

PROTOCOL FOR REPORTING AND REVIEWING DISCRIMINATION, HARASSMENT, OR CONCERNING BEHAVIOR

I. NEC POLICIES SUBJECT TO THIS PROTOCOL (POSTED IN THEIR CURRENTLY EFFECTIVE FORMS AT THE LINKS BELOW)

[Equal Opportunity & Anti-Discrimination Policy](#)

[Diversity & Respect Policy](#)

[Title IX Sexual Misconduct Policy](#)

[Gender-Based Misconduct Policy](#)

II. NEC'S COMMITMENT TO FULL AND FAIR RESOLUTIONS

Everyone working, studying, or visiting at NEC is protected by, and also responsible for honoring, NEC's policies regarding equal opportunity, diversity and respect, and sexual and gender-based conduct. These policies bind and protect staff, faculty, students, and all who visit our community.

Procedures for investigating and resolving concerns under these policies vary, however, depending upon who reports a particular concern and the individual(s) against whom the concern is reported. This Protocol for Reporting and Reviewing Discrimination, Harassment, or Concerning Behavior (referred to as the "Reviewing Protocol") addresses the manner in which reports or complaints under the four policies above will be reviewed and resolved, given the many circumstances under which concerns and complaints can arise. In this Reviewing Protocol, NEC's policies against discrimination on the basis of race, the Equal Opportunity & Anti-Discrimination Policy or Diversity & Respect Policy, are referred to collectively as the "anti-discrimination policies."

In some situations, multiple policies or procedures may be implicated by a concern or complaint or ambiguities may arise as to how a particular review should be sequenced and resolved. Central to our compliance commitment is that all reports and complaints will be resolved fully and fairly, even when they present unusual challenges. NEC reserves the right to modify the sequence in which it reviews and resolves concerns, the procedures and timelines it uses to review concerns, and the NEC representatives who review and resolve concerns. Such a modification will be made only if it is deemed necessary by the President (or President's designee) to ensure a full and fair resolution of the report or complaint. The details of any such



modification will be described in writing to both the individual(s) raising the concern and the individual(s) whose conduct is under review, as well as to the NEC staff generally charged with enforcement of the above policies. Any such modification applies only to the particular concern under review and does not cause a general revision to this protocol or to any of the policies described in Section I above.

The goal of any such modification should be to sequence, review, and resolve complaints promptly, fully, and fairly, consistent with legal requirements and in the best interests of the entire NEC community.

III. REVIEW AND RESOLUTION OF REPORTS OR COMPLAINTS INVOLVING NEC'S PROHIBITION AGAINST DISCRIMINATION

A. Reports or Complaints By Students:

Students should submit reports or complaints involving NEC's anti-discrimination policies using the [Bias Related Incident Form](#). Students may also contact the Dean of Students about reports or complaints; contact information for the Office of Student Services is available [here](#). A student seeking to raise a Title IX or Gender Bias concern should follow the provisions governing sexual misconduct and gender-based complaints in Section IV below.

B. Reports or Complaints by Staff:

Staff members should submit reports or complaints involving NEC's anti-discrimination policies by contacting Human Resources in writing or using the [Bias Related Incident Form](#). Contact information for a report to Human Resources is available [here](#). A staff member seeking to raise a Title IX or Gender-Based Misconduct concern should follow the provisions governing sexual misconduct and gender-based complaints in Section IV below.

C. Reports or Complaints by Faculty Members:

Faculty members should submit reports or complaints involving NEC's anti-discrimination policies by contacting Human Resources or using the [Bias Related Incident Form](#). In addition, Faculty also may contact the Provost to report a concern. A faculty member seeking to raise a Title IX or Gender-Based Misconduct concern should



follow the provisions governing sexual misconduct and gender-based complaints in Section IV below.

D. Review and Resolution Under NEC's Anti-Discrimination Policies:

1. **Reports by Students:** Student reports will generally be reviewed by the Dean of Students if they involve reports about other students. The Dean of Students will make a threshold determination whether there is a potential violation of policy and, if so, refer the matter to a trained investigator. However, if the student report or complaint involves the alleged conduct of a different constituency (such as an employee or faculty member), if it involves multiple respondents or potentially complicated facts, or if it involves a matter subject to the Title IX Sexual Misconduct or Gender-Based Misconduct policies, the Dean of Students reserves the discretion to refer the matter to Human Resources, the Provost's Office, or the Title IX Coordinator for further review, investigation and resolution. NEC also reserves the discretion to delegate investigation of such a concern to an outside investigator or modify procedures as set forth in Section II above.

If a threshold determination is made that the matter does not constitute a potential violation of policy, the Dean of Students may direct the reporter or other relevant party to options for resources and support, such as the Center for Cultural Equity and Belonging.

2. **Reports by Employees or Visitors:** Employee or visitor reports will generally be reviewed by Human Resources if they involve reports about other employees. Human Resources will make a threshold determination whether there is a potential violation of policy and, if so, refer the matter to a trained investigator. However, if an Employee/visitor report or complaint involves the alleged conduct of a different constituency (such as a student or faculty member), if it involves multiple respondents or potentially complicated facts, or if it involves a matter subject to the Title IX Sexual Misconduct or Gender-Based Misconduct policies, Human Resources may refer the matter to the Dean of Students, the Provost's Office, the Title IX Coordinator for further review, investigation and resolution. NEC also reserves the discretion to delegate investigation of such a concern to an outside investigator or modify procedures as set forth in Section II above.



If a threshold determination is made that the matter does not constitute a potential violation of policy, Human Resources may direct the reporter or other relevant party to options for resources and support, such as the Center for Cultural Equity and Belonging.

- 3. Reports by Faculty:** Faculty reports will generally be reviewed by Human Resources if they involve reports about other faculty members. Human Resources will make a threshold determination whether there is a potential violation of policy and, if so, refer the matter to a trained investigator. However, if a Faculty report or complaint involves the alleged conduct of a different constituency (such as a student or staff member), if it involves multiple respondents or potentially complicated facts, or if it involves a matter subject to the Title IX Sexual Misconduct or Gender-Based Misconduct policies, Human Resources reserves the discretion to refer the matter to the Dean of Students, the Provost's Office, or Title IX Coordinator for further review, investigation and resolution. NEC also reserves the discretion to delegate investigation of such a concern to an outside investigator or modify procedures as set forth in Section II above.

If a threshold determination is made that the matter does not constitute a potential violation of policy, Human Resources may direct the reporter or other relevant party to options for resources and support, such as the Center for Cultural Equity and Belonging.

- 4. Resolution of Concerns:** Except where one of the above four policies includes specific provisions as to who renders findings upon a complaint (as with NEC's Title IX Policy – see Section IV below), findings upon review of concerns under these four policies will be resolved using this protocol and the remediation or disciplinary procedures set forth in the relevant student, faculty, and staff policies. For complaints against students, matters will be resolved in accordance with the Student Handbook. For Faculty, investigation findings will be reviewed by the Provost who will reach a determination as to any corrective action and/or sanctions consistent with the provisions of the Faculty Governance document and other relevant policies. For staff, investigation findings will be reviewed by the appropriate manager who will reach a determination as to any corrective action and/or sanctions in consultation with Human Resources and other administrators depending on the nature of the report and the findings of the investigation.



Potential corrective action and sanctions may include, but are not limited to, education/counseling, warning, disciplinary probation, suspension, or termination of employment.

E. Q & A about Reports, Reviews, and Resolutions:

Q: What should I do when a student or colleague shares a concern or incident with me?

Please reach out to any of the following: Dean of Students, Director of Human Resources, or Provost. These administrators will review the concern with you and ensure that it is forwarded to the appropriate office. Please keep in mind that a concern or incident may be shared verbally or in writing. A community member may share an interaction or situation that was concerning to them, or may specifically ask for assistance. In all cases, you should reach out to the administrators identified above.

Q: What happens after an incident is reported?

The appropriate administrator (Director of Human Resources or Dean of Students) will review the information that has been shared to determine if there is a potential violation of NEC policy. In reaching this threshold determination, the administrator may meet with the person reported to have been subject to the conduct. The administrator conducting the review will maintain the information confidentially to the extent possible to seek to protect the privacy of all involved. NEC will provide periodic training opportunities to administrators involved in the review of a report of a violation of NEC's policies against discrimination.

If the administrator determines there is a possible violation of NEC's policies against discrimination, the parties involved will receive written notification and the matter will be investigated as appropriate given the circumstances. This written notice that the matter will be investigated does not constitute a finding or a determination of responsibility. The person against whom a complaint has been made (the respondent) is presumed not responsible until a determination of responsibility is made at the conclusion of the investigation process.



Reports that a student may have violated NEC policy are reviewed in accordance with the disciplinary code and the Student Handbook. Reports that an employee (faculty or staff) may have violated NEC policy are referred to Human Resources and reviewed in accordance with applicable Handbook and other policies

Investigations of reports will include: interviews with all parties and relevant witnesses, including opportunity for the subject of the complaint to respond; opportunity for all parties to submit relevant documents and information; and review of any information or evidence able to be gathered by the NEC representative or outside investigator conducting the review. Determinations of policy violations will be made using a preponderance of the evidence standard.

As noted above, for students, matters will be resolved in accordance with the Student Handbook. For faculty, investigation findings will be reviewed by the Provost who will reach a determination as to any corrective action and/or sanctions consistent with the provisions of the Employee Handbook, the Faculty Governance, Evaluation and Employment Policies and Procedures, and other relevant policies. For staff, investigation findings will be reviewed by the appropriate manager who will reach a determination as to any corrective action and/or sanctions in consultation with Human Resources and other administrators depending on the nature of the report and the findings of the investigation. Potential corrective action and sanctions may include, but are not limited to, education/counseling, warning, disciplinary probation, suspension, or termination of employment.

Q: What is the role of the Center for Cultural Equity and Belonging?

The Center for Cultural Equity and Belonging (CEB) serves as a resource for students, faculty, and staff relative to equity, diversity, inclusion, and belonging, and provides a space on campus where the NEC community can gather for dialogue, learning, collaboration, and support. The Center for CEB may refer reports to the appropriate office(s), but does not investigate individual reports of bias-related incidents. Rather, the Center for CEB is intended to be a resource for all members of the community who may be impacted by a report.



IV. SEXUAL AND/OR GENDER-BASED MISCONDUCT

A. Reports By Students or Employees (including Faculty)

Sexual and gender-based misconduct allegations are subject to specific policy provisions (see policies noted in Section I above) and designated for specific reporting and resolution procedures under NEC policies and applicable law.

Students, staff, or faculty wishing to make a report or complaint under these policies should do so using the NEC [Sexual Misconduct Reporting Form](#). In the alternative, such reports or complaints may be made by contacting NEC's Title IX Coordinator, Katrina Chapman, directly at katrina.chapman@necmusic.edu.

Anonymous reports can also be made on [EthicsPoint](#), NEC's software for anonymous reporting. Anonymous reports will be investigated and resolved to the extent possible given the anonymous circumstances of the reports.

B. Process for Review and Resolution of Sexual Misconduct Reports or Complaints

Sexual and/or gender-based misconduct concerns will be reviewed by the Title IX Coordinator and resolved, fully and fairly, using the procedures set forth in NEC's Title IX Policy and Gender-Based Misconduct Policy. An outside investigator may be assigned; procedures and timelines may also be modified as noted in Section II above to ensure a full and fair resolution of concerns.

C. Q & A About Sexual and Gender-Based Misconduct Protocols:

Q: What should I do when a student or colleague reports an incident to me?

Contact the Title IX Coordinator, or contact the Dean of Students, Director of Human Resources, or Provost, who will ensure that the information is forwarded to the Title IX Coordinator.

Q: What happens after an incident is reported?



The Title IX Coordinator will review the report to determine if there is a potential violation of NEC's Title IX Sexual Misconduct or Gender-Based Misconduct Policy. If there is a potential violation, the matter will be subject to investigation in accordance with the process set forth in the Title IX Sexual Misconduct or Gender-Based Misconduct Policy. Those policies are available on NEC's website, and include detailed explanation of how reports are reviewed and the adjudication process under each policy.

V. CONCERNING, WORRYING, OR THREATENING BEHAVIOR BY A STUDENT

A. Reports of Concerning Behavior:

If you observe or learn of something that does not appear to be an emergency, submit a [Care Team Form](#) OR contact the Dean of Students directly. The concern will be reviewed by the Dean of Students in consultation with the CARE Team, and referred and resolved as appropriate.

B. Emergency Concerns:

If you observe or learn of something that appears to require emergency assistance or to pose an IMMEDIATE health and safety risk to the student or to anyone else on or off campus, *please dial 911 or contact NEC Public Safety at (617) 585-1777 immediately.*

C. Q & A Regarding Student Behavior of Concern:

Q: Who can a student contact if they need additional support?

Students should contact the Health and Counseling Center directly to schedule an appointment with a member of the counseling or health staff. Students may also contact anyone in Student Services, including the Dean of Students, Senior Associate Dean of Students, their Student Advisor, or the Resident Director, any of whom can help to facilitate connecting the student with resources.

Q: Is it a violation of student privacy rights for an employee to report concerning student behavior or discuss it within NEC?

Not if the employee limits the report to those who truly do need to know the information in order to do their job of protecting the health and safety of the NEC student in question, as well as the rest of the community. The federal law governing the privacy of student records (known as “FERPA”) contains a health and safety exception allowing faculty and staff to share information within the institution with those who need to know in order to intervene to protect the student. Employees can also share information with law enforcement in a situation posing an imminent health and safety risk.

Even in those situations, though, confidentiality should be maintained as much as possible and the concern should only be disclosed to those NEC representatives with a need to know about the concern. There are other laws that can be violated if employees share medical information or speculate about medical or mental health diagnoses, even with fellow NEC colleagues (except those who need to know about information in order to do their jobs). This means that employees should report concerns directly to the Dean of Students, Care Team, or law enforcement personnel. Employees should not share concerns more widely with other NEC employees, by email, text, phone, or any other method. Employees also should not discuss concerns with other students, uninvolved employees, or outsiders who do not need to know the information in order to protect the NEC community. Instead, it's best to refer all such questions to the Dean of Students.

VI. CONCERNING, WORRYING, OR THREATENING BEHAVIOR BY AN EMPLOYEE

A. Reports of Concerning Behavior:

If the matter does not appear to be an emergency, contact Human Resources. Students who are reporting behavior should feel free to contact Human Resources directly or to contact the Dean of Students, who can help to facilitate reporting to Human Resources. The concern will be reviewed by Human Resources and referred or resolved as appropriate.



B. Emergency Concerns:

If you observe or learn of something that appears to require emergency assistance or to pose an IMMEDIATE health and safety risk to the employee or to anyone else on or off campus, *please dial 911 or contact NEC Public Safety at (617) 585-1777 immediately.*

C. Q & A Regarding Employee Behavior of Concern:

Q: How can employees obtain additional support?

All employees have access to confidential counseling resources through the Employee Assistance Program (EAP). Information concerning the EAP is available on the employee ADP website. Employees can also contact Human Resources directly to discuss their situation or to request additional information about the EAP and other employment policies.

Q: Am I violating my colleague's legal rights if I report behavior of concern or share it within NEC?

Not if you limit the report to those who truly do need to know the information in order to do their job of protecting the health and safety of the NEC employee in question, as well as the rest of the community. The law lets you share information within the institution with those who need to know in order to intervene to protect the employee or others. You can also share information with law enforcement in a situation posing an imminent health and safety risk.

Even in those situations, though, confidentiality should be maintained as much as possible and the concern should only be disclosed to those NEC representatives with a need to know about the concern. There are other laws that can be violated if you share medical information or speculate about medical diagnoses with people (even fellow NEC colleagues) who do not need to know about it. This means that concerns should be reported directly to Human Resources, law enforcement, or medical personnel; they should never be shared more widely with NEC employees, by email, text, phone, or any other method. They also should not be discussed with students, uninvolved employees, or outsiders who do not



need to know the information in order to protect the NEC community. Instead, it's best to refer all such questions to Human Resources.

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