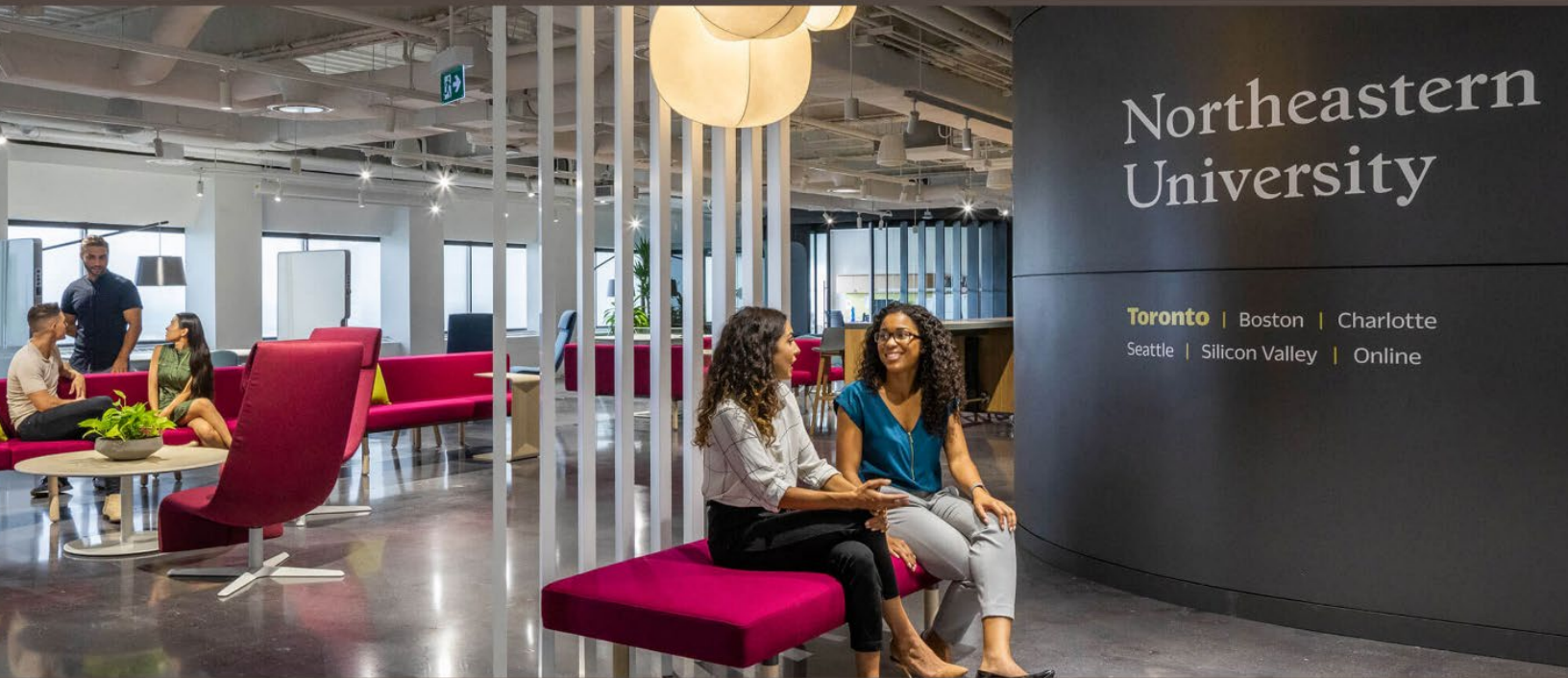




Northeastern University  
**Police**

# Annual Security Report



Northeastern  
University

**Toronto** | Boston | Charlotte  
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# TORONTO CAMPUS 2020

<https://nupd.northeastern.edu>

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## **MESSAGE FROM THE CHIEF**

Located in Toronto, ON, Northeastern University - Toronto is part of the diverse tapestry that makes this city an extraordinary place to live, learn, and grow. As a major urban university, 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 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. Not only are we all connected to Northeastern University, but we are each a part of the greater Toronto 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.

I encourage you to peruse our annual report to both discover our services and view opportunities in which you may contribute to our mission, your personal safety, and the community.

Michael A. Davis  
Vice President for Campus Safety and Policing  
Northeastern University

## **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 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 must report any crimes its employees become aware of.

Individuals are encouraged to report crimes and other incidents they become aware of to the, Regional CEO and Dean, Northeastern University, Toronto. Contact the Dean at 888-660-6938. Individuals are also encouraged to report crimes to 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 immediate, ongoing, and annual efforts involving outside law enforcement agencies as well as departments University-wide.

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

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<sup>1</sup> See page 60 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.

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 Annual Security & Fire Safety Reports <https://nupd.northeastern.edu/annual-reports/>. Each year, an email notification 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 (TPS), and other applicable law enforcement agencies within Toronto, and all appropriate elements of the criminal justice system. The TPS has full law enforcement authority, which includes authority to fully investigate and power of arrest on the Toronto campus. TPS 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 between NUPD and TPS. NUPD routinely collaborates with these local law enforcement agencies in Toronto. The Toronto campus does not have any officially recognized student organizations with non-campus locations.

Paragon Protection employees have limited responsibility for campus security on the Toronto campus, including monitoring access to buildings and checking student and employee IDs.

## **REPORTING CRIMES AND OTHER EMERGENCIES**

All members of the Northeastern University community, including students and employees, are encouraged to report crimes, suspicious activity or other emergencies to the TPS 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, and receives 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 a Complainant<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 a Complainant 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 Complainant that the University intends to proceed with an investigation, and the possibility that during the investigation, the Complainant'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 spiritual advisors at the Center for Spirituality, Dialogue and Service (CSDS) and the Office of Prevention and Education at Northeastern (OPEN) including the Sexual Violence Resource Center. Students at the regional campuses have access to these resources remotely.

Contact UHCS:

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

617-373-2772

Contact CSDS:

<https://www.northeastern.edu/spirituallife/>

[csds@northeastern.edu](mailto:csds@northeastern.edu)

617-373-2728

Contact OPEN/Sexual Violence Resource Center:

Walk-in 12:00pm-5:00pm Monday-Friday or email to arrange an alternative time

<https://studentlife.northeastern.edu/open/>

[open@northeastern.edu](mailto:open@northeastern.edu)

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<sup>4</sup> The University uses the term Complainant 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.

<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.



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

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 TPS. 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.

For prevention and education programs offered by other University offices, please see Page 52.

1. **New Student Orientation**...new students are provided with an overview of crime awareness and prevention information when they begin a program in Toronto.
2. **New Employee Orientation**...new employees are provided with campus safety and security information at the start of their employment, including 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 provided 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 Community Engagement Unit (CEU) provides crime prevention tips and strategies through video messages called "A Quick Heads up" several times throughout the year, which is featured on NUPD's social media sites. These presentations address both security procedures and practices, as well encourages University community members to lookout for themselves and others.
4. **Parking Facility Security**...parking facilities are regularly patrolled by Paragon Protection Ltd. officers; lighting is well maintained.
5. **Fire Alarm Systems.**
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 spaces 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 online

#### **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 is open from 9 am to 5 pm Monday through Friday. The suite remains locked and is accessible to staff and students with their Northeastern issued ID 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 is committed to campus safety and security. The exterior doors to the Northeastern space is locked at all times and accessible by student/employee ID card. Door and locking hardware deficiencies should be 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 an "emergency notification" 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 a severe weather hazard, serious communicable health threat, crimes that pose an immediate threat to personal safety, or other chemical or hazardous situations.

The Clery Act also requires the University to issue a "timely warning" to the campus community regarding any reported Clery Act crime that occurs within the school's Clery geography, and is deemed to represent a serious or continuing threat to the University community.

### **NU ALERT SYSTEM**

Northeastern employs the NU Alert system to communicate emergency notifications and timely warnings to the affected Northeastern University campus. A test of the NU Alert system is conducted on an annual basis to ensure proper functionality. Messages sent from the NU Alert system can be sent to university email accounts and to enrolled mobile phone numbers via text message. NU Alert messages will be sent to all community members with contact information associated with the affected campus. The NU Alert system is updated on a daily basis through centralized University

databases. Members of the community are reminded to update their University contact information at the beginning of each semester, or at any time, by visiting the myNortheastern portal.

The Office of Emergency Management, plans, publicizes, and conducts a test of the NU Alert emergency response and notification system at least annually, and maintains a record documenting each test, including a description of the test, date and time of the test, and whether it was announced or unannounced.

## **METHODS OF NU COMMUNITY NOTIFICATION**

In situations where the University needs to reach the entire campus community, targeted groups, or share additional information, one of the following methods of notification is used:

- *“Emergency Notifications”* and *“Timely Warnings”* 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 an emergency notification obligation versus a timely warning obligation. Both types of messages contain a brief description of the type of emergency along with instructions for self-protection. Both are discussed in more detail below.
- *NUPD Advisories* are a method of communication that may be used to facilitate mass email notifications to the university community, to specifically affected NU populations, or through NUPD social media accounts. NUPD advisories are utilized to share important information that does not necessarily rise to the level of an emergency notification or timely warning. They may also be used to inform the community about relevant safety awareness campaigns.

## **EMERGENCY NOTIFICATIONS**

The 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. Reported emergencies will be confirmed by police dispatched to the scene, through the use of security cameras, or a combination of both. If the NUPD confirms, based on information received from these sources, or others, that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of the Northeastern community, the University will, through NUPD, without delay, and taking into account the safety of the campus community, determine the content of the emergency notification and initiate the notification system. The only reason an emergency notification would not be immediately issued for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

The acting Sergeant on duty, or a higher ranking command staff member including the Chief of Police, the University Emergency Manager, and the Regional CEO and Dean and/or designee have the authority to prepare and disseminate an emergency notification without delay, taking into account the safety of the community. In determining an appropriate emergency notification, the University will

consider several factors, including, but not limited to, the segment of the population threatened and the nature of the immediate threat.

The emergency notification will contain information regarding the event, as well as instructions regarding immediate protective action that should be taken. The NU Alert system will send emergency notifications to the affected population via text message to mobile phones and via university email. Additional methods of communication such as voice message and/or social media may be utilized for emergency notifications. Follow up messaging will be sent to the NU community when such instructions are required and/or emergency conditions have abated utilizing the same methods of notification as the initial message at minimum.

### **TIMELY WARNINGS**

The University, through the NUPD, issues timely warnings concerning Clery Act crimes that occur on the University's Clery geography, where those crimes pose a confirmed, 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 whether there exists a continuing threat to the campus community, whether the perpetrator has been apprehended, and the possible risk of compromising law enforcement efforts.

The Chief of Police or designee has the authority to issue timely warnings. The process the University will follow when determining whether to issue a timely warning is designed to expedite the decision-making process, and initiate 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 other University departments (e.g., Student Affairs). This consultation may be conducted in person, or via electronic means, 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 to the impacted University students, faculty and staff.

Timely warnings will also be posted on the NUPD safety notification webpage at <https://nupd.northeastern.edu/safety-notifications>.

### **REPORTING CRIMES**

Crimes and emergencies occurring on campus should be reported directly to the TPS, particularly where an incident may involve the need for issuance of a notification to the Northeastern community. TPS can be contacted at (416) 808-5200.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The Office of Emergency Management is responsible for coordinating university responses to emergencies, in accordance with established emergency operations plans. Emergency operations plans are developed for each campus and follow the facets of the Incident Command System (ICS). Members of the Northeastern community should familiarize themselves with the NU Emergency Guidebook, found online at <https://nupd.northeastern.edu/guide>. The NU Emergency Guidebook is also available in print through the Office of Emergency Management.

Exercises are conducted at least annually to assess one or more core capabilities in the areas of prevention, protection, mitigation, response, and recovery. Exercises range from full-scale exercises to tabletop exercises, and align with the U.S. Department of Homeland Security's Exercise and Evaluation Program (HSSEP). Exercises are scheduled and announced by University email notification to minimize the impact to the campus. All exercises are documented, including a description of the exercise and the date and time it occurred. Exercise objectives are evaluated through an exercise evaluation process involving outside organizations and agencies, which leads to after action reporting and improvement planning. Emergency operations plans are revised every three years and exercise after action reports are used in the revision process.

## **EMERGENCY EVACUATION**

In the event that it becomes necessary to evacuate a building, the fire alarm system, or in some buildings a public announcement system, may be used to notify occupants. When the fire alarm sounds, proceed quickly and calmly to the nearest exit or follow the instructions provided over the announcement system. Always bring essentials with you such as an ID, purse, keys, or jacket—you could be displaced from the building for an extended period of time. Do not use elevators. It is recommended that you familiarize yourself with two means of exit from areas where you routinely work, study, or live. Remain outside the building until a public safety official authorizes reentry or directs you to an area of safety if the evacuation will be for an extended period of time.

Northeastern's emergency response and evacuation procedures are publicized at least once a year via university email. Visit <https://nupd.northeastern.edu/guide> for more information on emergency response and evacuation procedures.

## **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."

The U.S. Department of Education issued new Title IX regulations regarding campus sexual harassment that went into effect on August 14, 2020. As a result, Northeastern updated its Policy on Rights and Responsibilities Under Title IX to be in compliance with the new federal regulations. The university also updated the Policy on Sexual Harassment (now the university's Policy on Sexual and Gender Based Harassment) to address conduct that is now outside the scope of Title IX, according to the new federal regulations.<sup>7</sup>

### **REPORTING PROHIBITED OFFENSES**

Complainants are urged to report Prohibited Offenses to TPS (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 Complainant.

University policy dictates that University officials who are informed in their official capacities of occurrences of Prohibited Offenses must encourage reporting parties to 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 a Complainant to obtain medical care for injuries, sexually transmitted diseases, and psychological trauma. In addition, a Complainant 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 a Complainant to file a police report. Rather, a forensic examination helps preserve possible evidence should a Complainant choose to file a police report at a later time. For local medical resources, please see Page 54.

### **ASSISTANCE NOTIFYING LAW ENFORCEMENT**

A Complainant 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 a Complainant reports to NUPD, a University Police investigator, specially trained in dealing with a Complainant of sexual assault, will present the Complainant with a full range of options and services available so the Complainant can choose the most appropriate course of action. In the event a Complainant 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 15.

<sup>7</sup> See the *Policy Prohibiting Sexual and Gender Based Harassment* on page 37.

## No Contact Orders

A Complainant 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 Complainant 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 Complainant.

Victims can make a request for a No Contact order by contacting one of the following departments:

- NUPD (617.373.2121)
- The Office of University Equity and Compliance (OUEC) (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 Family Law Act. It is a civil law order that is made in the Ontario Court of Justice. 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**

Northeastern 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 and 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.

This Policy articulates how the university will respond to reports of discrimination on the basis of sex (as defined below as Prohibited Offenses), in compliance with Title IX of the Education Amendments of 1972 ("Title IX"), as well as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), and the Violence Against Women Reauthorization Act ("VAWA") of 2013 as defined below. This policy provides a consolidated statement of the rights and responsibilities of university community members under this policy and describes how individuals may report



allegations of Prohibited Offenses to the university; how the university will coordinate the prompt and equitable investigation of allegations of Prohibited Offenses; how the university will identify the roles of and deliver the rights and responsibilities of individuals involved in the investigative process; how the university will provide supportive measures and remedies, resolution process, and relevant disciplinary actions; and how the university will train the campus community about this Policy.

### **A. Jurisdiction**

This Policy applies to all members of the university community, including students, employees, faculty, staff members, volunteers, and guests in connection with university activities. It only applies to allegations of Prohibited Offenses against students, faculty, or staff members in the United States:

- a. that occur in the context of a university education program or activity, including but not limited to research, and the admission and employment processes, university cocurricular, athletic, or other university programs;
  - i. this includes locations, events, or circumstances over which the university exercises substantial control over both the respondent and the context in which the Prohibited Conduct occurs; or
- b. that occur in any building owned or controlled by a student organization that is officially recognized by the university<sup>8</sup>.

This Policy does not apply to conduct alleged by Third Party complainants against university community members.

Reports of discrimination based on a Protected Category (race, color, religion, religious creed, genetic information, sex (including pregnancy or pregnancy related condition), gender, gender identity, sexual orientation, age, national origin, ancestry, veteran or disability status) are addressed by the university's Policy on Equal Opportunity.

Reports of allegations of Sexual Assault, Sexual Harassment, Domestic Violence, Intimate Partner Violence, Dating Violence, Stalking and Retaliation that occur outside the jurisdiction of this policy, including those allegedly occurring within the context of a university education program or activity or outside of the United States, are addressed by the University's Policy Prohibiting Sexual and Gender-Based Harassment. All reports of alleged discrimination can be reported to the Office for University Equity and Compliance ("OUEC") at <https://www.northeastern.edu/ouec/file-a-complaint/>.

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<sup>8</sup> This does not include buildings owned or controlled by individual members of a recognized student organization or off-campus buildings used, but not owned or controlled, by a recognized student organization.

In the event of any conflict or inconsistency between this Policy and other university policies or procedures that may relate to the subject matter hereof, the university will determine which policy takes precedence.

## DEFINITIONS

For purposes of this Policy:

### A. Prohibited Offenses

**Prohibited Offenses** are the conduct prohibited by this policy and includes Sexual Harassment, Sexual Assault, Domestic Violence, Intimate Partner Violence, Dating Violence, Stalking and Retaliation.

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee or other community member of the university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (Quid pro quo sexual harassment);
2. Unwelcome conduct determined by a reasonable person standard to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or
3. One of the following Prohibited Offenses:
  - **Sexual Assault** is any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent.

Sexual assault includes:

- Rape: The carnal knowledge of a person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- Sodomy—Oral or anal sexual intercourse with another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent

because of their age or because of their temporary or permanent mental or physical incapacity.

- Fondling: The touching of the private body parts, such as breasts, buttocks, groin, genitals, or the clothing covering them, of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

This also includes forcing or coercing another person to touch themselves or someone else with or on someone's breasts, buttocks, groin, genitals, or the clothing covering them.

- Statutory Rape: Unforced sexual intercourse with a person who is under the statutory age of consent in the state where the sexual intercourse took place

- **Dating Violence** means the use, attempted use, or threatened use of physical force against a person or property of another committed by a person:
  1. who is or has been in a relationship of a romantic or intimate nature with the Complainant; and
  2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - a. The length of the relationship.
    - b. The type of relationship.
    - c. The frequency of interaction between the persons involved in the relationship.
- **Domestic Violence** means the use, attempted use, or threatened use of physical force against a person or property of another:
  - by a current or former spouse or intimate partner of the Complainant,
  - by a person with whom the Complainant shares a child in common,
  - by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner,
  - by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Massachusetts, or
  - by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Massachusetts.

- Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Examples of stalking include, but are not limited to, acts in which a person follows, monitors, observes, surveils, or threatens someone, conducted in person directly, indirectly, or through third parties, or by mail, phone, electronically, or social media.

- **Retaliation** is any intentional or attempted adverse or negative act against a person who in good faith makes a report, serves as a witness, or participates in an investigation or adjudication process regarding an alleged violation of a Prohibited Offense, the Code of Student Conduct, or other university policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Offenses.

## **B. Other Definitions**

**Actual knowledge** means notice of allegations of a Prohibited Offense to:

- Northeastern's Title IX Coordinator; or
- any official of the University who has authority to institute corrective measures on behalf of Northeastern, including:
  - Any member of the OUEC; and/or
  - Northeastern University Police Department.

This standard is not met when the only official of the university with actual knowledge is the Respondent.

**Advisor** refers to an individual chosen by a Complainant or Respondent to provide support and guidance through the investigatory and disciplinary processes of this Policy, including at interviews, meetings and hearings. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation. The Advisor role is addressed further in Section III (N) of this Policy.

An **Administrative Hearing** is the adjudication process for cases where employees are the Respondent in an investigation under this Policy. The hearing is conducted by a single administrator of a trained pool of University employees and, at the discretion of the Title IX Coordinator, external professionals, trained to adjudicate allegations of Prohibited Offenses. If a potential violation is referred by the Title IX Coordinator to an Administrative Hearing, the Hearing Officer will review the Investigative Report and facilitate the hearing to affirm whether the Investigator's recommended findings are supported by a preponderance of the evidence of Policy violations and, if applicable, determine any appropriate sanction(s).

**Allegation** is a concern reported to the university that a Prohibited Offense has been committed.

**Case Manager** refers to the university employee responsible for facilitating access to resources and supportive measures, as listed in Section III(O) of this Policy, for student Complainants and student Respondents.

**Charged Student** means any student charged by the university with a violation of a university Policy. This designation takes place at the conclusion of an investigation if the Title IX Coordinator determines that the Investigative Report contains information that constitutes an allegation of a Prohibited Offense by a Respondent. The Director of OSCCR or designee will notify the party of charges during a pre-hearing meeting.

The **Clery Act** is a federal law that governs the publication of the Campus Security Policy, the reporting of campus crime statistics, and certain aspects of the university's response to, and investigation of, Prohibited Offenses.

**Coercion** means the use of an unreasonable amount of pressure to initiate or continue sexual activity against an individual's will. Coercion is more than an effort to gain consent, or persuade, entice, or attract another person to engage in sexual activity. Coercion is addressed further in Section III(R)(iii) of this Policy.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute a Prohibited Offense that is reported to the university. The rights and obligations under this policy of Complainants who are employees differ from those of students and are separately addressed in Section III(Q) of this Policy.

**Confidential Employee** refers to university employees who are bound by their profession to confidentiality and, therefore, are not required to disclose information about Prohibited Offenses to the Title IX Coordinator without prior consent of the Reporting Party. Additional information about Confidential Employees can be found in Section III(C) of this Policy.

**Consent** means a voluntary, affirmative agreement to engage in sexual activity proposed by another; it requires mutually understandable and communicated words and/or actions that would demonstrate to a reasonable person agreement by both parties to participate in sexual activity. Consent is addressed further in Section III(R)(i).

**Emergency Removal** is the process for removing a student respondent from the university's education program or activity on an emergency basis. The university will conduct an individualized safety and risk analysis, and if it is determined that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Prohibited Offense, the student may be removed. When students are removed through this process, the university will provide the Respondent with notice and an opportunity to challenge the decision within three business days of removal, absent extenuating circumstances.

**Employees** are Northeastern University faculty and staff members, for the purpose of this Policy.

**Incapacitation** means a state where someone cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why, or how of their sexual activities. Incapacitation is addressed further in Section III(R)(ii).

**Intercourse** means vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact. Vaginal penetration occurs, when the penis, other body part, or object touches the vulva or the labia majora, which is the outermost part of the female genital organ.

**Investigative Report** means the written document produced by the OUEC after completion of the university's investigation into a report of an alleged Prohibited Offense. The Investigative Report may reference or rely upon facts gathered by prior investigators, including but not limited to the Northeastern University Police Department, local law enforcement or external investigators. The Investigative Report will outline the investigator's findings of fact and recommend findings regarding violations of university policy, as applicable.

**Respondent** means the individual who has been reported to be the perpetrator of a Prohibited Offense. The rights and obligations of employee respondents differ from those of student Respondents and are separately addressed in Section III(P) of this Policy.

**Restorative Conferences** is an option through the Informal Resolution Procedure where students who take responsibility for engaging in behavior prohibited by this Policy that caused harm are offered the opportunity to come together with the party asserting harm, community members, and facilitators to explore ways that the harm can be redressed. This process is voluntary for all parties.

**Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive Measures are addressed further in Section III.

**Third Party** refers to any individual who is not a Northeastern University student, faculty member, or staff member (e.g., vendors, alumni, students at another college or university or local residents).

**Title IX** is a federal law that prohibits discrimination based on sex in educational institutions that receive federal financial aid.

**Title IX Board** consists of three members, including one student, of a trained pool of the university community and, at the discretion of the Title IX Coordinator, external professionals, trained to adjudicate allegations of Prohibited Offenses where a student is the Respondent. If a potential violation is referred by the Title IX Coordinator to OSCCR, OSCCR will convene a Title IX Board which will review the Investigative Report and facilitate a live Title IX hearing to affirm whether the

Investigator’s recommended findings are supported by a preponderance of the evidence of Policy violations and, if applicable, determine any appropriate sanction(s).

**Title IX Coordinator** refers to the institutional lead and point of contact for the coordination of the university’s Title IX initiatives, compliance with Title IX, responses to reports of Prohibited Offenses, development and delivery of training and education related to sexual violence, and the assessment of the university’s effectiveness in responding to and remedying the effects of Prohibited Offenses. The Title IX Coordinator resides in the OUEC.

**Title IX Coordinating Committee** promotes a coordinated response to reported incidents of Prohibited Offenses. Accordingly, the Committee serves in an advisory capacity to the Title IX Coordinator with respect to the university’s Title IX compliance efforts. Chaired by the Title IX Coordinator, the Committee consists of representatives from Student Affairs, Northeastern University Police Departments, Office of the General Counsel, and Office of Risk Services.

**Title IX Reporter** refers to any university community member (excluding Confidential Employees), including faculty, staff and student workers who assume roles which other students may reasonably believe obligate that student worker to report allegations of a Prohibited Offense. This includes but is not limited to Resident Assistants in Residential Life, Graduate Research Assistants or Teaching Assistants. Title IX Reporters are required to immediately report allegations of Prohibited Offenses to the Title IX Coordinator.

## **POLICY**

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. Reporting Obligations for Allegations of Prohibited Offenses**

Any person who becomes aware of an alleged Prohibited Offense is strongly encouraged to report such information to the university as provided below.

University employees, except Confidential Employees, are Title IX Reporters and are obligated to report allegations of Prohibited Offenses immediately to the Title IX Coordinator. However, the university offers options for Complainants, Respondents or other non-Title IX Reporters to make confidential reports to Confidential Resources, which will not be forwarded to the OUEC for investigation or adjudication. Confidential Employees are discussed further in Section III(C).

Any Title IX Reporter who is found to have knowingly failed to make a report to the Title IX Coordinator regarding an allegation of a Prohibited Offense, is in violation of this Policy and may be subject to disciplinary action.

### **B. Timeframe for Reporting Allegations by non-Title IX Reporters**

While there is no time limit to report a Prohibited Offense for those who are not designated as Title IX Reporters, the university’s ability to respond and investigate may be impacted by the passage of time.



Therefore, Complainants and anyone with knowledge of a Prohibited Offense are strongly encouraged to report such information to the OUEC as soon as possible after the occurrence of the alleged Prohibited Offense in order to facilitate an effective response. The longer a report is delayed, the more difficult it may be for the university to investigate. 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 Respondents or material witnesses and may be unable to compel their participation or take disciplinary action. In these cases, the university will assist a Complainant to identify and access external reporting options, if applicable, and will provide support and resources. Further, at the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the university with which the formal complaint is filed.

### **C. Confidential Resources**

The university offers confidential resources for medical treatment, emotional support and counseling through Confidential Employees. Confidential Employees are not required to disclose information about Prohibited Offenses to the Title IX Coordinator without prior consent of the student.

Confidential Resources on campus include:

- University Health and Counseling Services (UHCS) staff
- Sexual Violence Resource Center (SVRC)
- The Office of Prevention and Education at Northeastern
- Center for Spirituality, Dialogue, and Service (CSDS) spiritual advisors/leaders

For a complete list of confidential resources, please go to:

<https://www.northeastern.edu/ouec/file-a-complaint/>

### **D. Reporting Options**

The university strongly encourages any person to report information relating to an alleged Prohibited Offense in any of the following ways:

*Reporting to the Title IX Coordinator:* The university's preferred mechanism to report Prohibited Offenses to the Title IX Coordinator is by completing the form available at <https://www.northeastern.edu/ouec/file-a-complaint/>. Reports can also be made in person at OUEC, by mail, by telephone or by electronic mail as listed in Section V(A). The Complainant may request anonymity as noted below in Section III(H).

*Reporting to Law Enforcement:* Community members impacted by Prohibited Offenses are strongly encouraged, but not required, to report any allegations of Prohibited Offenses directly to Northeastern University Police Department ("NUPD") as soon as possible, regardless of where the offense took place and whether or not the Respondent is known to the Complainant. As Title IX Reporters, NUPD officers will report Prohibited Offenses to the Title IX Coordinator.

Title IX investigations by OUEC and criminal investigations by law enforcement, including NUPD, may proceed simultaneously as noted below in Section III (E). Reporting a Prohibited Offense to NUPD or other local law enforcement does not commit the Complainant to future legal action.

### **E. University and Law Enforcement Investigations**

The OUEC will conduct a Title IX investigation into allegations of Prohibited Offenses when the Respondent is a Northeastern student, faculty or staff member and a Formal Complaint is filed with the Title IX Coordinator.

The Title IX Coordinator will assign one or more Title IX investigators trained in investigating complaints of sex discrimination. The investigator(s) may be internal (e.g. investigators in the OUEC, and/or investigators in the Northeastern University Police Department and/or external investigator(s) selected in the university's sole discretion.

Title IX investigations and any subsequent adjudicatory proceedings under this Policy 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 this 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. Title IX investigations will commence after law enforcement notifies the Title IX Coordinator that it has completed the initial criminal investigatory stages.

Information gathered by NUPD or other law enforcement during a criminal investigation may become part of the Title IX investigation when provided to the Title IX investigator. While a Title IX investigation may be delayed during the preliminary stages of a criminal investigation, the Title IX investigator will make efforts, in collaboration with NUPD, to obtain information gathered by law enforcement and include it in the Investigative Report.

### **F. Formal Complaints**

A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging a Prohibited Offense against a Respondent and requesting that the university investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the university with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator using the methods as identified in Section III(C) of this policy. The Formal Complaint must have the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.

If a Complainant chooses not to file a Formal Complaint against a Respondent, the Title IX Coordinator will refer the matter to the Title IX Coordinating Committee for assessment. The Committee will review the allegation in the initial report to determine if an investigation is required in order to address a potential hostile environment in a university education program or to protect the

safety of the university community. In making this determination, the Title IX Coordinating Committee will review the initial report for any of the following facts:

- the Respondent has a prior record of committing Prohibited Offenses;
- the Respondent displayed any signs of predatory behavior;
- violence or any weapons were used by the Respondent;
- other individuals were involved in the commission of the Prohibited Offense;
- the Respondent presents a continuing threat to the university community; and/or
- a hostile environment may exist in a university education program as a result of the alleged Prohibited Offense.

If the initial report contains any of the above facts or allegations, the Title IX Coordinator may sign a Formal Complaint. The Title IX Coordinator will notify the Complainant if a determination is made to proceed with an investigation and explain the Complainant's right to participate or not participate in the investigation or in any other actions undertaken by the university.

When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party of the investigation.

If the conduct alleged in the Formal Complaint (1) would not constitute a Prohibited Offense as defined in this Policy, even if proved, (2) did not occur in the recipient's education program or activity, or (3) did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct under this Policy. Such a dismissal does not preclude action by the University under another university policy.

#### **G. OUEC's Response to Reports of Prohibited Offenses**

As soon as is practicable, an Investigator from the OUEC will contact the Complainant identified in the report to schedule an initial meeting to:

- Refer them to this Policy at OUEC's website.
- Review the Complainant's Notice of Rights, Remedies and Responsibilities Regarding Reports for Title IX Form to explain avenues for resolution, including:
  - The steps involved in an both the Informal and Formal Resolution Procedures under this Policy;
  - Discuss confidentiality of university investigations;
  - Determine whether the Complainant wants to pursue a resolution through the university;
  - Refer to law enforcement, counseling, medical, academic, or other resources, as appropriate;
  - Discuss, as appropriate, possible supportive, remedial and protective measures that can be provided during the pendency of the investigative and adjudication processes.
- If the Complainant agrees to disclose information regarding the allegation, including the identity of the Respondent, the date, location, if known, and the general nature of the

alleged violation of policy and agrees to file a Formal Complaint, the Complainant will complete their Rights Form accordingly and sign the document.

#### **H. Requests for Anonymity**

Per the university's obligations under Title IX, if a Complainant pursues a Formal Complaint, Respondents will receive a Notice of Investigation which includes the identity of the Complainant, if known.

- A Complainant can make a report to the OUEC without giving their name by using a reporting form on the OUEC website.
- A student who is not a Title IX Reporter who is reporting a Prohibited Offense that happened to someone else is not required to disclose the name of the Complainant.
- Complainants may contact a Confidential Resource, as identified in this Policy, who are not required to file a report with the Title IX Coordinator.

However, if a Complainant self-identifies to the OUEC, and the Complainant requests to remain anonymous after filing a Formal Complaint, the Title IX Coordinator will not be able to honor the request for anonymity while pursuing a Resolution Option under this Policy. The university has to balance 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. This includes the Respondent's right to receive notice of allegations, including the identity of the Complainant, if known to the OUEC, if the university were to initiate a Resolution Process or take any action that affects the Respondent.

When the university is not be able to honor requests for anonymity, the Title IX Coordinator will notify the Complainant that the university intends to proceed with an investigation, and the possibility that during the investigation, the Complainant's identity may have to be disclosed to individuals who may have relevant information regarding the allegation.

#### **I. Resolution Options**

The university recognizes that it is important to take into account the needs of students involved in a Prohibited Offense. In order to provide options for pathways towards a resolution, this Policy offers two forms of resolution for Formal Complaints of Prohibited Offenses:

1. The Informal Resolution Procedure is a voluntary and remedy-driven pathway to a complaint resolution that is acceptable to the Complainant, Respondent, and the OUEC without a full university investigation and without official findings of fact.
2. The Formal Resolution Procedure provides a structured process for investigating and resolving complaints that includes official findings of fact.

The University takes all complaints of discrimination seriously and will take steps to prevent its recurrence and remedy discriminatory effects where appropriate.

##### **i. Informal Resolution Procedure Overview**

The Informal Resolution Procedure offers a way to discuss, evaluate and resolve perceived instances of Prohibited Offenses without initiating a comprehensive investigation through the Formal Resolution Procedure. The university does not require a Complainant to utilize the Informal Resolution Procedure prior to pursuing a Formal Resolution Procedure.

In keeping with the nature and spirit of an informal resolution, the university would not make a determination as to whether a Respondent has violated this Policy. Instead, the OUEC attempts to facilitate a mutually acceptable resolution through the use of conflict resolution techniques.

While the OUEC may resolve reports informally and appropriately based on the circumstances, the Informal Resolution Procedure cannot be utilized to resolve allegations where an employee is the Respondent and a student is a Complainant.

Informal resolutions are pursued after a Formal Complaint of an alleged violation of this Policy is filed with the OUEC, the Complainant has been fully informed of all available resolution options, and the Complainant has explicitly communicated their choice to utilize the Informal Resolution Procedure to the OUEC. A Complainant can request the Informal Resolution Procedure any time prior to the university reaching a determination regarding responsibility of a violation of this Policy.

Possible options of an informal resolution may include, but are not limited to:

- Facilitated Dialogue: a structured conversation, facilitated by a third party, between the parties can assist in facilitating an agreed solution
- Restorative Conferences
- Impact statement: a letter written by the Complainant and read by the Respondent

Possible solutions resulting from Informal Resolution may include, but are not limited to:

- a written understanding about future conduct
- establishing mutually agreed upon interim measures,
- broad-based educational programming or training for relevant individuals or groups,

or any other supportive, remedial or protective measures that can be tailored to the involved individuals to stop any unwanted behavior, prevent recurrence of the issues and remedy the effects of the particular complaint. Complainants and Respondents are not required to communicate directly with each other, unless requested and agreed to by all parties, including the OUEC.

An Informal Resolution Procedure is voluntary, and a Complainant and Respondent can withdraw from the informal process at any time before its completion and resume the grievance process with respect to the Formal Resolution Procedure, which will be facilitated by a different investigator than the one who oversaw the Informal Resolution process. If an Informal Resolution Procedure is ended by request of one of the parties, any information obtained may not be used in a subsequent Formal Resolution Procedure and hearing process. Once a complaint has been resolved through an Informal Resolution Procedure, and both parties have agreed to the terms of the resolution, the matter is

closed and the parties are precluded from resuming a Formal Complaint Procedure arising from the same allegations.

**ii. Formal Resolution Procedure Overview**

A Formal Resolution Procedure will occur when (a) a Formal Complaint of an alleged violation of this Policy is filed with the OUEC and the Complainant seeks a formal resolution; or (b) the Title IX Coordinator determines that a Formal Resolution Process is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential Complainant cannot or does not wish to proceed with the formal process, the Title IX Coordinator, may file a Formal Complaint.

The Formal Resolution Procedure of Formal Complaints of Prohibited Offenses includes a neutral, thorough and reliable investigation by OUEC into the allegations of the complaint in order to reach a determination as to whether the Respondent(s) has violated this Policy. Complainants may initiate the Formal Resolution Procedure by filing a Formal Complaint with OUEC, regardless of whether resolution under the Informal Resolution Procedure has been attempted.

The Respondent is presumed to be not responsible, and this presumption may be overcome only where the Title IX Board (cases where a student is the Respondent) or Administrative Hearing (cases where an employee is the Respondent) concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the Policy.

Once the investigation is complete, the investigator(s) will submit the Investigative Report to the Title IX Coordinator for their review.

- If the Title IX Coordinator determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy for a student Respondent, the case will be referred by the Title IX Coordinator to the Director of OSCCR, who will facilitate a live Title IX Hearing.
- If the Title IX Coordinator determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy for an employee Respondent, the case will be referred by the Title IX Coordinator to an Administrative Hearing.

The hearing process is an opportunity for the parties to address relevant issues to the determination of responsibility to be made by the Title IX Board / Administrative Hearing. A Hearing may be conducted with all parties physically present in the same geographic location or, at the discretion of the Director of OSCCR or Title IX Coordinator, any or all parties, witnesses, or other participants may appear at the Hearing virtually, with technology enabling participants simultaneously to see and hear each other. Both the student and employee hearings utilize cross-examinations by the party's advisor, and a preponderance of the evidence standard, as part of the process to determine whether to:

- i. affirm the recommended findings of Policy violations contained in the Investigative Report; or

- ii. make alternative findings of Policy violations than those contained in the Investigative Report.

If a party or witness does not submit to cross-examination at the live Title IX Hearing or Administrative Hearing, the Board/Administrator must not rely on any statement, made at any point during the investigation, of that party or witness in reaching a determination regarding responsibility; provided, however, that the Board/Administrator cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

#### **J. Timeframe for Completion of Resolution Procedures**

Both Informal and Formal Resolution Procedures will be completed in a reasonably prompt and equitable manner. The goal is to have Informal and Formal Resolution Procedures completed in approximately 90 days after a Formal Complaint is made. However, the specific circumstances (e.g., availability and cooperation of parties and witnesses, etc.) and complexity of each case could lead to investigations taking longer.

Any time frame set forth in this Policy may be extended for good cause, which may exist if additional time is necessary: to support the integrity and completeness of a resolution procedure; to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation; to accommodate the availability of witnesses or an advisor, within reason; to account for university and semester breaks; to account for complexities of a case, including the number of witnesses and volume of information provided by the parties; or for other legitimate reasons. The Investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

#### **K. Truthfulness; Participation in the Investigatory and Adjudication Processes.**

Complainants and Respondents have the right, and are strongly encouraged, to meet with an OUEC investigator to provide relevant information and identify relevant witnesses.

Complainants, Respondents and Witnesses are required to be truthful in any report or proceeding under this policy, to cooperate with the university in its investigation of Prohibited Offenses and to follow the directions of university staff and administrators. Submitting or providing false or misleading information in bad faith in connection with an allegation of Prohibited Offense is subject to disciplinary sanctions in accordance with applicable university policies. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

Notwithstanding this requirement, Complainants and Respondents may choose to participate or not in the investigation and adjudication, if applicable, of alleged Prohibited Offenses. Those that choose not to participate in a Title IX investigation willingly forego their opportunity to present information and witnesses to be included in the Investigative Report, upon which potential further proceedings will be based. If a party or witness does not submit to cross-examination at the live hearing, the



Board/Administrator must not rely on any prior statement of that party or witness in reaching a determination regarding responsibility.

While the university reserves the right to proceed with investigation, adjudication and any resulting disciplinary action in the absence of either party, the Board/Administrator cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

#### **L. Medical Amnesty**

The university seeks to remove any barriers to reporting allegations of Prohibited Offenses. Accordingly, Respondents, Complainants and student witnesses will not be subject to disciplinary sanctions for drug or alcohol offenses that may have occurred in connection with an alleged Prohibited Offense. For the full Medical Amnesty Policy, please see the Code of Student Conduct.

#### **M. Medical and Counseling Records**

Medical and counseling records of a Complainant and Respondent are privileged records that individuals are not required to disclose. However, if a party believes these records may contain relevant and material information, a party may voluntarily choose to share such records with the Investigator only after waiving the privilege in writing. Any records provided by a party becomes part of the investigative record and are available for review by the other party.

#### **N. Advisors**

The Complainant, Respondent and Witnesses may be accompanied by their respective Advisors at any meeting or interview related to the investigation and adjudication of a report under this Policy. 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, except as permitted in the cross-examination portion of a live hearing.

If a party does not have an Advisor present at the live hearing, the university will provide an Advisor of the university's choice, without fee or charge to that party, in order to conduct cross-examination on behalf of that party.

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 they may be an attorney, does not represent the party in a legal capacity in the university's process. Absent accommodation for a disability, the Complainant and Respondent 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 two exceptions to this will be (1) at the conclusion of the investigative process when the investigator(s) share a draft summary of the facts gathered during the investigation with the Complainant, Respondent and their Advisors for their review and response and (2) during the pre-

hearing meeting where they review the Investigative Report that forms the basis of the complaint. 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.

### **O. Supportive, Remedial and Protective Measures**

The university offers reasonable and appropriate measures to protect community members who are Complainants, Respondents, and witnesses, as appropriate, and to facilitate their continued access to university education programs and activities for students and work environment for employees, 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 Complainant(s) and Respondent(s) of, and promptly provide access to, the following supportive, 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 (students only);
- options for requesting a residential hall ban (students only);
- options for altering academic class schedules/obligations (students only);
- options for a leave of absence, if qualifications are met;
- options for altering student organization schedules/obligations;
- options for altering work schedule or job assignment;
- emergency removal from the university's educational program for student respondents and administrative leave from employment for employee respondents (with or without pay);
- options for alternative transportation as well as a campus escort service;
- options for seeking assistance from local law enforcement, including increased security and monitoring of certain areas of campus when possible and as deemed appropriate by the Title IX Coordinator;
- options for seeking disciplinary action against a Respondent who is a Northeastern community member;
- options for receiving a university No Contact Order; and
- options for seeking a Judicial Harassment Protection Order or a Restraining Order.

The above supportive, remedial and protective measures may be temporary or permanent and are available to Complainants even if they do not wish to participate in a Title IX or criminal investigation of the alleged Prohibited Offense. Except under extraordinary circumstances as determined by the

Title IX Coordinator, the university does not provide protective and remedial measures to Third Parties.

## **P. Overview of Procedures and Sanctions based on Status of Respondent**

### **i. Initial Meeting with Respondent**

If the Complainant wishes to file a Formal Complaint and pursue a resolution option through the university, or if the Title IX Coordinator deems that a further investigation is warranted, as soon as is reasonably practicable after the OUEC's initial meeting with the Complainant, the Investigator will send a Notice of Investigation to the Respondent via their university email account and schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Investigator will:

- Review the information in the Notice of Investigation, consistent with privacy laws, to allow Respondent to address the allegation (e.g., the name of the Complainant, the date, location, nature of the alleged violation of policy, etc.).
- Remind them of their right to be accompanied by an Advisor at any meeting or interview related to the investigation and adjudication of a report under this Policy.
- Refer them to this Policy at OUEC's website.
- Review the Complainant's Notice of Rights, Remedies and Responsibilities Regarding Reports for Title IX Form to explain avenues for resolution, including:
  - The steps involved in the Informal or Formal Resolution Procedures as requested by the Complainant;
  - Discuss confidentiality of university investigations;
  - Discuss, as appropriate, available supportive, remedial and protective measures that can be provided during the pendency of the investigative and adjudication processes and any being provided to the Complainant that would directly affect the Respondent.
  - Discuss non-retaliation requirements;
  - Refer to law enforcement, counseling, medical, academic, or other resources, as appropriate.

### **ii. Allegations Where the Respondent is a Student**

A student found responsible for a Prohibited Offense will be subject to disciplinary action up to and including expulsion from the university. The range of possible disciplinary sanctions for student violations of this Policy will be imposed in accordance with the Code of Student Conduct.

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.

**iii. Allegations Where the Respondent is an Employee**

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.

An employee found responsible for a Prohibited Offense will be subject to disciplinary action in accordance with applicable university policies, ranging from a warning or disciplinary action up to and including permanent separation from the university.

Other potential sanctions may include employment probation, restrictions, attendance in an educational program, or referral to treatment.

**iv. Allegations Where the Respondent is Both a Student and an Employee**

If there is a question as to the predominant role of the Respondent, the Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances, including which role predominates in the context of the Prohibited Offense. Further, where a Respondent is both an employee and student, they may be subject to any of the sanctions applicable to students and employees.

**v. Allegations Where the Respondent is a Third Party**

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 may investigate the allegations. The university will assist the Complainant in making a report to the appropriate law enforcement agency with jurisdiction over the incident, and will provide appropriate supportive, remedial and protective

measures as well as ongoing assistance to the Complainant to facilitate their participation in the criminal process.

#### **Q. Standard of Review**

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

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the university.

#### **R. Consent, Incapacitation and Coercion**

##### **i. Consent**

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), or those who are unable to understand the who, what, when, where, why, or how of their sexual activities as a result of incapacitation due to a cognitive disability, intoxication by alcohol or other drug consumption (voluntary or involuntary), or those who are unconscious, 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.

##### **ii. Incapacitation**

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, signs could include, but are not limited to, some or all of the following:

- 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,
- Would 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.

### **iii. Coercion**

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, including severe and/or pervasive intimidation, manipulation, threats, and blackmail, which causes a person to engage in unwelcome sexual activity, (2) the intensity of the pressure, (3) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

## **S. Options and Rights in the Adjudication Process**

Adjudication Processes: Upon completion of a Title IX investigation, an Investigative Report will be forwarded to the Title IX Coordinator. If the Title IX Coordinator determines that the Investigative Report contains information that constitutes an allegation of a Prohibited Offense, the case will be referred by the Title IX Coordinator to the Director of OSCCR for student Respondents, or to a Hearing Administrator for employee Respondents.

Outcome and Appeals: Upon conclusion of the adjudicatory process, the Complainant and Respondent will receive simultaneous notification in writing of the outcome. This notice will be delivered to the Complainant's and Respondent's university email accounts. The Complainant and Respondent have the right to appeal the outcome of any adjudicatory proceedings.

Request to withdraw the Formal Complaint by the Complainant: If at any time during the course of an investigation or hearing, a Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein against an Respondent, 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. In making this determination, the Title IX Coordinating Committee will review the Investigative Report for any of the following facts:

- the Respondent has a prior record of committing Prohibited Offenses;
- the Respondent displayed any signs of predatory behavior;
- violence or any weapons were used by the Respondent;
- other individuals were involved in the commission of the Prohibited Offense;
- the Respondent presents a continuing threat to the university community; and/or
- a hostile environment may exist in a university education program as a result of the alleged Prohibited Offense.

If the Investigative Report contains any of the above facts or allegations, an Investigative Report will be forwarded for adjudication consistent with the status of the Respondent as student or employee. The Title IX Coordinator will notify the Complainant if a determination is made to proceed with an investigation and explain the Complainant's right to participate or not participate in the investigation or in any other actions undertaken by the university.

#### **T. Record Retention**

Records created and maintained pursuant to this Policy will be retained for a period of seven years by the OUEC unless destruction or expungement is authorized by the Title IX Coordinator, who may act in accordance with a duly executed and binding settlement of claim, and/or by court order.

Records include:

- (A) An articulation for Emergency Removal process, if any, and the result of any challenge.
- (B) Investigative Reports for an alleged Prohibited Offense that issues a determination regarding responsibility
- (C) Any audio or audiovisual recording or transcript
- (D) Any supportive measures taken
- (E) Any disciplinary sanctions imposed on the respondent
- (F) Any remedies provided to the complainant designed to restore or preserve equal access to the university's education program or activity
- (G) Any appeal and the result
- (H) Any informal resolution and the result
- (I) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an Informal Resolution Procedure.



#### **U. Confidentiality of University Records**

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The university is committed to protecting the privacy of all parties involved in any aspect of this Policy and will not share any such information except on a need-to-know basis for the purposes of assessing, investigating and resolving the alleged Prohibited Offense and providing access to interim remedial and protective measures. The university will also share information as required by federal, state, or local law or as required by valid subpoena or court order.

#### **V. Confidentiality of the Investigation**

All parties and advisors are required to keep confidential all documents 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 outside of the investigation and adjudication processes may be considered Retaliation. However, the university cannot restrict the ability of either party to discuss the allegations under investigation.

#### **W. Training of Hearing Board Members**

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 an Complainant'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.

#### **X. Training and Education for the University Community**

Members of the university community are expected to promote an environment free from Prohibited Offenses. Members of the university community are encouraged to take reasonable, safe, and prudent actions to prevent or stop the commission of Prohibited Offenses. Community 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, safe and positive bystander intervention; reporting procedures and options; and information concerning rights under Title IX, as described in this Policy.

#### **Y. Review of Trends and Effectiveness**

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 discrimination prohibited by Title IX. The Title IX Coordinating Committee will review the results of the 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.

## **Policy Prohibiting Sexual and Gender-Based Harassment**

### **I. Purpose and Scope**

Northeastern University is committed to providing equal opportunity to its students and employees in an environment free of Sexual and Gender-Based harassment. Because Sexual and Gender-Based Harassment interferes with the expectation that all individuals at the University will learn and work in an environment that is free from discrimination, it will not be tolerated in any form.

This Policy applies to all members of the University community, including students, faculty, staff, affiliates, and volunteers when acting on behalf of the University, whether on or off campus, as well as to contractors, parents, and visitors when they are on University property. It further applies to allegations of sexual and gender-based harassment involving students, faculty, or staff members that occur:

- on or off property owned or controlled by the university;
- in the context of a university education or research program or activity, including but not limited to university-sponsored study abroad, or other affiliated programs, or employment; or
- outside the context of a university education or research program or activity, or employment, but which nonetheless creates a hostile environment in a university education or research program or activity, or employment environment.

Reports of Title IX Prohibited Offenses, including Sexual Assault, Sexual Harassment and Domestic or Intimate Partner Violence, are not covered under this policy but instead are addressed by the University's Policy on Rights and Responsibilities Under Title IX and its accompanying procedures.

### **II. Definitions**

#### **Abuse**

- Verbal abuse is the extreme or excessive use of language, often in the form of insults, name-calling, and criticism, designed to mock, shame, embarrass, or humiliate an intimate partner. Verbal abuse often has the aim of diminishing the Complainant's self-esteem, dignity, or security. Singular statements and isolated incidents will likely fall short of this sufficiency standard.
- Physical violence or abuse occurs when one intentionally or recklessly (1) causes bodily harm; (2) attempts to cause another bodily harm; or (3) puts another in reasonable fear of imminent bodily harm.
- Emotional and psychological abuse involves a persistent pattern or prolonged climate of dominating or controlling behavior, often involving some type of power imbalance. The Respondent's behavior is often intended to terrorize, intimidate, isolate, or exclude an intimate partner.

**Advisor** refers to an individual chosen by a Complainant or Respondent to provide support and guidance through the investigatory and disciplinary processes of this Policy, including at interviews, meetings and hearings. The advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation.

**Coercion** means the use of an unreasonable amount of pressure to initiate or continue sexual activity against an individual's will. Coercion is more than an effort to gain consent, or persuade, entice, or attract another person to engage in sexual activity.

**Complainant** is the person alleging they were subjected to discrimination or harassment.

**Complaint** is an allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with this Policy.

**Consent** means a voluntary, affirmative agreement to engage in sexual activity proposed by another; it requires mutually understandable and communicated words and/or actions that would demonstrate to a reasonable person agreement by both parties to participate in sexual activity.

**Confidential Employee** refers to university employees who are bound by their profession to confidentiality and, therefore, are not required to disclose information about violations of this Policy to the Office of University Equity and Compliance without prior consent of the Reporting Party. Additional information about Confidential Employees can be found in Section III(C) of this Policy.

**Emergency Removal** is the process for removing a student respondent from the university's education program or activity on an emergency basis. The university will conduct an individualized safety and risk analysis, and if it is determined that there exists an immediate threat to the physical health or safety of any student or other individual arising from the allegations of violations of this Policy, the student may be removed from the university community. When students are removed through this process, the university will provide the Respondent with notice and an opportunity to challenge the decision within three business days of removal, absent extenuating circumstances.

**Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression that has the purpose or effect of creating a hostile living, learning, or working environment.

**Hostile Environment** exists when the conduct is sufficiently severe, pervasive and objectively offensive that it unreasonably interferes with, or deprives an individual from participating in or benefiting from, the university's education or employment programs and/or activities or unreasonably interferes with an individual's work or academic performance. Conduct must be deemed severe, pervasive and offensive from both a subjective and an objective perspective (application of the reasonable person standard).

**Retaliation** is any intentional or attempted adverse or negative act against a person who in good faith makes a report, serves as a witness, or participates in an investigation or adjudication process

regarding an alleged violation of a university policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy.

Retaliation does not include good faith actions lawfully pursued in response to a report under this Policy.

**Respondent** means the individual who has been reported to be the perpetrator of a sexual or gender-based harassment as defined by this Policy.

**Sexual Exploitation** means when a person(s) takes non-consensual sexual advantage of another, for any purpose. Sexual Exploitation includes but is not limited to:

- *Inducing Incapacitation for the Purpose of Sexual Activity*: Providing drugs, alcohol, or other substances to a person(s) with or without their knowledge, with the intent to impair their ability to withhold consent or their ability to knowingly consent to sexual activity.
- *Photographing or Video/Audio Taping of Sexual Activity*: The intentional viewing, filming, photographing, and/or recording in any manner or by any means transmitting and/or disseminating any recording of any type of sexual acts, partial or full nudity, and/or related materials, sounds, or images of another person without the consent of all parties involved. *Voyeurism*: The act of intentionally observing, spying on or listening to a person(s) involved in sexual activity or in any state of undress. Voyeurism also occurs when an individual allows others to observe this behavior without the consent of all parties involved.

**Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following:

1. An employee or other community member of the university conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (Quid pro quo sexual harassment);
  - Unwelcome conduct of a sexual nature that is not covered under the jurisdiction of Title IX Sexual Harassment, determined by a reasonable person standard to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.

**Domestic Violence** means the intentional infliction of physical, sexual, or psychological harm on a current or former partner or spouse. Domestic Violence includes Dating, Intimate partner, and Relationship Violence.

**Sexual Assault** consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Consent.

- **Non-Consensual Sexual Contact** is any intentional touching of a sexual nature performed by a person upon another person, without the consent of all parties involved, including:
  - the intentional touching of the intimate body parts of another—such as breasts, buttocks, groin, genitals, or the clothing covering them.
  - forcing or coercing another person touch you or themselves with or on someone's breasts, buttocks, groin, genitals, or the clothing covering them.

- **Non-Consensual Sexual Intercourse** is any oral, anal, or vaginal penetration, however slight, by an inanimate object, penis, or other bodily part without the consent of all parties involved;
  - forcing or coercing another person to penetrate someone else;
  - the attempted oral, anal, or vaginal penetration of an individual(s) by an inanimate object, penis, or other bodily part without the consent of all parties involved.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress (i.e. significant mental suffering or anguish).

Examples of stalking include, but are not limited to, acts in which a person follows, monitors, observes, surveils, or threatens someone, conducted in person directly, indirectly, or through third parties, or by mail, phone, electronically, or social media.

**Third Party** refers to any individual who is not a Northeastern University student, faculty member, or staff member (e.g., vendors, alumni, students at another college or university or local residents).

### III. Policy

Northeastern University strictly prohibits all forms of Sexual and Gender-Based harassment by any member of the Northeastern community, including visitors to Northeastern campuses.

The University reserves the right to address any behavior that it considers inappropriate or inconsistent with University expectations, standards or values, even though such behavior may not rise to the level of discrimination pursuant to this Policy or under state or federal law. Nothing in this policy is intended to limit the authority of Northeastern University to take appropriate action against any individual who violates University rules or policies, whether or not the conduct constitutes a violation of this Policy. The University may assume the role of a Complainant and pursue a report or complaint of Sexual or Gender-Based harassment either informally or formally.

#### A. Prohibited Conduct Under this Policy

Sexual or Gender-Based Harassment includes the following conduct as defined in this Policy when the conduct does not meet the definition of a Title IX Prohibited Offense:

- Domestic Violence (Dating, Intimate partner, and Relationship Violence)
- Gender-Based Harassment
- Quid Pro Quo Harassment
- Retaliation
- Sexual Assault (Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse)
- Sexual Exploitation
- Stalking

#### B. Sexual Harassment and Title IX

Reports of Title IX Prohibited Offenses (sexual harassment, sexual assault, domestic violence, intimate partner violence, dating violence, stalking, or retaliation) are addressed by the University's Policy on Rights and Responsibilities Under Title IX and separate procedures referenced in that policy, which outline the investigation and resolution of claims of Prohibited Offenses. Reports of Prohibited Offenses can be reported to the Office for University Equity and Compliance (OUEC) by completing the form available at: Reporting to OUEC or in person at OUEC. OUEC's policy, as well as other helpful information can be found at <https://www.northeastern.edu/titleix/>. The university reserves the right to address allegations of Prohibited Offenses under this Policy when the behavior occurs outside of the parameters of the university's Policy on Rights and Responsibilities Under Title IX and within the parameters set above.

In the event of any conflict or inconsistency between this Policy and other university policies or procedures that may relate to the subject matter hereof, the university will determine which policy takes precedence.

### **C. Consent, Incapacitation and Coercion**

#### **i. Consent**

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), or those who are unable to understand the who, what, when, where, why, or how of their sexual activities as a result of incapacitation due to a cognitive disability, intoxication by alcohol or other drug consumption (voluntary or involuntary), or those who are unconscious, 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.

#### **ii. Incapacitation**

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, signs could include, but are not limited to, some or all of the following:

- 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,
- Would 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.

### **iii. Coercion**

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, including severe and/or pervasive intimidation, manipulation, threats, and blackmail, which causes a person to engage in unwelcome sexual activity, (2) the intensity of the pressure, (3) the degree of isolation of the person being pressured, and (4) the duration of the pressure.

## **D. Reporting Expectations and Obligations**

The University encourages anyone who becomes aware of possible Sexual or Gender- Based Harassment to immediately report it to the OUEC. All faculty and staff, except Confidential Employees, are expected to report any potential violation of this policy as described in Section III (C). The OUEC is responsible for enforcing University policies prohibiting discrimination, including this Policy.

If there is any immediate health, wellness or safety concern, individuals are strongly encouraged to first report the incident to the Northeastern University Police Department (NUPD).

- Emergency: 617.373.3333
- Non-Emergency: 617.373.2121)

Faculty and staff are obligated to be immediately available to investigators and to be truthful and forthcoming. Lack of cooperation may subject the individual to disciplinary action. If parties refuse to cooperate and/or respond in a timely manner, the OUEC may take any specific action it deems necessary and appropriate to address the situation based on the information available. Failure to cooperate in the review of a complaint of Sexual or Gender-Based Harassment or Retaliation may be grounds for discipline, up to and including suspension or termination.

All community members are expected to provide truthful information in any report or proceeding under this Policy, and have the responsibility to keep information related to such report or proceeding private.

### **E. Confidential Resources**

The university offers confidential resources for medical treatment, emotional support and counseling through Confidential Employees. Confidential Employees are not required to disclose information about alleged violations of this Policy to the OUEC without prior consent of the student. Confidential Resources on campus include:

- University Health and Counseling Services (UHCS) staff
- Sexual Violence Resource Center (SVRC)
- The Office of Prevention and Education at Northeastern (OPEN)
- Center for Spirituality, Dialogue, and Service (CSDS) spiritual advisors/leaders

For a complete list of confidential resources, please go to: <https://www.northeastern.edu/ouec/file-a-complaint/>

### **F. Filing a Formal Complaint**

A Complainant may choose to report allegations of Sexual or Gender-Based Harassment to the university, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action through the university. The university will support Complainants in understanding, assessing and pursuing these options.

A Formal Complaint is a document filed by a Complainant or signed by the Assistant Vice President for University Equity and Compliance (Assistant Vice President) alleging Sexual or Gender-Based Harassment against a Respondent and requesting that the university investigate the allegation or pursue a Resolution Option as identified in this Policy. A Formal Complaint may be filed with the OUEC using the methods as identified in this section. The Formal Complaint must have the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the Formal Complaint.



If a Complainant chooses not to file a Formal Complaint against a Respondent, the Assistant Vice President will review the facts in the report to determine if an investigation is required in order to address a potential hostile environment in a university education program or to protect the safety of the university community. In making this determination, the Assistant Vice President will review the report for any of the following facts:

- the Respondent has a prior record of committing Prohibited Offenses or Sexual and Gender-Based harassment;
- the Respondent displayed any signs of predatory behavior;
- violence or any weapons were used by the Respondent;
- other individuals were involved in the commission of the Prohibited Offense or Sexual and Gender-Based harassment;
- the Respondent presents a continuing threat to the university community; and/or
- a hostile environment may exist in a university education program as a result of the alleged Sexual or Gender-Based harassment.

If the initial report contains any of the above facts or allegations, the Assistant Vice President may sign a Formal Complaint. The Assistant Vice President will notify the Complainant if a determination is made to proceed with an investigation and explain the Complainant's right to participate or not participate in the investigation or in any other actions undertaken by the university. When the Assistant Vice President signs a Formal Complaint, the Assistant Vice President is not a Complainant or otherwise a party of the investigation.

**If you feel that you have been subjected to Sexual or Gender-Based Harassment, you may file a formal complaint with the Office for University Equity and Compliance:**

360 Huntington Avenue, 125 Richards Hall  
Boston, MA 02115  
Phone: (617) 373-4644  
ouec@northeastern.edu

*Reporting to the OUEC:* The university's preferred mechanism to report allegations of Discrimination to the OUEC is by completing the form available at <https://www.northeastern.edu/ouec/file-a-complaint/>. Reports can also be made in person at OUEC, by telephone or by electronic mail as listed in this section.

*Reporting to Law Enforcement:* Community members impacted by Sexual or Gender- Based harassment are strongly encouraged, but not required, to report any allegations of violations of this Policy directly to Northeastern University Police Department as soon as possible, regardless of where the offense took place and whether or not the Respondent is known to the Complainant. NUPD officers will report allegations of this Policy to the OUEC.

**i. Allegations Where the Complainant is a Third Party**

Third Party Complainants may make reports to the university of alleged violations of this Policy committed by a member of Northeastern's community by contacting NUPD and/or the OUEC.

A Third Party Complainant may participate in a university complaint resolution process, as described in this Policy.

- In order to comply with federal privacy laws, Third Party Complainants will not receive written notice of the investigator's recommended finding or OSCCR's decision of responsibility of a Northeastern community member. Further, Third Party Complainants do not have appeal rights under this policy.
- Third Party Complainants participation in the university's investigation process completes on step #11 in Appendix B.

## **ii. Allegations Where the Respondent is a Third Party**

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 Assistant Vice President 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 may investigate the allegations. The university will assist the Complainant in making a report to the appropriate law enforcement agency with jurisdiction over the incident, and will provide appropriate supportive, remedial and protective measures as well as ongoing assistance to the Complainant to facilitate their participation in the criminal process.

## **G. Enforcement**

A determination of whether conduct is considered discriminatory or harassing in violation of the University's policies is dependent upon the totality of the circumstances, including the severity and persistence of the conduct, from both a subjective and an objective perspective, and whether the conduct is objectively offensive.

The university uses a "preponderance of the evidence" standard (more likely than not that a policy violation occurred) in determining whether this policy has been violated. Any student found responsible for Sexual or Gender Based-Harassment is subject to disciplinary action up to and including expulsion from the University. An employee found to have committed Sexual or Gender Based-Harassment in violation of this policy is subject to disciplinary action up to and including termination.

## **H. Retaliation:**

It is unlawful to take adverse actions against any member of the Northeastern community for filing a complaint of harassment or discrimination, or for cooperating in an investigation of such a complaint. Retaliation against a member of the Northeastern community who, in good faith, reports alleged harassment or who participates in an investigation is a violation of this Policy. Any person who is determined to have engaged in retaliatory behavior will be subject to appropriate discipline.

Retaliation may have an adverse impact in the following areas: hiring, firing, promotions, demotions, compensation, benefits, grading, pressure to withdraw from class, ignoring, refusing requests for assistance. This list is not exhaustive.

### **I. Request for Anonymity**

If a Complainant requests to remain anonymous during an OUEC Resolution for an allegation of Sexual or Gender-Based Harassment, the Assistant Vice President 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. This includes the Respondent's right to receive notice of allegations that prompted the investigation. The university will take reasonable steps to investigate and respond to a report of a Sexual or Gender-Based Harassment 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 Assistant Vice President will notify the Complainant that the university intends to proceed with the most appropriate resolution procedure, as deemed by the OUEC, and that during the process the Complainant's identity may have to be disclosed to individuals who may have relevant information regarding the allegation.

### **J. Medical Amnesty**

The university seeks to remove any barriers to reporting allegations of Sexual or Gender-Based Harassment. Accordingly, student Respondents, student Complainants and student witnesses will not be subject to disciplinary sanctions for drug or alcohol offenses that may have occurred in connection with alleged harassment or discrimination. For the full Medical Amnesty Policy, please see the Code of Student Conduct.

### **K. Supportive, Remedial and Protective Measures for Students**

The university offers reasonable and appropriate measures to protect students who are Complainants, Respondents, and witnesses, as appropriate, and to facilitate their continued access to university education programs and activities while maintaining the integrity of any investigation into an allegation of harassment or discrimination. Upon receipt of a report of discrimination, the university will inform the student Complainant(s) and Respondent(s) of, and promptly provide access to, the following supportive, remedial and protective measures as appropriate:

- options for on- and/or off-campus medical, counseling, and other related services;
- options for temporary alternate housing arrangements, including immediate relocation to different university housing, when available;
- options for requesting a residential hall ban;
- options for altering academic class schedules/obligations;

- options for a leave of absence;
- options for altering student organization schedules/obligations;
- options for altering work schedule or job assignment;
- emergency removal from the university's educational program for student respondents and administrative leave from employment for employee respondents (with or without pay);
- options for alternative transportation as well as a campus escort service;
- options for seeking disciplinary action against a Respondent who is a Northeastern community member;
- options for receiving a university No Contact Order; and
- options for seeking a Judicial Harassment Protection Order or a Restraining Order.

The above supportive, remedial and protective measures may be temporary or permanent and are available to Complainants even if they do not wish to participate in an OUEC or criminal investigation of the alleged discrimination. While the above outlined measures represent options that are generally available to the parties, not every measure is available to every party in every circumstance. Except under extraordinary circumstances as determined by the Assistant Vice President, the university does not provide supportive, protective and remedial measures to Third Parties.

#### **L. Advisors**

The Complainant and Respondent may be accompanied by their respective Advisors at any meeting or interview related to the investigation and adjudication of a report under this Policy. 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 they may be an attorney, does not represent the party in a legal capacity in the university's process. Absent accommodation for a disability, the Complainant and Respondent 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.

#### **M. Resolution Options**

The Policy offers two forms of resolution for complaints of Sexual or Gender-Based Harassment, as well as complaints of alleged retaliation, as defined by this Policy:

1. The Informal Resolution Procedure is a voluntary and remedy-driven pathway to a complaint resolution that is acceptable to the Complainant, Respondent, and the OUEC without a full university investigation and without official findings of fact.
2. The Formal Resolution Procedure provides a structured process for investigating and resolving complaints that includes official findings of fact.

The University takes all complaints of Sexual or Gender-Based Harassment seriously, and will take steps to prevent its recurrence and remedy discriminatory effects where appropriate.

**i. Informal Resolution Procedure Overview**

The Informal Resolution Procedure offers a way to discuss, evaluate and resolve perceived allegations of Sexual or Gender-Based Harassment without initiating a comprehensive investigation through the Formal Resolution Procedure. The university does not require a Complainant to utilize the Informal Resolution Procedure prior to pursuing a Formal Resolution Procedure.

In keeping with the nature and spirit of an informal resolution, under this Procedure, the university will not make a determination as to whether a Respondent has violated this Policy. Instead, the OUEC will attempt to facilitate a mutually acceptable resolution through the use of conflict resolution techniques.

Informal resolutions are pursued after a Formal Complaint of an alleged violation of this Policy is filed with the OUEC, the Complainant has been fully informed of all available Resolution Options, and has explicitly communicated their choice to utilize the Informal Resolution Procedure to the OUEC. A Complainant can request the Informal Resolution Procedure any time prior to the university reaching a determination regarding responsibility of a violation of this Policy.

Possible outcomes of an Informal Resolution may include, but are not limited to, mediation where a third party can assist in facilitating an agreement between the parties, a written understanding about future conduct, establishing mutually agreed upon interim measures, broad-based educational programming or training for relevant individuals or groups, or any other supportive, remedial or protective measures that can be tailored to the involved individuals to stop any unwanted behavior, prevent recurrence of the issues and remedy the effects of the particular complaint.

Complainants and Respondents are not required to communicate directly with each other during the Informal Resolution process, unless requested and agreed to by all parties, including the OUEC.

An Informal Resolution Procedure is voluntary, and a Complainant and Respondent can withdraw from the informal process at any time before its completion and resume the grievance process with respect to the Formal Resolution Procedure. If an Informal Resolution Procedure is ended by request of one of the parties prior to a resolution being achieved, any information obtained may not be used in a subsequent Formal Resolution Procedure and hearing process. Once a complaint has been resolved through an Informal Resolution Procedure, the matter is closed and the parties are precluded from resuming a Formal Complaint Procedure arising from the same allegations.

The procedures for the Informal Resolution Procedure of reports of Prohibited Offenses are detailed in Appendix A.

**ii. Formal Resolution Procedure Overview**

A Formal Resolution Procedure will occur when (a) a Formal Complaint of an alleged violation of this Policy is filed with the OUEC and the Complainant seeks a Formal Resolution; or (b) the Assistant Vice

President for the OUEC or designee determines that a Formal Resolution Procedure is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential Complainant cannot or does not wish to proceed with the formal process, the Assistant Vice President, may file a Formal Complaint.

The Formal Resolution Procedure of a complaint of Sexual or Gender-Based Harassment includes a neutral, thorough and reliable investigation by OUEC into the allegations of the complaint in order to reach a determination as to whether the Respondent(s) has violated this Policy. Complainants may initiate the Formal Resolution Procedure by filing a Formal Complaint with OUEC, regardless of whether resolution under the Informal Resolution Procedure has been attempted.

The Respondent is presumed to be not responsible, and this presumption may be overcome only where the Hearing Board (where a student is the Respondent) or the Assistant Vice President or designee (where an employee is a Respondent) concludes that there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the Policy.

Once the investigation is complete, the investigator(s) will submit the Investigative Report to the Assistant Vice President for review. If the Assistant Vice President determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy, any case where a student is the Respondent will be referred by the Assistant Vice President to the Director of OSCCR, who will facilitate a 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.

OUEC responds to complaints in accordance with the procedures outlined this Policy. However, there may be circumstances that support a departure from these procedures, and, should such circumstances arise, OUEC will advise the parties.

#### **N. Timeframe for Completion of Resolution Procedures**

Both Informal and Formal Resolution Procedures will be completed in a reasonably prompt and equitable manner. The goal is to have Informal and Formal Resolution Procedures completed approximately 90 days after a complaint is made. However, the specific circumstances and complexity of each case could lead to these processes taking longer.

Any time frame set forth in this Policy may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of a resolution procedure, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, within reason, to account for university breaks, to account for complexities of a case, including the number of witnesses and volume of

information provided by the parties, or for other legitimate reasons. The Investigator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

#### **O. Confidentiality of University Records**

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"). The university is committed to protecting the privacy of all parties involved in any aspect of this Policy and will not share any such information except on a need-to-know basis for the purposes of assessing, investigating and resolving the alleged Sexual or Gender-Based Harassment and providing access to interim remedial and protective measures. The university will also share information as required by federal, state, or local law or as required by valid subpoena or court order.

#### **P. Confidentiality of the Resolution Process**

All parties are required to keep confidential all documents received from the university during the resolution and adjudication processes, and must destroy such documents and information at the direction of the university (except for outcome letters). Disclosing documents outside of the resolution and adjudication processes may be considered Retaliation. However, the university cannot restrict the ability of any party to discuss the allegations under investigation.

#### **Q. Record Retention**

All student records created and maintained pursuant to this Policy will be retained as described the Maintenance of Disciplinary Records section of the Code of Student Conduct.

#### **R. Academic Freedom**

The university is committed to academic freedom as an institution, and supports community members to express themselves, while protecting and respecting the rights of others to learn, conduct research, and carry out the essential functions of the university free from interference or obstruction. When addressing complaints of violations of this Policy, the university will take all permissible actions to respond appropriately while respecting the rights of academic freedom in accordance with applicable University Policy.

#### **S. Training and Education for the University Community**

Every member of the university community is responsible for promoting an environment free from Sexual and Gender-Based Harassment and Discrimination. All members of the community are encouraged to take reasonable, safe, and prudent actions to prevent or stop the commission of all forms of discrimination. 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 discrimination. Such education includes definitions of Sexual and Gender- Based Harassment; best practices for risk reduction, safe and positive bystander intervention; reporting procedures and options; and information concerning rights as described in this Policy. Faculty and staff have the obligation to complete mandatory anti-harassment training.

#### **IV. Additional Information**

The University's Policy on Sexual and Gender-Based Harassment is available online at <http://www.northeastern.edu/policies/> and the university's nondiscrimination policies and related grievance procedures are available at <https://www.northeastern.edu/ouec/> and in the Office for University Equity and Compliance which is located in 125 Richards Hall.

In addition to the above, if you believe you have been subjected to Sexual or Gender- Based Harassment, you may file a formal complaint with any of the government agencies set forth below. Using our internal complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

The Regional Director, Office for Civil Rights, United States Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02109; (617) 289-0111 [www.ed.gov/ocr](http://www.ed.gov/ocr)

Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Suite 601, Boston, Massachusetts 02108-1518; (617) 994-6000, [www.mass.gov/mcad](http://www.mass.gov/mcad)

Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203. (800) 669-4000, <http://www.eeoc.gov/>.

#### **V. Contact Information**

Inquiries regarding the University's nondiscrimination and harassment policies may be directed to:

Office for University Equity and Compliance  
360 Huntington Avenue, 125 Richards Hall  
Boston, MA 02115  
Phone: (617) 373-4644  
[ouec@northeastern.edu](mailto:ouec@northeastern.edu)

### **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, social marketing campaigns, 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.

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

OPEN oversees sexual violence prevention and education and provides confidential information and resources to students affected by sexual violence. OPEN is located at 307 Ell Hall, on the Boston campus, and can be reached at [open@northeastern.edu](mailto:open@northeastern.edu).

### Student Education

All incoming students receive Title IX training and have access to 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>]

The University's bystander intervention program, officially branded "Up2Us", teaches students to recognize situations that are potentially high-risk for violence and builds the confidence and skills necessary to increase proactive intervention with the goal of violence prevention. The workshop also teaches about healthy consent, resource options and how to support survivors. Up2Us can now be accessed on Canvas Commons by all members of the Northeastern community.

### Faculty and Staff Education

All new faculty members received Title IX training in 2019. 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 2019 to include more information on resources, education, and policies. See <https://www.northeastern.edu/ouec/>, and <https://studentlife.northeastern.edu/open>, for more information.

### RESOURCES AND SUPPORT

The Sexual Violence Resource Center (SVRC), located at 407 Ell Hall, on the Boston campus, continues to serve as a confidential entry point for survivors of sexual violence. OPEN staff at the center help to connect survivors with information about on- and off-campus resources and reporting options. Since

the fall of 2016, the resource center has seen increased visibility and utilization. The university's WeCare team is also available to provide academic and personal support.

Email [open@northeastern.edu](mailto:open@northeastern.edu) to set up an appointment with an SVRC staff member.

The university provides sexual violence survivors with a number of on-campus and off-campus resources to facilitate access to immediate confidential medical care and counseling services, and incident reporting. Information on services and resources of campus and community partners related to sexual violence, stalking, sexual harassment, and dating violence, can be found on the **OPEN webpage**.

With the goal of making more services more accessible, University Health and Counseling Services (UHCS), in conjunction with OPEN, continues to provide a psychoeducational support group, *HEAL*, for survivors of sexual violence.

For more resources, please 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 – 416.340.4800

<https://www.uhn.ca/OurHospitals/TGH>

Mount Sinai Hospital – 416.586.4800

<https://www.mountsinai.org/>

#### Off Campus Resources

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

<https://studentlife.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  
<https://provost.northeastern.edu/oidi/>

Office of University Equity and Compliance (OUEC), 617.373.3543  
<https://www.northeastern.edu/ouec/>

Northeastern University Police Department (NUPD), 617.373.2121  
<https://nupd.northeastern.edu/>

## **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 TPS 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.

This Policy does not address allegations of Prohibited Offenses in violation of Title IX which are governed by the Policy on Rights and Responsibilities Under Title IX. That Policy also provides separate procedures that outline reporting options and explain how the university assesses, investigates and resolves reports of Prohibited Offenses involving students.

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 to HRM/NUPD, 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 intimation, harassment or other non-emergency situations should be reported immediately to the immediate supervisor, manager, OUEC and/or Human Resources Management (HRM). For all other situations, or if you are not sure, call Human Resources Management at 617.373.2230, or the NUPD at 617.373.2121. Northeastern 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 TPS 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 TPS 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 TPS.

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 works to provide drug-free campuses and workplaces for all university employees and students. The university supports the observance of all laws and regulations governing the use, purchase and sale of alcohol. The unauthorized distribution, sale or consumption of alcohol on university-

owned or leased property is prohibited. No employee may report to work while under the influence of unauthorized drugs, alcohol or intoxicants.

Northeastern strictly prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in or on any Northeastern University property.

Northeastern fosters a community that reinforces healthy choices and encourages responsible decision-making regarding the use of alcohol and other drugs. 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 Division of 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. For non-University sponsored events at which alcohol will be served or consumed, no postings, announcements, promotions, or ticket sales may be made, placed, or distributed on Northeastern University-owned or -leased property.
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 mind-altering 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, etc.). This includes
  - a. Manufacturing or cultivation of drugs, on or off campus,
  - b. 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 applicable 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.

### **ONLINE 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 <https://www.northeastern.edu/uahcs/>
- Office of Prevention and Education at Northeastern University (OPEN) at <https://studentlife.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>9</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. (Drunkenness and driving under the influence are not included in this definition.)

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<sup>9</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 institution official who institutes a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Disciplinary action occurs where an official receiving the information initiates a disciplinary action, a record of the action is kept, and the action may, but not need have to, result in a sanction. Disciplinary actions may be initiated in both informal and formal manners and can include an interview or a simple, initial review of names submitted to an institutional official. An incident involving both an arrest and a referral for discipline is counted only as an arrest.

**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>10</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.

**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.

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<sup>10</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."

## **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

CLASSIFICATION	2017 <sup>1</sup>					CLASSIFICATION	2018					2019				
	On Campus	Student Housing	Noncampus	Public Property	Total		On Campus <sup>2</sup>	Student Housing <sup>3</sup>	Noncampus	Public Property	Total	On Campus	Student Housing	Noncampus	Public Property	Total
Murder/Non-Negligent Manslaughter	-	-	-	-	-	Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	-	-	-	-	-	Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	-	-	-	-	-	<b>Sex Offenses Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
-Rape	-	-	-	-	-	-Rape	0	0	0	0	0	0	0	0	0	0
-Fondling	-	-	-	-	-	-Fondling	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses																
-Incest	-	-	-	-	-	-Incest	0	0	0	0	0	0	0	0	0	0

-Statutory Rape	-	-	-	-	-	-Statutory Rape	0	0	0	0	0	0	0	0	0	0	0
Robbery	-	-	-	-	-	Robbery	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	-	-	-	-	-	Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0
Burglary	-	-	-	-	-	Burglary	0	0	0	0	0	0	0	0	0	0	0
Theft – Grand Auto	-	-	-	-	-	Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	1	1
Arson	-	-	-	-	-	Arson	0	0	0	0	0	0	0	0	0	0	0
<b>Violence Against Women Act Totals</b>	-	-	-	-	-	<b>Violence Against Women Act Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Stalking	-	-	-	-	-	Stalking	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	-	-	-	-	-	Domestic Violence	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	-	-	-	-	-	Dating Violence	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>																	
Liquor Law Violations	-	-	-	-	-	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	-	-	-	-	-	Drug Violations	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	-	-	-	-	-	Weapons Violations	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>																	
Liquor Law Violations	-	-	-	-	-	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	-	-	-	-	-	Drug Violations	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	-	-	-	-	-	Weapons Violations	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	-	-	-	-	-	Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0
<p><b>Hate Crimes:</b>  2018 – No incidents were reported  2019 – No incidents were reported</p> <p><b>Footnote 1:</b>  Toronto campus opened in March 2018, no crime statistics are available for 2017.</p> <p><b>Footnote 2:</b>  Toronto campus opened in March 2018 therefore crime statistics are only provided from March 2018-December 2018 for the year of 2018.</p> <p><b>Footnote 3:</b>  There are no on-campus residential facilities</p>																	