on-campus student housing facilities and classifying burglaries has been updated.

## **Campus SaVE Act**

In 2013 the Campus SaVE Act (Campus Sexual Violence Elimination Act) was amended to the Clery Act. It was signed into law as part of the Violence Against Women Reauthorization Act (VAWA) on March 7, 2013. SaVE was designed as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education and requires colleges to increase transparency about the scope and frequency of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus-wide prevention and educational programming. Colleges and universities are required to add to their reporting requirements domestic violence, dating violence and stalking incidents. Institutions must also report whether a victim was "intentionally selected because of the actual or perceived national origin [or] gender identity of the victim."

## **About the Annual Security and Fire Report**

NEC's annual security report includes statistics for the previous three years concerning reported crimes and violations of policy which occurred on campus, in certain non-campus buildings owned or controlled by NEC, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, reporting of crimes, safety notification procedures, crime prevention and educational programs and policies concerning alcohol and drug use, sexual assault, Title IX violations or complaints and other matters. Policies outlined in this document apply to the entire campus except where noted. The procedures for preparing the annual discloser of crime statistics to the college community include written requests for statistical information obtained from the following sources: New England Conservatory Public Safety Department and the

Boston Police Department. You can obtain a copy of this report by contacting the Public Safety Department in 290 Huntington Avenue, phone 617-585-1290, or by accessing the following website: <http://necmusic.edu/student-life/facilities/safety-security-reports>

### **Campus Security Authorities (CSAs)**

CSAs include any member of the NEC Public Safety Department, any individual who has responsibility for security but who is not a member of the Public Safety Department, any individual identified by the conservatory as someone to whom a crime should be reported, and any Conservatory official who has significant responsibility for student and campus activities. Individuals who fall under this definition may vary among department and area and are included in the following but are not limited to:

- Dean of Students
- Title IX Coordinator
- Assistant Dean, Student Affairs
- Associate Dean
- Resident Life Director

All CSAs should encourage any party that reports a safety or security concern to report directly to the Public Safety Department as soon as possible. All CDSs must immediately notify the Public Safety Department of a crime or incident surrounding security.

The following are NEC owned properties:

- 290 Huntington Avenue
- 33 Gainsborough Street
- 255 St. Botolph Street
- 241 St. Botolph Street

The following are NEC leased properties:

- 295 Huntington Avenue
- 300 Massachusetts Avenue

### **Law Enforcement Authority and Interagency Relationships**

New England Conservatory's Department of Public Safety consists of twelve full time and twelve part time personnel that report to the Executive Director of Facilities, Engineering and Construction/Public Safety Director. There are eleven sworn Special Police Officers and one sworn Suffolk County Deputy Sheriff. Public Safety Facilities are located on the first floor of the Jordan Hall Building, room 127, (290 Huntington Avenue) and 295 Huntington Avenue room 207 and can be contacted by calling 617-599-9965. Calls are answered 24-hours a day every day. Our Public Safety Department is on duty 24 hours a day, year round, patrolling and responding to requests for services. Public Safety officers receive extensive training and are certified in CPR/AED and First Aid. All sworn officers are Certified First Responders. All Public Safety Employees receive "on the job" and in-service training throughout the year.

NEC's sworn officers are commissioned by Boston Police Department in accordance with the provisions of Rule 400 City of Boston Ordinances and have full law enforcement and arrest authority in and upon

all property owned, occupied and or used by NEC. The Executive Director of Facilities, Engineering and Construction/Director of Public Safety is sworn as a Suffolk County Deputy Sheriff expanding his authority throughout Suffolk County. All sworn officers are unarmed.

The Public Safety Department is committed to providing an environment that is conducive to living, learning and working, through crime awareness education, proactive patrols, investigations, communications and extensive Public Safety services.

New England Conservatory's Public Safety Department maintains a close working relationship with, and receives support from the Boston Police Department, Boston Fire Department, the Massachusetts State Police, Suffolk County Sheriff's Department, local college and university police departments and numerous federal agencies. Crime information is exchanged on a regular basis, and the Public Safety Department constantly monitors off-campus crime and incidents occurring in the area.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations is monitored and recorded. This information is provided to the Dean of Students for any action or follow-up that may be appropriate in accordance with the Student Code of Conduct Handbook.

### **Reporting Crimes, Emergencies and Suspicious Activities**

We strongly encourage all community members to immediately report criminal activity, emergencies, and suspicious activities or behavior to the Public Safety Department. Reports and requests for service can be initiated by contacting any Public Safety employee, stopping by the Public Safety Security Post located in Jordan Hall, 290 Huntington Avenue, using one of the two emergency information call boxes identified by a blue light, located throughout the campus, or by calling 617-599-9965. Reports of a timely and accurate nature are paramount. If a community member chooses, he/she can report crimes to the Boston Police Department by calling 911 or can request that NEC's Public Safety Department contact the Boston Police for them. Off campus crime and incidents should be reported to the local police by calling 911, and by notifying NEC's Director of Public Safety at 617-585-1187

NEC's Public Safety Department investigates all reported criminal activity and other safety related incidents occurring on campus. Public Safety staff also enforces Institute Policies, parking regulations, state and federal laws and the Student Code of Conduct.

The office of Residential Life (617-585-1294), Dean of Students Office (617-585-1310) and the Dean of Preparatory and Continuing Education (617-585-1123) can also assist students in reporting crimes and serious incidents while the Department of Human Resources (617-585-1230) can assist employees. Counseling and other victim support services are available upon request to all students and employees at New England Conservatory.

NEC Public Safety department and the four offices mentioned above will assist community members and accept confidential crime reports.

"Professional Counselors" when acting as such, are not considered to be campus security authority and are not required to report crimes for inclusion in the annual crime report. As a matter of policy, they are encouraged - if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

### **Report Unusual/Suspicious Behavior or Threatening Behavior**

If you have witnessed an individual that appears to be an immediate threat to themselves or to others, call 911. If the individual is not in immediate danger you are strongly encouraged to contact the NEC's Public Safety Department at 617-599-9965 for assistance. You may also contact the following departments for assistance in reporting your concerns:

- Dean of Students 617-585-1310
- Office of Residential Life- 617-585-1294
- Health/Counseling Center- 617-585-1284
- Human Resources – 617-585-1230
- Dean of Preparatory and Continuing Education – 617-585-1123

Individuals who exhibit potentially threatening, intimidating, or dangerous actions or behavioral patterns may be participating in destructive decisions (self-destructive and/or destructive toward others), psychosis, drug or alcohol impairment and/or threats of violence.

### **Anonymous Reporting**

Community members can report criminal or suspicious activity anonymously by calling Public Safety department at 617-585-1187 or 617-599-9965. The information provided should be as detailed as possible.

### **Security Awareness and Crime Prevention Programs**

NEC's Public Safety Department believes it is important to prevent crimes rather than to react to them after the fact. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others and that it takes the whole community's efforts to make NEC a safe community to live and learn in. For these reasons, the NEC Public Safety Department offers a number of programs throughout the academic year to address personal safety, fire safety, property security, and crime prevention. The following is a partial list of crime prevention programs presently available at NEC:

#### **Resident Assistant Training**

NEC'S Public Safety Department provides annual training that includes; First Aid, CPR/AED, Conflict Mediation and Drug Awareness/Identification.

#### **Incoming Student Resident Orientation**

A crime prevention workshop, accompanied by a Power Point, is presented to all incoming students who are living in the Residence Hall at the start of each academic year. Program also includes fire safety information and awareness.

#### **Program on Fire Safety Information and Awareness**

#### **Crime Prevention Presentations**

Offered by specially trained officers (Boston Police Department), these programs are tailored to the interests of students, staff or faculty groups.

**Active Shooter**

Citizen Response to Active Shooter Events (C.R.A.S.E.)

**Evacuation Procedures****Suspicious Package****First Aid and CPR Training****Medical Assistance**

All NEC Public Safety staff is trained in First Aid, CPR/AED. Sworn Boston Special Police Officers are trained as first responders.

**Closed Circuit Camera Observation**

A closed circuit camera system is in place throughout the campus as a crime prevention aid.

**Electronic Alarm Monitoring**

Many of NEC's points of access in buildings, rooms, and offices are equipped with electronic alarms.

**Card Access Control**

Many of NEC's entranceways, access points, Residence Hall, studios, and practice rooms are equipped with an electronic card access system.

**Emergency Phones**

2 Emergency phones with blue lights are located on campus; one at 33 Gainsborough Street at the Residence Hall, and one at 241 St. Botolph Street.

**New Employee Orientation**

Crime prevention presentations and printed materials will be provided during the academic year.

**Emergency Notification and Evacuation**

NEC's Emergency Notification System (ENS) enables the Conservatory to quickly notify the campus community of critical information during a major emergency. The ENS alert system is only activated for serious emergencies which are confirmed by law enforcement personnel and with the approval of the institution's Campus Emergency Response Team (CERT) and Director of Public Safety.

The ENS has the ability to send email, text, and voice messages, to update the "Alerts" section of the NEC web site, to update the internal Campus web site and to send messages via Facebook and Twitter social media channels. This flexibility allows NEC to use all or a combination of these delivery methods. To date, email messages to NEC and home addresses and text messages to mobile phones have been the most common message delivery methods.

NEC has defined a team responsible for sending ENS messages and this team has been trained by the Department of Public Safety and Information Technology Services Department. When a decision is made to send an ENS alert it is created and immediately transmitted to the community. NEC is working to craft several pre-scripted ENS messages to streamline the alerting process.

After an ENS alert has been sent, the Public Safety department provides updates to the NEC community via the NEC web site. These updates are available on and off campus.

The ENS is tested annually to ensure all faculty, staff and students are familiar with Emergency alerts and what their individual roles are during an actual situation. This testing includes monitoring of evacuated areas by NEC's Public Safety department.

### **Timely Warning Notices**

In the event that a situation arises, either on or off campus, that in the judgment of the Director of Public Safety, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through e-mail to students, faculty and staff.

When situations could pose an immediate threat to the community and individuals, the Office of Public Safety will also post notices in each building and residence hall. Anyone with information potentially warranting a timely warning should report the circumstances to the Director of Public Safety at 617-585-1187 or Dean of Students at 617-585-1309, or in person at the Jordan Hall Security desk, 290 Huntington Avenue, 617-585-1290. The Crisis Manager app is available to all faculty, staff, and students at <https://www.schoolde.com/solutions/products/crisismanager> where NEC's plan can be located and downloaded.

### **Alcohol and Controlled Substances**

In accordance with the Drug-Free Schools and Communities Act Amendment of 1989, and federal and state law, NEC prohibits the unlawful possession, use and/or distribution of illicit drugs and alcohol on its property and/or as part of its activities. Members of the NEC community who are in violation of this policy are subject to local, state and federal law as well as discipline under NEC's student and employee rules. Please refer to additional drug and alcohol abuse policies listed in the Student and Employee Handbooks or on the NEC's Web site <http://necmusic.edu>

The illicit use of drugs and alcohol can have a substantial impact on health, safety and overall success of members of the NEC community and their families. The Conservatory is committed to reducing the harm related to the misuse and abuse of drugs and alcohol within the NEC community. In addition to health and safety there are considerable legal consequences.

The Department of Public Safety works collaboratively with the Dean of Students, Residential Life, Health and Counseling Services and others to develop programs that seek to reduce the negative consequences associated with drug and alcohol use. Programs include drug and alcohol education during orientation, training for Residence Life Staff and special programs conducted for the NEC community with assistance from outside agencies **upon request.**

### **Sexual Misconduct Policy**

NEC endeavors to promote an educational environment and workplace free of sexual misconduct. This policy provides general guidelines for responding to students or employees who are victims of sexual misconduct on or off the NEC Campus or during other institutionally-sponsored activities. The Department of Public Safety, Student Services and Human Resources Staff are dedicated to preventing this type of crime and feels that the best preventive measure is education and early intervention.

During Residential Life staff training, Director of Residential Life and the Health Counseling Services Center provide a series of prevention programs to promote an awareness of sexual misconduct.

Literature on date rape education and risk reduction is available through the Offices of Student Services, Health Services and Local Outreach and Counseling Centers.

## **Student Policy**

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

New England Conservatory is committed to providing a safe environment where all students can reach their artistic, academic and personal potential. 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) and the Campus Sexual Violence Elimination Act (2013).

This policy applies to allegations of sexual misconduct and sexual- or gender-based discrimination and harassment between students at NEC as mandated by Title IX of the Educational Amendments of 1972.

Allegations of Title IX violations that involve students should be reported to:

Michael Ryan

Executive Director of Facilities, Engineering and Construction, Director of Public Safety, Title IX Coordinator

295 Huntington Ave, Suite 207

617-585-1187

[Michael.ryan@necmusic.edu](mailto:Michael.ryan@necmusic.edu)

Suzanne Hegland, Deputy Title IX Coordinator

241 St. Botolph, Room 224

Phone: 617-585-1313

[suzanne.hegland@necmusic.edu](mailto:suzanne.hegland@necmusic.edu)

**IF YOU ARE A VICTIM OF SEXUAL ASSAULT OR DOMESTIC VIOLENCE WE URGE YOU TO IMMEDIATELY CONTACT THE BOSTON POLICE (617-343-4400), AND SEEK ASSISTANCE FROM:**

- **THE NEAREST HOSPITAL**
- **THE NEC HEALTH & COUNSELING CENTER, 617-585-1284 DURING REGULAR HOURS**
- **THE BOSTON AREA RAPE CRISIS CENTER, 800-841-8371**
- **NEC'S OFFICE OF PUBLIC SAFETY, 617-599-9965**

Sexual Assault is a traumatizing experience. NEC encourages victims of sexual assault to seek immediate medical evaluation at a local hospital emergency department where you will likely be examined by a nurse who specializes in sexual assault treatment. The collection of evidence is important, should you decide to press legal charges. Therefore, do not shower, bathe, douche, brush teeth, eat, drink, change clothing or urinate until you have reached the hospital. It is advisable to bring any clothing, bedding or towels that might contain evidence to the hospital in a paper (not plastic) bag. You will not be required to use this as evidence, but it is best to preserve it anyway. Evidence may be collected for up to five days. The hospital staff will assist you with the reporting process. However, they will not force you to file a police report.

## **I. Violations of NEC's Title IX Policy**

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 prohibits all forms of sexual misconduct and sexual- or gender-based discrimination or harassment. Below you will find definitions and examples of violations of NEC's Title IX policy.

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

Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to:

- Intentional touching of another person's intimate parts without that person's consent; or
- Other intentional sexual contact with another person without that person's consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
- 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. Sexual assault is often more broadly defined as any sexual activity that is forced or coerced or unwanted.

### **B. Sexual Harassment**

Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful 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.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student's ability to participate in or benefit from the Conservatory's educational programs or a faculty or staff member's ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

#### **1. Forms of Prohibited Sexual Harassment**

Sexual harassment can take many forms, and can:

- Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff or student.

- 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).
- Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
- Occur by or against a person of any sex, gender identity or expression, or sexual orientation.

## **2. Examples of Sexual Harassment**

The following non-exhaustive list includes examples of behavior that could be considered sexual harassment:

- Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- 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.
- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender.
- 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.
- 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 the Conservatory's computing facilities, please see the Computer, Internet Use and Account Policy.)
- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
- Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity or expression, or sexual orientation.
- Use of a position of power or authority to: (i) 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 (ii) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

## **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;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;

- 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,
- 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: (i) battering that causes bodily injury; (ii) purposely or knowingly causing reasonable apprehension of bodily injury; (iii) emotional abuse creating apprehension of bodily injury or property damage; (iv) 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. Retaliation**

Retaliation is an adverse action or attempt to seek retribution against the complainant, or any person or group of persons involved in the investigation and/or resolution of a sexual misconduct complaint. Retaliation can be committed by any person or group of persons, not just a respondent. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

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.

#### **G. Hostile Environment**

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: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected the student's education or the employee's employment.

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.

#### **H. 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.

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 the Conservatory 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. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted.

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 the conservatory 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.

#### **1. Prohibited Sexual Relations with Students**

No faculty member shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with any undergraduate student at NEC. Faculty members are defined as full-time, part-time, and visiting faculty.

Furthermore, no faculty member, studio teacher, ensemble coach, instructor, teaching assistant, teaching fellow, tutor, graduate student, or undergraduate course assistant, shall request or accept

sexual favors from, or initiate or engage in a romantic or sexual relationship with, any student, including a graduate student, who is enrolled in a course taught by that individual or otherwise subject to that individual's academic supervision before the supervision has concluded and, if applicable, a final grade on the student's supervised academic performance has been submitted to the Registrar. Academic supervision includes teaching, advising a thesis or dissertation, supervising research, supervising teaching, grading, or serving as Chair of the Department of the student's academic program.

## **2. 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.

## **II. KEY TERMS**

### **A. Consent**

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.

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.

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.

### **B. 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.

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 incapacitation, especially in cases when alcohol or drugs are involved.

### **C. 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:

- Physical Force, Violence, or a Weapon
- Threats
- Intimidation and Implied Threats
- Coercion

### **D. Miscellaneous Definitions.**

- Complainant: The person making the allegations of sexual misconduct.
- Respondent: The person against whom a complaint of sexual misconduct has been made.
- Reporter: A person who has information that sexual misconduct may have been committed by a student or a participant in an NEC program and who initiates a complaint.

## **III. REPORTING VIOLATIONS OF NEC'S TITLE IX POLICY**

### **Confidentiality and Disclosing**

#### **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 Title IX 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 except if 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 for directions on how to page the doctor on-call.

The NEC Health and Counseling Center  
241 St. Botolph St, Room 112  
617-585-1284

#### **Who can I tell if I'm not sure if I want to keep it confidential?**

All NEC employees who are not members of the Health and Counseling Center are required to report allegations of Title IX violations to the Title IX coordinator. However, it is important to understand the importance between disclosing and reporting.

**Disclosing** is when you tell someone about a possible violation, but not necessarily with the intent to officially report the incident to the school or to initiate a disciplinary procedure. If it is your intent to tell

someone about an incident because you need to talk or because you want help finding services, NEC recommends that you speak to a member of our Health and Counseling Center. The staff of our Health and Counseling Center will not share information without your permission unless they are subpoenaed by a court of law. Please note that all other NEC employees, including all members of the Residence Hall staff, are required to report any allegation of sexual misconduct or sexual- or gender-based discrimination or harassment to the Title IX Coordinator, including names of the students involved, and relevant facts such as date, time and location of incident. In addition, NEC is obliged to include, without attribution, all allegations of sexual misconduct in our Clery report. (No names are ever included in the Clery report.)

**Reporting** is when you tell someone because you want the school to be aware of the violation or you want to initiate a complaint and/or start a grievance or disciplinary process. When you initiate a conversation with one of the administrators named below or with a member of the Residence Hall staff, they will advise you on the difference between disclosing and reporting and of their responsibility to report all violations to the Title IX Coordinator. While NEC strongly advises victims of sexual assault to pursue their case through the NEC adjudication system and the local police, we will not require students to do so.

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

NEC respects a student's desire for confidentiality and will always strive to protect a student's right to privacy. However, confidentiality can limit the Conservatory's ability to conduct a thorough investigation and take appropriate disciplinary action. Additionally, the Conservatory 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. Please see [Appendix A](#) for complete information about maintaining confidentiality.

#### **Criminal Trial vs Administrative Adjudication**

##### **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

Students are encouraged to report violations to any of the following NEC administrators who have been educated in the rights of and services available for both complainants and respondents:

**Michael Ryan; Executive Director of Facilities, Engineering and Construction, Director of Public Safety, Title IX Coordinator**

295 Huntington Ave, Suite 207

617-585-1187

[michael.ryan@necmusic.edu](mailto:michael.ryan@necmusic.edu)

**Suzanne Hegland; Dean of Students, Deputy Title IX Coordinator  
Title IX Coordinator for Student against Student Sexual Assault**

Office of Student Services (St. Botolph Building, room 224)

617-585-1313

[suzanne.hegland@necmusic.edu](mailto:suzanne.hegland@necmusic.edu)

**Rebecca Teeters; Assistant Dean of Students**

Office of Student Services (St. Botolph Building, room 224)

617-585-1311

[rebecca.teeters@necmusic.edu](mailto:rebecca.teeters@necmusic.edu)

**Stephanie Barnes; Academic and International Student Advisor**

Office of Student Services (St. Botolph building, room 224)

617-585-1312

[stephanie.barnes@necmusic.edu](mailto:stephanie.barnes@necmusic.edu)

**Davey Harrison; Academic and International Student Advisor**

Office of Student Services (St. Botolph building, room 224)

617-585-1327

[davey.harrison@necmusic.edu](mailto:davey.harrison@necmusic.edu)

**Allesandra Cionco; Assistant Dean of Campus Life**

Office of Student Services (St. Botolph building, room 224)

617-585-1792

[allesandra.cionco@necmusic.edu](mailto:allesandra.cionco@necmusic.edu)

**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 NEC advocate. (Please see [Appendix B](#): Rights of the Complainant and the 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.

#### **IV. NEC Adjudication Process**

**When the Title IX Coordinator receives credible allegations of a violation, he/she will take the following steps:**

1. Provide the complainant with access to healthcare and counseling services
2. Advise the complainant on his or her right to pursue the allegations through the courts and/or through the NEC's adjudication process
3. Advise all students involved on our efforts to maintain confidentiality
4. Advise all students involved on our policy against retaliation (see below)
5. Advise the respondent of the accusations and the investigative and adjudication process
6. Initiate an investigation and appoint an investigator

**At the conclusion of the investigation, NEC will proceed as follows:**

1. The Title IX Team (see below) will review the report submitted by the designated investigator and make a determination as to whether there was a violation(s).
2. The respondent and the complainant will receive written notification of the Title IX Team's findings within ten working days of the receipt of the investigator's report, unless specific circumstances preclude a decision within that time. Sanctions may range from exoneration to expulsion or termination.

#### **Appeals:**

The respondent has the right to appeal any finding or sanction. To do so, he or she must file a letter of appeal within one week of notification. This appeal must be based on either procedural error or new evidence (that is, evidence not available at the time of the initial investigation) and must be addressed to the President's Office. The President or appointed designee will consider and decide all appeals from a student. An appeal does not presuppose a right to a new investigation, although the President or designee may appoint a new investigator, provided that it is conducted in accord with regular procedures.

The President or designee may affirm the Title IX Team's original decision, modify or amend sanctions, or direct that the case be re-investigated. The decision will be communicated to the complainant and respondent, in writing, no more than two weeks after the appeal is filed; such a decision is final.

**The designated investigator will allow for the following provisions:**

- The respondent will receive written notice of an interview at least five working days in advance, unless the Title IX coordinator determines that circumstances warrant an interview on shorter notice.
- The respondent may ask for an advisor from within the NEC community to help in preparing a response to the allegations and/or to appear at an interview. Attorneys are not permitted, unless related criminal charges are pending in the courts, in which case the respondent's attorney may be present but may not participate. Note: Any person bringing charges may seek the support of any member of the Conservatory community.
- Both respondent and complainant have a right to present relevant evidence, testimony, and witnesses to the designated investigator; 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.

- All investigations will be thorough, reliable, impartial, prompt and fair. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary. See [Appendix C](#) for a complete description of investigative procedures.

**Title IX Team for Adjudication:**

- Michael Ryan, Executive Director of Facilities, Engineering and Construction, Director of Public Safety, Title IX Coordinator
- Suzanne Hegland, Dean of Students, Deputy Title IX Coordinator
- Marianne Wisheart, Director of Human Resources, Deputy Title IX Coordinator

**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 should not be afraid to report the incident to school officials.

**Policy against Retaliation:**

Retaliation, occurring either during or after the filing of a Title IX complaint, is a violation of NEC policy. If a student 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.

**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.

**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.

**Appendix A – Determining Confidentiality**

If a complainant requests that his or her name not be used, NEC will take all reasonable steps to respond and investigate in a manner consistent with that request, so long as doing so does not prevent the school from responding effectively and preventing the harassment of other students or the reporting party.

Confidentiality cannot be guaranteed if there is a Pattern, Predation, Threat, Violence, or a Weapon involved in the report. To make this determination, NEC will consider

- Additional complaints of sexual violence involving the same perpetrator

- Whether the sexual violence was committed by multiple perpetrators (as this shows predation)
- Whether the perpetrator has a history of arrests or records from a prior school indicating a history of violence
- Whether the student's report reveals a pattern of perpetration at a given location or by a particular group
- Whether the alleged perpetrator threatened further sexual violence against the student or others
- Whether the sexual violence was perpetrated with a weapon
- Age of the victim
- Whether the school possesses other means to obtain relevant evidence (e.g. security camera or personnel, or physical evidence)

If confidentiality cannot be granted:

- The adjudication process will still be available to the complainant;
- NEC will continue to support the complainant as outlined in Appendix B (e.g. housing, classes, no contact, etc.);
- NEC will provide relevant information only to those with a need to know.

## **Appendix B: Rights of the Complainant and Respondent**

### **Complainant's rights:**

- The right to an investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to NEC officials;
- The right to be informed in advance of any public release of information regarding the incident;
- The right not to have any personally identifiable information released to the public, without consent;
- The right to be treated with respect by NEC officials;
- The right to have NEC policies and procedures followed without material deviation;
- The right not to be pressured to mediate or otherwise informally resolve any reported sexual misconduct or sexual- or gender-based discrimination or harassment;
- The right not to be discouraged by NEC officials from reporting sexual misconduct or sexual- 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 have reports of sexual misconduct or sexual- or gender-based discrimination or harassment responded to promptly and with sensitivity by campus law enforcement and other campus officials;
- The right to be notified of available 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 sexual- or gender-based discrimination or harassment incident, if so requested by the reporting party and if such changes are reasonably available. No formal report, or investigation (campus or criminal), need occur before this option is available. Accommodations may include:

Change of an on-campus student's housing to a different on-campus location;

Assistance from NEC support staff in completing the relocation;

Transportation accommodations;

Arranging to dissolve a housing contract and pro-rating a refund;

Exam (paper, assignment) rescheduling;

Taking an incomplete in a class;

Transferring class sections;

Temporary withdrawal;

Alternative course completion options

- The right to have NEC maintain such accommodations for as long as is necessary, and for protective measures to remain confidential, provided confidentiality does not impair the institution's ability to provide the accommodations or protective measures;
- The right to be fully informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- 
- The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, in advance of that finding, except in cases where a witness's identity will not be revealed to the respondent for compelling safety reasons. This exception does not apply to the disclosure of the name of the complainant, which will always be provided to the respondent;
- The right not to have irrelevant prior sexual history admitted as evidence;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to have reports addressed by investigators and Title IX Team members who have received annual training on sexual misconduct or sexual- or gender-based discrimination or harassment;
- 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 a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding;
- 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.

## **Statement of the Respondent's rights**

- The right to an investigation and appropriate resolution of all credible reports of sexual misconduct or sexual- or gender-based discrimination or harassment made in good faith to NEC administrators;
- The right to be informed in advance, when possible, of any public release of information regarding the report;
- The right to be treated with respect by NEC officials;
- The right to have NEC policies and procedures followed without material deviation;
- The right to be informed of and have access to campus resources for medical, health, counseling, and advisory services;
- The right to timely written notice of all alleged violations, including the nature of the violation, the applicable policies and procedures and possible sanctions;
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, prior to the finding by Title IX Team;
- The right to be informed of the names of all witnesses whose information will be used to render a finding, prior to final determination, except in cases where a witness's identity will not be revealed for compelling safety reasons. This exception does not include the name of the complainant, which will always be revealed;
- The right not to have irrelevant prior sexual history admitted as evidence in a campus resolution process;
- The right to have reports addressed by investigators and Title IX Team members who have received annual training on sexual misconduct or sexual- or gender-based discrimination or harassment;
- The right to petition that any NEC representative be recused from the resolution process on the basis of demonstrated bias and/or conflict-of-interest;
- The right to meetings and interviews that are closed to the public;
- The right to have an advisor of their choice to accompany and assist throughout the campus resolution process;
- The right to a fundamentally fair resolution, as defined in these procedures;
- The right to provide an impact statement in writing to the Title IX Coordinator following any determination of responsibility, but prior to sanctioning;
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- 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.

## **Appendix C: Investigation Process**

Once the decision is made to commence a formal investigation, the Title IX Coordinator will appoint a designated investigator to conduct the investigation, usually within two (2) days of determining that an investigation should proceed. Investigations are completed expeditiously, normally within ten (10) days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The investigator(s) will typically take the following steps, if not already completed (not necessarily in order):

1. In coordination with campus partners (e.g.: the Title IX Coordinator), initiate or assist with any necessary remedial actions;
2. Determine the identity and contact information of the complainant;
3. Identify all policies allegedly violated;
4. Assist the Title IX Coordinator with an immediate preliminary inquiry to determine if there is reasonable cause to believe the respondent has violated policy.
5. If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action;
6. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the respondent, who may be given notice prior to or at the time of the interview;
7. Prepare the notice of allegation(s) on the basis of the preliminary inquiry;
8. Meet with the complainant to finalize his or her statement, if necessary;
9. Prior to their interviews, NEC will provide written notification to both parties of their right to have an NEC advocate of their choosing present for all meetings attended by the applicable party;
10. Provide complainant and respondent with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures; and a statement of the potential sanctions/responsive actions that may result;
11. Prior to the conclusion of the investigation, provide the complainant and the responding party respondent with a list of witnesses interviewed whose statements will be used to render a finding;
12. Allow each party the opportunity to suggest questions they wish the investigators to ask of the other party and witnesses.
13. Provide parties with all relevant evidence to be used in rendering a determination and provide each with a full and fair opportunity to address that evidence prior to a finding being rendered;
14. Complete the investigation promptly, and without unreasonable deviation from the intended timeline;
15. Provide regular updates to the reporting party throughout the investigation, and to the responding party, as appropriate;
16. Present a final report of the investigation to the Title IX Team

17. The Title IX Team will then find whether a policy violation is more likely than not to have occurred, based on a preponderance of the evidence;

18. Findings will be presented to the appropriate NEC Administrator, who will then determine appropriate sanctions:

- a. For sanctions against students, the Dean of Students
- b. For sanctions against NEC employees, the President

19. The Title IX Coordinator will finalize and present the findings and sanctions to the parties, without undue delay following the end of the investigation;

20. At any point during the investigation, if there is no reasonable cause to believe that NEC's Title IX policy has been violated, the Title IX Coordinator has authority to terminate the investigation and end resolution proceedings.

#### **Appendix D: Education Programs and Campaigns**

1. All incoming students are required to complete the Haven course, a web-based informational program that educates students on healthy relationships, the meaning of sexual consent and the role of the bystander in creating a safe and healthy community.

2. All incoming undergraduate students are required to attend an Orientation session sponsored by the Boston Area Rape Crisis Center. Tailored specifically to the NEC student community, the program is designed to address assumptions about sexual violence and the concept of the active bystander.

3. All members of the community will receive updates about ongoing campaigns to increase awareness about how to practice safe sex and avoid Title IX violations, which are sponsored by various departments of the Office of Student Services including Residence Life, Student Activities, and the Health and Counseling Center.

4. All members of the community will benefit from ongoing "passive programs" (i.e., bulletin boards, emails, social media notifications, etc.), which are updated annually to ensure community knowledge about NEC's commitment to providing a safe environment in compliance with all state and federal guidelines

#### **Employee Policy**

##### **New England Conservatory Policy Against Sexual Misconduct and Other Unlawful Discrimination, Harassment, and Retaliation**

It is the policy of the Conservatory to maintain a work and academic environment for all members of the NEC 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, genetic information, veterans' status, and membership in uniformed services. Unlawful employment discrimination and sexual misconduct by officers, managers, faculty, supervisors, employees, students, advisors, vendors,

clientele, and contractors will not be tolerated.

Everyone at NEC is expected to conform to NEC's policies and rules.

Further, any retaliation against an individual who has complained about misconduct, discrimination, bullying or retaliation for having complained is unlawful and will not be tolerated.

Pursuant to the Violence Against Women Act, the Conservatory also prohibits all forms of domestic violence, dating violence, sexual assault and stalking.

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.

**Any questions regarding this policy may be directed to:**

Michael Ryan, Executive Director of Facilities, Engineering and Construction, Director of Public Safety,  
Title IX Coordinator  
295 Huntington Ave, Suite 207  
Phone 617-585-1187  
[Michael.ryan@necmusic.edu](mailto:Michael.ryan@necmusic.edu)

Marianne Wisheart  
Director of Human Resources, Deputy Title IX Coordinator  
241 St. Botolph, Room 203  
Phone 617-585-1229  
[marianne.wisheart@necmusic.edu](mailto:marianne.wisheart@necmusic.edu)

**Definition of Unlawful Discrimination and Sexual Misconduct**

**A. Unlawful Discrimination**

Unlawful discrimination is strictly prohibited by the Conservatory and will not be tolerated. Treating an employee or student differently in the terms or conditions of his or her employment or education on the basis of the employee's or student's race, color, gender, 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 constitutes unlawful discrimination.

**B. Sexual Misconduct**

Sexual misconduct is a form of discrimination that is illegal under both federal and Massachusetts state law and is strictly prohibited by the Conservatory. Unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature constitute sexual misconduct when:

- Submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement or participation in Conservatory programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or

- Rejection of such advances, requests or conduct affects a term or condition of an individual's employment or academic advancement or participation in Conservatory programs or activities, or is used as a basis for employment or academic decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, education, or participation in Conservatory programs or activities, or of creating an intimidating, hostile, work or academic environment.

### **Conduct Which May Constitute Unlawful Sexual Misconduct**

Sexual misconduct does not refer to words or actions of a welcome nature. It refers to behavior that is not welcome and occurs in a variety of situations which share a common element: the inappropriate introduction of sexual activities or comments into the work or academic environment. Harassing conduct need not be motivated by sexual desire in order to constitute unlawful sexual misconduct. Sexual misconduct includes behaviors such as sexual harassment, sexual assault, sexual violence, rape, dating violence, domestic violence, stalking and any other conduct of a sexual nature that is nonconsensual, including behavior that is threatening, intimidating or coercive. Engaging in sexual conduct without mutual consent or in situations when consent is ambiguous constitutes sexual assault.

Sexual misconduct often involves relationships of unequal power. Such situations may contain elements of coercion, such as when compliance with requests for sexual favors becomes a condition for granting privileges or favorable treatment on the job or in the classroom. However, sexual misconduct may also involve relationships among persons of equal authority or power, such as when repeated unwelcome advances or demeaning verbal comments by a co-worker towards another co-worker unreasonably interferes with a person's ability to perform his or her work. Sexual misconduct can also involve behavior directed to and/or by students of the Conservatory, as well as employees and non-employees of the Conservatory, in short all members of the community may become harassers or victims of misconduct.

### **Examples of Sexual Harassment:**

- Depending upon the circumstances and how they impact the workplace or academic environment, examples of sexual misconduct include but are not limited to such conduct as the following:
- Verbal abuse, insults, jokes, comments or innuendo of a sexual nature that include lewd, obscene or sexually suggestive displays or remarks;
- Physical contact, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted by the other person;
- The requests or demands for sexual favors accompanied by implicit or explicit promised rewards or threats concerning an individual's employment status or educational status;
- Repeated unwelcome social invitations, sexual flirtations, advances, propositions or unwanted requests for sexual favors;

- Threatened, attempted, or completed physical sexual assault;
- Indecent exposure;
- Romantic involvement (even if consensual) between supervisors and subordinates that impacts the workplace and/or other individuals in areas such as assignments, advancements and benefits;
- Romantic involvement (even if consensual) between supervisors and students they supervise that impacts the academic environment and/or other students in areas such as assignments, grades and academic benefits;
- Invading another’s “personal space”
- Physical sexual assault, coerced sexual intercourse, attempted rape, rape or other forms of sexual violence;
- Use of email, the Internet, or other forms of digital media to facilitate any of the above.

A pattern of any of the above listed behaviors that would tend to bring discomfort or humiliation to a reasonable person at whom the behaviors were directed may constitute sexual harassment.

A single incident of physical conduct on the basis of sex or sexual violence may constitute sexual harassment.

Members of the New England Conservatory community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

### **Hostile Environment**

When the Conservatory fails to take adequate steps to address sexual harassment, a hostile environment may be created, and the Conservatory may be liable under Title IX for its lack of response. Title IX applies to all members of the Conservatory community, including students and employees. A hostile environment exists when the sexual harassment is sufficiently severe or pervasive to interfere with an employee’s professional performance, or to deny or limit a student’s ability to participate in or benefit from the school’s program based on sex. If the Conservatory knows or reasonably should have known about sexual harassment that creates a hostile environment, Title IX requires the Conservatory to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. If the Conservatory does not do so, it violates Title IX. As a result, it is extremely important that all employees report potential sexual harassment, including sexual assault, rape and sexual violence, of which they are aware to the Title IX Coordinator.

### **Consent**

Sexual harassment may occur if one party engages in sexual activity with another party without consent.

Consent must include explicit communication and mutual approval of the sexual activities in which the parties are involved. For consent, individuals involved in the sexual activity must willingly and knowingly engage in the activity. As a result, consent cannot be given due to physical force, intimidating behavior, threats, or coercion. Engaging in sexual activity with someone through force, intimidation, threats, or coercion is a violation of this Policy. Further, consent cannot be given by an individual who is incapacitated. For example, consent cannot be given by those incapacitated by alcohol or drugs, or by individuals who are unconscious. Knowingly engaging in sexual activity with someone who is incapacitated or who otherwise cannot give explicit consent is a violation of this Policy.

### **Consensual Relationships**

Under this Policy, consenting romantic and sexual relationships between faculty and student, staff and student, or supervisor and employee are deemed unprofessional. Because such relationships interfere with or impair required professional responsibilities and relationships, they are prohibited under this Policy. The respective Codes of Ethics for most professional associations forbid professional-client sexual relationships. In this context, and for purposes of this Policy, the faculty-student relationship is properly regarded as one of professional and client. The respect and trust accorded a faculty member by a student, as well as the power exercised by the faculty member in giving praise or blame, grades, recommendations for further study and employment, and other benefits or opportunities diminish the student's actual freedom of choice such that relationships thought to be consensual may in fact be the product of implicit coercion. Many elements of the staff-student and the supervisor-employee relationship are similar to those of the faculty-student relationship because of a similar imbalance of power and a similar need for trust. For purposes of this Policy, therefore, these relationships are also prohibited.

Faculty, staff members and supervisors are warned against the dangers of apparently consensual relationships. A faculty member or staff member who enters into a romantic or sexual relationship with a student, or a supervisor who enters into such a relationship with an employee, where a power differential exists, must realize that, if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to disprove the claim on the grounds of mutual consent. Because that is so, it should be understood that relationships of this kind pose serious professional risks to any who enter into them.

### **Notice of Possible Sexual Harassment**

The Conservatory is put on notice of possible sexual harassment when: (1) an individual files a complaint using the Title IX Complaint Procedures; (2) a student files a complaint using the applicable Student Complaint Process (<http://necmusic.edu/student-services/policies/sexual-misconduct>); (3) an individual files a complaint or makes a report to a campus police department; (4) an individual makes a complaint to an outside agency or a court, and that complaint is served upon the Conservatory; and/or (5) any employee (i.e. faculty member or staff member) is aware of possible sexual harassment. Once on notice of possible sexual harassment, the Conservatory has responsibilities under Title IX.

### **Title IX Responsibilities Once on Notice of Possible Sexual Harassment**

## **Reporting**

No member of the NEC community who receives a complaint of sexual harassment or who has knowledge of behavior that violates this Policy can ignore it. Any trustee, department chair, supervisor, faculty member, staff member, or other employee ("Responsible Individual") who receives a complaint of sexual harassment (including sexual assault and sexual violence) or retaliation from a student, other member of the NEC community, or an individual otherwise participating in a Conservatory program is obligated to report the complaint to the Title IX Coordinator immediately.

Similarly, all members of the NEC community who have knowledge of behavior that they, in good faith, believe constitutes sexual harassment in violation of this Policy are encouraged to report that behavior to the Title IX Coordinator immediately.

It is not the Responsible Individual's responsibility to assess liability or to determine whether unwanted sexual behavior constitutes sexual harassment under this Policy. Rather, the Responsible Individual must report immediately knowledge of any unwanted sexual conduct to the Title IX Coordinator.

Any member of the NEC community who has a question about his or her responsibilities under this Policy should contact the Title IX Coordinator.

## **Interim Measures**

While an investigation or grievance proceeding is pending, NEC will take interim measures as appropriate under the circumstances to assist or protect persons who were or may have been subjected to sexual misconduct. Interim measures may include, for example, changing work schedule or working situations of the person who was subject of the alleged misconduct and/or the person alleged to have committed the misconduct, or similar action. Such measures may also include connecting the persons who were or may have been subjected to sexual misconduct with counseling, health care, academic support, or other resources. Support services for respondents are also available.

## **Responding to Sexual Assault**

Sexual Assault is a traumatizing experience. NEC encourages victims of sexual assault to seek immediate medical evaluation at a local hospital emergency department where you will likely be examined by a nurse who specializes in sexual assault treatment. The collection of evidence is important, should you decide to press legal charges. Therefore, do not shower, bathe, douche, brush teeth, eat, drink, change clothing or urinate until you have reached the hospital. It is advisable to bring any clothing, bedding or towels that might contain evidence to the hospital in a paper bag. You will not be required to use this as evidence, but it is best to preserve it anyway. Evidence may be collected for up to five days.

NEC encourages employees to report acts of sexual assault to the Boston Police. The hospital staff will assist you with the reporting process. However, they will not force you to file a police report.

## **Conduct Which May Constitute Unlawful Sexual Misconduct**

Depending upon the circumstances and how they impact the workplace or academic environment, examples of unlawful discrimination could include the above-referenced examples concerning sexual misconduct, as well as the following types of conduct:

- Making decisions about a person's employment, compensation or education based upon his or her race, color, gender, 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;
- Verbal abuse, offensive innuendo or derogatory words, concerning a person's race, color, gender, age, sexual orientation, religion, ethnic or national origin, disability, veterans' status, or any other protected status;
- An open display of objects or pictures designed to create a hostile working/learning environment based on a person's race, color, gender, 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.

### **Employee, Faculty and Student Responsibilities**

Each employee, faculty member and student of the Conservatory is personally responsible for ensuring that his or her conduct does not sexually harass or unlawfully discriminate against anyone in the workplace. Each employee, faculty member and student is responsible for cooperating in any investigation of alleged sexual misconduct or unlawful discrimination if requested to do so by the person conducting the investigation.

Any person who observes an incident that may constitute sexual misconduct or unlawful discrimination or who otherwise becomes aware of such an incident should immediately notify one of following:

Michael Ryan, Executive Director of Facilities, Engineering and Construction, Director of Public Safety, Title IX Coordinator  
295 Huntington Ave, Suite 207  
Phone 617-585-1187  
[Michael.ryan@necmusic.edu](mailto:Michael.ryan@necmusic.edu)

Marianne Wisheart  
Director of Human Resources, Deputy Title IX Coordinator, Faculty and Staff  
241 St. Botolph St., Room 203  
Phone 617-585-1229  
[marianne.wisheart@necmusic.edu](mailto:marianne.wisheart@necmusic.edu)

Suzanne Hegland  
Dean of Students, Chair of Sexual Misconduct Disciplinary Committee and Deputy Title IX Coordinator for Student against Student Sexual Assault  
Student Services  
241 St. Botolph St., Room 244  
Phone 617-585-1313  
[suzanne.hegland@necmusic.edu](mailto:suzanne.hegland@necmusic.edu)

Rebecca Teeters  
Assistant Dean of Students/Academic and International Student Advisor, Alternate Chair of Sexual  
Misconduct Disciplinary Committee  
Student Services  
241 St. Botolph St., Room 244  
[rebecca.teeters@necmusic.edu](mailto:rebecca.teeters@necmusic.edu)

### **Educational Setting**

In the educational setting within the Conservatory, there exists latitude for a faculty member's professional judgment in determining the appropriate content and presentation of academic material. Academic curriculum and pedagogical goals that serve legitimate and reasonable educational purposes do not, in and of themselves, constitute sexual misconduct or other unlawful discrimination. Those participating in the educational setting bear a responsibility to balance their professional academic responsibilities and academic freedoms with a consideration of the reasonable sensitivities of other participants.

Nothing contained in this policy shall be construed to limit the legitimate and reasonable academic responsibilities and academic freedoms of the Conservatory's professional educators.

### **Access to Campus Residence Facilities**

NEC has one Residence Hall, which is only accessible to residents and their guests. All guests are required to adhere to NEC's guest policies and procedures. NEC's Residence Hall is supervised and monitored twenty-four hours a day by Public Safety staff. The front entrance doors are controlled by a card access system, installed to provide for the safety and security of residents. From the hours of 11:00pm to 7:00am all residents entering the Residence Hall are required to use their NEC ID to gain access.

### **Access to Campus Buildings**

All campus facilities, other than the Residence Hall, are accessible to members of the campus community, their guests and visitors during normal hours of business, and during designated hours on nights, weekends and holidays depending on the wide variety of events and activities taking place outside the normal business hours. All entranceways are monitored by Public Safety Staff during all hours of operations. Students and employees are required to present their valid ID and activate the card access system installed in each facility.

Doors to the Residence Hall remain locked from 11:00 p.m. to 7:00 a.m. Public Safety is posted at the entranceway to the Residence Hall 24-hours a day 7 days a week during the academic year. Access is permitted to residents upon presentation of a valid student ID card. Guest and visitors must present a photo ID and be signed in by their host. Exterior doors are equipped with intrusion alarms.

### **Maintenance Services**

NEC's Department of Facilities and Building Operations provides maintenance of campus buildings and grounds. NEC maintains a very strong commitment to campus safety and security. Surveys of exterior lighting, interior lighting, emergency exit signs, and door locking hardware are conducted regularly by Public Safety and Facilities and Building Operations. Members of the campus community are encouraged to report any building deficiencies to the Building Operations Office by submitting a work request to the online work order tracking system called Schooldude. If the nature of the request is a building related emergency, or of an urgent nature, individuals are encouraged to contact the Building Operations Department at 617-585-1181.

### **Missing Students Residing on Campus**

The purpose of this procedure is to establish protocols for NEC's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008.

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, the Public Safety Department should be contacted immediately at 617-585-1290 or at 617-851-1406. An incident report will be generated, and an investigation will be initiated in order to attempt to locate the missing student. NEC's Public Safety Staff working with the Boston Police Department has a detailed and specific protocol for conducting missing person's investigations, utilizing a wide range of resources as well as making personal contact with friends, classmates, co-workers and relatives.

If it is determined that a student is missing and has been missing for more than 24 hours, NEC's Public Safety Staff, working with the Dean of Students and Director of Residential Life, will contact the Boston Police Department, the police department of the community where the missing student maintains a home record, and the person designated as the student's emergency contact. They will be notified no later than 24 hours after the student is determined to have been missing for 24 hours, and if the missing student is under the age of 21 a missing persons notice will be posted on the national police information network. If the missing student is under the age of 18 and is not an emancipated individual, NEC will notify the student's parent or legal guardian, immediately after NEC's Public Safety Department has determined that the student has been missing for more than 24 hours.

Student Services and the Office of Residential Life have established a Missing Student Protocol and copies of the Protocol are available upon request. Each student living in on-campus housing has the option to register a confidential contact person to be notified in the case the student is determined to be missing. Only authorized NEC officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Contact the Office of Residential Life (617-585-1294) for above referenced information.

### **Fire Safety in On-Campus Residential Facility**

In partnership with the Boston Fire Department and NEC's Department of Facilities and Building Operations, NEC has quarterly inspections conducted by a certified fire alarm company, and annual inspections conducted by the Boston Fire Department which result in the certification of our facilities as compliant with state and local fire codes. Policies are in place, in student and employee handbooks, that prevent sources of fire. Within a half mile of NEC's campus there is a fully staffed Boston Fire station located on Huntington Avenue.

### **Fire Safety Systems for Residence Hall**

**33 Gainsborough Street-** Has a complete emergency lighting and exit signage throughout the building. It has smoke detectors and carbon monoxide detectors in each individual room; each common area has an individual smoke detector. The smoke detectors trigger audible alarms and strobe lighting when activated. The alarms are monitored 24-hours a day 7 days a week by a central call station. Throughout the building there are sprinklers installed and the system is tested and inspected quarterly.

### **Fire Safety and Protection**

Fire safety is of the utmost importance in the Residence Hall. The resident is obliged to observe all fire safety policies and procedures. The resident must not tamper with fire extinguishers or fire alarm systems. Upon the sounding of a fire alarm, the resident must follow established evacuation procedures.

Tampering with fire suppression, fire alarm and escape equipment and failure to exit the building when instructed to do so are grave infractions and cause for disciplinary referral and may result in expulsion from campus housing. Causing or abetting a fire to be caused on or about Conservatory property may result in immediate suspension and/or expulsion. The resident agrees to abide by the following policies and procedures that are designed to promote fire safety awareness and protection:

1. Fire drills will be held periodically (in accordance with State regulations). Students failing to participate in a fire drill may face disciplinary action.
2. Any student found tampering with fire equipment or blocking fire doors may face disciplinary action and may be fined.
3. Candles, incense or other open flames are not permitted in the Residence Hall.
4. All ceilings in student rooms, lounges, hallways, lobbies and other areas of the Residence Hall must be free of flammable materials.
5. Residents may not post flyers or other paper materials upon their doors.
6. Fire equipment should be used only during fire emergencies.
7. Arson is a felony under State laws.
8. No outside furniture is permitted unless approved by Facilities to have met fire safety standards.

### **Fire Evacuation**

#### What to do when the alarm is sounded, signaling an evacuation

When the alarm is sounded, it will sound like a slow whoop, and the flashing alarm lamps will come on. At this time, please wake your roommate if he/she is still sleeping and follow the established evacuation procedures [as outlined in the handbook and ran through during your floor meeting]. Be sure that the route you are following is clear of fire, smoke, debris, etc.

#### Evacuation Procedure:

- **If you can leave your room:** [your door is not warm]
  - Be sure you have your shoes on
  - If it is cold, take a coat
  - Take a towel with you to be used in case of smoke.
  - Take your keys with you.
  - Close the door to the room where you are, but **do not** lock it.
  - If there is smoke, stay low, below the smoke if possible.
  - If there is time, pound on doors or shout a warning as you leave
  - Proceed through the nearest exit in an orderly fashion.
  -
- **If your door is too hot to touch or if the smoke is too heavy:**
  - Do not try to open the door.
  - Wedge a cloth in the base of the door and remain in the room.
  - Open a window wide enough, attract the attention of firefighters and await rescue.
- **Once you are outside:**
  - Move away from the building. Proceed to the St. Botolph Parking lot.
  - Stay with the residents on your floor and await further instruction.
  - Be sure to stay with other residents and not to wander off, so that everyone can be accounted for (roll will be taken by floor per Residence Life staff)

- Do not reenter the building until you have gained permission from a New England Conservatory staff member or the fire department.

If you fail to exit during an evacuation alarm, you are endangering not only your life but also the lives of fire fighters and staff members who would try to rescue you in the event of an emergency. Failure to evacuate during an alarm is a serious violation of Residence Hall policy and federal laws.

**Fire Safety Education/Training**

During the Residential Life Staff training period, the Director of Residential Life provides fire safety training that includes: Fire Prevention, Evacuation Routes, Practice Fire Drill, Building Walkthroughs, Posting of Paper, Locations of Fire Alarm Notification Devices, Open Flames, and Approved Appliances. During Resident Orientation Week, Residential Life Staff - during their individual floor meetings and throughout, provide students with the training and knowledge needed to prevent fires and how to evacuate in case of an emergency. NEC’s Public Safety and Building Operations Department conducts a fire drill each semester. Members of this department are trained annually in proper use of fire extinguisher use and have participated in the “Alarming Truth” Fire Safety seminar.

**Residence Hall Fire Statistics Reporting Table**

**33 Gainsborough Street**

	2014	2015	2016
<b>Number of Fires</b>	0	1	1
<b>Number of Injuries</b>	0	0	0
<b>Number of Deaths</b>	0	0	0
<b>Value of Property Damage</b>	\$0	100-999	\$350
<b>Number of Fire Alarms</b>	3	4	3
<b>Malicious False Alarms</b>	0	0	1
<b>Cause of Fire</b>	N/A	cooking	match

## **Campus Security Authorities**

New England Conservatory realizes that while the departments of Public Safety and Residential Life are the primary means by which violations of codes, policies or guidelines may be reported, our community is larger and more diverse than just these two departments. Taking this into consideration and in compliance with the Jeanne Clery Act, the Department of Public Safety has tasked a wide range of community members to assist the students, faculty and staff in reporting violations brought to their attention. Individuals filling this purpose are recognized as Campus Security Authorities.

While not limited to incidents requiring documentation under the Clery Act, the Department of Public Safety trains Faculty, Staff, Directors, Deans, Department Chairs and Peer Leaders in these requirements. Each group serves and interacts with different constituencies providing all students multiple avenues to access Campus services. Training addresses the seven primary types of crimes that are required for reporting; hate and bias crimes; confidential reporting processes and resources available are conducted on a recurring basis. This training is offered at varied times. A letter is sent to the Campus Security Authorities and members of the community, annually reminding them of their obligation to report any and all crimes to the Director of Public Safety for the purposes of counting and reporting in the annual Campus Crime Report.

## **Crime Statistics**

### **Definitions**

**Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of, or in a manner related to the institution's educational purposes. These buildings include residential halls, any building or property that is owned by the institution but controlled by another person, those frequently used by students and those that support institutional purposes such as a food or retail vendor.

**Non-Campus** – Includes any building or property owned or controlled by student organizations recognized by the school that is not within the same reasonably contiguous area.

**Public Property** - All public property, including thoroughfares, streets, sidewalks and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

### **Criminal Homicide:**

**A. Murder**- The willful (non-negligent) killing of one human being by another.

**B. Negligent Manslaughter**- The killing of another person through gross negligence.

### **Sex offenses – Forcible:**

**A. Forcible Rape**- The carnal knowledge of a person forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

**B. Forcible Sodomy-** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**C. Sexual Assault With An Object-** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**D. Forcible Fondling-** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Sex Offenses – Non-Forcible:**

**A. Incest-** Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**B. Statutory Rape-** Non forcible sexual intercourse with a person who is under the statutory age of consent.

**SaVE Act New Crime Categories**

**A. Domestic Violence –** “Domestic violence” means a “felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under WAWA], or
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**B. Dating Violence –** “Dating violence” means “violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim, and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.”

**C. Stalking –** “Stalking” means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.”

#### **D. Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

#### **E. Aggravated Assault**

An unlawful attack by one person upon another, for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

#### **F. Burglary**

The unlawful entry of a structure to commit a felony or a theft.

#### **G. Arson**

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

#### **H. Hate Crimes**

Crimes such as murder; sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; arson, larceny, simple assault, intimidation, vandalism; and other crimes involving bodily injury to any person in which the victim is intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to Institute police authorities or local police. This data will be collected and reported according to category of prejudice.

#### **I. Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

#### **J. Liquor Law Violations**

Violations of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

#### **K. Drug Abuse Violations**

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (Morphine, Heroin, Codeine); marijuana; synthetic narcotics (Demerol, Methadone); and other dangerous non-narcotic drugs.

#### **L. Weapons Possession**

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

### **Sex Offender Information**

This disclosure is in compliance with 34 CFR Part 668. Any member of the NEC community desiring information about registered sex offenders studying or working at New England Conservatory of Music must contact the Commonwealth of Massachusetts Sex Offender Registry Board. Their contact information is as follows:

Hotline: 1-800-93MEGAN  
Telephone #: 978-740-6400  
Web: <http://www.state.ma.us/sorb>  
Address: P.O. Box 4547 Salem, MA 01970

In order to request sex offender registry information, you must fill out an appropriate request via the link provided below.

[http://www.state.ma.us/sorb/forms/request\\_tosorb.PDF](http://www.state.ma.us/sorb/forms/request_tosorb.PDF)

If you have any additional questions you may contact the Legal Department at the Sex offender Registry Board at 978-740-6400.

A link below will lead you to national sex offender's databases.

<http://www.usatrace.com/sex.html>

Please note that New England Conservatory neither creates nor maintains these databases and cannot guarantee accuracy or completeness of the information, which is the responsibility of various state and federal agencies.

**Crime Statistics**

<b>Murder &amp; Non-Neglected Manslaughter</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Negligent Manslaughter</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Rape/Sexual Assault- Forcible</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Rape/Sexual Assault- Non-Forcible</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Robbery</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Aggravated Assault</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Burglary</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property

Reported to NEC Public Safety or other Institute Officials		
2014	2015	2016
0	0	0
0	0	0
<b>0</b>	<b>0</b>	<b>0</b>
0	0	0
0	0	0
		0
0	0	0
0	0	0
<b>0</b>	<b>0</b>	<b>0</b>
0	0	0
0	0	0
1	0	0
0	0	0
<b>1</b>	<b>0</b>	<b>0</b>
0	0	0
0	0	0
		0
0	0	0
1	1	0
<b>1</b>	<b>0</b>	<b>0</b>
0	0	0
0	0	0
0	0	0
2	0	1
<b>0</b>	<b>0</b>	<b>1</b>
0	0	0
0	2	4
0	1	0
2	3	3
<b>2</b>	<b>4</b>	<b>3</b>
0	0	0
0	0	2
0	1	0
8	6	5
<b>8</b>	<b>7</b>	<b>5</b>
0	0	0
0	0	0

**Crime Statistics**

<b>Motor Vehicle Theft</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property
<b>Arson</b>
On Campus Residential Facilities
On Campus Non-Residential Facilities
<b>Total On Campus</b>
Non-Campus Buildings/Property
Public Property

2014	2015	2016
0	0	0
0	1	0
<b>0</b>	<b>1</b>	<b>0</b>
0	0	0
0	0	0
0	0	1
0	0	0
<b>0</b>	<b>0</b>	<b>1</b>
0	0	0
0	0	0

## Hate and Bias Crime Referred for Disciplinary Action

On Campus	Race			Gender			Religion		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Residential Facilities	0	0	0	0	0	0	0	0	0
Non-Residential Facilities	0	0	0	0	0	0	0	0	0
<b>Total On Campus</b>	<b>0</b>								
Non-Campus Buildings/Property	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0

  

On Campus	Sexual Orientation			Ethnicity			Disability		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Residential Facilities	0	0	0	0	0	0	0	0	0
Non-Residential Facilities	0	0	0	0	0	0	0	0	0
<b>Total On Campus</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Non-Campus Buildings/Property	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0

## Persons Arrested and Referred for Disciplinary Action

On Campus	Arrests			Drug Violation			Weapons Violation		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Residential Facilities	0	0	0	0	0	0	0	0	0
Non-Residential Facilities	0	0	0	0	0	0	0	0	0
<b>Total On Campus</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Non-Campus Buildings/Property	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	3

On Campus	Disciplinary Referrals			Drug Violation			Weapons Violation		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
Residential Facilities	4	5	3	3	1	2	3	0	0
Non-Residential Facilities	0	6	4	0	6	4	0	0	0
<b>Total On Campus</b>	<b>4</b>	<b>11</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>0</b>
Non-Campus Buildings/Property	0	0	0	2	0	0	0	0	0
Public Property	0	0	0	0	0	2	0	0	0

## VAWA Offenses

	Domestic Violence			Dating Violence			Stalking		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
<b>On Campus</b>									
Residential Facilities	0	0	0	0	0	0	0	0	0
Non-Residential Facilities	0	0	1	0	0	1	0	1	3
<b>Total On Campus</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>3</b>
Non-Campus Buildings/Property	0	0	0	0	1	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0

## Unfounded Crimes

	2014	2015	2016
Total unfounded crimes	2	4	3

**Important Telephone Numbers:**

Main number	1-617-585-1100
Admissions	1-617-585-1101
Student Services	1-617-585-1310
Residence Life	1-617-585-1294
Preparatory and Continuing Education	1-617-585-1130
Human Resources	1-617-585-1230
Health Center	1-617-585-1284
Counseling Center	1-617-585-1398

**Public Safety**

Normal business	1-617-585-1187 or 1-617-585-1290
Campus Emergency	911

**City of Boston**

Boston Police Emergency	1-617-599-9965 or DIAL 911
Boston Police Business	1-617-343-4270
Boston Area Rape Crisis Center	1-617-492-7273
Boston Transportation Department	1-617-635-3900
MBTA	1-617-222-3200
Transit Police Department	1-617-222-1212