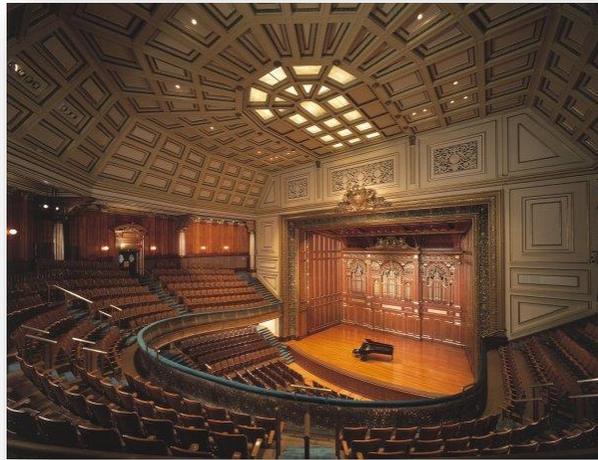




# 2019 ANNUAL CAMPUS SECURITY AND FIRE SAFETY REPORT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of  
1990 (34CFR668.46)



## Table of Contents:

Chapter		Page
	<b><i>Part 1 – Annual Campus Security Report</i></b>	
	Welcome from the Director	4
1.	Overview	5
2.	Public Safety Department	6
3.	Contact Information	10
4.	Sexual Harassment and Sexual Misconduct Information	12
5.	Violence Against Women Act (VAWA) (Campus SaVE Act)	14
6.	Information regarding Alcohol, Illicit Drugs and Hazing	15
	<b><i>Part 2 – Uniform Campus Crime Report</i></b>	
7.	Crime Statistic Definitions	18
8.	Uniform Campus Crime Report – Statistics	20
	<b><i>Part 3 – Annual Fire Safety Report</i></b>	
9.	Fire Safety Report and Fire Evacuation Information	24
10.	Fire Data Summary	27
 <b>Appendix</b>		 <b>Page</b>
I.	Clery Act/Student’s Right to Know	29
II.	Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment	30
III.	Procedures for Court Issued Protective Orders	46
IV.	Missing Student Policy	48
V.	Massachusetts Motor Vehicle requirements	51
VI.	Massachusetts Anti-Bullying statement	53
VII.	Drug and Alcohol Policy	54
VIII.	Restricted Items Policy	57
IX.	Evacuation Maps	59
X	Campus Blue Light Telephone Locations	61



## Part 1

### Annual Campus Security Report:





**Welcome from the Director;**

Greetings to all new and returning students, faculty and staff. In my duties as Director of Campus Security, I have come to realize what a wonderfully diverse community we have here at NEC. My goal as the administrator of NEC Public Safety has been to redefine our department into a community based model.

Forming a close partnership with NEC's community is crucial to accomplishing this goal. Please know that NEC Public Safety will be working very hard to ensure the safety and security of everyone that steps onto our campus. In order for us to be successful in this endeavor; the support and cooperation from everyone at NEC is essential.

Please review this report carefully and know that your feedback will always be welcomed. My office is always open to members of the NEC community and I welcome all to stop by with any questions or concerns they may have. I will also keep the candy dish out for anyone who would just like to stop by and wave hello.

Yours faithfully,

*P. Lombardo*

Paul Lombardo  
Director of Campus Security

## **Chapter 1 – Overview;**

### **New England Conservatory of Music – Mission Statement**

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

### **Core Values**

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

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

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

### **The Jeanne Clery Act,**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is federal legislation requiring colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of post-secondary education participating in federal student aid programs are subject to it. The Director of Campus Security compiles the information presented in this report. The information is obtained from the following sources;

1. Public Safety Department incident case reports,
2. Information supplied by NEC Campus Security Authorities,
3. Information supplied by the Office of Student Services.
4. Information supplied by the Boston Police Department,
5. Information supplied by the Northeastern University Police Department,

All enrolled students and current employees are notified by e-mail of the report's availability and copies are available from NEC Public Safety upon request.

Safety is a major concern for everyone on campus, and the NEC strives to provide an ideal environment for learning, working and living. The NEC has instituted numerous policies and procedures to enhance security. Members of the NEC community have a responsibility to use the security procedures and services available and must be accountable for their own well-being and also for the welfare of others. The NEC urges all members of the community to participate in maintaining safety by promptly reporting any suspicious circumstances, accidents or criminal activity to NEC Public Safety at (617) 585-1777.

## **Chapter 2 – Public Safety Department:**

NEC Public Safety's organization is set up with a combination of Special Boston police officers augmented by contract uniformed security officers. Public Safety officers are assigned to patrol the campus by foot and are stationed at fixed posts located throughout the campus. NEC Public Safety is on duty 24 hours a day, 7 days a week, 365 days a year. All members of NEC Public Safety are trained in First Aid, CPR and AED use and are designated as first responders to all medical emergencies on campus.

NEC Public Safety maintains a close working relationship with the Boston Police Department and the Boston Fire Department. Special Boston police officers can make criminal arrests in certain circumstances but only within NEC campus property. Security officers however cannot make criminal arrests. The Boston Police Department will be called in to investigate any serious incident that may occur at NEC. Public Safety Officers do enforce University rules and regulations on campus. Every effort is made to enforce these rules and regulations equitably and professionally.

### **Crime Reporting Procedures**

NEC Public Safety is the central reporting hub for criminal offenses that occur at The New England Conservatory of Music. Community members are encouraged to report all crimes and Public Safety related incidents in a timely manner. Reporting incidents will aid in providing timely advisories to NEC, and is crucial to maintaining the well-being of our community.

### **NEC Public Safety Dispatch Center:**

In order to provide better service, especially during emergency situations, the Public Safety Command Center has been re-designated as the department dispatch center.

- a. The Public Safety Officer assigned to the dispatch center post will function as the shift dispatcher.
- b. To better facilitate the public safety response to emergency calls, a new emergency number (617-585-1777) is being provided.
- c. The Public Safety Department now has 3 full-time dispatchers to assist callers.
- d. On duty dispatchers monitor the Boston Area Police Radio Network (BAPERN) which provides radio communication capabilities with the Boston Police as well as other Police agencies in the Boston area.

### **To report an incident on campus, please contact Public Safety.**

In an emergency situation when police or fire personnel are required, contact by dialing 911 immediately and then contact Public Safety so that the emergency personnel can be directed to the proper location. Contact information is listed below.

### **Public Safety Department Telephone numbers:**

- Public Safety Emergency Line (617) 585-1777 [monitored 24 hours a day, 7 days a week]
- Anonymous Tip Line (617) 585-1292
- Public Safety Routine Line (617) 585-1255

### **Anonymous Reporting**

NEC Public Safety recognizes the importance of allowing individuals reporting an incident to Public Safety to remain anonymous. In this effort, NEC Public Safety has instituted an anonymous reporting tip line. The phone number is 617-585-1292 or 1292 from any campus phone. All calls will remain confidential unless the individual caller states that they wish to be contacted.

### **Email Tip Line**

NEC Public Safety has also instituted an email tip line which will allow community members to provide information to Public Safety via their computers or smartphones. The address for the email tip line is: [tipline@necmusic.edu](mailto:tipline@necmusic.edu) You can click on this link to be connected to the tip line.

### Notice of Criminal Trespass forms

The New England Conservatory of Music, including all property outlined on the campus map, is private property. Persons are permitted on this property at the discretion of the New England Conservatory of Music by the owner, lessee or custodian thereof. The New England Conservatory of Music and those who have lawful control of said premises may revoke this permission at any time pursuant to Massachusetts General Law Chapter 266, Section 120 in order to preserve the safety of our community.

The Notice of Criminal Trespass form allows NEC Public Safety Officers to convey notice to anyone that due to their actions, they are not permitted on any NEC property. This area is identified on a map printed on the form. A copy of this notice may be provided to the Boston Police Department. Any request for a termination of the ban can be made in writing to the Director of Campus Security after a period of six months.

### Door Access

For security reasons, exterior doors on the residence hall are equipped with a door access card system. A resident student may gain access to a residence hall by using the student's ID card. Unless instructed otherwise by NEC personnel, **a student is never permitted to duplicate or lend the student's access card to anyone.** In addition, a student should never prop a door or place an obstructing object in any residence hall door that will cause it to remain ajar.

Any student who copies or lends a key or an access card to anyone, props a door, or admits an unauthorized guest, will be subject to disciplinary action as determined by the Director of Residential Life and Housing. The fee for a lost key card is \$20.00. There is one designated entrance and exit for the residence hall. Students who tamper with emergency exit only doors may be subject to the disciplinary process. **Residents are urged to keep room doors closed and locked. Doors leading to the stairwells are fire doors and must be kept closed at all times.** Entrance into the residence hall is only permitted through the elevators with an ID card.

### Surveillance Camera System

NEC Public Safety maintains a series of surveillance cameras as a deterrence and to aid in the investigation of incidents which occur on campus. NEC has installed these cameras in several overt and covert locations on the campus. Cameras are never used in restrooms or dressing rooms, nor can they view into the windows of residence hall rooms. Taped surveillance information can be used by law enforcement, public safety, and residence life in the investigation and adjudication of incidents on campus.

### Campus Security Authority

Campus Security Authority is a Clery-specific term that is comprised of individuals and organizations here at New England Conservatory of Music where students can go to report criminal offenses. At the New England Conservatory of Music, the Campus Security Authorities include NEC Public Safety, as well as, *"an official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings."* An official is defined as, *"any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."*

Federal law requires that if someone has significant responsibility for student and campus activities then he or she is a campus security authority. All campus security authorities are responsible for collecting and reporting certain crimes that are reported to them by students and employees.

Examples of the Campus Security Authorities here at the New England Conservatory of Music include, but are not limited to:

- Director of Campus Security,
- Public Safety Officers,
- Dean of Students,
- Senior Associate Dean of Students
- Assistant Dean for Campus Life,

- Director of Residence Life and Housing,
- Resident Assistants,
- Provost

According to the Higher Education Act, or 20 U .S.C. 1092 now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the New England Conservatory of Music must collect certain campus crime statistics. This law applies to certain crimes reported to NEC Public Safety and other campus officials.

The details of a report made to a Campus Security Authority will not be made public. Only the number of crimes occurring will be released. The reporting person’s name will not be released. That information is not required for the report, but it will help ensure the crime is not counted twice.

**How will Public Safety keep our campus informed and safe?**

Open lines of communication are extremely important in maintaining security on campus. In this regard, NEC Public Safety will work diligently in keeping everyone informed about important events both on and off campus. The different ways in which we will keep the community informed include but are not limited to:

1. *The Annual Campus Security and Fire Safety Report*
  - a. The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.
  - b. In addition, this report contains information about policies in effect to protect our community.
2. *Timely Warnings*
  - a. The Clery Act also requires institutions to give timely warnings of crimes that represent a threat to the safety of students or employees.
  - b. The institution is only required to notify the community of crimes which are covered by the Clery statistics
3. *Information Bulletins*
4. *Email Announcements*
  - a. Public Safety will send email announcements to students and employees to advise them of pertinent information which may affect their daily activities.
5. *The Daily Crime Log*
  - a. Any institution, regardless of whether it’s public or private, that has a campus police or security department, **must** create, maintain and make available a daily crime log.
6. *Signage*
  - a. Public Safety officers will post signs and/or caution tape that can provide safety information to students and employees.
7. *Personal Interactions*
  - a. Public Safety officers on post can provide information to students and employees advising them of pertinent information.

**Daily Crime Log**

The Daily Crime Log is maintained as a component of the Clery Act which requires NEC to document all crimes reported to NEC Public Safety. In the undertaking of transparency within our department, Public Safety publishes all important incidents that are reported over the course of each 24-hour period.

Information contained in the Daily Crime Log includes:

- Nature of the incident
- Date the incident occurred
- Date the incident was reported to NEC Public Safety
- The Public Safety Case Report number
- General location of the incident
- Disposition of the complaint, if known and
- Any outside agency assistance, (e.g., Boston Police, NU Police, Boston Fire and Boston EMS)

The Daily Crime Log is maintained at the office of the Director of Campus Security. This log is preserved in a binder and is available for public inspection.

### **Crime Alerts and Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Campus Security, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. Depending upon the situation, the means employed to convey the information may include any or all of the following medium:

- The NEC Alert system,
- Campus email to students, faculty and staff,
- Written notices posted in the Residence Halls and on campus bulletin boards.

Anyone with information warranting a timely warning or campus alert should report the circumstances to NEC Public Safety by calling (617) 585-1777.

## Chapter 3 – Contact Information

### Contacting Public Safety

NEC Public Safety encourages anyone who is the victim or witness of a crime to promptly report the incident to Public Safety or to the Police. All crimes occurring on campus should be reported immediately to NEC Public Safety. If you should ever need to call NEC Public Safety, please provide the following information:

- Your name
- Location of the incident you are reporting
- A description of the scene and
- A description of any suspects involved in the incident

Remember if you witness an event which you consider “life threatening,” you should call **911**. If you call **911**, we ask that you contact Public Safety immediately afterward in the event there is a delay with the emergency response to the campus.

<b>PUBLIC SAFETY CONTACT NUMBERS</b>		
Public Safety – <i>Emergencies</i>	(617) 585-1777	1777 from campus phone
Boston Police, Fire and EMS	911	9-911
Public Safety - <i>Routine Calls</i>	(617) 585-1255	1255 from campus phone
Public Safety - <i>Anonymous Tip Line</i>	(617) 585-1292	1292 from campus phone
Director of Campus Security	(617) 585-1246	1246 from campus phone

### Emergency Notification System

New England Conservatory of Music has partnered with e2Campus, for our emergency notification system. e2Campus is capable of sending users text and email messages in the event of class cancellations or campus emergencies. Technology and Information Management automatically pulls information to sign up students, faculty and staff.

### Emergency Blue Light Phones

Four emergency phones with blue lights are located on campus: one at 33 Gainsborough Street, one at 241 St. Botolph Street, the public alley loading dock area and one on the corner of St. Botolph Street and Gainsborough Street. Please refer to Appendix X for further details.

### LiveSafe Communications Platform

The LiveSafe system delivers a communications platform to target safety information for students, faculty, staff, and visitors. The LiveSafe Platform will improve our ability to understand, measure, escalate, and respond to incidents.

- a. The LiveSafe Platform delivers a robust communications platform to target safety information for students, faculty, staff, and visitors.
- b. The LiveSafe Platform has the ability to help colleges and universities understand, measure, escalate, and respond to incidents.
- c. The LiveSafe Platform helps mitigate the potential damage these incidents can create.
- d. LiveSafe gives students, faculty, and staff the ability to quickly initiate a connection to local emergency services regardless of where they are in the world, and to share their precise location in the event of an emergency.
  - i. Empowers personal safety for all members of the community with peer-to-peer and self-service tools that deliver daily value. Students, faculty and staff get fingertip access to the safety resources that NEC has already created, even when there is no network connectivity.
- e. Students, faculty, and staff also get access to LiveSafe’s SafeWalk feature, which allows them to invite friends to virtually accompany them to their destination.

- f. Delivers an easy-to-access Command and Communications Dashboard which requires no incremental software or hardware investment to deploy.
- g. Provides reporting and analytic capabilities to inform ongoing tuning of the deployment, and deliver a full audit trail on tip submissions and how they were managed.
- h. It is supported by LiveSafe's Global Implementation Services Team, a dedicated group of experienced implementation experts, employing engagement best practices.

### **Text Messages**

In an effort to better serve the New England Conservatory of Music Community, NEC Public Safety does have the ability to receive text messages through the LiveSafe app. This will provide Students, Faculty and Staff with the ability to send text messages to Public Safety for routine and/or emergency messages.

## **Chapter 4 – Sexual Harassment and Sexual Misconduct Information**

### **Sexual Misconduct**

New England Conservatory (NEC) is committed to providing a safe learning and working environment. We comply with all state and federal guidelines relating to sexual misconduct and sexual or gender-based discrimination or harassment, including Title IX of the Higher Education Amendment Act (1972), the Violence Against Women Act (1994 and 2013), and the Campus Sexual Violence Elimination Act (2013). This policy applies to allegations of sexual misconduct and sexual or gender-based discrimination and harassment at NEC as mandated by Title IX of the Educational Amendments of 1972, and applies to all members of the NEC community. Allegations of sexual misconduct involving any member of the NEC community may be reported to:

**Nick Macke**

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

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

### **Title IX Policy Definitions**

1. **Sexual Assault/Rape**
  - a. Actual or attempted sexual contact with another person without that person's consent.
  - b. Any sexual activity that is forced or coerced or unwanted.
2. **Sexual Harassment**
  - a. Unwelcome conduct of a sexual nature that has the effect of creating a hostile living, learning, or working environment.
  - b. Conduct or incident that is sufficiently severe and/or pervasive so as to limit or deny a person's ability to participate in or benefit from NEC's education or employment. (Examples included in the Policy.)
  - c. Note that the relationship and power differential between the parties can be key factor.
3. **Sexual Exploitation**
  - a. Taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent.
4. **Stalking**
  - a. 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.
5. **Relationship Violence (Dating and Domestic)**
  - a. Abuse, violence, or intentionally controlling behavior between partners or former partners.
  - b. May involve bodily injury, emotional abuse, purposely causing apprehension of bodily injury or property damage; unwanted communications.
  - c. Can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship).
6. **Retaliation**

- a. Acts or words that constitute intimidation, threats, or coercion because of a person's report (or assistance in reporting) behavior defined in this policy.

The complete NEC policy on Sexual Misconduct and Sexual- or Gender-Based Discrimination and Harassment can be located in Appendix II of this report.

If you have any concerns regarding suspicious persons on or near campus you can go to the Massachusetts Sex Offender Registry site by clicking on the link below;  
<https://www.mass.gov/orgs/sex-offender-registry-board>

## **Chapter 5 – Violence Against Women Act (VAWA) (Campus SaVE Act)**

The United States Congress, recognizing the severity of the crimes associated with domestic violence, dating violence, sexual assault, and stalking, passed the **Violence Against Women Act of 1994** (VAWA) as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is described as “a comprehensive legislative package designed to end violence against women.” VAWA has since been reauthorized in 2000, 2005 and 2014. The intention of VAWA was to improve responses by the criminal justice system to domestic violence, dating violence, sexual assault, and stalking and to increase the availability of services for victims of these crimes.

The United States Department of Justice’s Office on Violence Against Women (OVW) was created specifically to implement (VAWA) and subsequent legislation. The VAWA 2000 reauthorization strengthened the original law by improving protections for battered immigrants, sexual assault survivors, and victims of dating violence. In addition, it improved the enforcement of protection orders across state and tribal lines. The VAWA reauthorization in 2005 continued to improve the law by, (in OVW’s description), “providing an increased focus on the access to services for underserved populations.”

On March 7, 2014, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.

Beginning in 2014, every College and NEC participating in Title IV financial aid programs was required to; 1. Compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities and 2. Include within its Annual Security Report a statement of policy regarding procedures, explanations, educational programs and services afforded to the victims of such crimes.

Below are the definitions of those crimes related with VAWA as described by the US Department of Justice OVW;

**What is Domestic Violence?** Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

**What is Sexual Assault?** Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

**What is Dating Violence?** Dating violence is defined as 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:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

**What is Stalking?** Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

**ALCOHOL AND DRUG POLICY**

**Use of alcohol:**

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

**Drug Policy:**

Under the 1988 Anti-Drug Abuse law, the Conservatory is required to provide a drug-free environment; NEC does not condone possession, use, sale, or distribution of illegal drugs. Students who participate in such activities face disciplinary action. The Conservatory also prohibits drug paraphernalia (including bongs, clips, pipes and other items) from its premises. These items are subject to confiscation; students using them are liable to disciplinary action, including the possibility of suspension or expulsion. Students should also recognize that, in addition to Conservatory sanctions, students face potential loss of financial aid for any violation of the 1988 Act. The Department of Education has announced that all Title IV student aid (including Pell Grant) recipients are required to certify that their benefits have not been suspended or terminated due to a drug conviction. Institutions finding out that students are convicted of drug offenses during periods of enrollment covered by Pell Grants must report the miscertification and withhold further Title IV payments. In addition, under Federal Law, notice may be provided to the parents of students under age 21 who violate the Conservatory's Drug and Alcohol Policies

**Hazing Policy:**

The Commonwealth of Massachusetts passed anti-hazing legislature in December 1987, making it a crime punishable by state law: Hazing; organizing or participating; hazing defined Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. The term 'hazing' as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provision of this section to the contrary, consent shall not be available as a defense to any prosecution under this action. 26 Failure to report hazing Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or other, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars. Issuance to students and student groups, teams and organizations; report Section 19. Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team, student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations. Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer to deliver annually, to the institution an

attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understand and agrees to comply with the provisions of this section and sections seventeen and eighteen. Each institution of secondary and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution, which fails to make such report."

**New England Conservatory will not tolerate hazing of any kind; its Discipline Committee will review any such activity or any failure to report such activity.**



## Part 2

### *Uniform Campus Crime Report, (2016; 2017; 2018 Statistics)*



## **Chapter 7 – Crime Statistics Definitions;**

The following list contains definitions on the types of Criminal Offenses which must be recorded in the Crime Statistics Report:

### **Criminal Homicide**

- Murder and Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter: the killing of another person through gross negligence.

### **Sex Offenses**

• *Sex Offense – Forcible*: any sexual act directed against 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. This section is divided into 2 distinct categories – A. Rape and B. Fondling

• *Sex Offense – Non-forcible*: unlawful, non-forcible sexual intercourse: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law or sexual intercourse with a person who is under the statutory age of consent. This section is divided into 2 distinct categories – A. Incest and B. Statutory Rape

### **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 and/or by putting the victim in fear.

### **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.

### **Burglary**

The unlawful entry of a structure with the intent to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny; housebreaking, safecracking, and all attempts to commit any of the aforementioned.

### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

### **Arson**

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

### **Hate Crime**

A hate crime is a criminal offense committed against persons, property or society that is motivated, in whole or in part, by an offender's bias against an individual or a group's perceived race, religion, ethnic/national origin, gender, age, disability or sexual orientation.

### **Weapon Violations**

Weapons: Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

### **Liquor Law Violations**

The violation 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 minor or intemperate

person, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance, all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### **Drug Law Violations**

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

*Below are the definitions of those crimes related with VAWA as described by the US Department of Justice OVW;*

### **Domestic Violence**

Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

### **Dating Violence**

Dating violence is defined as 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:

The length of the relationship

The type of relationship

The frequency of interaction between the persons involved in the relationship

### **Stalking**

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

**Chapter 8 – Crime Statistics Report;**

Criminal Offenses Reporting Table					
Offense	Year	Geographic Location			
		On Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Sex Offense – Forcible					
Rape	2016	0	0	0	0
	2017	1	1	0	0
	2018	0	0	0	0
Fondling	2016	0	0	0	0
	2017	1	1	0	0
	2018	1	0	0	0
Sex Offense – Non-forcible					
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	1	0	0	4
	2017	0	0	0	1
	2018	1	0	0	0
Aggravated Assault	2016	3	0	0	2
	2017	0	0	0	0
	2018	0	0	0	0
Burglary	2016	5	0	0	0
	2017	5	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
	2017	1	0	0	0
	2018	0	0	0	0
Arson	2016	1	1	0	0
	2017	0	0	0	0
	2018	0	0	0	0

VAWA Offenses Reporting Table					
Offense	Year	Geographic Location			
		On Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Domestic Violence	2016	1	0	0	0
	2017	1	1	0	0
	2018	1	1	0	0
Dating Violence	2016	1	0	0	0
	2017	1	0	0	0
	2018	0	0	0	0
Stalking	2016	3	0	0	0
	2017	2	0	0	0
	2018	0	0	0	0

Arrests and Disciplinary Referrals Reporting Table					
Offense	Year	Geographic Location			
		On Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Arrests: Weapons: Carrying, Possessing, Etc.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2016	0	0	0	0
	2017	0	0	0	0
	2018	2	2	0	0
Arrests: Drug Abuse Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	1
Disciplinary Referrals: Drug Abuse Violations	2016	4	2	0	0
	2017	3	3	0	0
	2018	19	19	0	0
Arrests: Liquor Law Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2016	4	3	0	0
	2017	29	29	0	0
	2018	30	30	0	0

Hate Crimes									
Location	Year	Category of Bias for offense reported							
		Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
On Campus Property	2016	0	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0	1
On-Campus Student Housing Facilities	2016	0	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0	0

Unfounded Offenses					
	Year	Geographic Location			
		On Campus Property	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Unfounded Offenses	2016	3	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0



## Part 3

### *Fire Safety Report*



## **Chapter 9 – Fire Safety Report**

At NEC, the responsibility to maintain Fire Safety on campus is done in collaboration between Public Safety, Student Services and the Facilities Departments. Fire drills are scheduled to be conducted every quarter in compliance with Boston City fire codes. The Residence Hall is located in the Student Life and Performance Center (SLPC) and 2018 was the first full calendar year that the SLPC was in use. During 2018 there were no reported fires, fire related injuries or fire related damage in the building.

### **Emergency Procedures and Information**

All students need to be aware of what to do in emergency situations. Any situation in which life, physical well-being or property is in jeopardy constitutes an emergency. In such a situation, first render assistance where practical and the second step is to get help. Emergencies might require the response of medical, law enforcement or firefighting professionals. If there is a question about the need for help, it is advisable to call 911.

The most immediate source for help is through Public Safety. When calling the Public Safety emergency line at (617) 585-1777, an officer will respond directly, securing any necessary assistance such as the Police Department, Fire Department or ambulance service. It is best to allow the Public Safety Officer to coordinate the response to emergencies. In case of an actual fire, contact the Fire Department directly by using the nearest fire alarm or by calling 911. Once you are safely out of the building notify the Public Safety Officers.

When calling the Public Safety Emergency Line, please speak clearly, concisely and provide a telephone number where you can be reached. Remember to state your name, give your location and give a description of the emergency situation.

### **Emergency Call Boxes (BLUE LIGHTS)**

There are 4 emergency call boxes located on campus that will put you in direct contact with Public Safety. The four emergency call boxes located on campus are at 33 Gainsborough Street, 241 St. Botolph Street, the public alley loading dock area and on the corner of St. Botolph Street and Gainsborough Street.

When activated, these phones will automatically call Public Safety, announce your location and set off the blue strobe light. The emergency call boxes should be used whenever you need to contact Public Safety or to summon additional help such as police, fire or ambulance. These lights are to only be used to summon help for an active emergency situation. Note: For the locations of the Blue Lights on campus please refer to Appendix X of this document.

### **Fire Precautions and Procedures for Residence Hall Students**

Whenever a fire alarm sounds, each resident and the resident guest(s) are to immediately leave the building and go to the specified assembly point (see below). **Never assume** that fire alarm activation is accidental or a prank.

The Residence Hall is considered a “high rise” facility and is evacuated accordingly. The voice recording notifying residents of an emergency in the building plays and is followed by instructions to evacuate if a pulsating tone sounds.

The floor where the emergency is initially reported and the floors directly above and below are evacuated first. All Residence Life staff members are required to evacuate regardless of whether the tone sounds on their floor. Residents take the Stairwells A and B to the first floor and exit the Student Life and Performance Center by the front doors. Residents proceed down St. Botolph Street to Jordan Hall and to either Williams Hall or Brown Hall where they will meet with their RA and other members on their floor. Residents wait until a Residence Life staff member instructs them that it is safe to re-enter the SLPC. When the Boston Fire Department arrives on campus they will be assisted in the SLPC by Public Safety staff, if necessary.

## Fire Evacuation Procedures

1. Immediately activate the building fire alarm system which will automatically notify the fire department and get help on the way. It is best to have the fire department respond and not be needed than to have them arrive too late for potential rescue. If you are in a building without a fire alarm system, dial 911 from a safe location to report the fire. If you call 911, we would ask that you contact Public Safety afterward, as there can be a delay in the EMS response to the campus. Call Public Safety at (617) 585-1777. Identify yourself and provide as much specific information as you can in a calm manner.
2. After sounding the Fire Alarm, your first concern is to get out of the building. As a member of the college community, you are encouraged to assist everyone out of the building without putting yourself in harm's way. On your way out of the building, knock on doors and announce that everyone needs to evacuate the building. Do not wait for an answer. Assist those who need assistance with either leaving the building or hearing the alarm. **Never assume** that fire alarm activation is accidental or a prank.
3. Prepare and evacuate the building by way of the nearest emergency exit. Walk; do not run. Do not use elevators. Assist any person in immediate danger to safety, if it can be accomplished without risk to yourself.
4. Calmly assist visitors during alarm/emergency situations. Visitors may not be aware of exits/alternative exits and the procedures that should be taken during alarm situations.
5. Close but **do not lock** all doors as you leave.
6. Before exiting through any closed door, check for heat and the presence of fire behind the door by feeling the door with the back of your hand. If the door feels very warm or hot to the touch, advise everyone to proceed to another exit.
7. *(In the SLPC Residence Hall)* The residence life staff will assist students in getting to the assigned Assembly point. Once students have arrived at the assigned assembly point the residence life staff will begin to assess which students have arrived from the residence hall. The residence life staff will help to ensure that all students stay at the assembly point.
  - a) *Assembly point for the SLPC Residence Hall:* In the event of a Fire alarm all occupants in the SLPC will proceed to the Jordan Hall main entrance on Gainsborough Street. Public Safety will then direct evacuees to either Williams Hall or Brown Hall as an assembly point. Please refer to the Evacuation maps in Appendix I, of this document.
8. *(In Academic and Administration buildings)* Faculty and staff will assist students/building occupants in going to the assigned assembly point. Please remember that all buildings have multiple emergency exits and faculty/staff should direct everyone to use them. Once building occupants have arrived at the assigned assembly point the process to assess which individuals have arrived from that building can begin. The senior administrator from the affected building should assign staff to take note of those who are not there and report to Public Safety those occupants that are missing. Help to ensure that everyone stays at the Meeting point.
  - a. *Assembly point for 33 Gainsborough Street, and 241 St. Botolph Street:* In the event of a Fire alarm all occupants in these locations will proceed to the Jordan Hall main entrance on Gainsborough Street. Public Safety will then direct evacuees to either Williams Hall or Brown Hall as an assembly point. Please refer to the Evacuation maps in Appendix IX, of this document.
  - b. *Assembly point for Jordan Hall* – In the event of a Fire alarm all occupants in Jordan Hall will proceed to the SLPC dining area. The Public Safety Supervisor will notify all on duty personnel that the SLPC will be utilized as a place of refuge.
    - i. The Public Safety Supervisor will assist in directing students, employees and visitors to the SLPC entrance.
    - ii. The SLPC officer will assist in ushering people into the dining area on the first floor of the SLPC.

9. Upon exiting the building and proceeding to the Assembly point, remain at least 50 feet away from the building walls and overhangs. Do not block any driveways, as Fire Department personnel will need access to these areas. Students, faculty and staff are requested to report to their assigned meeting point as defined by the Evacuation Procedure maps.

10. The cessation of an alarm/departure of the fire department is not an "all clear" to re-enter the building as corrective measures may still be in progress. Public Safety and the Boston Fire Department will make a sweep of the building and assess the situation from that point. Stay clear of the building until the Fire Department, or Public Safety has advised you that it is safe to re-enter the building/area.

**11. In the event you are unable to exit the building:**

- a) Remain calm; do not panic
- b) If there is smoke in the room, keep low to the floor; crawl if necessary
- c) Place a cloth, wet if possible, over your mouth to serve as a filter
- d) Before passing through any doors, feel the metal door-knob and the door. If it is hot, do not open the door. Attempt an alternative exit.
- e) Open the windows from the top, if possible (to let out the smoke and the heat) and from the bottom (to let in fresh air).
- f) If you cannot exit out of the window, signal for help from a window. Hang something out of the window to attract the attention of the Fire Department, such as a pillowcase or shirt.
- g) If you can open the door (if it is not hot to the touch), brace yourself against the door and open it slowly in order to make sure there is no heat or heavy smoke on the other side. If there is, then close it again.
- h) If you are able to leave the room through the door, close it as you exit.
- i) Go to the nearest exit or stairs. If the nearest exit is blocked by fire, heat or smoke, go the alternate exit.
- j) If all exits on the floor are blocked, go back to your room/office, close the door, open the window, wave something out the window and shout for help.

**Public Safety Department Evacuation Responsibilities**

*Evacuation of the SLPC, 33 Gainsborough Street, and 241 St. Botolph Street:* In the event of a Fire alarm all occupants in these locations will proceed to the Jordan Hall main entrance on Gainsborough Street. Public Safety will:

- The Public Safety Supervisor will notify all on duty personnel that Jordan Hall will be utilized as a place of assembly.
- The Public Safety Supervisor will assist in directing students, employees and visitors to the Jordan Hall.
- The officer at 33 Gainsborough St. will assist evacuees in crossing Gainsborough Street.
- The officer assigned to Jordan Hall will then direct evacuees to either Williams Hall or Brown Hall as an assembly point.

*Evacuation of Jordan Hall* – In the event of a Fire alarm all occupants in Jordan Hall will proceed to the SLPC. Public Safety will:

- The Public Safety Supervisor will notify all on duty personnel that the SLPC will be utilized as a place of refuge.
- The Public Safety Supervisor will assist in directing students, employees and visitors to the SLPC entrance.
- The officers assigned at 33 Gainsborough St. and Jordan Hall will assist evacuees in crossing Gainsborough Street.
- The SLPC officer will assist in ushering people into the dining area on the first floor of the SLPC.

**Chapter 10 – Fire Data Summary**

**Fire Investigations Report**

The New England Conservatory of Music campus is where all student housing is located. In 2018 there were no fires reported on the New England Conservatory of Music campus. Below is the 2018 Campus Safety and Security Survey Fire Data Summary submitted to the US Department of Education;

Summary of Fires									
Name of Residence Facility	2016			2017			2018		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Pre 9/2017:									
33 Gainsborough St.	1	0	0	0	0	0			
As of 9/2017									
SLPC				0	0	0	0	0	0
Totals	1	0	0	0	0	0	0	0	0



## Appendices



# Appendix I

## Clery Act and Student's Right to Know Policy

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** or **Clery Act** is a federal statute codified at **20 U.S.C. §1092(f)**, with implementing regulations in the US Code of Federal Regulations at 34 CFR 668.46.

The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to \$35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

The law is named for Jeanne Clery, a 19-year-old Lehigh NEC freshman who was raped and murdered in her campus residence hall in 1986. The backlash against unreported crimes on numerous campuses across the country led to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act.

In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act*.

On Aug. 14, 2008, the *Higher Education Opportunity Act* or *HEOA* (Public Law 110-315) reauthorized and expanded the *Higher Education Act of 1965*, as amended. *HEOA* amended the *Clery Act* and created additional safety- and security-related requirements for institutions. Specifically, it added:

- New categories to the list of hate crimes all institutions must disclose (Clery amendment);
- A new disclosure regarding the relationship of campus security personnel with state and local law enforcement agencies (Clery amendment);
- Implementation and disclosure of emergency notification and evacuation procedures for all institutions (Clery amendment);
- Implementation and disclosure of missing student notification procedures for institutions with on-campus student housing facilities (*HEOA*);
- Fire safety reporting requirements for institutions with on-campus student housing facilities (*HEOA*); Text clarifying the definition of an on-campus student housing facility (Clery and *HEOA*); and
- A Program Participation Agreement (PPA) requirement concerning disclosure of the results of disciplinary proceedings to the alleged victim of any crime of violence or a non-forcible sex offense (*HEOA*).

### **Student's Right-to-Know and Campus Security Act**

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

### **Uniform Campus Crime Report (UCCR)**

Notice is hereby given that, in accordance with the Federal Student Right-to-Know and Crime Awareness and Campus Security Act of 1990, the Uniform Campus Crime Report for the New England Conservatory of Music is available from NEC Public Safety and will be provided upon request. Incident Logs and Public Safety Alerts are also available for view upon request.

# Appendix II

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

New England Conservatory (NEC) is committed to providing a safe learning and working environment. We comply with all state and federal guidelines relating to sexual misconduct and sexual or gender-based discrimination or harassment, including Title IX of the Higher Education Amendment Act (1972), the Violence Against Women Act (1994 and 2013), and the Campus Sexual Violence Elimination Act (2013). This policy applies to allegations of sexual misconduct and sexual or gender-based discrimination and harassment at NEC as mandated by Title IX of the Educational Amendments of 1972, and applies to all members of the NEC community. Allegations of sexual misconduct involving any member of the NEC community may be reported to:

**Nick Macke**

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

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

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

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

- a. Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault is often more broadly defined as any sexual activity that is forced or coerced or unwanted.
- b. Sexual assault includes, but is not limited to:
  - i. Intentional touching of another person's intimate parts without that person's consent;
  - ii. Other intentional sexual contact with another person without that person's consent; or
  - iii. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or
  - iv. Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent. Rape is defined in Massachusetts by three elements: penetration of any orifice by an object; force or threat of force; against the will of the victim.
- c. **Sexual Harassment**
  - i. Sexual Harassment is unwelcome conduct of a sexual nature that has the effect of creating a hostile living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered "unwelcome" if the person did not request or invite it and considered the conduct to be undesirable or offensive.
  - ii. Sexual harassment includes any conduct or incident that is sufficiently severe and/or pervasive that it is likely to limit or deny a student's ability to participate in or benefit from NEC's educational programs or an employee's ability to work, which may include a single incident of

sexual assault or other serious sexual misconduct. Sexual harassment can take many forms, and can:

1. Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff or student.
  2. 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).
  3. Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
  4. Occur by or against a person of any sex, gender identity or expression, or sexual orientation.
- iii. The following non-exhaustive list includes examples of behavior that could, in appropriate circumstances, be considered sexual harassment:
1. Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
  2. Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
  3. Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender.
  4. Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
  5. Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of e-mails or websites of a sexual nature. (For more information on misconduct using NEC's computing facilities, please see the Computer, Internet Use and Account Policy.)
  6. Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
  7. Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
  8. Use of a position of power or authority to:
    - a. threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or
    - b. promise rewards in return for sexual favors.
  9. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
- iv. Hostile Environment Harassment. A hostile environment exists when sexual harassment is sufficiently severe or pervasive to interfere with, or to deny or limit a student's ability to participate in or benefit from the school's program based on sex. To determine whether a hostile environment exists, NEC will consider a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including:
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.
  - v. 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.
- d. **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:
- i. Prostituting another person;
  - ii. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
  - iii. 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,
  - iv. 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.
- e. **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.
- f. **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. causing 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).
- g. **Conduct in Relationships between Individuals of Different Conservatory Status**
- i. 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.
  - ii. Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between an instructor or other faculty or staff member of NEC and a person for whom he or she has a professional responsibility (i.e., as studio teacher, ensemble coach, instructor, advisor, evaluator, supervisor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or staff there is an element of power.

- iii. The consequences of asymmetries can be felt in many different contexts and types of relationships. What constitutes “power” varies according to context and individual. For example, although NEC may not recognize a student in an extracurricular organization to have power over a student who would like to join that organization, one or both of the students in question may perceive their relationship to be affected by a power dynamic. As members of a community characterized by multiple formal and informal hierarchies, it is incumbent upon each of us to be aware of and sensitive to the ways in which we exercise power and influence and to be judicious in our relationships with others.
- h. **Prohibited Sexual Relations with Students**  
No employee shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with any student at NEC.
- i. **Relationships between Individuals of Different Conservatory Status**
  - i. 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.
- j. **Other Prohibited Forms of Sex Discrimination**
  - i. This includes forms of different treatment on the basis of sex (including on the basis of sexual orientation, gender identity, and/or gender expression) that is not otherwise set forth as Prohibited Conduct (above). Such conduct will be treated under NEC’s Unlawful Discrimination, Harassment, and Retaliation Policy unless the Title IX Coordinator, in consultation with appropriate Conservatory officials, determines otherwise.
- k. **Retaliation for Filing a Complaint of Sexual Misconduct**
  - i. Retaliation is any acts or words that constitute intimidation, threats, or coercion because of a person’s:
    1. Report of behavior defined in this policy
    2. Assistance in reporting behavior defined in this policy
    3. Participating in any acts or words that constitute intimidation, threats, or coercion as listed above
    4. Protest of conduct which is in violation of this policy, and that would also deter a reasonable person from reporting or assisting in reporting a violation of the policy, participating in any proceeding under the Policy or protesting of conduct in violation of this Policy.
  - ii. An adverse reaction does not include minor annoyances or another’s lack of good manners, as those actions will not deter a reasonable person from engaging in the process.
  - iii. It is a violation of Massachusetts and federal law and a violation of this policy to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person who has reported sexual misconduct, filed a sexual misconduct complaint, or participated in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion or termination of employment.
  - iv. Retaliation, occurring either during or after the filing of a sexual misconduct complaint, is a violation of NEC policy. If a member of the community feels that they are being harassed or

retaliated against due to their involvement in a Title IX investigation, he or she should immediately notify the Title IX Coordinator.

## 2. REPORTING POLICY VIOLATIONS

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

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

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

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

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

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

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

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

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

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

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

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

## 3. INVESTIGATION AND ADJUDICATION PROCESS

- a. After receiving a report of conduct that could implicate the Policy, the Title IX Coordinator or his or her designee will take a number of initial steps. These initial steps are not an investigation. Rather, these initial steps will enable NEC to assess the need to take any immediate action to address the safety of the Complainant and/or NEC community, and to determine the next steps for investigating the reported conduct and the need for any interim measures. These initial steps may include, but are not limited to, the following:
  - i. The Title IX Coordinator will contact the Complainant and encourage the Complainant to meet to discuss the nature and circumstances of the reported conduct, review relevant documentation that is available, and address the Complainant’s immediate physical safety needs, including the need for any interim measures. Examples of interim measures may include no-contact orders, requests for academic adjustments or other accommodations, access to additional support services, changes to living, transportation and working situations, and other actions to address the situations and concerns raised on an interim basis.
  - ii. The Title IX Coordinator will assess the reported conduct to determine whether the circumstances pose a threat to the health or safety of NEC community that warrants issuance of a timely warning, a stay-away order for any persons, or any other interim protections. The Title IX Coordinator will consult with senior administrators re: same.
  - iii. The Title IX Coordinator will notify the Complainant about:
    1. the availability of the Policy;
    2. the right to report (or decline to report) the matter to Public Safety and/or to local law enforcement if the conduct is potentially criminal in nature; and
    3. that a report to law enforcement will not change NEC’s obligation to potentially investigate the matter but it may briefly delay the timing of the investigation if a law enforcement agency requests that NEC delay its process for a reasonable amount of time to allow it to gather evidence of criminal conduct.
  - iv. The Title IX Coordinator or his or her designee will notify both the Complainant and the Respondent of the available resources for seeking medical treatment, counseling, spiritual guidance, or other interim measures. These resources can be found at <https://necmusic.edu/title-ix/resources>.
- b. If the Title IX Coordinator determines the reported conduct could implicate the sexual misconduct policy, he or she will contact the Complainant to discuss that determination. If, at this time, the Complainant requests that the process not move forward, NEC will weigh that request and the reasons for it against NEC’s obligation to address any risk of harm to the Complainant or other individuals in the community and the nature of the incident or conduct at issue. Except in limited circumstances in which a Complainant’s request not to proceed to investigation is granted, the Title IX Coordinator will proceed to initiate the investigation.
- c. If the Title IX Coordinator determines that the reported conduct would not implicate the Policy, he or she will advise the Complainant of such in writing and refer the reported conduct to the appropriate administrator for handling consistent with any other appropriate Conservatory policy. (If new information is subsequently provided, the decision whether or not to investigate under the Policy may be reevaluated.)
- d. Notice of an Investigation
  - i. If, during the initial assessment, it is determined that the reported conduct could trigger the Policy and an investigation is required, the Title IX Coordinator will prepare a written notice to the Complainant and Respondent that will include a brief description of the allegations, the portion(s) of the Policy that are alleged to have been violated, and any interim measures in place about which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility.
- e. The Role of Advisors in the Process
  - i. In connection with an allegation of sexual misconduct involving sexual violence, other inappropriate sexual contact, relationship violence or stalking, each Party, including any Reporting Party, may have a single advisor of such Party’s choice present during the disciplinary

proceeding, including any related meeting, interview, or hearing, held pursuant to the Policy. Advisors may not participate actively while present at any disciplinary proceeding and may not speak or otherwise communicate on the part of the Party that the advisor is advising. However, the advisor may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. An advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisers if they unduly delay the process. The advisor is not permitted to attend a meeting or proceeding without the Party (as a proxy or otherwise) without the prior approval of the Title IX Coordinator, as determined in his/her sole discretion. The Conservatory reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator.

f. Designation of Investigator

- i. The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the "Investigative Report"). At NEC's discretion, more than one investigator may be assigned. NEC may also exercise discretion in assigning an external investigator to conduct the investigation with NEC's internal investigator. (In addition, NEC may assign an external investigator, without assigning an internal investigator.) All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by NEC or engaged by NEC for the purpose of conducting investigations under the Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the "Investigator(s)"). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator's decision regarding any conflicts is final.

g. Nature of the Investigation

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

h. The Parties' Identification of Potential Witness and Documentation

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

i. Investigation Prohibitions

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

j. Content of the Investigative Report

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

l. Adjudication

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

m. Appeals

- i. The President or designee may affirm the Title IX Coordinator’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. This decision is final.
- ii. 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 that would alter the original finding 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.

**4. POLICY AND PROCESS PROVISIONS**

a. Withdrawal While Charges Pending

- i. 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.
- ii. Should an employee decide to resign from NEC while charges are pending, the investigation process will proceed in the employee’s absence to a reasonable resolution. The employee will

not be permitted to reapply for new employment with NEC unless all sanctions have been satisfied.

b. Duty of Honesty

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

c. Duty of Cooperation

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

d. Respect for Privacy

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

e. Recording the Proceedings

- i. The Parties are not permitted to make video, audio, or other electronic, photographic, or digital recordings of any meetings or proceedings held under the Policy or these procedures or the Investigative Report. The Title IX Coordinator may make exceptions to this prohibition in limited circumstances if he or she concludes, in his or her sole discretion, that a recording is warranted, and upon written request of the Party seeking the recording that explains the need for the recording.

f. Special Situations

- i. NEC retains the right to determine, in its sole discretion, if it will address a report of conduct under the Policy administratively and outside of the process described herein when the safety of NEC community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving either of the Parties, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interest of NEC and/or the community to do so.

g. Responding Party Voluntary Agreement to Policy Violation

- i. At any point prior to the conclusion of the investigation, a Respondent may agree in writing to the alleged violation(s) of the Policy and, in the cases of sexual harassment not involving sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, may offer a proposed sanction. It is within NEC's sole discretion whether to accept the proposed sanction or assign a different sanction. In cases of sexual violence, other inappropriate sexual contact, sexual exploitation, stalking or relationship violence, the Title IX Coordinator will determine and impose sanction(s) pursuant to the Policy.

h. Optional Informal Resolution Process

- i. A Party may request an informal resolution of a complaint rather than an investigation by contacting the Title IX Coordinator. All Parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution against the severity of the alleged violation and the potential risks to campus community members. If the Title IX Coordinator determines that informal resolution is appropriate, the Title IX Coordinator will notify the Parties.

- ii. The Title IX Coordinator will designate a Conservatory representative to facilitate a dialogue with the Parties in an attempt to reach a resolution. The allegation will be deemed resolved when the Parties expressly agree to an outcome that is acceptable to them and which is approved by the Title IX Coordinator in consultation with other appropriate Conservatory administrators. A Party may withdraw from the informal resolution process at any time prior to its completion and NEC will continue the investigation.
- iii. The Title IX Coordinator may initiate an investigation at any time that deems it appropriate in his or her sole discretion.

## 5. KEY TERMS

- a. Complainant
  - i. The complainant is the person making the allegations of sexual misconduct.
- b. Consent
  - i. 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.
  - ii. 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.
  - iii. 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.
  - iv. Consent which is informed, freely and actively given through clear words or actions, and creates mutually understandable permission regarding the conditions of sexual activity. Effective Consent is achieved only where each party mutually understands what behavior the party's partner consents to and what behavior the party's partner does not consent to with regard to physical and sexual interactions. Effective Consent at one time does not imply Effective Consent at any other time. Effective Consent cannot be obtained: (1) through silence alone (absent a non-verbal action clearly demonstrating consent); (2) from minors (under the age of 16 in Massachusetts), individuals with mental disabilities, or incapacitated persons; or (3) through physical force, threat of physical force (by words, gestures, or non-verbal actions), coercion, fraud, intimidation, or incapacitation.
- c. Incapacitation
  - i. 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.
  - ii. It is a violation of this policy and Massachusetts law to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of capacitation, especially in cases when alcohol or drugs are involved.
- d. False Allegations
  - i. Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.
- e. Force

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

### **REPORTING VIOLATIONS OF NEC’S TITLE IX POLICY**

#### Determining Confidentiality

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

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

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

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

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

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

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

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:

Nick Macke  
Title IX Coordinator  
Director of Human Resources  
Office of Human Resources (St. Botolph Building, room 203)  
617-585-1230  
[nick.macke@necmusic.edu](mailto:nick.macke@necmusic.edu)

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

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

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

#### *Title IX Investigation & Adjudication Process*

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

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

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

Respondent that will include a brief description of the allegations, the portion(s) of the Policy that are alleged to have been violated, and any interim measures in place about which either Party must be made aware. This written notice does not constitute a finding or a determination of responsibility.

7. The Role of Advisors in the Process

In connection with an allegation of sexual misconduct involving sexual violence, other inappropriate sexual contact, relationship violence or stalking, each Party, including any Reporting Party, may have a single advisor of such Party's choice present during the disciplinary proceeding, including any related meeting, interview, or hearing, held pursuant to the Policy. Advisors may not participate actively while present at any disciplinary proceeding and may not speak or otherwise communicate on the part of the Party that the advisor is advising. However, the advisor may ask to suspend any meetings, interviews, or hearings briefly to provide private consultation related to the disciplinary proceeding in progress. An advisor is subject to the same confidentiality expectations applicable to others in attendance. Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process. The advisor is not permitted to attend a meeting or proceeding without the Party (as a proxy or otherwise) without the prior approval of the Title IX Coordinator, as determined in his/her sole discretion. The Conservatory reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the Title IX Coordinator.

8. Designation of Investigator

The Title IX Coordinator will designate at least one investigator to conduct a prompt, fair, and impartial investigation of the reported conduct and prepare a report of investigative findings (the "Investigative Report"). At NEC's discretion, more than one investigator may be assigned. NEC may also exercise discretion in assigning an external investigator to conduct the investigation with NEC's internal investigator. (In addition, NEC may assign an external investigator, without assigning an internal investigator.) All investigators – internal or external – will be selected from a group of qualified and trained individuals employed by NEC or engaged by NEC for the purpose of conducting investigations under the Policy. The Title IX Coordinator will provide the Parties with the name of the person(s) assigned to investigate the reported conduct (the "Investigator(s)"). As soon as possible, but no later than three (3) calendar days after receiving notice of the identity of the Investigator(s), the Parties should inform the Title IX Coordinator (in writing) of any conflicts or potential conflicts of interest with regard to the selected Investigator(s). The Title IX Coordinator will consider the nature of the conflict and determine if different individuals should be assigned as Investigator(s). The Title IX Coordinator's decision regarding any conflicts is final.

9. Nature of the Investigation

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

10. The Parties' Identification of Potential Witness and Documentation

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

11. Investigation Prohibitions

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

12. Content of the Investigative Report

At the conclusion of the investigation phase, the Investigator(s) will prepare an Investigative Report, which

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

13. Review by the Parties

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

14. Adjudication

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

15. Appeals

1. The President or designee may affirm the Title IX Coordinator’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. This decision is final.
2. 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 that would alter the original finding 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.

*Title IX Resources*

<b>RESOURCE</b>	<b>STATUS</b>	<b>REPORTING OBLIGATIONS</b>
<b>Health Center Staff</b> 241 St. Botolph Street Rm 112 Phone: 617-585-1284	<i>Confidential Resource</i>	<i>None, unless they are being consulted outside the scope of their role within the Health Center.</i>

RESOURCE	STATUS	REPORTING OBLIGATIONS
<p><i>Monday – Wednesday 9am–4pm Thursday 8:30am–5pm Friday 9am–4pm</i></p>		
<p><b>Counseling Center Staff</b> 241 St. Botolph Street Rm 114 Phone: 617-585-1398</p>	<p><i>Confidential Resource</i></p>	<p><i>None, unless they are being consulted outside the scope of their role within the Counseling Center.</i></p>
<p><i>Monday 12pm-1pm Wednesday 1pm-2pm Thursday 12pm-1pm Friday 12pm-12:30pm</i></p>		
<p><b>Public Safety Staff</b> SLPC Phone: 617-585-1180</p>	<p><i>Non- confidential Resource</i></p>	<p><i>Public Safety will report information received about potential sexual misconduct incidents to the Title IX Coordinator. Depending on the nature of the allegation, Public Safety may also be required to include it in a crime log and annual crime statistics without identifying the alleged victim(s). Public Safety may also issue emergency notifications and/or timely warnings, as appropriate.</i></p>
<p><b>Residence Hall Staff</b> Student Life &amp; Performance Center 255 St Botolph Street Phone: 617-585-1320</p>	<p><i>Non- confidential Resource</i></p>	<p><i>Residence Hall Staff will report information received about potential sexual misconduct incidents to the Title IX Coordinator.</i></p>
<p><b>Community Resources:</b> The Boston Area Rape Crisis Hotline <a href="http://www.barcc.org/help">www.barcc.org/help</a> Phone: 800-841-8371</p>	<p><i>Not an NEC Member</i></p>	<p><i>Community Resources are not members of the NEC community. They have no reporting obligations to NEC.</i></p>
<p>Victims’ Rights Law Center 115 Broad Street, 3rd floor Phone: 617-399-6720 x19</p>		

**RESOURCE****STATUS****REPORTING OBLIGATIONS**

Boston Police Sexual  
Assault Unit  
Phone: 617-343-4400

**FAIR AND EQUAL PROCESS FOR BOTH PARTIES**

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

- The right to an investigation and appropriate resolution of credible allegations of sexual misconduct or discrimination made in good faith to NEC officials;
- The right to be treated with respect by NEC officials;
- The right not to be pressured to mediate or otherwise informally resolve any reported sexual misconduct or gender based discrimination or harassment;
- The right not to be discouraged by NEC officials from reporting sexual misconduct or gender based discrimination or harassment to both on-campus and off-campus authorities;
- The right to be informed by NEC officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the reporting party so chooses. This also includes the right not to be pressured to report, as well;
- The right to be notified of available resources including: counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance, or other student services, both on campus and in the community;
- The right to a campus no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct or gender based discrimination or harassment incident, if so requested by the reporting party and if such changes are reasonably available;
- The right to be informed of campus policies and procedures as well as the nature and extent of all alleged violations contained within the report;
- The right to regular updates on the status of the investigation and/or resolution;
- The right to preservation of privacy, to the extent possible and permitted by law;
- The right to meetings and/or interviews that are closed to the public;
- The right to petition that any NEC representative in the process be recused on the basis of demonstrated bias or conflict-of-interest;
- The right to bring an advisor of their choosing to all phases of the investigation and resolution proceeding in which they are invited;
- The right to submit an impact statement in writing to the Title IX Coordinator following determination of responsibility, but prior to sanctioning;
- The right to be promptly informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties;
- The right to be informed in writing of when a decision is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by NEC.

# Appendix III

## *Court Issued Protective Orders*

### **ABUSE & HARASSMENT PREVENTION ORDERS**

There is no charge to get an abuse prevention order.

If you need help with getting an order, the Massachusetts Office for Victim Assistance (<http://www.mass.gov/mova/>) offers a program called SAFEPLAN that provides specially trained and certified advocates to help you in many courts across the state.

There are other programs in some courts that provide people who can help you fill out the forms and go with you to the courtroom. In some cases the advocate is from the local domestic violence service provider. In other cases, District Attorney Office victim-witness advocates assist people in filing for a 209A order.

A list of domestic violence service providers can be found at Jane Doe, Inc. (<http://www.janedoe.org/>). People at these organizations can tell you if they have court advocates or, if not, how to reach a court advocate.

If you need help immediately such as safety planning or shelter, call the SAFEPLAN hotline at 1-877- 785-2020, which can find you a domestic violence program or shelter near you.

### **HOW TO OBTAIN AN ABUSE PREVENTION ORDER (209A)**

During regular business hours on weekdays, you can go to the Roxbury Trial Court located on 85 Warren Street, Roxbury, MA 02119 (Main Phone: 617-427-7000).

Proceed to the Civil Clerk's office and tell them you want to ask for a 209A order. They will give you the forms you need.

If you are in crisis and courts are closed, you can call or go to NEC's Public Safety Department or the City of Boston Police Department (District 4). The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court to go to and when you need to be at the court.

(District 4 Police Department: 650 Harrison Avenue)

### **HOW TO OBTAIN A HARASSMENT PREVENTION ORDER (258E)**

There is no charge to get a harassment prevention order

You can go to the Roxbury Trial Court located on 85 Warren Street, Roxbury, MA, 02119, during regular business hours on weekdays (Main Phone: 617-427-7000).

If you are in crisis and courts are closed, you can call or go to NEC's Public Safety Department or the City of Boston Police Department (District 4). The police will give you the forms to fill out and then call a judge. If the judge grants the order, it is only temporary until the next court business day. The order given to you by the police will tell you which court to go to and when you need to be at the court.

To the extent of the victim's cooperation and consent, NEC offices, including Campus Public Safety, The Dean of Students, Residence Life, Office of the Title IX Coordinator, Health Services, Counseling Services, and the Office of Human Resources will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal internal investigation of the complaint.

For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Below is a list of offices that may assist with an on-campus safety plan:

- Campus Public Safety Department – notifying other law enforcement agencies, collecting evidence, facilitating transportation to the hospital, facilitating restraining orders and/or harassment prevention orders, placing a student on an escort list, facilitating transport to other institutions, will provide you with a full copy of the NEC Notice of Victim’s Rights, and other security and/or case-related services.
- Dean of Students – will assist with change in classroom and curriculum circumstances.
- Residential Life – will work to make changes to student living conditions.
- Office of the Title IX Coordinator – will manage NEC’s response and supervise the internal investigation. May meet with the parties involved and provide guidance or answer any questions asked by the parties involved.
- Office of the Registrar – will work with the party involved to change or remove any contact information such as: email address, web page directory information, telephone contact numbers, and picture from the web.

Additionally, Personally Identifiable Information (PII) about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. NEC does not publish the name of crime victims nor house PII regarding victims in the campus Public Safety Department’s Daily Crime Log or online.

Victims may request that directory information on file be removed from public sources by request. Contact NEC’s Title IX Coordinator:

**On-Campus Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking**

<b>Organization</b>	<b>Phone Number</b>
NEC Public Safety Department	Public Safety Emergency – 617-585-1777
	Routine Calls – 617-585-1255
	Anonymous Tip Line – 617-585-1292
Office of Title-IX Coordinator	617-585-1229
Health Services	617-585-1284
Counseling Services	617-585-1398
Office of Residence Life and Housing	617-585-1188

**Domestic Violence Resources in the Boston Area:**

<b>Organization</b>	<b>Phone Number</b>	<b>Address</b>
Boston Police, Fire, EMS Emergency	911	
Boston Police Department (D4)	617-466-4855	650 Harrison Ave
Roxbury Trial Court	617-427-7002	85 Warren St, Roxbury, MA
MBTA Transit Police Department	617-222-1000	
SafeLink (statewide hotline)	877-785-2020	
Beth Israel Deaconess Medical Center	617-667-7000	330 Brookline Ave. Boston
Jane Doe Inc.	617-248-0922	
Asian Task Force Against Domestic Violence	617-338-2355	
The Center for Violence and Prevention and Recovery at Beth Israel Deaconess Medical Center	617-667-8141	
The Network/La Red (Lesbian, Bisexual, Transgender)	617-423-SAFE	
Gay Men’s Domestic Violence Project	800-832-1901	

# Appendix IV

## Missing Student Policy

### Policy

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

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

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

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

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

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

If a missing student is under 18 years of age, and not an emancipated individual, NEC will notify a custodial parent or guardian of the missing student not later than 24 hours after the determination by the NEC Public Safety that the student is missing.

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

The Office of Student Services shall have the responsibility to make the provisions of this policy and the procedures available to students.

### Procedures

Any report of a possible missing student, from whatever source, must immediately be directed to the NEC Public Safety.

When a student is reported missing the NEC Public Safety will:

- A. Initiate an investigation to determine the authenticity of the missing person report;
- B. Advise and Inform the Director of Residence Life and Housing
  - a. If the student resides on campus or

- b. If information on the confidential contact is needed;
- C. Inform the Dean of Students;
- D. Inform the Vice President for Administration who will in turn notify the President;
- E. Depending on the information obtained in the investigation, notify local police or other appropriate law enforcement agencies within 24 hours after NEC receives a report that the student is missing;

In the event of statements made by a student indicating a threat to self, expediency in locating the student is essential. In such cases the following provision will be followed;

1. The professional staff member (i.e. Counselor, Public Safety Officer or Resident Coordinator) first receiving the information will immediately attempt to ascertain a probable location for that student.
2. If the student is believed to be off-campus that professional staff member will contact the Police Department covering the jurisdiction where the student is believed to be and immediately request that Police to conduct a welfare check at the student’s last known location.
  - a. A request will be made asking that Police department to advise if;
    - i. They locate the student and
    - ii. The outcome of their welfare check.
3. Once the Police Department is notified that professional staff member will immediately contact the NEC Public Safety to advise of the situation.
4. If the professional staff member believes that the student may still be on campus NEC Public Safety will immediately be contacted to assist with locating the student.

Upon notification by NEC Public Safety of the likelihood that a student is missing, the Dean of Students or their designee will:

- A. Notify the person(s) identified by the missing student as the confidential contact within 24 hours of making the determination that the student is missing;
- B. If the missing student is under the age of 18, and not an emancipated individual, notify the student’s custodial parent or guardian as contained in the records of NEC within 24 hours of the determination that the student is missing;
- C. Coordinate responses and actions of Health Services and Counseling Services
- D. Initiate whatever other action is deemed appropriate under the circumstances to be in the best interest of the missing student.

**Student Contact Information:**

In addition to having the option to identify a “confidential contact person” as provided in this policy, all students will provide Contact Information upon enrollment as well as the student’s emergency contact as stated on the student’s housing information.

When students are instructed about their option to identify a confidential contact, it must be made clear that confidential contact person or persons who will be notified within 24 hours in the event that a determination is made by the NEC Public Safety that the student is missing. Confidential contact information will be kept separate from general emergency contact information. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information.

**Student Notification of This Policy:**

- A. Included on NEC Student Affairs and Public Safety web pages and on the Student Handbook website.
- B. Included in student and parent enrollment communications.
- C. Discussed during orientation, welcome weekend and mandatory housing meetings.
- D. Included in the Annual Campus Security and Fire Safety Report.

**Public Safety Investigative Procedures**

During the initial stages of a missing student investigation, the NEC Public Safety will;

1. Make every attempt to have direct contact with the student to ascertain if they are in fact missing.

- a. Contact the Director of Campus Security.
  - b. Contact the Director of Residential Life if they are not already aware of the situation.
2. Make every attempt to obtain a recent color photograph of the student,
3. Obtain the student's full name, Date of Birth, NEC ID Number,
4. Make every attempt to ascertain last time ID access card was used and where
5. Make every attempt to obtain video of card access use
6. Review (if available) any Public Safety case reports involving the student which could include;
  - a. Domestic Violence issues,
  - b. Dating Violence issues
  - c. Stalking complaints,
  - d. Mental Health issues
7. Make every attempt to obtain Clothing description,
8. Make every attempt to develop a time frame from when the student was last seen until the report was made,
9. Obtain home address (apartment number if it applies),
10. Make every attempt to obtain cell and home phone number,
11. Obtain email address,
12. Make every attempt to check Social Media usernames,
13. Make every attempt to obtain work address and phone number,
14. Make every attempt to check vehicle information (make, model, color, body type, parking registration, license plates

Public Safety – Student Affairs Contact Information	
<b>Public Safety – Emergency Line</b>	617-585-1777
Public Safety - Routine Line	617-585-1255
Public Safety - Anonymous Tip Line	617-585-1292
Resident Assistants (duty phone)	617-504-4395
Dean of Students	617-585-1313
Senior Associate Dean of Students	617-585-1311
Director of Residential Life and Housing	617-585-1188
Director of Campus Security	617-585-1246

# Appendix V

## Massachusetts Motor Vehicle Law Requirements

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

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

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

New England Conservatory, in turn, is required by the Commonwealth to keep a record and provide proof to the state that students have been apprised of the law. Eligible students must formally acknowledge they have been notified of the law by completing an acknowledgement (available in the Office of Student Services) each year they are enrolled at the Conservatory.

Instructions for complying with the law

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

School Year Beginning \_\_\_\_\_  
month year



DECAL NUMBER

SCHOOL USE ONLY			
-----------------	--	--	--

## NONRESIDENT DRIVER STATEMENT

PLEASE PRINT

Pursuant to the provisions of M.G.L. c.90 § 3, as amended by chapter 46 of the acts of 2003, this form must be completed in quadruplicate by every nonresident enrolled as a student at a public or private school or college in the Commonwealth during any period beginning on September 1<sup>st</sup> of any year and ending on August 31<sup>st</sup> of the following year, who operates a motor vehicle in Massachusetts that is registered in another state or country. This applies to students commuting from out-of-state to a school in Massachusetts and students temporarily residing in Massachusetts, whether living on campus or not. This completed form must be filed with the Police department in the city or town where the school is located. The Police department must provide a copy to the school, the local assessor, and the RMV. The school will issue the required decal, which must be affixed to the uppermost center portion of the windshield. The penalty for a nonresident's failure to comply as required is up to \$200.00.

PART 1: NONRESIDENT STUDENT INFORMATION			
LAST NAME	FIRST	MIDDLE INITIAL	
PERMANENT LEGAL RESIDENTIAL ADDRESS	CITY/TOWN	STATE/ZIP	COUNTRY
RESIDENTIAL ADDRESS WHILE ATTENDING SCHOOL	CITY/TOWN	ZIP	
NOTE: REPORT ANY CHANGE OF PERMANENT OR TEMPORARY ADDRESS TO THE POLICE DEPARTMENT AND THE SCHOOL			
NAME OF SCHOOL/COLLEGE & ADDRESS	CITY/TOWN	ZIP	

PART 2: VEHICLE INFORMATION				
REGISTRATION NUMBER	STATE, PROVINCE, AND COUNTRY OF REGISTRATION		REGISTRATION EXP. DATE	
YEAR	MAKE	MODEL	COLOR	VEHICLE IDENTIFICATION NUMBER
VEHICLE OWNER'S LAST NAME	FIRST	MIDDLE INITIAL		
VEHICLE OWNER'S ADDRESS	CITY/TOWN	STATE		

PART 3: LIABILITY INSURANCE INFORMATION	
This vehicle can only be operated during such time as the owner thereof maintains in full force a policy covering all of the provisions in M.G.L., Ch. 90, Sec 3. Coverage sufficient to allow a "Yes" to both a) and b) is required.	
a) Does this policy provide at least \$20,000 coverage for injury or death to one person and \$40,000 coverage for injury or death to more than one person while the vehicle is being operated on the ways of Massachusetts? <input type="checkbox"/> YES <input type="checkbox"/> NO	
b) Does this policy provide indemnity for any operator of this vehicle while being operated with the express or implied consent of the owner? <input type="checkbox"/> YES <input type="checkbox"/> NO	
NAME OF INSURANCE COMPANY & ADDRESS	EXPIRATION DATE OF POLICY

I HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE ABOVE INFORMATION IN EACH OF THE THREE PARTS IS TRUE AND COMPLETE. I ALSO UNDERSTAND THAT A COPY OF THIS FILING WILL BE PROVIDED TO THE LOCAL ASSESSOR WHERE I RESIDE.

DID YOU RECEIVE A WRITTEN WARNING FROM YOUR SCHOOL INDICATING A PENALTY OF UP TO \$200.00 FOR YOUR FAILURE TO FILE THE COMPLETED NONRESIDENT DRIVER STATEMENT WITH THE POLICE DEPARTMENT?  
 YES  NO

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

T2009B-1111

# Appendix VI

## Massachusetts Anti-Bullying statement

The state of Massachusetts defines bullying as “the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.” New England Conservatory will not tolerate bullying in any form. Students who believe they have been or are being bullied should report the incident to the Dean of Students or Assistant Dean of Students.

# Appendix VII

## Drug and Alcohol Policy

### Section 1.6 – Drug and Alcohol Policy

Federal and state laws prohibit the non-medical use, possession, or sale of drugs. It is also illegal to try to persuade others to use, possess, or sell drugs. In addition, under Massachusetts state law it is illegal to knowingly be in the presence of another person or persons illegally possessing drugs, or in a place where drugs are illegally kept or deposited. Violation of these laws by first-time offenders in Massachusetts may result in penalties ranging from fines or suspended sentences and paroles to three (3) to ten (10) years' imprisonment. NEC cannot protect its employees from arrest or prosecution resulting from illegal drug use. Moreover, NEC will cooperate with law enforcement authorities in any situation regarding an employee's illegal use, possession, or sale of drugs.

The Drug-Free Workplace Act of 1988 requires all NEC employees who are engaged in the performance of Federal grants and contracts to abide by the terms of NEC's Drug Policy, and to notify NEC of any criminal drug conviction resulting from a violation in the workplace no later than five (5) days after such a conviction. Furthermore, NEC is required to let the appropriate federal agency know of such a conviction within ten (10) days after receiving notification of it. NEC is also obliged to: 1) take appropriate action against a convicted employee; and/or 2) require a convicted employee to participate in an approved drug abuse rehabilitation program.

NEC recognizes the dangers of drug use, and encourages any employee who may have a drug problem to seek help from counselors and/or medical professionals. Human Resources can provide referral information regarding counseling, medical, and/or rehabilitation services.

The legal drinking age in Massachusetts is 21. NEC is committed to observing all Massachusetts state laws, including those that govern the sale, purchase, and serving of alcoholic beverages. These laws cover the purchase of alcohol by and for persons who are under the legal drinking age; the serving of alcohol to persons who are either under the legal drinking age or intoxicated; and the serving of alcohol to persons who operate motor vehicles under the influence of alcohol. These laws cover all NEC activities that take place on or off-campus.

NEC recognizes that it cannot guarantee that everyone will enforce its policy or Massachusetts state law. NEC relies, however, upon the good judgment of its employees in observing these policies and laws. Individuals who violate state law and/or NEC policy must be prepared to accept responsibility for their actions. Violation of these policies and/or laws may lead to disciplinary and/or legal action.

### **I. Alcohol Policy-Events**

Individuals sponsoring an event are legally responsible for ensuring that all city, state, federal, and NEC regulations regarding the use of alcohol are observed. All permits must be obtained prior to the event being held.

Alcohol may be served at NEC-sponsored events/functions where the majority of attendees are expected to be over the age of 21 within the following guidelines:

- Groups intending to serve alcohol at any NEC-sponsored event, either on- or off-campus, must obtain prior approval from the Director of Campus Security or his designee, or the Dean of Students, depending upon the type of event.
- A professional bartender must be hired to serve all alcoholic beverages at an NEC-sponsored event. Individuals may be required to show proper identification before being served.

- Sponsors of the event must accept responsibility for identifying all persons who are not of legal drinking age, and must ensure that these individuals are not served.
- There must be food and non-alcoholic beverages readily available.
- Alcohol must not be served to any person who is intoxicated.
- Alcoholic beverages may only be consumed within the area designated for the event.
- Alcohol may only be served during the time that is allowed for the permitted event

All NEC employees are expected to uphold both Massachusetts state law and NEC policies. Violations should be reported immediately to the Director of Campus Security or his designee, or to the Dean of Students. Appropriate administrative action will be taken in cases of violation of these policies.

## II. Alcohol, Illicit Drugs, Gambling, Weapons restrictions

### 1. ALCOHOL & ALCOHOL PARAPHENELIA:

- The Conservatory's Alcohol and Drug Policy is explained under its own heading in this Handbook. Below is a supplemental alcohol use regulations applicable specifically to the Residence Hall environment.
- In accordance with the law, residents under the age of 21 are prohibited from having alcoholic beverages or containers (including empty containers or paraphernalia) in their rooms, and are also prohibited from being in a room where opened alcoholic beverages are present.
- Residents over the age of 21 and who do not live with a resident who is under the age of 21 may choose to host private gatherings in their room. When alcohol is present, the resident will be held responsible for identifying and removing any person who is not of drinking age. Anytime alcohol is open and exposed, the door to the room must remain closed.
- The consumption of alcoholic beverages in common areas (hallway, lounge, bathroom, etc.) is prohibited, regardless of age.
- Residents over the age of 21 who are designated to drink in their private rooms must have the alcohol concealed in a bag upon entering the building, go directly to their room, and leave it in their room. Alcohol may not be kept outside of the room or in the communal fridge.
- Students, regardless of age, are prohibited from being disorderly or destructive due to alcohol consumption while in the Residence Hall. Students found to be disorderly will face disciplinary action.
- Beer kegs, beer bongs, or other manufactured and/or handmade alcohol receptacles whose purpose is to aid in the rapid ingestion of alcohol are forbidden in the Residence Hall. This applies to all residents, regardless of age. These items will be confiscated and disciplinary action may apply.
- Participation in games or activities intended to increase the rate of consumption of alcoholic beverages is prohibited.
- Alcohol that is present or being consumed in the Residence Hall in violation of the law or Residence Hall rules and regulations will be confiscated and disposed of. Students involved will face disciplinary action.
- The consumption of alcoholic beverages on the streets of Boston or other public areas is prohibited by law

### 2. DRUGS & DRUG PARAPHENELIA:

- Possession, use, and/or sale of any drugs (legal or illegal by state and/or federal standards) in campus housing may result in immediate suspension and/or expulsion from campus housing and/or New England Conservatory.
- Possession, use, and/or sale of any amount of marijuana will result in immediate disciplinary action and may also result in suspension and/or expulsion from campus housing and/or New England Conservatory. Medical marijuana cards are not valid on NEC residence housing property.
- NEC adheres to all state and federal standards and this contract reflects any and all updated laws throughout the academic year. Any form of drug paraphernalia is not permitted within the Residence Hall and, upon suspicion and/or sight, may result in an immediate room search and may be subject to NEC Security or Boston Police turnover.

- d. Drug paraphernalia is defined as equipment, products and/or materials that are used, intended for use, designed for use, or have come in contact with any type of drug (legal or illegal by state and/or federal standards).
- 3. GAMBLING:
  - a. All forms of gambling including the sale of lottery tickets by individuals is forbidden in the Residence Hall.
- 4. WEAPONS:
  - a. Possession or use of any knives (not for the purpose of cooking or reed-making),
  - b. Firearms,
  - c. Explosive agents (including fireworks), or
  - d. Any other items which are used, intended for use, or designed for use as a weapon, are not permitted in the Residence Hall or any Conservatory Building. Suspicion of weapons will result in an immediate room search. Possession of weapons may result in immediate suspension or expulsion from campus housing or New England Conservatory.

# Appendix VIII

## Restricted Items

### Restricted Items List for Residential Students

This list is drawn from the NEC Residence Life Housing Contract and the NEC Student Handbook. In the event that a prohibited cooking or heating appliance is found in a resident's room, the resident may be charged a \$110.00 fine per appliance.

NEC residential students may not have;

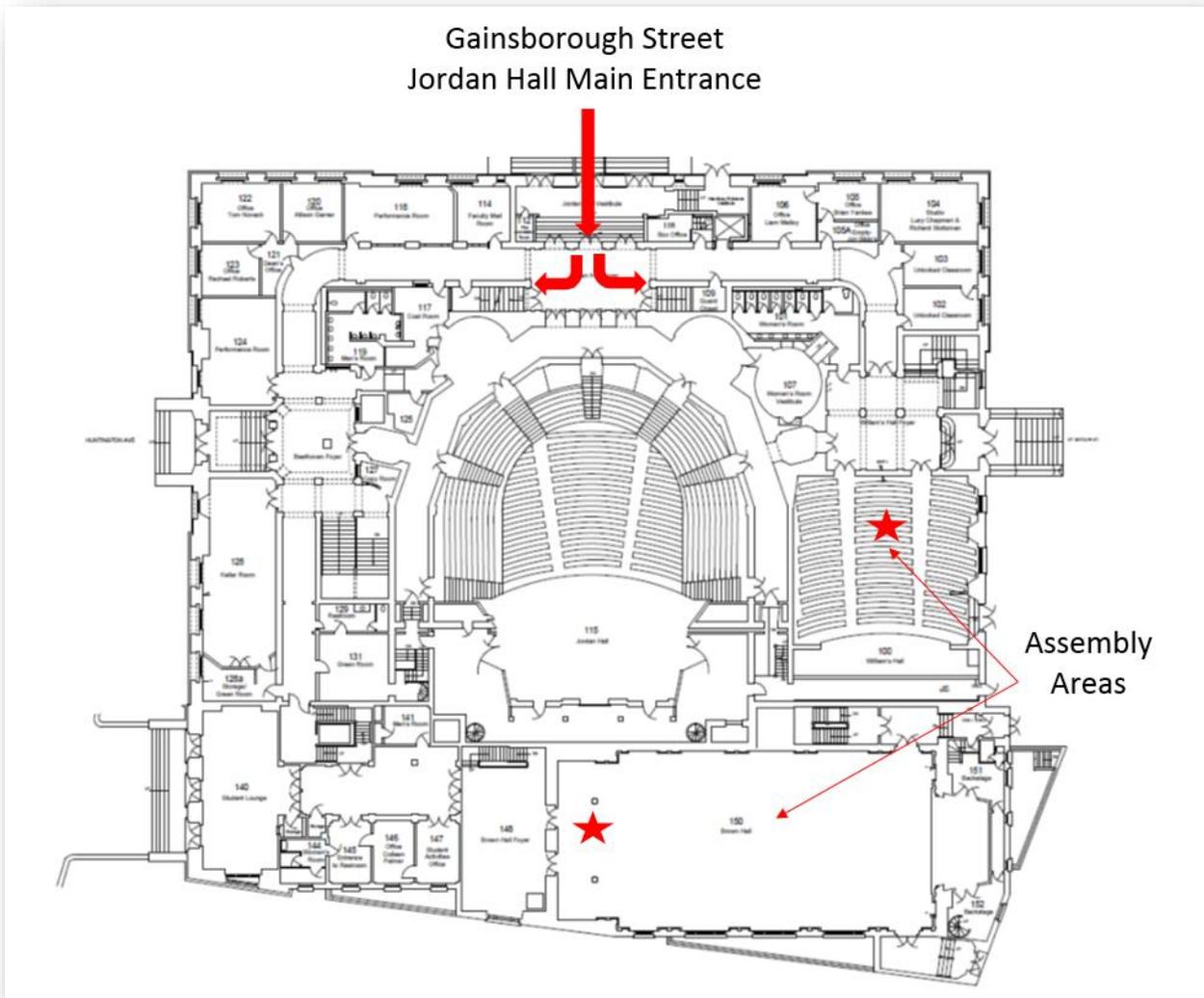
- Coffee pots (including Keurig style),
- Electric tea kettles,
- Rice cookers,
- Electric blankets,
- Heating pads,
- Irons,
- Steamers,
- Toasters,
- Toaster ovens,
- Crock pots,
- Open flame burners,
- Immersion heaters,
- Halogen lamps,
- Lava lamps or any other device containing a heating element,
- Surge-protected multi-plug adapters and surge-protected extension cords (with on/off switch) are the *only approved outlet extensions*.
  - Only one of these items may be used in an outlet at a time.
  - Surge protectors may not be plugged into another surge protector to create an additional extension.
  - All other adapters or extension cords are considered a fire hazard and will be removed.
- Popular home fragrance diffusers such as Glade Plug-ins or Wallflowers are permitted under the condition that they are not plugged into an extension cord and are unplugged or refilled promptly when empty.
  - Fragrance diffusers should never contain wax and need to use heat to diffuse scent.
- Amplifiers or other electronic instrument amplifying devices may be stored in rooms, but are not permitted for use in the Residence Hall.
- Candles, incense, or any object requiring an open flame for use is not permitted in the Residence Hall and will be confiscated.
- All ceilings in student rooms, lounges, hallways, lobbies and other areas of the Residence Hall must be free of materials including but not limited to cloth such as flags or tapestries, posters, string lights, etc.
- Residents may not post flyers, photos, or other potentially flammable materials upon the interior or exterior of their room doors. Whiteboards are permitted for use.
- Hallways and areas of egress must remain clear at all times.
  - Objects such as luggage, shoes, umbrellas and bicycles may not be left in these areas.
  - Any objects left will be confiscated and disposed of immediately.
- Decorations, clothing, hangers, etc. may not be hung from the sprinkler system including pipes.
- No dried natural greenery (i.e. dried leaves, pinecones, dried flowers, etc.), except that which is living with a root system in a container, is allowed in the Residence Hall and will be removed.
  - Cut flowers in a vase with water are permitted but should be disposed of after the flowers are no longer fresh.
- No "outside" furniture is permitted to enter the premises unless pre-approved by Building Operations to have met fire safety standards.
- Pets of any kind, including fish, are not permitted within the Residence Hall.

- Only service animals are temporarily permitted in residence areas and must receive approval by the Resident Director and/ or Assistant Dean of Campus Life before entry.
- Smoking, including the use of unregulated nicotine products such as “e-cigarettes”, is strictly prohibited for use within any portion of the Residence Hall.
  - Students may not smoke within 25 feet of an NEC building (including e-cigarettes).
  - Smoking areas are located at the corners of Gainsborough St. & St. Botolph St. and Gainsborough St. & Huntington Ave.
  - Use of e-cigarettes for smoking marijuana or any other type of drug will be considered paraphernalia, confiscated and the aforementioned action will apply.

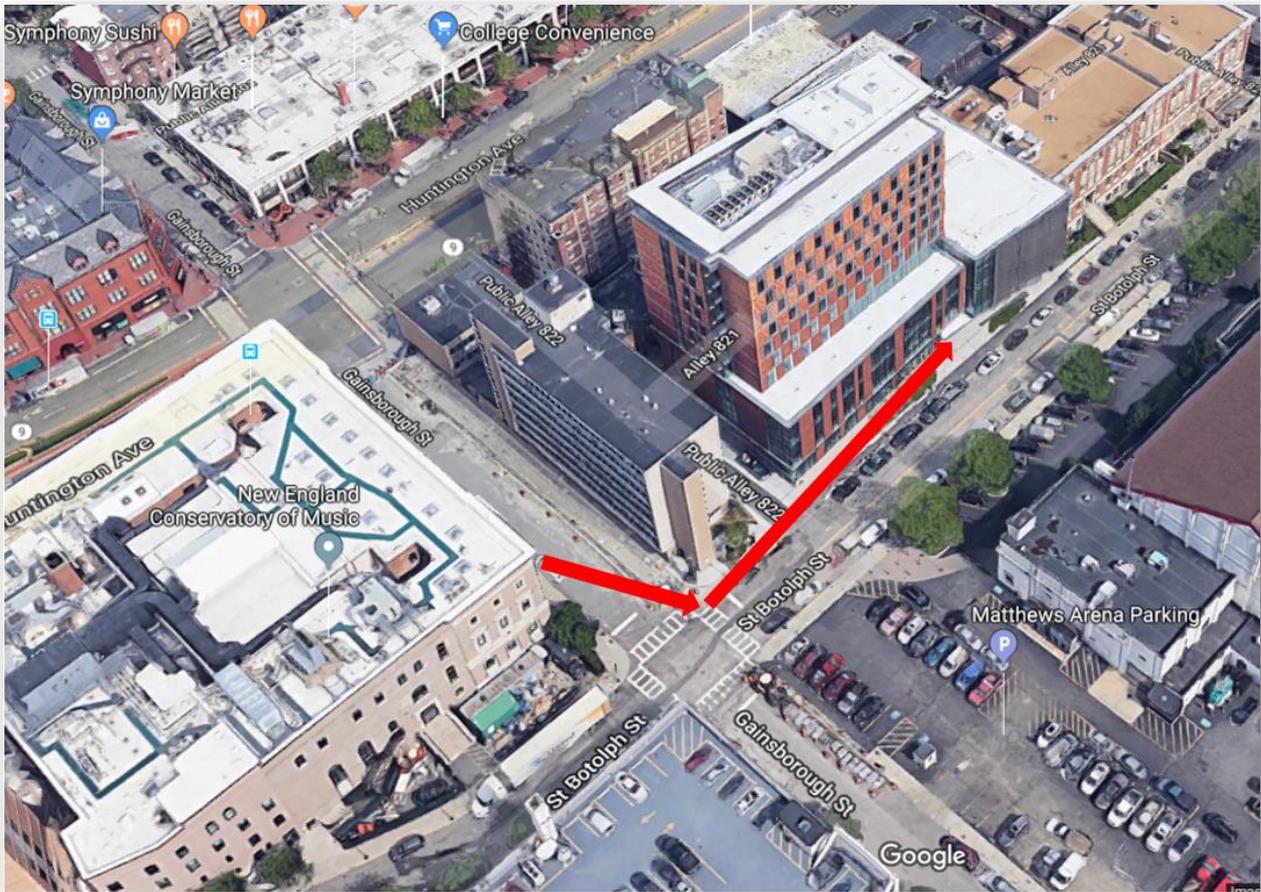
# Appendix IX

## Evacuation Maps

NEW ENGLAND CONSERVATORY OF MUSIC EVACUATION ASSEMBLY AREA  
Map 1 – Assembly point for the SLPC, 33 Gainsborough Street, and 241 St. Botolph Street



NEW ENGLAND CONSERVATORY OF MUSIC EVACUATION ASSEMBLY AREA  
Map 2 – Assembly point for Jordan Hall



# Appendix X

## Locations of Campus Blue Light Emergency Telephones

### Emergency Phones

Four emergency phones with blue lights are located on campus; one at 33 Gainsborough Street, one at 241 St. Botolph Street, the public alley loading dock area and one on the corner of St. Botolph Street and Gainsborough Street.

