



Northeastern University



Silicon Valley



Annual Security & Safety Report 2017

www.northeastern.edu/nupd

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Message from the Chief

Located in San Jose, California, Northeastern University - Silicon Valley has become an integral part of the City of San Jose. Silicon Valley presents unlimited opportunities and our institution embraces a vibrant community that actively plays an essential role in influencing the Northeastern experience. An evolving network of involvement and inquiry has grown this community into a thriving society for students, faculty, staff, and our visitors.

The Northeastern University Public Safety Division and Police Department is comprised of an exceptional group of professionals who are relentlessly dedicated to helping establish a safe and secure campus experience. We can only accomplish this with the collective effort of the entire Northeastern community, including our partners in Silicon Valley. Not only are we all connected to Northeastern University, but we are each a part of the greater community. Our institution is built on a tradition of engagement with the world and in order to achieve a truly safe campus environment, the cooperation of all students, faculty, and staff is essential. Each of us must assume personal responsibility and take precautions as the potential for crime will always exist.

*Michael A. Davis
Chief of Police/Associate Vice President
Northeastern University Police*

NOTICE OF NON-DISCRIMINATION

Northeastern University (the University) is committed to providing equal opportunity to its students and employees, and to eliminating discrimination when it occurs. In furtherance of this commitment, Northeastern University strictly prohibits discrimination or harassment on the basis of race, color, religion, religious creed, genetic information, sex, gender identity, sexual orientation, age, national origin, ancestry, veteran, or disability status.

PREPARATION OF ANNUAL SECURITY REPORT

THE CLERY ACT

The federal *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (more commonly referred to as the Clery Act) requires all postsecondary educational institutions participating in federal Title IV student financial assistance programs to comply with the Clery Act and to institutionalize its mandates. Among the various requirements, colleges and universities are required to prepare, publish, and distribute an Annual Security Report (“ASR”) concerning campus crime statistics, statements of safety, and security policies and procedures, and a fire safety report on an annual basis.

CAMPUS SECURITY AUTHORITIES

Federal law requires the University to disclose statistics concerning the occurrence of certain crimes enumerated in the Clery Act that occur within the University’s Clery geography and that are reported to University employees.¹ Under the Clery Act, individuals that are required to report crimes include members of the Northeastern University Police

¹ See Page 32 of the ASR for definitions of Clery Act crimes and geographical locations.

Department (“NUPD”); any individual who has responsibility for campus security, but who is not a member of NUPD (e.g., contract security officers); any University official who has significant responsibility for student and campus activities; and any individual identified by the University as someone to whom a crime should be reported. The University has designated all employees at the Northeastern University Silicon Valley campus (“Silicon Valley camps”) Responsible Employees under the University’s *Policy on Rights and Responsibilities Under Title IX*. Responsible Employees² include all faculty, staff and employees. Responsible Employees are required to report all crimes and allegations of Prohibited Offenses³ under the policy. On the Silicon Valley campus, in addition to employees, Allied Barton Security is responsible for campus security and must report any crimes its employees become aware of.

Individuals are encouraged to report to crimes and other incidents they become aware of to P.K. Agarwal, CEO and Regional Dean at Northeastern University – Silicon Valley. Contact Mr. Agarwal at 408.707.3848 or the San Jose Police Department by dialing 9-1-1 for any emergency and 408.277.8900 for non-emergency inquiries.

You can also report non-emergency incidents by using the San Jose Police non-emergency on-line crime reporting services at <http://www.sjpd.org/>.

The University urges all community members to report any criminal incident to law enforcement for the geographical jurisdiction in which an incident occurs, particularly where a victim is unable to do so themselves.

DATA COLLECTION AND POLICY REVIEW

NUPD is charged with the responsibility of collecting the information and data for the preparation of this ASR and publishing it by the October 1 deadline each year. That process requires multiple immediate, ongoing, and annual efforts involving outside law enforcement agencies as well as University-wide departments.

Preparation of the ASR includes gathering crime statistics from reports of crimes disclosed to and reported by those identified as Responsible Employees according to University policy, as well as local law enforcement agencies, and reconciling those statistics with NUPD’s own statistics in order to avoid duplicate reporting. In addition, preparation of the ASR requires review of University policies and procedures concerning campus safety and disclosure of those policies and procedures in this report.

The ASR statistics are compiled by the following sources: NUPD case reports, San Jose Police Department and/or other police agencies case reports where the Clery reportable crimes occurred on campus, public areas immediately adjacent to or running through campus, and, non-campus facilities. These reports are cross-referenced to ensure duplication of statistics does not occur.

PUBLICATION AND NOTICE OF AVAILABILITY

The University publishes the Silicon Valley campus’ ASR on the NUPD website under the Statistics (Annual Safety Report) sub-heading at <https://www.northeastern.edu/nupd/annual-safety-report/>. Each year, an email notification advising of

² Responsible Employees are also Campus Security Authorities (CSAs) for the purposes of the Clery Act and include all members of NUPD; any individual with responsibility for campus security; and any University official with significant responsibility for student and campus activities.

³ Title IX is a federal law that prohibits discrimination based on sex or gender in educational institutions that receive federal financial assistance. The University’s *Policy on Rights and Responsibilities Under Title IX*, defines Prohibited Offenses to include sexual assault, sexual harassment, gender-based harassment, sexual exploitation, domestic violence, intimate partner violence, dating violence, stalking and retaliation involving a student or students.

the report's availability and containing a direct link to a PDF version of the report is sent to all enrolled students, faculty, and staff via email. Hard copies are available upon request on campus.

LAW ENFORCEMENT AUTHORITY AND INTERAGENCY RELATIONSHIPS

NUPD maintains a close working relationship with the San Jose Police Department, and other state and federal law enforcement agencies within San Jose, California, and all appropriate elements of the criminal justice system. San Jose Police Department has full law enforcement authority in San Jose, California which includes authority to fully investigate and power of arrest, and is the primary law enforcement agency that responds to and investigates any report of criminal activity occurring in and upon all property owned, occupied or used by Northeastern University in San Jose, California. Crime related reports and statistics are routinely exchanged. NUPD routinely collaborates with these local law enforcement agencies in San Jose, California that respond to or investigate alleged criminal activity involving students, including when such activity occurs at any non-campus location of a registered student organization.

REPORTING CRIMES AND EMERGENCIES

All members of the Northeastern University community, including students and employees, are encouraged to report crimes, suspicious activity or other emergencies to the San Jose Police Department immediately, or as soon as possible if the victim is initially unable to file a report. San Jose Police Department's Headquarters is located at 201 W Mission Street, San Jose, CA 95110, and can be contacted by calling 9-1-1, or 408.277.8900.

The Northeastern University Police Department maintains direct contact with the San Jose Police and Fire Departments, ensuring prompt assistance and support from these agencies when needed.

CONFIDENTIAL AND ANONYMOUS REPORTING

Confidential and anonymous reports will be accepted and included in the ASR for statistical purposes, but, confidential and anonymous reports may significantly limit the ability of police to fully investigate and address the alleged crime.

If a victim of a crime or an Affected Party⁴ does not consent to the disclosure of their identity to law enforcement, the individual making the report must inform NUPD of the reporting party's wish for confidentiality and report the incident for statistical purposes. The University will take reasonable steps to investigate and respond to a report of a crime or prohibited offense consistent with the request for anonymity, but the University may not be able to honor requests for anonymity in all cases.

If an Affected Party requests to remain anonymous during a Title IX investigation, the Title IX Coordinator will consider the request, balancing the request in the context of the University's responsibility to provide a safe and non-discriminatory environment for the University community, as well as the fair and equitable treatment of the individuals involved. The University will take reasonable steps to honor the request for anonymity, but may not be able to do so in all cases. In such cases, the Title IX Coordinator will notify the victim that the University intends to proceed with an investigation, and the possibility that during the investigation, the victim's identity may have to be disclosed to individuals who may have relevant information regarding the allegation.

⁴ The University uses the term Affected Party to mean an individual who was reportedly subjected to an alleged Prohibited Offense under the Policy on Rights and Responsibilities Under Title IX.

STATISTICAL DISCLOSURES CONCERNING MATTERS REPORTING TO CONFIDENTIAL RESOURCES

The University offers confidential resources for medical treatment, emotional support and counseling through Confidential Employees. Confidential Employees⁵ are not required to disclose information about crimes and prohibited offenses without consent from the reporting student. Confidential Resources on campus include University Health and Counseling Services (UHCS) and Center for Spirituality, Dialogue and Service (CSDS), and the Violence Support, Intervention and outreach Network (VISION). Students at the regional campuses have access to these resources remotely.

Contact UHCS:

<http://www.northeastern.edu/uhcs/>
617-373-2772

Contact CSDS:

<http://www.northeastern.edu/uhcs/counseling/index.html>
csds@neu.edu
617-373-2728

Contact VISION:[http://www.northeastern.edu/vision/
open@northeastern.edu](http://www.northeastern.edu/vision/open@northeastern.edu)

The University encourages Confidential Employees to verbally inform any persons they are counseling, if and when they deem appropriate, of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Important Telephone Numbers

San Jose Police Department Headquarters
201 W Mission St
San Jose, CA 95110

Police – Medical Emergency:

Non-Emergency:

9-1-1

408.277.8900

San Jose Fire Department
1661 Senter Road
San Jose, CA, 95112

Emergency:

Non-Emergency:

9-1-1

408.794.7000

Northeastern University – Silicon Valley
6024 Silver Creek Valley Road
San Jose, CA 95138

⁵ Confidential Employees are University employees bound by their profession to confidentiality, and therefore, are not required to disclose information about crimes or prohibited offenses without the consent of the reporting party.

Routine Business/Administration

408.229.2292

Northeastern University Police Department Headquarters

100 Columbus Place
716 Columbus Avenue
Boston, MA 02115

Non-Emergency

617.373.2121

Crime Prevention & Community Engagement Unit

617.373.5402

Security Awareness and Crime Prevention Programs

The best strategy for addressing crime is to prevent it from happening in the first place. The University offers a number of services designed to aid in the prevention of crime through NUPD, as well as through services provided by the on-site security company Allied Barton Security, property management, and San Jose Police Department. All services and programs are designed to minimize criminal opportunities, whenever possible, and encourage students and employees to be responsible for their own security and the security of others. The following is a list of such services and engagement at the Silicon Valley campus that serve as a foundation for additional programming and services that may be offered throughout the year.

1. **New Student Orientation**...new students will be provided with an overview of crime awareness and prevention information upon entrance into the program at San Jose as well as egress drill instructions.
2. **New Employee Orientation**...new employees are provided with campus safety and security information at the start of their employment at the University, to include in-person discussions with administrators, that discuss tips and strategies on how to be responsible for their own security and security of others.
3. **Crime Prevention Presentations**...provided annually by the Satellite Campus Liaison at NUPD. Presentations are done in person to both employees and students with a focus on campus safety and security information and strategies on how to be responsible for their own security and security of others. Additionally, NUPD's Crime Prevention and Community Engagement Unit provides crime prevention tips and strategies through video messages called "A Quick Heads up" several times throughout the year, which is featured on NUPD's social media sites. These presentations address both security procedures and practices, as well encourages University community members to lookout for themselves and others.
4. **Parking Facility Security**...parking facilities are surface lots that are patrolled and monitored regularly by security officers on the grounds of the IDT complex; lighting is well maintained.
5. **Security and Fire Alarm Systems**...a sophisticated computer-enhanced alarm system monitors a campus-wide network of intrusion, fire and duress alarms. The alarms are tested monthly to ensure proper functioning.
6. **Architectural Design**...technical and crime prevention specialists work closely with design engineers regarding physical security systems and fire safety equipment when new construction or major renovations are planned on campus. The Northeastern University Police Department subscribes to the proven concepts and principles of crime and fire prevention through environmental design (CPTED).
7. **Security Surveys**...comprehensive physical and operational security surveys are conducted annually by the Satellite Campus Liaison at Northeastern University Police and is done to assist members of the University community to improve the security of their work places and personal belongings. Security assessments provide members of the University community an in depth understanding of security procedures and practices, as well as ways to lookout for themselves and others within their environment.

Crime Prevention Tips

- Stay alert and know your surroundings
- Don't flash large amounts of cash or jewelry
- Have your keys ready before you reach your vehicle
- Don't leave property unattended
- Record serial numbers on computers, tablets, cell phones and other valuables
- Activate your tracking software
- Refrain from entering your social security number and other personal data on line

Fire Safety Tips:

- In case of fire, pull fire alarm and evacuate the building immediately
- Fires produce deadly gases, stay close to the ground
- Do not allow trash to accumulate
- Careless disposal of cigarettes is the cause of many fires
- Do not overload electrical outlets
- Never leave your stove unattended when cooking

Access to Campus Facilities

Northeastern University – San Jose campus is located within the Integrated Device Technology (IDT) complex located at 6024 Silver Creek Valley Road, San Jose, CA 95138. Students and employees have access to classrooms, office spaces, dining spaces and outdoor areas within the IDT complex. The IDT complex is monitored on-site 24/7 by IDT security, and is supplemented by contract security officers from Allied Barton Security. The entrance doors to the IDT complex are secured at all times with the exception of the main entrance door to the IDT complex during normal hours of business. The main entrance door to the IDT complex is secured from 2200 hours until 0600 hours during the week, and throughout the weekend. The facilities used by Northeastern are however accessible to members of the campus community 24/7 as all students and employees are issued ID cards that allow them access into the complex at any time.

Maintenance and Security of Campus Grounds and Facilities

The University maintains a very strong commitment to campus safety and security. Exterior lighting is an important part of this commitment. Parking areas, pedestrian walkways and building exteriors are well lighted. Surveys of exterior lighting on campus are conducted regularly by IDT security and Allied Barton and high priority is given to maintenance of exterior lights. Members of the campus community are encouraged to report any exterior lighting deficiencies to IDT security personnel located in the lobby of the IDT complex.

The exterior doors to all of the Northeastern University offices located within the IDT complex are locked at all times. Door and locking hardware deficiencies are reported to the IDT security office inside the IDT complex immediately upon discovery by the staff. The IDT complex, the sidewalks surrounding the building, and the surface parking lots within the IDT complex are patrolled 24 hours a day every day of the year by IDT security personnel and Allied Barton security personnel.

Timley Warnings and Emergency Notifications

CLERY ACT REQUIREMENTS

The Clery Act requires the University to issue “timely warning” to the campus community regarding any Clery Act crime that is reported, occurs within the school’s Clery geography, and is deemed to represent a serious or continuing threat to the University community. The Clery Act also requires the University to issue “emergency notifications” to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus and involving an immediate threat to the health or safety of the campus community. Examples of situations that may require an emergency notification are those in which there is a severe weather hazard, serious communicable health threat, non-Clery Act crimes that nevertheless pose a threat to personal safety, or other personal safety hazards.

“Timely warnings” and “emergency notifications” seek to accomplish the same objective (*i.e.* timely notice to the community regarding ongoing dangers), but are distinguishable in terms of what circumstances trigger a timely warning obligation versus an emergency notification obligation. Both are discussed in more detail below.

TIMELY WARNINGS

When does the University issue a timely warning?

The University, through NUPD, issues timely warnings concerning Clery Act crimes that occur on the University’s Clery geography, where those crimes pose an immediate, continuing, and ongoing threat to the safety of the campus community. The decision to issue a timely warning is made on a case by case basis, as soon as pertinent information becomes available, and in light of all known circumstances surrounding a crime, including factors such as the nature of the crime reported, whether there exists a continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

When does the University NOT issue a timely warning?

A “timely warning” may not be issued if an individual suspected of committing a Clery Act crime is apprehended and/or the threat of imminent danger to the community has been mitigated or where issuing a timely warning would create a risk of compromising law enforcement efforts. These circumstances will be evaluated on a case-by-case basis.

What is the University’s process for determining whether to issue a timely warning?

The process the University will follow when determining whether to issue a timely warning is simple and designed to expedite decision making and notification to the community. Upon receiving a report that may result in the issuance of a timely warning, NUPD command staff will analyze the incident and consult, when necessary, with the senior staff of the Silicon Valley campus. This consultation may be conducted via telephone, email, or text messaging, and is undertaken for the purpose of discussing relevant facts, the level of threat to the community, whether a timely warning will be issued, and the content of any timely warning notice. When the University issues a timely warning, it will do so through the NU Alert System which will generate emails and/or text messages to all University students, faculty and staff. Warnings will also be posted at <http://northeastern.edu/siliconvalley/>.

Who makes the decision to issue a timely warning?

The NUPD acting Sergeant on duty, or a higher ranking command staff member including the Chief of Police, or the University Emergency Manager have the authority to prepare and disseminate an emergency notification or timely warning without delay, taking into account the safety of the community. The Regional Dean of the Silicon Valley campus also has the authority to issue a timely warning or emergency notification, if necessary.

How can I help get the word out?

All crime should be reported directly to the Regional Dean, NUPD, or local law enforcement, particularly where an incident may involve the need for issuance of a warning to the Northeastern community. Furthermore, the names of victims are never made public.

EMERGENCY NOTIFICATIONS

When does the University issue an emergency notification?

NUPD receives information through officers on patrol, offices and departments on campus, local municipal law enforcement, email, phone calls, text messages, and other media sources. If NUPD confirms, based on information received from these sources, or any others, that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of the Silicon Valley campus, the University will, through NUPD, without delay and taking into account the safety of the community, determine the content of the emergency notification and initiate the notification system.

When does the University NOT issue an emergency notification?

In the event of an immediate threat to the health or safety of the Northeastern campus, the University will issue an emergency notification, unless in the professional judgment of responsible authorities, it could compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

What is the University's process for determining the content of an emergency notification?

In determining an appropriate emergency notification, the University will take into account several factors, including, but not limited to, the building or segment of the population threatened, the nature of the threat, and the credibility of the information received. The message will contain information regarding the event, as well as instructions regarding what steps to take to enhance safety. The NU Alert system will send notifications to the affected population in the form of email and/or text message, and social media. The information will also be posted on a publicly available webpage, <http://www.northeastern.edu/siliconvalley/>, which is accessible to the larger community. Follow up messages are sent to the University community using some or all of the above-listed communication systems when such instructions are required and/or emergency conditions have abated. The system is tested on an annual basis to ensure proper functionality.

Who makes the decision to issue an emergency notification?

The NUPD acting Sergeant on duty, or a higher ranking command staff member including the Chief of Police, or the University Emergency Manager have the authority to prepare and disseminate an emergency notification or timely warning without delay, taking into account the safety of the community. The Regional Dean of the Silicon Valley campus also has the authority to issue a timely warning or emergency notification, if necessary.

What happens after an emergency notification?

Timeliness is a priority during emergency notification. In the event an emergency notification is issued, the University Crisis Management Team is typically convened following issuance of the notice to further evaluate conditions, to collaborate regarding measures to be taken in response to an emergency, and to develop follow up messaging to the community. The greater community will receive necessary messaging provided by the

Northeastern University Office of Media & Press Relations through various news media outlets, such as local television and radio stations.

METHODS OF NU COMMUNITY NOTIFICATION

Northeastern employs the NU Alert system to communicate timely warnings and emergency notifications to the University community. In situations where the University needs to reach targeted groups, or share additional information, one of the following methods of notification is used:

- **NUPD Advisories**, a warning system designed to facilitate mass email notifications to the University community, to specifically affected University populations, in the event of specific crime patterns or to inform the community about relevant safety awareness campaigns;
- **University website postings.**

SYSTEMS TESTING

The University Crisis Management Team, in coordination with the Office of Emergency Management, plans, publicizes, and conducts a test of the emergency response and notification system at least annually, and maintains a record documenting each test, including a description of the exercise, date and time of exercise, and whether it was announced or unannounced.

Sexual Violence Policy and Protections

Northeastern University is committed to fostering a campus climate of mutual tolerance and respect. Toward that end, the University strictly prohibits and will take prompt and equitable action to prevent, detect, investigate, resolve, avoid recurrence, and remedy acts of sexual assault, sexual harassment, sexual exploitation, domestic violence, intimate partner violence, dating violence, stalking, and retaliation as those terms are defined both under the Clery Act and under the University's *Policy on Rights and Responsibilities Under Title IX*.⁶ For ease of reviewing this policy statement, the aforementioned acts are collectively referred to as "Prohibited Offenses."

REPORTING PROHIBITED OFFENSES

Affected Parties are urged to report Prohibited Offenses to San Jose Police (9-1-1 or 408.277.8900) NUPD (617.373.2121) and the Office for University Equity and Compliance (OUEC) (617.373.4644) as soon as possible, regardless of where an incident occurred, and regardless of whether an assailant is known to an Affected Party.

University policy dictates that University officials who are informed in their official capacities of occurrences of Prohibited Offenses must encourage reporting parties to make report incidents to the NUPD, other off-campus law enforcement authorities, or to OUEC. NUPD works closely with reporting parties to ensure that appropriate medical care and counseling are made available.

THE IMPORTANCE OF OBTAINING MEDICAL CARE IMMEDIATELY FOLLOWING A SEXUAL ASSAULT

⁶ See *Rights and Responsibilities under Title IX* on page 14.

The importance of obtaining medical care immediately following a sexual assault cannot be overstated. Doing so enables an Affected Party to obtain medical care for injuries, sexually transmitted diseases, and psychological trauma. In addition, an Affected Party may elect to have a forensic examination done at a local hospital from a specially trained nurse. Choosing to obtain a forensic examination does not require an Affected Party to file a police report. Rather, a forensic examination helps preserve possible evidence should an Affected Party choose to file a police report at a later time. For local medical resources, please see page 25.

ASSISTANCE NOTIFYING LAW ENFORCEMENT

An Affected Party of sexual assault is not required to file formal criminal charges, even if they report the incident to local police or NUPD, and it is their right to decline to notify law enforcement in the event of a notification to the University. If an Affected Party reports to NUPD, a University Police investigator, specially trained in dealing with an Affected Party of sexual assault, will present the Affected Party with a full range of options and services available so the Affected Party can choose the most appropriate course of action. In the event an Affected Party chooses to report the matter only through the University administration, students accused of sexual assault are subject to disciplinary action in accordance with the provisions of the Code of Student Conduct as contained in the official Student Handbook irrespective of whether a Affected Party files a police report.

Affected Party names are kept confidential consistent with applicable law.

FILING FOR A PROTECTION ORDER

No Contact Orders

An Affected Party may request to have the University issue a “No Contact” order against the accused person if that individual is a Northeastern affiliate. “No Contact” orders direct both the Affected Party and the accused to have no contact or communications whatsoever with each other. An order prohibits direct or intentional communication or contact via phone, e-mail, instant or text messages, social media or through a third party. Violation of a “No Contact” order may result in disciplinary action being imposed on the accused. “No Contact” orders differ from restraining orders as they do not prevent the accused from being in the same building, area, etc. as the Affected Party.

An Affected Party can make a request for a “no contact” order by contacting one of the following departments:

- The Northeastern University Police Department (617.373.2121)
- The Office of University Equity and Compliance (617.373.4644)
- The Department of Residential Life (617.373.2814), or
- By filing a report online with the Office of Student Conduct and Conflict Resolution (OSCCR) through its web page at www.northeastern.edu/osccr.

A No Contact Order may be imposed on the parties involved in the incident when the University determines the severity of an incident rises to the level where continued contact between the involved parties could lead to further incidents and/or the creation of an unhealthy, unsafe and/or hostile environment. Communication of this Order will be made via e-mail to the student’s Northeastern e-mail account. If a violation of the “no contact” order occurs, the individual should promptly report the violation to NUPD or OSCCR.

Restraining Orders

Domestic Violence Restraining Orders, found under California Family Code 6300-6306, are issued to help keep victims from being abused. Domestic Violence Restraining Orders, most commonly known as a restraining order, will allow the court to issue a protection order notifying your abuser to stop the abuse. The police are responsible for enforcing the violation of the restraining order.

Protection offered under Domestic Violence Restraining Orders only applies to “family or household members” which are defined by California Family Code 6200 as people who are or were:

- Married; or
- Living together; or
- Related by blood or marriage; or
- Parents of a common child regardless of whether they have ever been married or lived together; or
- Involved in a substantial dating or engagement relationship

If you decide to file a complaint for a restraining order or have questions regarding a restraining order, contact the San Jose Police Department (408.277.8900) or NUPD at 617.373.2121 and we will assist you during the following process.

Victims are required to file an application for a Complaint for Protection from Abuse at the local court (this is a civil complaint, not a criminal one). Afterwards, you will speak to a judge or clerk to explain what happened and why you need protection. The judge will then decide whether to grant a Temporary Order valid for up to twenty five (25) business days. If the Temporary Order is granted, you will be given a copy of the order and summons to return to court within twenty five (25) business days for a hearing. The abuser will also be sent a summons to appear and the police will attempt to serve the order to the abuser. The “permanent hearing” is when the judge will decide whether or not to extend the order. The hearing will allow both the victim and the abuser an opportunity to tell what happened.

You are allowed to bring any witnesses or evidence you might have to support your testimony. If the abuser does not appear, the hearing will still be held and may result in the order being extended. The victim must appear at this hearing or the order will automatically be vacated. The judge will make a determination after hearing testimony if the order will be vacated or extended.

If you need immediate protection from your abuser contact the San Jose Police Department (9-1-1 or 408.277.8900).

Consider ways to leave your present situation safely. The police will assist you in obtaining an Emergency Restraining Order valid for up to 7 business days, providing enough time for the Affected Party to file for a restraining order in Court. Once the order has been issued you will be given a copy and the police will attempt to serve a copy to the abuser.

Violation of an Abuse Prevention Order is a crime. If your abuser violates the order call the police immediately (9-1-1 or 408.277.8900). Explain to the police that your abuser has violated the restraining order and you need help right away. If the abuser has left the scene, try to provide the direction of flight and a physical clothing description.

Remember to keep the order on you at all times. Inform family, friends, neighbors and roommates that you have a restraining order. Do not hesitate to call the police immediately if the abuser violates the order. If you are leaving an abusive relationship, remember leaving a violent relationship can be very difficult and dangerous; make sure you have a safety plan in place. Know ahead of time a safe place you can go to in an emergency. Bring along with you important

documents (driver's license, bankbooks, custody documents, etc.) and tell a friend. Let someone you trust help you make the first step.

Civil Harassment Restraining Orders

All members of the University community have the right to be free from being harassed and or placed in fear. The law has provided victims of harassment with the ability to obtain relief from the courts even though there is no relationship with the abuser. The Civil Harassment Restraining Orders, California Code of Civil Procedure Section 527.6, fills a critical gap in the law to protect victims of criminal harassment, stalking, or sexual assault from being harassed repeatedly regardless of their relationship with the perpetrator.

If you are a victim of harassment and wish to obtain a Civil Harassment Restraining Order, contact San Jose Police Department immediately for assistance or your local police where you live. The procedure for filing for a Civil Harassment Restraining Order is the same as filing for a Domestic Violence Restraining Order described above.

Rights and Responsibilities Under Title IX

The University strictly prohibits and will take prompt and equitable action to prevent, detect and deter Prohibited Offenses, investigate and resolve any reported Prohibited Offenses, avoid their recurrence, and remedy their effects. A Prohibited Offense is conduct prohibited by the University's Policy on Rights and Responsibilities Under Title IX and includes sexual assault, sexual harassment, gender-based harassment, sexual exploitation, domestic violence, intimate partner violence, dating violence, stalking and retaliation involving a student or students.

An Affected Party of dating violence, domestic violence, sexual assault, stalking, sexual harassment, sexual exploitation, intimate partner violence or retaliation are strongly encouraged to report these offenses as follows. The University encourages any person to report information relating to an alleged Prohibited Offense in any one of the following ways:

- Reporting to Law Enforcement - Community members impacted by Prohibited Offenses are strongly encouraged, but not required, to report all allegations of Prohibited Offenses directly to NUPD, or local police as soon as possible, regardless of where the offense took place and whether or not the Accused Party is known to the Affected Party. As Responsible Employees, NUPD officers will report Prohibited Offenses to the Title IX Coordinator. If a report is made to local police, NUPD will also be notified.
- Reporting to OUEC/Title IX Coordinator – Prohibited Offenses may be reported to the Title IX Coordinator by completing the form available at www.northeastern.edu/titleix/file-a-complaint/ and selecting "Title IX: Sex and Gender-based Discrimination" under "Nature of This Report." Reports can also be made in person at OUEC.

Faculty and staff with information relating to an allegation of dating violence, domestic violence, sexual assault and/or stalking must immediately report such information to OUEC, NUPD, or local police.

An Affected Party seeking to report a Prohibited Offense in confidence may do so to sexual assault counselors in UHCS.

While there is no time limit to report a Prohibited Offense, the University's ability to respond and investigate may be impacted by the passage of time. Affected Parties and others with knowledge of a Prohibited Offense are strongly encouraged to report such information as soon as possible after the occurrence of the alleged Prohibited Offense. Prompt reporting is essential to preserving physical evidence and documenting fresh recollections of events. Additionally, as time passes, the University may no longer have jurisdiction over Accused Parties or material witnesses and may be unable to compel their participation or take disciplinary action.

The University expects to complete its investigation into and adjudication of allegations within 60 days. However, extenuating circumstances (e.g. the unavailability of necessary witnesses, a large number of witnesses) may require longer than 60 days to resolve in a fair and impartial manner.

Title IX investigations and any subsequent adjudicatory proceedings may be carried out prior to, simultaneously with, or following legal proceedings, whether civil or criminal. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of University policy occurred. At the request of either NUPD or another law enforcement agency, the Title IX Coordinator may delay the Title IX investigation into an alleged Prohibited Offense for a reasonable period of time during the initial stages of a criminal investigation.

If an Affected Party requests to remain anonymous during a Title IX investigation, the Title IX Coordinator will consider the request, balancing the request in the context of the University's responsibility to provide a safe and non-discriminatory environment for University community members, as well as the fair and equitable treatment of the individuals involved. The University will take reasonable steps to investigate and respond to a report of a Prohibited Offense consistent with the request for anonymity, but its ability to investigate may be limited by the request. The University may not be able to honor requests for anonymity in all cases. In such cases, the Title IX Coordinator will notify the Affected Party that the University intends to proceed with an investigation, and the possibility that during the investigation, the Affected Party's identity may have to be disclosed to individuals who may have relevant information regarding the allegation.

The University utilizes a "preponderance of the evidence" (more likely than not that a policy violation occurred) standard in the adjudication of Prohibited Offenses.

If an Affected Party does not wish for the University to take disciplinary action against an Accused Party, or withdraws their report prior to the adjudication process, the Title IX Coordinator will refer the matter to the Title IX Coordinating Committee for assessment. The Committee will review the facts gathered during the investigation to determine if adjudicatory proceedings are nonetheless required in order to address a potential hostile environment in a university education program or to protect the safety of the university community. The Title IX Coordinator will notify the Affected Party if a determination is made to proceed with an investigation and explain the Affected Party's right to participate or not participate in the investigation or in any other actions undertaken by the University.

All individuals are required to keep confidential all documents and information received from the University during the investigatory and adjudication processes, and must destroy such documents and information at the direction of the university (except for outcome letters). Disclosing documents or information outside of the investigation and adjudication processes may be considered Retaliation.

The Affected Party and Accused Party may be accompanied by their respective Advisors at any meeting or interview related to the investigation and adjudication of a report. While Advisors may provide support and advice to the parties during the meeting or interview, they may not speak on behalf of the parties or otherwise actively participate in such meetings and/or proceedings.

An Advisor may not delay or otherwise interfere with or disrupt the investigatory and adjudication process under this policy. Because the University's process is not the same as a formal, external legal process, the Advisor, although he/she may be an attorney, does not represent the party in a legal capacity in the university's process. Absent accommodation for a disability, the Affected Party and Accused Party may not be accompanied by more than one Advisor or by other individuals during meetings or interviews. Throughout the investigation and adjudication process of a report under this Policy, all official university communications (both verbal and written) will be between the university and the parties directly. The university will not communicate with an Advisor on behalf of a party.

For students, Advisors in the adjudication process are bound by the conditions established for Advisors within the Code of Student Conduct.

The University offers reasonable and appropriate measures to protect Affected Parties, student Accused Parties, and student witnesses and to facilitate their continued access to university education programs and activities while maintaining the integrity of any investigation into an allegation of a Prohibited Offense. Upon receipt of a report of a Prohibited Offense, the University will inform the Affected Party(s) and student Accused Party(s) of, and promptly provide access to, the following remedial and protective measures as appropriate:

- options for on and/or off-campus medical, counseling, and other related services, including access to a Sexual Assault Nurse Examiner;
- options for temporary alternate housing arrangements, including immediate relocation to different university housing, if applicable;
- residential hall ban, if applicable;
- options for altering academic class schedules/obligation;
- options for altering student organization schedules/ obligation;
- options for altering work schedule or job assignment;
- options for alternative transportation;
- options for seeking assistance from local law enforcement;
- options for receiving a University No Contact Order; and
- options for seeking a Judicial Harassment Protection Order of Restraining Order.

The above remedial and protective measures may be temporary or permanent and are available to Affected Parties even if they do not wish to participate in a Title IX or criminal investigation of the alleged Prohibited Offense. While principally intended for students, these measures may be extended to employee Affected Parties, accused parties or witnesses as determined appropriate by the Title IX Coordinator. Except under extraordinary circumstances as determined by the Title IX Coordinator, the university does not provide protective and remedial measures to Third Parties.

Notwithstanding anything else provided in this Policy, this section defines the role, rights and obligations of Third Party Affected Parties and Employee Affected Parties.

Third Party Affected Parties may make reports to the University of alleged Prohibited Offenses committed by a member of Northeastern's community by contacting NUPD and/or the Title IX Coordinator. A Third Party Affected Party may participate in the university's investigation. In order to comply with federal privacy laws, Third Party Affected Parties will not receive written notice of the investigator's recommended finding or the Title IX Board's decision of responsibility of a Northeastern community member. Further, Third Party Affected Parties do not have

appeal rights under this policy. Third Party Affected Parties participation in the university's investigation process completes on step #11 below.

Employee Affected Parties may make reports of alleged Prohibited Offenses to the university by contacting NUPD and/or the Title IX Coordinator. An employee Affected Party may participate in the investigation and adjudication processes as a Complainant.

The procedures for responding to, investigating and adjudicating reports of Prohibited Offenses involving students are detailed in below. A student found responsible for a Prohibited Offense will be subject to disciplinary action up to and including expulsion from the university. Where there is a finding of responsibility of a violation of this Policy, the Title IX Board may impose one or more sanctions. Sanctions may include any of the sanctions that are available for violations of the university's Code of Student Conduct, including but not limited to expulsion, suspension, deferred suspension, disciplinary probation, letter of warning, cancellation of the Residence Hall and Dining License Agreement, counseling evaluation, and other sanctions or restrictions deemed appropriate by the university to address the alleged conduct. In determining the appropriate sanction(s), the Title IX Board will be guided by a number of considerations, including: the severity, persistence or pervasiveness of the Prohibited Offense; the nature or violence (if applicable) of the Prohibited Offense; the impact of the Prohibited Offense on the Complainant; the impact or implications of the Prohibited Offense within the university community; prior misconduct by the Respondent, including the Respondent's relevant prior disciplinary history, at the University or elsewhere, and any criminal convictions; whether the Respondent has accepted responsibility for the Prohibited Offense; the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and any other mitigating, aggravating, or compelling factors.

The procedures for responding to, investigating and adjudicating reports of Prohibited Offenses by Northeastern employees are detailed below. The university's Policy on Sexual Harassment and Policy on Non-Fraternization govern the investigation and adjudication of allegations involving only employees (i.e. where both the Affected Party and the accused party are employees). Any dispute regarding the applicable procedures for adjudication (e.g. where an Accused Party is both an employee and student) will be resolved in the sole discretion of the Title IX Coordinator. An employee found responsible for a Prohibited Offense will be subject to disciplinary action up to and including separation from the university.

The University's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with federal law, guidance, and this Policy. When a Third Party is a respondent, NUPD or local enforcement will investigate the allegations. The University will assist the Affected Party in making a report to the appropriate law enforcement agency with jurisdiction over the incident, and will provide appropriate interim, remedial and protective measures as well as ongoing assistance to the Affected Party to facilitate their participation in the criminal process.

Sexual activity requires Consent from all involved parties. Consent must be freely given, without physical force, threats, intimidating behavior, duress, or coercion. Silence, a lack of resistance, previous sexual relationships or experiences and/or a current relationship may not, in itself, constitute Consent. The initiator, or the person who wants to engage in the specific sexual activity, must obtain Consent from the partner(s) for each sexual act. Each participant may be an initiator at different points of sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity. A person's initiation of a sexual act constitutes Consent to that act, but not necessarily to subsequent acts. Consent to sexual activity may be withdrawn at any time and the withdrawal must be communicated in mutually understandable words and/or actions; if so, sexual activity must cease immediately. Consent may never be given by minors (in

Massachusetts, minors for these purposes are those not yet 16 years of age), mentally disabled persons, or those who are incapacitated as a result of intoxication by alcohol or other drug consumption (voluntary or involuntary), or those who are unconscious, unaware, or otherwise physically helpless. Engaging in sexual activity while under the influence of alcohol or drugs may create ambiguity for either party as to whether Consent has been sought or given. A person who has consumed alcohol and/or drugs still has a responsibility to obtain Consent for any sexual activity with another person(s). Being impaired by alcohol or other drugs is no defense to any violation of this Policy.

A person who is incapacitated is unable, temporarily or permanently, to give Consent to sexual activity because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking alcohol or using drugs. The impact of alcohol, medication, and other drugs varies from person to person. Although every individual may manifest signs of incapacitation differently, typical signs could include, but are not limited to: confusion or lack of understanding; disorientation to place, time and/or location; vomiting; incontinence; and/or unconsciousness. A person who is incapacitated may not be able to understand some, or all, of the following questions: "Do you know where you are?," "Do you know how you got here?," "Do you know what is happening?," "Do you know whom you are with?" For purposes of evaluating Consent, the university considers two questions: Did the person initiating sexual activity know that their partner was incapacitated? If not, should a reasonable person in the same situation have known that their partner was incapacitated? If the answer to either of these questions is "yes," Consent was absent.

A person subject to Coercion is unable to give Consent to sexual activity. In evaluating whether coercion was used, the university will consider: (1) the frequency of the application of the pressure, (2) the intensity of the pressure, (3) the degree of isolation of the person being pressured, and (4) the duration of the pressure. Coercion can include a wide range of behaviors, including severe and/or pervasive intimidation, manipulation, threats, and blackmail, which causes a person to engage in unwelcome sexual activity.

In order to assess the effectiveness of the overall university Title IX training, education, and Prohibited Offense response protocols, the university will annually survey the campus climate, community attitudes, and awareness of its student population regarding sex and gender-based discrimination prohibited by Title IX. The Title IX Coordinating Committee will review the results of its annual survey and make recommendations intended to enhance the effectiveness of the university's Title IX training and education programs, prevention efforts, investigations and adjudication proceedings.

Title IX Hearing Board members will receive training that includes the university's responsibilities under university policy, Title IX and the Clery Act. Such trainings shall address, among other things, the impact of trauma on a Affected Party's ability to recollect specific facts and events, common examples of predatory behavior associated with Prohibited Offenses, the definition of consent, the impact of alcohol and drugs on consent, and the application of the "preponderance of the evidence" standard.

Every member of the University community is responsible for promoting an environment free from Prohibited Offenses. All members of the community are encouraged to take reasonable, safe, and prudent actions to prevent or stop the commission of Prohibited Offenses. Members who take such actions or who wish to learn more about active bystander prevention are encouraged to access the resources described in this Policy for support and assistance. The university offers ongoing education to students and employees to promote awareness of Prohibited Offenses. Such education will include definitions of Prohibited Offenses and consent; best practices for risk

reduction, evidence preservation, safe and positive bystander intervention; reporting procedures and options; and information concerning rights under Title IX, as described in this Policy.

Whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of the student's or employee's rights and options.

Procedures for Allegations of Prohibited Offense involving a University Student as the Accused Party:

1. When a Responsible Employee is notified of an alleged Title IX Prohibited Offense, the Responsible Employee will notify the Title IX Coordinator (or designee) for review.
2. The Title IX Coordinator will, in collaboration with appropriate university departments, assess the safety and well-being of the parties involved, as well as potential threats to the university community, and will determine the need for any immediate action or interim measures.
3. Case Managers will be assigned to students who are Affected Parties or Accused Parties. Case Managers will serve as the main point of contact for these individuals in order to provide interim measures and resources.
4. The Title IX Coordinator will initiate a Title IX investigation into the allegations and assign an investigator.
5. Upon initiation of the investigation, the investigator will notify the Affected Party and the Accused Party of the investigation, provide a summary of the alleged Prohibited Offense, identify potential Policy violation(s), and provide an explanation of the investigation process as described herein.
6. The investigator(s) will request to meet separately with the Affected Party and the Accused Party for an interview. Either party may choose to participate or decline to participate in the investigation. The investigator(s) may continue to investigate the alleged Prohibited Offense and produce an Investigative Report based on the available information. Both the Affected Party and the Accused Party will be asked to provide relevant documentary evidence (e.g., photographs, text messages, emails, phone records, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged Prohibited Offense. Witnesses cannot participate solely to speak about an individual's character. a. Parties involved in the investigation may, under limited and extenuating circumstances, request to submit a written statement instead of participating in an interview with the investigator(s). The Title IX Coordinator will determine whether to include in the Investigative Report information provided in a written statement, taking into consideration the relevance of the information and the rights of the Affected Party and Accused Party to have equal opportunity to present information and witnesses. b. The investigation may also include the review of any documentation, reports, video or other items the investigator deems relevant to the allegation.
7. The investigator(s), in consultation with the Title IX Coordinator, has the discretion to determine the relevance of any witness or evidence and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the Title IX Investigative Report. a. An individual's prior or subsequent sexual activity is not relevant and will not be considered, except for one limited, factual purpose: i. The Affected Party and the Accused Party engaged in consensual sexual activity prior or subsequent to the alleged Prohibited Offense, and ii. The prior or subsequent consensual sexual activity is offered for the sole purpose of demonstrating how consent was communicated between the parties during the consensual sexual activity, as compared to the alleged Prohibited Offense. Such information will not be used for any other purpose.

8. The investigator(s) will provide each interviewed party a written interview summary for review via their university email account. The interviewed party will review the summary and, within two (2) business days of receipt, will confirm the summary's accuracy or provide a written response. Failure to respond within two (2) business days will be considered confirmation of the accuracy of the summary. The investigator(s) will review any written response by an interviewed party and will incorporate information into the Investigative Report deemed relevant in the discretion of the investigator(s).
9. At the conclusion of the investigative process, the investigator(s) will share a summary of the facts gathered during the investigation with the Affected Party and Accused Party for their review and response. The identities of individuals named in the report may be redacted as deemed necessary in the sole discretion of the investigator. The parties may submit a written response to the investigator(s) within three (3) business days in order to: a. clarify information, b. provide an additional explanation, c. submit additional questions for the investigator(s) to ask of other parties or witnesses, or d. identify any other relevant information for the investigator to consider.
10. If a written response includes new and relevant information, the investigator will revise the summary of facts accordingly and provide the Affected Party and Accused Party with opportunities to respond to the new information. Thereafter, the investigator(s) will determine if additional investigation is required. Any further investigation will follow the steps above. If no further investigation is needed, the investigator(s) will finalize the Investigative Report.
11. The investigator(s) will submit the Investigative Report to the Title IX Coordinator for their review. The Title IX Coordinator will review the Investigative Report to assess its thoroughness, reliability and impartiality. a. Third Party Affected Parties participation in the university's investigation process completes on step #11.
12. If the Title IX Coordinator determines that the Investigative Report contains insufficient information to constitute a potential violation of this Policy, the case will be closed and the decision will be simultaneously communicated to the Affected Party and the Accused Party by the Title IX Coordinator in writing. There is no appeal of this decision.
13. If the Title IX Coordinator determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy, the case will be referred by the Title IX Coordinator to the Director of OSCCR (or designee). a. In order to protect the privacy of the parties, the Investigative Report forwarded to the Director of OSCCR and reviewed by the Title IX Board will have personally identifiable information replaced with their role in investigation (Affected Party, Accused Party, Witness 1, etc.). Members of the Title IX Board will not know the names of the parties.
14. Facts established as part of a Prohibited Offense investigation that reveal conduct that may violate the Code of Student Conduct will be investigated by the OUEC and a recommended finding will be made in the Investigative Report. a. Title IX rights, including the right to an Advisor throughout the process and Title IX Appeal options (see #21) will apply to these alleged violations of the Code of Student Conduct that stemmed from an investigation of a Prohibited Offense. b. Facts established as part of a Prohibited Offense investigation that reveal conduct that may violate other university policies, procedures or commonly accepted norms of conduct will be referred to the appropriate office for review.
15. The Director of OSCCR will send a pre-hearing meeting notice to the university email account of the Affected Party and the Accused Party when they are Northeastern students. The pre-hearing meeting is between the

Northeastern student and an OSCCR Hearing Administrator to: a. Review the Investigative Report that forms the basis of the complaint; b. Explain the charges of the Policy violation filed against the Accused Party (from this point on in the process, the Accused Party will be referred to as the Charged Student; i. Affected Parties who elect to pursue disciplinary charges will be referred from this point in the process as the Complainant. c. Explain the process for resolving the case, including whether the parties accept or contest the recommended findings of the Investigative Report; d. Explain that the Director of OSCCR will appoint a three (3) member Title IX Board; and e. Review the process how to challenge participation by any member of the Title IX Board for perceived bias or conflict of interest. 16. Affected Parties and Accused Parties can accept or contest the recommended findings of the Investigative Report at the pre-hearing meeting. The party's acceptance or contestation of the recommended finding will be noted for the Title IX Board as they review the Investigative Report and hold a Title IX Hearing to determine, using a preponderance of the evidence standard, whether to: i. affirm the recommended findings of Policy violations contained in the Investigative Report; ii. make alternative findings of Policy violations than those contained in the Investigative Report.

17. The Title IX Board, in its discretion, may invite the investigator(s) to attend the Title IX Hearing if they believe it would be helpful to have an opportunity to ask the investigator(s) any questions arising from the Investigative Report.

18. The Complainant and the Charged Student will each have the option to present a written or oral statement to the Board. Such statements or the decision to give an oral statement should be provided to the Director of OSCCR at least five (5) business days prior to the Hearing. However, the Title IX Hearing is not a forum for the parties to present facts, information or witnesses. The parties are expected to provide all relevant facts, information and witnesses to the investigator(s) during the investigation. The Title IX Hearing is an opportunity for the parties to present their arguments as to why the recommended findings of Policy violations in the Investigative Report should or should not be adopted by the Board. Any new information presented at the Title IX Hearing will not be considered by the Board.

19. Either party may request alternative methods for participating in the Title IX Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Director of OSCCR at least two (2) business days prior to the Hearing.

20. At the conclusion of the Title IX Hearing, the Title IX Board will convene to deliberate and render a decision, by majority vote, regarding whether or not there is a preponderance of the evidence to support the recommended findings in the Investigative Report. No member may abstain.

21. The Director of OSCCR will provide both the Complainant and the Charged Student written notice of the Title IX Board's decision, including the rationale for why a Policy violation was or was not found, and any relevant sanctions. The Director of OSCCR will also explain the appeals process to both parties.

22. The Complainant or the Charged Student may file a written appeal within five (5) business days of the Title IX Board's decision. The written appeal will be provided to the non-appealing party, who may but is not required to provide a response within two (2) business days. OSCCR will appoint a Title IX Appeals Board to review the written appeal to determine whether it meets any of the following grounds for appeal: (1) new information not reasonably available by the completion of the investigation, (2) procedural error that prevented the appealing party from a fair opportunity to present information and/or witnesses, or (3) review of the imposed sanctions based on extraordinary circumstances.

23. If an appeal is granted on the basis of new information, the original Title IX Board will reconvene to determine if the new information alters their original decision. The Director of OSCCR will notify the parties of the Board's decision.
24. If an appeal is granted for procedural error, the process will reset to the point at which the procedural error occurred and proceed from that point.
25. If an appeal is granted based on a review of imposed sanctions, the Director of OSCCR will notify the parties of the decision.
26. The Vice President of Student Affairs reserves the right to review and revise final outcomes in Title IX cases, including if Title IX Coordinator closes a case at Step 13 of this process, as well as any decision by a Title IX Board or Title IX Appeals Board. Any such revision is not subject to appeal.

A student found responsible for a Prohibited Offense will be subject to disciplinary action up to and including expulsion from the university. Where there is a finding of responsibility of a violation of this Policy, the Title IX Board may impose one or more sanctions including: expulsion, suspension, deferred suspension, disciplinary probation, letter of warning, cancellation of the Residence Hall and Dining License Agreement, if applicable, counseling evaluation, and other sanctions or restrictions deemed appropriate by the university to address the alleged conduct.

Allegations involving employees, community members and third parties will be adjudicated in accordance with the Respondent's role and relationship with the University. Any dispute regarding the applicable procedures for adjudication (e.g. where a Respondent is both an employee and student) will be resolved in the sole discretion of the Title IX Coordinator.

Procedures for Allegations of Prohibited Conduct involving Northeastern Employees as the Accused Party

1. When a Responsible Employee is notified of an alleged Title IX Prohibited Offense, the Responsible Employee will notify the Title IX Coordinator (or designee) for review.
2. The Title IX Coordinator will, in collaboration with appropriate university departments, assess the safety and well-being of the parties involved, as well as potential threats to the university community, and will determine the need for any immediate action or interim measures.
3. Case Managers will be assigned to students who are Affected Parties or Accused Party. Case Managers will serve as the main point of contact for these individuals in order to provide interim measures and resources.
4. The Title IX Coordinator will initiate a Title IX investigation into the allegations and assign an investigator.
5. Upon initiation of the investigation, the investigator will notify the Affected Party and the Accused Party of the investigation, provide a summary of the alleged Prohibited Offense, identify potential Policy violation(s), and provide an explanation of the investigation process as described herein.
6. The investigator(s) will request to meet separately with the Affected Party and the Accused Party for an interview. Either party may choose to participate or decline to participate in the investigation. The investigator(s) may continue to investigate the alleged Prohibited Offense and produce an Investigative Report

based on the available information. Both the Affected Party and the Accused Party will be asked to provide relevant documentary evidence (e.g., photographs, text messages, emails, phone records, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged Prohibited Offense. Witnesses cannot participate solely to speak about an individual's character. a. Parties involved in the investigation may, under limited and extenuating circumstances, request to submit a written statement instead of participating in an interview with the investigator(s). The Title IX Coordinator will determine whether to include in the Investigative Report information provided in a written statement, taking into consideration the relevance of the information and the rights of the Affected Party and Accused Party to have equal opportunity to present information and witnesses. b. The investigation may also include the review of any documentation, reports, video or other items the investigator deems relevant to the allegation.

7. The investigator(s), in consultation with the Title IX Coordinator, has the discretion to determine the relevance of any witness or evidence and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the Title IX Investigative Report. a. An individual's prior or subsequent sexual activity is not relevant and will not be considered, except for one limited, factual purpose: i. The Affected Party and the Accused Party engaged in consensual sexual activity prior or subsequent to the alleged Prohibited Offense, and ii. The prior or subsequent consensual sexual activity is offered for the sole purpose of demonstrating how consent was communicated between the parties during the consensual sexual activity, as compared to the alleged Prohibited Offense. Such information will not be used for any other purpose.

8. The investigator(s) will provide each interviewed party a written interview summary for review via their university email account. The interviewed party will review the summary and, within two (2) business days of receipt, will confirm the summary's accuracy or provide a written response. Failure to respond within two (2) business days will be considered confirmation of the accuracy of the summary. The investigator(s) will review any written response by an interviewed party and will incorporate information into the Investigative Report deemed relevant in the discretion of the investigator(s).

9. At the conclusion of the investigative process, the investigator(s) will share a summary of the facts gathered during the investigation with the Affected Party and Accused Party for their review and response. The identities of individuals named in the report may be redacted as deemed necessary in the sole discretion of the investigator. The parties may submit a written response to the investigator(s) within three (3) business days in order to: a. clarify information, b. provide an additional explanation, c. submit additional questions for the investigator(s) to ask of other parties or witnesses, or d. identify any other relevant information for the investigator to consider.

10. If a written response includes new and relevant information, the investigator will revise the summary of facts accordingly and provide the Affected Party and Accused Party with opportunities to respond to the new information. Thereafter, the investigator(s) will determine if additional investigation is required. Any further investigation will follow the steps above. If no further investigation is needed, the investigator(s) will finalize the Investigative Report.

11. The investigator(s) will submit the Investigative Report to the Title IX Coordinator for their review. The Title IX Coordinator will review the Investigative Report to assess its thoroughness, reliability and impartiality. The Title IX Coordinator may request more information or additional investigation.

12. If the Title IX Coordinator determines that the Investigative Report contains insufficient information to constitute a potential violation of this Policy, the case will be closed and the decision will be simultaneously communicated to the Affected Party and the Accused Party by the Title IX Coordinator in writing. There is no

appeal of this decision. a. Facts established as part of an investigation that reveal conduct that may violate other university policies, procedures or commonly accepted norms of conduct will be referred to the appropriate office for review.

13. If the Title IX Coordinator determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy, the Title IX Coordinator may affirm or alter the recommended findings of Policy violation contained in the Investigative Report. Thereafter, the Title IX Coordinator will inform the Affected Party and Accused Party of the findings of fact of any Policy violation.

14. The Affected Party and Accused Party may notify the Title IX Coordinator of their request to appeal the findings of Policy violations within five business days of receiving notice of the recommended findings of fact. a. The party must submit an appeal letter specifying the grounds upon which the appeal is based and any supporting materials during that five day window. The Title IX Coordinator has the discretion to extend the deadline for submission of a letter of appeal. The only accepted grounds for appeal are: i. new, relevant information not reasonably available by the completion of the investigation; or ii. procedural error that prevented the appealing party from a fair opportunity to present information and/ or witnesses. Once the appeal materials are submitted, the non-appealing party and the investigator will be notified of the appeal and given an opportunity to provide a response within two (2) business days. An Appeal Officer will be appointed by the Title IX Coordinator to consider the appeal. If an appeal is granted on the basis of new information, the Appeal Officer will refer the matter back to the Title IX Coordinator to determine if the new information alters their original decision. The Title IX Coordinator, the parties, and if required witnesses, may be reconvened to review only the new information. The Title IX Coordinator will render a decision based on all the relevant information provided. If an appeal is granted for procedural error, the process will reset to the point at which the procedural error occurred and proceed from that point.

15. At the conclusion of the appeal, both the Affected Party and Accused Party will be notified, in writing, of the outcome by the Title IX Coordinator, and the Investigative Report will be forwarded to the appropriate office for consideration of the findings of fact. Any disciplinary action taken based upon the Investigative Report is governed and controlled by other applicable university policy.

Education, Training and Prevention regarding Dating Violence, Domestic Violence, Sexual Assault and Stalking

The University offers ongoing education to students and employees to promote awareness and prevention of Prohibited Offenses. Such education includes definitions of the Prohibited Offenses and consent; best practices for risk reduction and safe and positive bystander intervention; and information concerning rights under Title IX. Several different types of campaigns are utilized throughout the year to include presentations, online programs, resource panels, and discussion groups. The goal of these campaigns and programs is to increase the understanding of topics relevant to, and skills for, addressing dating violence, domestic violence, sexual assault, and stalking. Active bystander intervention training is provided ViSION and OPEN throughout the year.

The Office of University Equity and Compliance (OUEC) conducts Title IX investigations, oversees Title IX compliance, and, provides training and education to all members of the University community regarding Dating Violence, Domestic Violence, Sexual Assault and Stalking. The OUEC office is housed in 125 Richards Hall and can be reached at (617.373.4644) or titleix@northeastern.edu).

In 2017, the Office of Prevention and Education at Northeastern (OPEN) continued to oversee sexual violence prevention and education. OPEN is located at 307 Ell Hall and can be reached at open@northeastern.edu.

Throughout 2017, ongoing prevention and awareness programs were conducted in person on the Silicon Valley campus by NUPD. The programs offered information regarding dating violence, domestic violence, sexual assault, stalking, bystander intervention and information on risk reductions.

STUDENT EDUCATION

All incoming students are required to complete an online and interactive interpersonal violence prevention program. This video-based *Not Anymore* program provides critical information about consent, bystander intervention, sexual assault, dating and domestic violence, stalking, and much more. [Students can access the program here: <https://studentsuccess.org/SP/northeastern>].

FACULTY AND STAFF EDUCATION

All new faculty members received Title IX training in 2017. In addition, all new employees receive Title IX information at their orientation. Staff training is on-going.

WEBSITES

Northeastern offices built out their websites throughout 2017 to include more information on resources, education, and policies. See www.northeastern.edu/titleix, www.northeastern.edu/vision, and/or www.northeastern.edu/open for more information.

ViSION

VISION RESOURCE CENTER

Northeastern is committed to sexual violence prevention. The Violence Support, Intervention and Outreach Network (ViSION) has existed for the past six years as a way for students to access resources, support and reporting options for sexual violence. Building upon ViSION's work, a space was designed to further these efforts. Established in 2016, the ViSION Resource Center houses information about sexual violence resources and reporting options for students. It also serves as a central space for sexual violence prevention programming and dialogue. The Office of Prevention and Education at Northeastern (OPEN) provides staffing at the ViSION Resource Center. The ViSION Resource Center is located at 106 St. Stephen Street, Boston, MA.

Hours: Monday-Friday 12:00pm – 5:00pm or by prior arrangement (Email vision@northeastern.edu).

For more information about the University's prevention and awareness programs and resources visit the following websites:

Local Resources

San Jose Police Department Headquarters
201 W Mission St, San Jose, CA 95110

408.277.8900

<http://www.sjpd.org/>

San Jose Police Department Family Violence Unit:

408.277.3700

<https://www.sjpd.org/BOI/fvc/>

San Jose Police Sexual Assault Investigation Unit:

408.277.4102

https://www.sjpd.org/BOI/Sexual_Assaults/

San Jose Police Department Victim-Witness Assistance Program:

408.277.5550

<https://www.sjpd.org/BFO/Community/victsassistance/>

San Jose City Hall

200 E. Santa Clara St., San Jose, CA 95113

408.535.3500

<https://www.sanjoseca.gov/Index.aspx?NID=233>

Support Network for Battered Women 24 hour hot line

800.572.2782

<http://supportnetwork.org/>

Next Door - Solutions to Domestic Violence 24 hour hot line

408.279.2962

<http://www.nextdoor.org/>

Local Medical Resources

Good Samaritan Hospital

408.559.2011

Goodsamsanjose.com

Regional Medical Center

409.259.5000

Regionalmedicalsanjose.com

Santa Clara Valley Medical Center

Sexual Assault Response Team

408.885.6466

Scvmc.org

Off Campus Resources

Violence, Support, Intervention and Outreach Network (VISION) can be contacted at VISION@neu.edu

www.northeastern.edu/vision

Office of Prevention and Education at Northeastern University (OPEN), 617.373.4459
www.northeastern.edu/open

Office of Student Conduct and Conflict Resolution, 617.373.4390
www.northeastern.edu/osccr

Office of Institutional Diversity and Inclusion (OIDI), 617.373.5290
www.northeastern.edu/oidi

Office of Gender Equity and Compliance (TitleIX), 617.373.3543
www.northeastern.edu/titleX

Northeastern University Police Department (NUPD), 617.373.2121
www.northeastern.edu/nupd

Sex Offender Registry and Access to Related Information

The federal "Campus Sex Crimes Prevention Act" (P.L. 106-386, Sec. 1601) (the "CSCPA"), enacted on October 28, 2000, became effective on October 28, 2002. This law requires institutions of higher education to advise the members of their campus communities of the location where to obtain information concerning individuals employed by, enrolled in, and/or serving at the institution who are registered sex offenders <http://bpdnews.com/sex-offender-registry/>. Under the provisions of the same law, individuals who are required to register with the appropriate state office as sex offenders must inform the state office in which they are registered whenever they enroll in, become employed by, or undertake a vocation at an institution of higher education. The CSCPA requires the state Sex Offender Registry offices to notify an institution of higher education whenever a sex offender on its registry provides notice they are enrolled in, employed by, or has undertaken a vocation at that institution and to provide information concerning that individual. The CSCPA does not require institutions of higher education to request information from state sex offender registries.

At Northeastern, all publicly available information received from state Sex Offender Registry offices will be maintained by NUPD. Any member of the public who is at least 18 years of age or older may request sex offender information. The information will be provided to any person who is seeking the information for his/her own protection, for the protection of a child under the age of 18, or for the protection of another person for whom the requesting person has responsibility, care, or custody. Information concerning an individual enrolled in, employed by, or undertaking a vocation at Northeastern who is required to register as a sex offender may be obtained by appearing in person at the NUPD and asking to review the registered sex offender log.

For further information concerning the crimes for which convicted offenders must register, or regarding additional access to records of registered sex offenders, contact the California Department of Justice Sex Offender Tracking Program at 916.227.4974 or via the internet at <http://www.meganslaw.ca.gov/>.

Northeastern University Workplace Violence Policy

Northeastern University is committed to promoting a safe workplace for all faculty, staff, students and visitors. It is the University's policy to create a workplace free from violence, threats of violence, harassment, intimidation and other disruptive behavior. Northeastern University will not tolerate violence or the threat of violence in the workplace. The University expressly prohibits violence, threats of violence, hostile behavior, harassment, intimidation, on or off campus,

or damage to University property. Violence or threatening behavior can include physical acts of violence, gestures, intimidating presence, oral, written or electronic statements, sexual assaults and weapons possession whether on or off campus.

The University will take appropriate action in response to reports of such incidents, which may include, but is not limited to, disciplinary action up to and including termination and /or criminal prosecution.

Faculty and staff play a major role in the University's efforts by complying with this policy and treating all threats seriously and reporting incidents immediately. It is the responsibility of all managers and supervisors to report acts of workplace violence, including violent, threatening, harassing, intimating or other disruptive behaviors. Faculty and Staff are expected to report any conduct that is inappropriate and/or causes concern. Imminent threats, violent incidents, or dangerous or emergency situations should be reported immediately to NUPD at 617.373.3333, or San Jose Police, (9-1-1 or 408.277.8900).

Verbal abuse, perceived intimation, harassment or other non-emergency situations should be reported immediately to the immediate supervisor, manager, OUEC and/or Human Resources Management. For all other situations, or if you are not sure, call Human Resources Management at 617.373.2230, or the NUPD at 617.373.2121. Northeastern University offers all employees counseling services and confidential referrals through the Employee Assistance Program (EAP) for support call 877.739.3989 or for additional information, please contact Human Resources Management at 617.373.2230.

Procedures for Missing Students

If a member of the University community has reason to believe that a student is missing the San Jose Police should be contacted immediately (9-1-1 or 408.277.8900). An incident report will be generated and an investigation will be initiated in order to attempt to locate the missing student. The San Jose Police Department has a detailed and specific protocol for conducting missing person investigations, utilizing a wide range of electronic resources as well as making personal contact with friends, classmates, co-workers and relatives. The incident should also be reported to the NUPD at 617.373.2121 who will work in conjunction with the San Jose Police Department.

When registering the name of a person as an emergency contact in the online registration process through the *MyNortheastern* portal, students also have the option to confidentially identify an individual to be contacted by Northeastern in the event the student is determined to be missing for more than 24 hours. Missing person emergency contact information will only be accessible to authorized campus officials, and such information may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If the student is missing and has been missing for more than 24 hours, NUPD will notify the police department for the jurisdiction of the missing person's home of record, and the contact person the student designated to be contacted in the event the student is determined to be missing. These notifications will be made no later than 24 hours after the student is determined to have been missing for 24 hours, and if the missing student is under the age of 21 a missing person notice will be posted on the national police information network. If the missing student is under the age of 18 and is not an emancipated individual, NUPD will notify the student's parent or legal guardian, and the student's missing persons contact, if he or she has registered one, immediately after the NUPD has determined that the student has been missing for more than 24 hours.

Drug, Alcohol, and No Smoking Policies

BRIEF STATEMENT ON ALCOHOL AND OTHER DRUGS

Northeastern University fosters a community that reinforces healthy choices and encourages responsible decision-making regarding the use of alcohol and other drugs. Northeastern strives to maintain a working, living, and learning environment that is free from the negative effects that alcohol and other drug use can create. Additionally, the University is committed to enforcing the policies and laws surrounding alcohol and other drug use. The University fulfills this philosophy by providing educational programs, resources for treatment, and referrals for students, faculty, and staff who may experience problems related to substance use.

University Health and Counseling Services (UHCS) and Human Resources Management (HRM) provide resources for treatment and referral for students and employees with substance abuse problems. Educational programs for students, employees and managers are presented through UHCS, HRM and the Office for Student Affairs and cover the dangers of alcohol and drug abuse, the availability of assistance for counseling and rehabilitation, and penalties for violating University policies.

PREVENTION, EDUCATION & TREATMENT

Northeastern University has developed a comprehensive approach to alcohol abuse prevention and education modeled after the NIAAA's College AIM (Alcohol Intervention Matrix) recommendations, which strongly support the use of programs with complementary components that include: individual level strategies for at-risk or alcohol-dependent drinkers and environmental strategies that target the campus community and student population as a whole. Specifically, alcohol and other drug education, prevention, intervention and treatment efforts at Northeastern include:

- Assessment, brief intervention and referral services at the Office of Prevention and Education at Northeastern - available via skype for students at regional campuses;
- Orientation; and
- Required online alcohol education program for all incoming students.

POLICY DEVELOPMENT AND ENFORCEMENT

The University expects that all of its students, whether on or off campus, abide by the law and University regulations concerning alcohol and drug use. Where a student engages in conduct off campus that violates University regulations concerning alcohol and drug use and such violation results in behavior which, in the University's sole judgment, is destructive, abusive, or detrimental to the University's interests, the University's conduct process shall apply and such matters will be processed accordingly. The following are prohibited on University premises and at University sponsored events:

Alcohol

1. A person under the age of 21 is prohibited from being in the presence of alcoholic beverages in the residence halls housing provided and/or arranged by Northeastern, with the following exception: an individual under the age of 21 who has a roommate of legal drinking age may be in the presence of an open container of alcohol in the room only if the roommate of legal drinking age is also present. Non-roommates who are under the age of 21 may not be in the room when alcohol is being consumed by the of-age roommate.

2. A person under the age of 21 is prohibited from possessing empty alcohol containers.
3. No postings, announcements, promotions, or ticket sales may be made, placed, or distributed on Northeastern University-owned or -leased property for non-University sponsored events at which alcohol will be served or consumed.
4. On campus possession of a keg, beerball, alcohol by the case, other central sources of alcoholic beverages, or other unauthorized quantities of alcohol is not permitted. Personal possession of alcoholic beverages is limited to one twelve-pack of beer (144 ounces/4 .26 liters) OR one-half gallon (64 ounces/1 .89 liters) of wine OR one pint (16 ounces/470 milliliters) of hard liquor.
5. Possession or consumption of alcoholic beverages in locations or under conditions prohibited by University policy or by law.
 - a. A person must be of legal drinking age to possess or consume alcoholic beverages. In the United States, the legal drinking age is 21.
 - b. An individual 21 years of age or older may possess and/or consume alcohol only in the student's residence hall room or in the residence hall room of another resident who is 21 years of age or older and present in the room, provided alcohol is permitted in that residence hall for students of legal age.
 - c. Any person under 21 years of age may not transport or carry alcohol.
 - d. Prohibited locations include, but are not limited to, hallways, lobbies, lounges, stairwells, classrooms, studios, technical facilities, auditoriums, bathrooms, outdoor areas, vehicles, or any other public areas without authorization.
6. The possession or use of items that encourage heavy alcohol consumption is prohibited (examples could include alcohol funnels, AWOL (Alcohol Without Liquid) generators or vaporizers, etc.), regardless of age.
7. Providing alcohol to anyone under the legal drinking age and/or allowing anyone under the legal drinking age to consume alcohol in on or off campus residences.
8. Expecting and/or requiring the consumption of alcohol by someone as a condition of initiation or admission into, affiliation with, or continued membership or participation in any group or organization.
9. Distribution, sale, or manufacture of alcohol.
 - a. Manufacturing alcohol on Northeastern University-owned or -leased property.
 - b. Selling alcohol without a liquor license, include, but are not limited to, the sale of cups and/or any other form of container for the distribution of alcohol.
 - c. Distributing alcohol includes providing a central source or large quantity of alcohol.

Drugs

1. Knowingly being in the company of anyone who is using illegal drugs.

2. Possession or consumption of: illegal drugs (including marijuana), salvia divinorum, prescription medications belonging to another individual, or over-the-counter substances, nitrous oxide, or other available substances to “get high” or induce a mindaltering state.
3. Possession, use, manufacture, distribution, or sale of drug paraphernalia or other items used in preparing or consuming illegal drugs (including marijuana).
4. Promotion of illegal drugs (including marijuana).
5. Providing or sharing drugs
6. Distribution, sale, or manufacture of drugs (marijuana, mushrooms, prescription drugs and so on). This includes the manufacturing or cultivation of drugs, on or off campus, and the sale or distribution of drugs or intention of sale or distribution.
7. Smoking on any and all Northeastern University property.

In addition to imposition of disciplinary sanctions under University procedures, including suspension or separation from the University for such Acts, students and employees may face prosecution and imprisonment under Federal and applicable California laws which make such acts criminal offenses.

The Office of Student Conduct and Conflict Resolution (OSCCR) impose disciplinary sanctions for student violations of the University’s AOD policies. Sanctioning of students in violation of any alcohol or drug related policies may include a combination of active and inactive sanctions.

- **Active Sanctions:** Sanctions that require work on a student's part to complete. These include, but are not limited to, educational sanctions, such as attending classes or writing research or reflection papers, performing mandated service, or paying a monetary fine.
- **Inactive Sanctions:** Sanctions that, by themselves, do not require work on a student's part to complete. These include, but are not limited to, written warnings, disciplinary probation, deferred suspension, suspension, and expulsion. These sanctions may put restrictions on students, such as limiting access to campus recreational facilities, residence or dining halls, or the ability to hold student leadership positions.

The laws against the sale of alcohol to minors, procurement of alcohol to minors, and minors in possession of alcohol are enforced either through the University’s discipline office or through the local court. NUPD forwards all incident reports involving cases of student alcohol or other drug possession, consumption, underage purchase, etc., to OSCCR for adjudication.

Students are held accountable to the Student Code of Conduct for any conduct in violation of alcohol drugs law and University policy, whether on- or off-campus, to the extent such conduct is brought to the attention of the University.

ON-LINE RESOURCES

More information and a complete description of the University’s drug and alcohol abuse policies, educational programs and sanctions may be found in the *Undergraduate Student Handbook*, and on the following websites:

- Office of Student Conduct and Conflict Resolution (OSCCR) at <http://www.northeastern.edu/osccr/>
- University Health and Counseling Services (UHCS) at <http://www.northeastern.edu/uhrs/counseling/index.html>
- Office of Prevention and Education at Northeastern University (OPEN) at <http://www.northeastern.edu/open/>
- Human Resources Management (HRM) at <http://www.northeastern.edu/hrm/>

CLERY ACT/VAWA CRIME DEFINITIONS

The following definitions apply to the incidents of crime disclosed in the crime statistics tables contained in this report:

CLERY ACT FELONY/PRIMARY CRIME DEFINITIONS

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

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. Simple assaults are excluded.

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, or personal property of another.

Burglary: The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

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

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

CLERY ACT SEX OFFENSES DEFINITIONS

The following sex offenses fall with the definition of “sexual assault” under the Clery Act:

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

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

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

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

ARREST⁷ AND REFERRALS FOR DISCIPLINE FOR VIOLATIONS OF LIQUOR, DRUG, AND WEAPONS LAWS

Liquor Law Violations: The violation of state and local municipal laws and ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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

Drug Law Violations: Violations of federal, state, and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (demerol, methadone), and dangerous non-narcotic drugs (barbiturates, benzedrine).

HATE CRIMES

Under the Clery Act, a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias.⁸ For Clery purposes, hate crimes include any Clery Act felony/primary crime (murder or non-negligent manslaughter, sexual assault, robbery, aggravated assault,

⁷ Under Clery, an "arrest" is defined as the processing of a person by arrest, citation, or summons. A "referral for disciplinary action" is defined as the referral of any person to an institution official who institutes a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Disciplinary action occurs where an official receiving the information initiates a disciplinary action, a record of the action is kept, and the action may, but not need have to, result in a sanction. Disciplinary actions may be initiated in both informal and formal manners and can include an interview or a simple, initial review of names submitted to an institutional official. An incident involving both an arrest and a referral for discipline is counted only as an arrest.

⁸ Under Clery, "bias" is a "preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin, or gender identity."

burglary, motor vehicle theft, or arson) together with any of the following crimes to the extent they manifest evidence of bias.

Larceny-theft: *The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.*

Simple assault: *An unlawful physical attack by one person on another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.*

Intimidation: *To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual attack.*

Destruction, damage or vandalism of property: *To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.*

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT (VAWA) CRIMES

The Violence Against Women Reauthorization Act of 2013 requires that institutions report incidents of sexual assault, domestic and dating violence (also known as 'intimate partner violence) and stalking in its annual security report. The following federal law definitions apply to this reporting requirement. In addition, VAWA requires that institutions publish state law jurisdictions of the same crimes.

Federal Definitions

Domestic violence: *A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.*

Dating violence: *Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.*

Stalking: *A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.*

Sexual assault: *Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.*

State Definitions

The Violence Against Women Reauthorization Act of 2013 amended the Clery Act to require that institutions publish in their annual security reports state law definitions of the following terms: domestic violence, dating violence, sexual assault, stalking, and consent. Dating Violence is not defined under California law in the criminal code.

Domestic Violence

Domestic Violence (Definition under California Penal Code §273.5): Section 273.5(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment. (b) Subdivision (a) shall apply if the victim is or was one or more of the following:

1) The offender's spouse or former spouse. 2) The offender's cohabitant or former cohabitant. 3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243. 4) The mother or father of the offender's child.

Domestic Violence (Definition under California Penal Code §243(e)(1)): When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship,...(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.(5) "Injury" means any physical injury which requires professional medical treatment...(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

Domestic Violence (Definition under Penal Code §13700(b)): "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters,(2)sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

Dating Violence

No separate statute for Dating Violence exists under California law. See above.

Sexual Assault

Rape (Definition Under California Penal Code §261): (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: 1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1(commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent; 2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on

the person or another; 3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused; 4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep; (B) Was not aware, knowing, perceiving, or cognizant that the act occurred; (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. 5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief; 6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death; 7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress. As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Rape (Definition Under California Penal Code §262): (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances: 1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. 2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused. 3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: a) Was unconscious or asleep. b) Was not aware, knowing, perceiving, or cognizant that the act occurred. c) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. 4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. 5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress. (c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

Sexual Battery (Definition Under California Penal Code §243.4): (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

Sodomy (Definition Under California Penal Code §286): (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

Oral Copulation (Definition Under California Penal Code §288(a)): Except as provided in subdivision (i), any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

Statutory Rape (Definition Under California Penal Code §261.5): (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age. (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170. (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years. (e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts: (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000). (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000). (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000). (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000). (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature. (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

Stalking

Stalking (Definition Under California Penal Code §646.9): (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable

by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

Consent

Consent (California Penal Code §261.6): In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent. Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

RULES FOR CALCULATING STATISTICS DISCLOSED IN THE ANNUAL SECURITY REPORT

The Clery Act groups crimes into the following categories in descending order of severity: Part I Crimes (felonies); Part II Crimes (arrests and referrals for discipline for violations of weapons, drug, and liquor laws); Part III Crimes (hate crimes); and Part IV Crimes (crimes added to the scope of the Clery Act pursuant to the Violence Against Women Reauthorization Act of 2013 (“VAWA”). Offense groupings must be reported in separate statistics grids (with the exception of hate crime statistics, which may be published in narrative format).

The Clery Act’s “hierarchy rule” applies to calculation of statistics concerning incidents in which multiple offenses are reported to have occurred within a single event. The rule requires that institutions count only the most serious offense where more than one Clery Act offense has occurred, subject to certain exceptions described below.

PART I CRIMES (FELONY OFFENSES)

The Clery Act requires disclosure of statistics concerning the reported occurrence of any of the crimes listed below in order of severity.

1. Criminal homicide:
 - a. Murder and non-negligent manslaughter
 - b. Manslaughter by negligence

2. Sex offenses:
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory rape

3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson

PART II CRIMES (ARRESTS/REFERRALS FOR WEAPONS, DRUG, AND LIQUOR OFFENSES)

1. Weapons law arrests
2. Drug law arrests
3. Liquor law arrests
4. Weapons law referral for discipline
5. Drug law referral for discipline
6. Liquor law referral for discipline

PART III CRIMES (HATE CRIMES)

Under the Clery Act, a “hate crime” is a criminal offense committed against a person or property, which is motivated (in whole or in part), by the offender’s bias. For Clery purposes, “hate crimes” include any Clery Act felony/primary crime under Part I to the extent such crimes manifest evidence of bias. “Hate crimes” also include four additional misdemeanor offenses.

Part I Felonies Subject to Hate Crime Counting Requirements

1. Criminal homicide:
 - a. Murder and non-negligent manslaughter
 - b. Manslaughter by negligence
2. Sex offenses:
 - a. Rape
 - b. Fondling
 - c. Incest
 - d. Statutory rape

3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson

ADDITIONAL MISDEMEANOR OFFENSES SUBJECT TO HATE CRIME COUNTING REQUIREMENTS

1. Larceny – theft
2. Simple assault
3. Intimidation
4. Destruction, damage or vandalism of property

Part IV Crimes (VAWA Offenses)

1. Domestic violence
2. Dating Violence
3. Stalking

CALCULATING STATISTICS SUBJECT TO THE HIERARCHY RULE

Some single incidents involve multiple Clery Act offenses, and often, a determination of which offense to disclose in the ASR's statistics grids is made simply based on where the offense lie in the hierarchy. For example, if a student under the legal drinking age is arrested on campus while in possession of a stolen motor vehicle and an alcoholic beverage, the institution is required to disclose only the motor vehicle theft because it is the more serious crime according to the hierarchy rule. However, in some instances involving multiple offenses, the hierarchy rule will not apply. Some counting requirements and examples are provided below to provide context for statistics in the ASR's statistics grids.

- Crimes that occur in on-campus residence halls are counted twice – once in the general 'on-campus' category, and once in the 'residence hall' category.
- Arson is always counted, regardless of whether it is more or less severe than any other Clery Act offense in the same incident. (For example, if someone commits arson during a burglary, then the institution must record a statistic in both the arson and burglary categories, thus appearing to reflect two separate incidents, but really only documenting one event.)

- Murder/non-negligent manslaughter and manslaughter by negligence statistics are calculated based on the number of victims in a single incident. (For example, if two people are murdered in the same incident at the same time, or die due to the gross negligence of another person, then the institution must record two statistics in the murder category – one statistic for each victim.)
- Any incident involving both a murder/non-negligent manslaughter and either a robbery, burglary, aggravated assault, or motor vehicle theft must be recorded as one statistic in the murder/non-negligent manslaughter category. (Robbery, burglary, aggravated assault, and motor vehicle theft are subsumed within the murder/non-negligent manslaughter category. However, arson, sexual assault, hate crimes, and Part IV VAWA crimes are not subsumed by any other category and therefore must be reported in addition to another Clery offense involved in the same incident.)
- Sex offenses (rape, fondling, incest, and statutory rape) are always counted, even where they also involve a murder or non-negligent manslaughter.
- Crimes less severe than sex offenses (rape, fondling, incest, and statutory rape) are not counted unless the less severe crime is one of dating violence, domestic violence, or stalking, or unless it is a hate crime misdemeanor (larceny – theft; simple assault; intimidation; or destruction, damage or vandalism of property).
- Robbery statistics are calculated by incident (or in other words, by distinct operation), not by the number of victims involved in a single incident. (For example, if one offender robs three individuals at gunpoint at the same time and while in the same place, the institution must record one statistic in the robbery category.)
- Aggravated assault statistics are calculated based on the number of victims involved in a single incident. (For example, if two people are assaulted with a weapon during the same incident, then the institution must record two statistics in the non-negligent manslaughter category – one statistic for each victim.)
- Burglary statistics generally are calculated by incident (or in other words, by distinct operation), not by the number of victims involved in a single incident. (For example, if one offender breaks into a structure and steals two laptops belonging to two different people who reside in the same room, then the institution must record one statistic in the burglary category.)
- There are special rules for the counting of burglaries: Each room in a student housing facility is considered a separate dwelling for purposes of calculating burglaries. (For example, if a burglar enters a resident hall suite and steals a television from the common area, and then enters two separate bedrooms within the suite and steals laptops from each bedroom, the institution must record three statistics in the burglary category – one for the common area, and two for the bedrooms (one for each bedroom)). However, various rooms within an academic building are considered to be under the control of a single entity. Therefore, the burglary of a single academic building is counted as one offense, regardless of the number of offices or other spaces from which items may have been stolen, unless the various rooms were burglarized within different time frames. In that case, each burglary separated by time would be recorded as separate statistic in the burglary category.

- Part I felony crimes committed on the basis of a prohibited bias (i.e. “hate”) are always counted twice – once in the Part I felony crime grid, and once separately in the hate crimes grid/narrative. In the event a single incident involves multiple Part I offenses based on bias, the hierarchy rule does not apply to disclosure of statistics in the hate crimes grid/narrative, and all Part I offenses must be reported separately. (For example, if an incident involves both an aggravated assault and motor vehicle theft based on bias, the institution must record statistics in both the aggravated assault and motor vehicle theft categories in the hate crimes grid/narrative. However, only the aggravated assault would be disclosed in the Part I grid based on the hierarchy rule.)
- The four Part III misdemeanor hate crimes (larceny – theft; simple assault; intimidation; or destruction, damage or vandalism of property) are only reported in the hate crime grid/narrative.
- Part IV VAWA crimes (domestic violence, dating violence, and stalking) are reported in a separate grid. If any Part I felony incident also involves a Part IV VAWA incident, then both incidents are reported – the felony crime is reported in the Part I grid, and the VAWA crime is reported in the Part IV grid.
- In the event a Part IV VAWA offense might be classified as both “domestic violence” and “dating violence”, the incident is reported as one of “domestic violence.”
- In the event a Part IV VAWA offense involves stalking together with domestic or dating violence, both the stalking and domestic/dating violence are reported separately. One statistic must be recorded in the stalking category, and one statistic must be recorded separately in the domestic/dating violence category.
- Where an incident involves both an arrest and a referral for discipline for a weapon, liquor or drug law violation, only the arrest is recorded.
- Where an arrest or referral for discipline is made in response to a Part II incident involving more than one offense (for example, unlawful possession of drugs *and* liquor), only one statistic is recorded. The DOE Clery Handbook does not offer guidance on a hierarchy for Part II offenses, and in the event of such an incident, the decision how to report should be made by a sworn law enforcement officer. For purposes of this report, in the event of such an incident, statistics will be recorded according to the following order: (1) weapons, (2) drugs, and (3) alcohol, unless circumstances suggest alternative reporting is more appropriate. (For example, if a student arrested for serving a large volume of liquor to underage students one night, and at the time of the arrest police discover a very small amount of marijuana on the student’s person, then the incident is reported as one statistic reflecting an arrest for violation of liquor laws because the relative severity of the liquor offense outweighs that of the drug offense.)
- **Stalking** is counted uniquely under VAWA.
 - When recording a stalking report, an institution is required to record a crime statistic only once for the calendar year in which the course of conduct was reported to a local police agency or campus security authority.
 - If the course of conduct involves the same parties and continues in a subsequent year, then the stalking must also be recorded for the subsequent year as well.

- An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which the perpetrator engages in the stalking or a victim first becomes aware of the stalking. Therefore, a report of stalking must be reported in an institution's ASR if it meets the definition of stalking even though the stalking course of conduct does not occur on the institution's campus or in or on any of its other Clery geography.

UNFOUNDED CRIMES

A crime is considered unfounded for Clery Act purposes only when law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

Northeastern University – Silicon Valley Crime Statistics

CLASSIFICATION	2015					CLASSIFICATION	2016					2017				
	On Campus	Student Housing	Noncampus	Public Property	Total		On Campus ¹	Student Housing ²	Noncampus	Public Property	Total	On Campus	Student Housing	Noncampus	Public Property	Total
Murder/Non-Negligent Manslaughter	-	-	-	-	-	Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	-	-	-	-	-	Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	-	-	-	-	-	Sex Offenses Total	0	0	0	0	0	0	0	0	0	0
-Rape	-	-	-	-	-	-Rape	0	0	0	0	0	0	0	0	0	0
-Fondling	-	-	-	-	-	-Fondling	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	-	-	-	-	-											
-Incest	-	-	-	-	-	-Incest	0	0	0	0	0	0	0	0	0	0
-Statutory Rape	-	-	-	-	-	-Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	-	-	-	-	-	Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	-	-	-	-	-	Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	-	-	-	-	-	Burglary	0	0	0	0	0	0	0	0	0	0
Theft – Grand Auto	-	-	-	-	-	Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	-	-	-	-	-	Arson	0	0	0	0	0	0	0	0	0	0
Violence Against Women Act Totals	-	-	-	-	-	Violence Against Women Act Totals	0	0	0	0	0	0	0	0	0	0
Stalking	-	-	-	-	-	Stalking	0	0	0	0	0	0	0	0	0	0
Domestic Violence	-	-	-	-	-	Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	-	-	-	-	-	Dating Violence	0	0	0	0	0	0	0	0	0	0
Arrests																
Liquor Law Violations	-	-	-	-	-	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	-	-	-	-	-	Drug Violations	0	0	0	0	0	0	0	0	0	0
Weapons Violations	-	-	-	-	-	Weapons Violations	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals																
Liquor Law Violations	-	-	-	-	-	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0
Drug Violations	-	-	-	-	-	Drug Violations	0	0	0	0	0	0	0	0	0	0
Weapons Violations	-	-	-	-	-	Weapons Violations	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	-	-	-	-	-	Unfounded Crimes	0	0	0	0	0	0	0	0	0	0
Hate Crimes: 2017 – No incidents were reported 2016 – No incidents were reported																
Footnote 1: Crime Statistics are only reportable for 2016 and 2017 as Silicon Valley Campus opened in 2016.																
Footnote 2: There are no on-campus residential facilities																

