



Northeastern University

Toronto



Northeastern University  
Toronto

Annual Security & Safety Report

2017

[www.northeastern.edu/nupd](http://www.northeastern.edu/nupd)

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## Message from the Chief

Located in Toronto, ON, Northeastern University - Toronto has become an integral part of the City. The City of Toronto 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 Toronto. 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.<sup>1</sup> Under the Clery Act, individuals that are required to report crimes include members of the Northeastern University Police 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 Northeastern University – Toronto (the Toronto Campus) Responsible Employees under the University's Policy on Rights and Responsibilities Under Title IX. Responsible Employees<sup>2</sup> include all faculty, staff and employees. Responsible Employees are required to report all crimes and allegations of Prohibited Offenses<sup>3</sup> under the policy. On the Toronto Campus, in addition to employees, Paragon Protection LTD 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 Aliza Lakhani, Regional Dean and CEO, Northeastern University – Toronto. Contact Dean Lakhani at 888-660-6938 and the Toronto Police Service at 416-808-5200.

The University urges all community members to report any criminal incident to law enforcement for the geographical jurisdiction in which an incident occurs, particularly when 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 Toronto Campus opened in March 2018. Therefore, no statistics are available for 2017.

## PUBLICATION AND NOTICE OF AVAILABILITY

The University publishes the Toronto 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

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<sup>1</sup> See page 34 of the ASR for Definitions of Clery Act crimes and geographical locations.

<sup>2</sup> 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.

<sup>3</sup> 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.

advising of 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.

### LAW ENFORCEMENT AUTHORITY AND INTERAGENCY RELATIONSHIPS

NUPD maintains a close working relationship with the Toronto Police Service, and other state and federal law enforcement agencies within Toronto, and all appropriate elements of the criminal justice system. The Toronto Police Service has full law enforcement authority, which includes authority to fully investigate and power of arrest. Toronto Police Service 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 Toronto. Crime related reports and statistics are routinely exchanged. NUPD routinely collaborates with these local law enforcement agencies in Toronto.

### 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 Toronto Police Service immediately, or as soon as possible if the victim is initially unable to file a report. The 52 Division of the Toronto Police Service is located at 255 Dundas St. W. Toronto, ON, M5T 2W5 and can be contacted by calling 416-808-5200.

NUPD maintains direct contact with the Toronto 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 Party<sup>4</sup> 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 Affected Party that the University

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

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.

#### STATISTICAL DISCLOSURES CONCERNING MATTERS REPORTING TO CONFIDENTIAL RESOURCES

The University offers confidential resources for medical treatment, emotional support and counseling through Confidential Employees. Confidential Employees<sup>5</sup> 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](mailto:csds@neu.edu)

617-373-2728

Contact ViSION:

<http://www.northeastern.edu/vision/>

[open@northeastern.edu](mailto: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

Fire Department  
Toronto Fire Station 332  
260 Adelaide Street West  
Toronto, ON M5H 1X6

Phone: (416) 338-9050

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<sup>5</sup> 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.

Police Department  
52 Division of the Toronto Police Service  
255 Dundas St. W.  
Toronto, ON, M5T 2W5

Phone: (416) 808-5200

Northeastern University – Toronto Campus

First Canadian Place  
100 King Street West, Suite 4620  
P.O. Box 400  
Toronto, ON M5X 1E2

Business/Administration 888-660-6938

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 Paragon Protection Ltd., property management, and Toronto Police Service. 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 Toronto campus that serve as a foundation for additional programming and services that may be offered throughout the year.

1. New Student Orientation...new students are provided with an overview of crime awareness and prevention information upon entrance into the Toronto programs.
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 (“CPCE”) 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 as encourages University community members to lookout for themselves and others.

4. Parking Facility Security...parking facilities are regularly patrolled by Paragon Protection Ltd. officers; 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. NUPD 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 NUPD in order to assist members of the University Community 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 occupies First Canadian Place 100 King Street West, Suite 4620 in Toronto. Suite 4620, used by Northeastern, is open from 9 am to 5 pm Monday through Friday. The suite remains locked and is accessible to staff and students with their husky card. The building is opened from 9 am to 6 pm and is staffed with a security desk during business hours.



Facilities used by Northeastern are monitored on-site by Paragon Protection LTD 24 hours a day 7 days a week. The Toronto campus does not offer on-campus student housing.

### Maintenance and Security of Campus Grounds and Facilities

The University maintains a very strong commitment to campus safety and security. The exterior doors to all of the Northeastern University offices are locked at all times and are accessible by student/employee ID access cards. Door and locking hardware deficiencies are reported to the building's property management company. Facilities used by Northeastern are monitored on-site by Paragon Protection LTD 24 hours a day 7 days a week.

## Timely 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 Toronto 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/toronto/>.

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 Toronto 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 name 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 Toronto 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/toronto/>, 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 Toronto 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 NU 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.<sup>6</sup> 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 Toronto Police (416.808.5200) 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 the 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

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 27.

### 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 victim files a police report.

### FILING FOR A PROTECTION ORDER

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<sup>6</sup> See the *Rights and Responsibilities under Title IX* on page 14.

## 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.

Victims 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](http://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.

## Peace Bonds and Restraining Orders

Peace Bonds and restraining orders are protection orders that a judge makes in court to help protect one person from another. Although both are based on an individual’s fears or concerns about harm or harassment, people often confuse them. Understanding the difference may help you decide which order is most appropriate for you.

What is a peace bond?

A peace bond is a protection order under the [Criminal Code](#) of Canada. The formal legal name is an “810 recognizance”. You can get a peace bond if you are afraid that another person will harm you, your partner (spouse or your common-law), your child, or damage your property. The other person could be anyone - a neighbor, an acquaintance or a family member. The peace bond is an order from the court, or an agreement that a person makes with the court, “to keep the peace and be of good behavior”. That person is called the “defendant.” You can also ask that the peace bond set out other specific conditions.

How do I get a peace bond?

Go to the nearest police or RCMP station. Tell the police why you want a peace bond. You must have a good reason to believe that you or your children might be harmed, or your property damaged. The police will ask you to give a statement in writing. Be as specific as possible about your fear. State what the other person is doing that frightens you and why. Be sure to mention any conditions that would make you feel safer.

## Restraining Orders

What is a restraining order?

A restraining order is a protection order under the New Brunswick [Family Services Act](#). It is a civil law order that is made in the New Brunswick Court of Queen's Bench. Although peace bonds, which are criminal law orders, may apply to anybody that you are afraid of, restraining orders must have a family connection. You can get a restraining, for example, as part of a custody order to stop the other person from interfering with you when he or she is exercising custody or visitation rights with the children. Contact the 52<sup>nd</sup> Division of the Toronto Police Service at 416-808-5200 with questions about restraining orders.

Do I need a lawyer to get a restraining order?

To get a restraining order you will need to make an application to the court (civil court). You do not need a lawyer to make the application, but it is recommended. If you are a victim of domestic violence, or if you are making or changing an application for support, you may be eligible for legal assistance under the domestic legal aid program.

## 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/](http://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 by 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](mailto: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](mailto:open@northeastern.edu).

### 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 2016 to include more information on resources, education, and policies. See [www.northeastern.edu/titleix](http://www.northeastern.edu/titleix), [www.northeastern.edu/vision](http://www.northeastern.edu/vision), and/or [www.northeastern.edu/open](http://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](mailto:vision@northeastern.edu)).

### RESOURCES

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

#### Local Resources:

Domestic Violence Resources

<http://www.torontopolice.on.ca/community/domesticviolence/>

<http://victimservicestoronto.com/>

Sexual Assault Resources

<http://www.torontopolice.on.ca/sexcrimes/>

#### Local Medical Resources

Toronto General Hospital – 416.340.3131

Mount Sinai Hospital – 416.586.4800

#### Off Campus Resources

Violence, Support, Intervention and Outreach Network (ViSION) can be contacted at [VISION@neu.edu](mailto:VISION@neu.edu)  
[www.northeastern.edu/vision](http://www.northeastern.edu/vision)

Office of Prevention and Education at Northeastern University (OPEN), 617.373.4459

[www.northeastern.edu/open](http://www.northeastern.edu/open)

Office of Student Conduct and Conflict Resolution, 617.373.4390  
[www.northeastern.edu/osccr](http://www.northeastern.edu/osccr)

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

Office of University Equity and Compliance (OUEC), 617.373.3543  
[www.northeastern.edu/titleIX](http://www.northeastern.edu/titleIX)

Northeastern University Police Department (NUPD), 617.373.2121  
[www.northeastern.edu/nupd](http://www.northeastern.edu/nupd)

### **Sex Offender Registry and Access to Related Information**

Ontario Sex Offender Registry can be located the following link through the Ontario Ministry of Community Safety & Correctional Services:

[https://www.mcscs.jus.gov.on.ca/english/police\\_serv/sor/sor.html](https://www.mcscs.jus.gov.on.ca/english/police_serv/sor/sor.html)

Contact 1-800-222-8477 with additional questions or concerns or the 52 Division of the Toronto Police Service at 416-808-5200.

### **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, intimidating 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 Toronto Police at 416-808-5200.

Verbal abuse, perceived intimidation, 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 Northeastern University Police Department 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 Toronto Police should be contacted immediately (416-808-5200). An incident report will be generated and an investigation will be initiated in order to attempt to locate the missing student. The Toronto Police Service 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 Toronto Police.

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 Washington State 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 the 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/uahcs/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.

#### ARREST<sup>7</sup> 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. (Drunkness and driving under the influence are not included in this definition.)

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<sup>7</sup> 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 institutional 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.

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.<sup>8</sup> For Clery purposes, hate crimes include any Clery Act felony/primary crime (murder or non-negligent manslaughter, sexual assault, robbery, aggravated assault, 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.

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<sup>8</sup> 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."

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 (“VAWA”) 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.

### **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 - Toronto Crime Statistics**

The Toronto campus opened in March 2018, therefore, statistics will not be available until 2018.