



Northeastern University
Police

Annual Security Report



SILICON VALLEY CAMPUS
2023

<https://nupd.northeastern.edu>

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MESSAGE FROM THE CHIEF

Located in San Jose, California, Northeastern University Silicon Valley is part of the diverse tapestry that makes the Bay Area 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 Bay Area 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, the University strictly prohibits discrimination or harassment on the basis of race, color, religion, religious creed, genetic information, sex, gender identity, sexual orientation, age, national origin, ancestry, veteran, or disability status.

PREPARATION OF ANNUAL SECURITY REPORT

THE CLERY ACT

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

CAMPUS SECURITY AUTHORITIES

Federal law requires the University to disclose statistics concerning the occurrence of certain crimes enumerated in the Clery Act that occur within the University's Clery geography and that are reported to certain University employees.¹ 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 employees that fall into these categories at the Northeastern University San Jose campus (the "Silicon Valley" campus) as Campus Security Authorities ("CSAs").

CSAs are required to report all crimes and allegations of Prohibited Offenses.² On the Silicon Valley campus, in addition to employees, VP Security Services must report any crimes its employees become aware of.

Individuals are encouraged to report crimes and other incidents they become aware of to NUPD and the Regional CEO and Dean (Interim) of the Silicon Valley campus. Contact NUPD at 617.373.2121. Contact the Dean at 408.707.3848, the San Jose Police Department by dialing 9-1-1 for any emergency and 408.277.8900 for non-emergency inquiries.

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

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

DATA COLLECTION AND PRIVACY 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 CSAs according to University policy, as well as local law enforcement agencies, and reconciling those statistics with NUPD's own statistics in order to avoid duplicate reporting. In addition, preparation of the ASR requires review of University policies and procedures concerning campus safety and disclosure of those policies and procedures in this report.

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

¹ See page 69 of the ASR for definitions of Clery Act crimes and geographical locations.

² CSAs are also Mandatory University Reporters under the University's *Policy on Sexual and Gender Based Harassment and Title IX* ("Title IX Policy") and are required to report Prohibited Offenses, in accordance with that policy, to include sexual assault, sexual harassment, domestic violence, intimate partner violence, dating violence, stalking and retaliation involving a student or students.

PUBLICATION AND NOTICE OF AVAILABILITY

The University publishes the Silicon Valley campus' ASR on the NUPD website under Annual Security Reports & Fire Safety Reports at <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. Hard copies are available upon request on campus.

LAW ENFORCEMENT AUTHORITY AND INTERAGENCY RELATIONSHIPS

NUPD maintains a close working relationship with the San Jose Police Department (SJPd), regarding the San Jose location and other state and federal law enforcement agencies within San Jose, California, and all appropriate elements of the criminal justice system. SJPd have full law enforcement authority on campus including the authority to fully investigate, power to arrest, and respond to any reports of criminal activity occurring in and upon all property owned, occupied, or used by the University in San Jose. Crime-related reports and statistics are exchanged between SJPd and NUPD. NUPD routinely collaborates with SJPd to investigate alleged criminal activity involving students. The Silicon Valley Campus does not have any officially recognized student organizations with non-campus locations.

VP Security Service employees have limited responsibility for campus security on the Silicon Valley campus, including monitoring access to buildings and checking student and employee IDs.

REPORTING CRIMES AND EMERGENCIES

All community members in the Silicon Valley Campus, including students and employees, are encouraged to report crimes, suspicious activity or other emergencies to either SJPd immediately, or as soon as possible if the victim is initially unable to file a report. Any incidents occurring in San Jose should be reported to the SJPd. SJPd's Headquarters is located at 201 W Mission Street, San Jose, CA 95110, and can be contacted by calling 9-1-1, or 408.277.8900.

Members of the Northeastern University community in San Jose are also encouraged to report incidents to the Regional Dean and CEO at 408.707.3848 and NUPD at 617.373.2121.

NUPD maintains direct contact with the SJPd and their Fire Departments, ensuring prompt assistance and support from these agencies when needed.

CONFIDENTIAL AND ANONYMOUS REPORTING

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

If a victim of a crime or a Complainant³ 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 investigation⁴, the Title IX Coordinator will consider the request, balancing the request in the context of the University's responsibility to provide a safe and non-discriminatory environment for the University community, as well as the fair and equitable treatment of the individuals involved. The University will take reasonable steps to honor the request for anonymity but may not be able to do so in all cases. In such cases, the Title IX Coordinator will notify the victim that the University intends to proceed with an investigation, and the possibility that during the investigation, the victim's identity may have to be disclosed to individuals who may have relevant information regarding the allegation.

STATISTICAL DISCLOSURES CONCERNING MATTERS REPORTING TO CONFIDENTIAL RESOURCES

The University offers confidential resources for medical treatment, emotional support, and counseling through Confidential Employees. Confidential Employees⁵ are not required to disclose information about crimes and prohibited offenses without consent from the reporting student. Confidential Resources include 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 across the global network have access to CSDS, OPEN, and SVRC remotely.

Contact CSDS:

csds@northeastern.edu

617.373.2728

Contact OPEN/SVRC:

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

open@northeastern.edu

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

IMPORTANT TELEPHONE NUMBERS

San Jose Police Department Headquarters

201 W Mission St

³ The University uses the term Complainant to mean an individual who reports an alleged Prohibited Offense under the Title IX Policy.

⁴ 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 Title IX Policy, defines Prohibited Offenses which includes sexual assault, sexual harassment, gender-based harassment, sexual exploitation, domestic violence, intimate partner violence, dating violence, stalking and retaliation.

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

San Jose, CA 95110

Police – Medical Emergency:

Non-Emergency:

9-1-1

408.277.8900

San Jose Fire Department

1661 Senter Road

San Jose, CA 95112

Emergency:

Non-Emergency:

9-1-1

408.794.7000

Northeastern University – Silicon Valley

4 North Second Street, 3rd, 9th, and 10th floors

San Jose, CA 95113

Campus Welcome Center

75 E Santa Clara Street

Suite 150

San Jose, CA 95113

Routine Business/Administration

408.229.2292

Northeastern University Police Department Headquarters

100 Columbus Place

716 Columbus Avenue

Boston, MA 02115

Non-Emergency

617.373.2121

Community Engagement Unit

617.373.3940

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 companies, property management, and SJPD. All services and programs are designed to minimize criminal opportunities, whenever possible, and encourage students and employees to be responsible for their own security and the security of others. The following is a list of such services and engagement at the Silicon Valley location 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 60.

- **New Student Orientation...**new students in the Silicon Valley are provided with an overview of crime awareness and prevention information as well as egress drill instructions for the Silicon Valley location.

- **New Employee Orientation**...new employees are provided with campus safety and security information at the start of their employment that discuss tips and strategies on how to be responsible for their own security and security of others. New employees are directed to the [NUPD website](#) for a helpful guidebook that provides incident specific instructions.
- **Crime Prevention Presentations**...provided annually by NUPD. Presentations are done in person or virtually 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 the security of others. Additionally, NUPD's Community Engagement Unit (CEU) includes 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.
- **Parking Facility Security**...parking facilities are surface lots that are monitored by VP Security Service and Allied Universal security officers on the grounds of the 4 North Second Street location. Lighting is well maintained.
- **Personal Safety Escorts**...personal safety escorts within a one-block radius of campus are provided by VP Security Service and Allied Universal upon request.
- **Fire Alarm Systems.**
- **Architectural Design**...technical and crime prevention specialists work closely with design engineers regarding physical security systems and fire safety equipment when new construction or major renovations are planned on campus. The NUPD subscribes to the proven concepts and principles of Crime Prevention Through Environmental Design (CPTED).
- **Security Assessments**...NUPD provides comprehensive physical and operational security recommendations and guidance for each network location. This guidance provides members of the University community with 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
- Create SafeZone⁶ account and understand how to utilize if needed
- 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

⁶ NU Campus Safety and Policing makes the SafeZone app, a cloud-based mobile application that allows users to quickly call local authorities allowing resources to respond to emergency situations, available to all Northeastern community members.

ACCESS TO CAMPUS FACILITIES

The Silicon Valley campus is located on the 3rd, 9th and 10th floors of 4 North Second Street, San Jose, CA 95138. The Silicon Valley Campus Welcome Center is located at 75 E Santa Clara Street, Suite 150, San Jose CA 95113. Students and employees have access to the Silicon Valley Campus during campus business hours with their issued ID cards. The University space is monitored on-site by VP Security Services during all operational business hours. In addition, Allied Universal provides building security 24/7.. Visitors are required to have an appointment to visit campus and are required to sign in at the Campus Welcome Center. .

Campus Hours:

4 North 2nd Street:

845am – 10pm Monday, Wednesday – Friday

830am – 10pm Tuesday

Campus Welcome Center:

9am – 5pm Monday to Saturday

MAINTENANCE AND SECURITY OF CAMPUS GROUNDS AND FACILITIES

The University maintains a commitment to campus safety and security. Exterior lighting is an important part of this commitment. Parking areas, pedestrian walkways and building exteriors are well lit. Surveys of exterior lighting on campus are conducted regularly by VP Security Services at the Silicon Valley location. Members of the campus community are encouraged to report any exterior lighting deficiencies to VP Security personnel at the 4 N Second Street location.

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

The University employs the NU Alert system to communicate emergency notifications and timely warnings to the affected 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 Student Hub for students and Workday for employees.

The Office of Emergency Management (OEM) 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 University 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

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 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 University 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, or 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 take into account 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 University community when such instructions are required and/or emergency conditions have abated utilizing the same methods of notification as the initial message at minimum.

Emergency notifications will also be posted on NUPD's safety notification webpage at <https://nupd.northeastern.edu/safety-notifications>.

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 local law enforcement particularly where an incident may involve the need for issuance of a notification to the University community. SJPd can be contacted at 9-1-1 or 408.277.8900. NUPD should also be contacted at 617.373.2121.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

OEM 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 University 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 OEM.

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 (HSEEP). 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.

The University'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

The 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, 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 Title IX Policy.⁷ For ease of reviewing this policy statement, the aforementioned acts are collectively referred to as "Prohibited Offenses."

REPORTING PROHIBITED OFFENSES

Complainants are urged to report Prohibited Offenses to SJPD (9-1-1 or 408.277.8900), NUPD (617.373.2121) and/or 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 a Complainant.

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

⁷ See Title IX Policy on page 16.

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 Sexual Assault Nurse Examiner ("SANE 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 63.

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 the incident 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 Complainant files a police report.

Complainant names are kept confidential consistent with applicable law.

FILING FOR A PROTECTION ORDER

No Contact Orders

Complainants may request to have the University issue a No Contact order against the accused person if that individual is a University 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. 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.

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

- NUPD (617.373.2121)
- 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.

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 University e-mail account. If a violation of the No Contact order occurs, the individual should promptly report the violation to NUPD or OSCCR.

Restraining Orders

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

The Domestic Violence Prevention Act and Protective Orders and Other Domestic Violence Prevention orders applies to certain relationships which are defined by California Family Code 6200 as people who are or were:

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

If you decide to file a complaint for a protective order or have questions regarding a protective order, contact the SJPD at 408.277.8900 or NUPD at 617.373.2121 and NUPD can assist you during the following process.

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

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

If you need immediate protection from your abuser, contact the SJPD (9-1-1 or 408.277.8900).

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

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

Remember to keep the order on you at all times. Inform family, friends, neighbors, and roommates that you have a restraining order. Do not hesitate to call the police immediately if the abuser violates the order. If you

are leaving an abusive relationship, remember leaving a violent relationship can be very difficult and dangerous; make sure you have a safety plan in place. Know ahead of time a safe place you can go to in an emergency. Bring along important documents (driver's license, bankbooks, custody documents, etc.) and tell a friend. Let someone you trust help you make the first step.

Civil Harassment Restraining Orders

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

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

POLICY ON SEXUAL AND GENDER-BASED HARASSMENT AND TITLE IX

I. PURPOSE AND SCOPE

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, the 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, in compliance with Title IX of the Education Amendments of 1972 ("Title IX"), as well as the Clery Act, the Violence Against Women Reauthorization Act ("VAWA") of 2013 as defined below and applicable state law.

The University prohibits sexual harassment as defined by Title IX, which includes quid pro quo sexual harassment, sexual harassment, sexual assault, dating violence, intimate partner violence, domestic violence, and stalking on the basis of sex in an education program or activity ("Title IX Prohibited Offenses"). The University also prohibits other forms of sexual and gender-based misconduct, sexual exploitation, and retaliation under this Policy ("Sexual or Gender-Based Prohibited Offenses") (collectively, "Prohibited Offenses").

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.

The University has jurisdiction to investigate and adjudicate alleged misconduct by the respondent when the respondent is a student or when the respondent is eligible to return as a student, or when the respondent is an employee of the University.

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. All reports of alleged discrimination can be reported to OUEC at <https://www.northeastern.edu/ouec/file-a-complaint/>.

- OUEC is the office responsible for reviewing and investigating allegations of Title IX and Sexual or Gender-Based Prohibited Offenses at the University. No other University individual, office, group, club, organization or community may investigate allegations of discrimination based on sex, gender or gender identity unless authorized by OUEC.
- Withholding of Degree. In cases involving current University students at all levels of study, in all colleges and programs, locally or abroad, the University may withhold a degree of a student respondent if that student has a pending conduct matter pending conclusion of a University resolution process that has the potential to result in suspension or expulsion.

This Policy applies to all reports of Prohibited Offenses reported on or after the effective date of this Policy. 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.

II. DEFINITIONS

For the purpose of this Policy:

A. Title IX Prohibited Offenses

Title IX Prohibited Offenses are the conduct prohibited by this Policy and includes Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking and Retaliation when the allegations of Prohibited Offenses occurred in the United States:

1. 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 co-curricular, athletic, or other University programs.
 - a. 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
2. that occur in any building owned or controlled by a student organization that is officially recognized by the University. 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.

Title IX Prohibited Offenses do not apply to conduct alleged by Third Party complainants against University community members.

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.

In evaluating whether the unwelcome conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access, the University uses a reasonable person standard that takes into account the totality of known circumstances in a particular situation, including but not limited to:

- The frequency, nature, and severity of the conduct;
- The age, disability status, and other characteristics of the parties;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state; and
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities.

The term "effectively denies" does not require a Complainant to be entirely, physically excluded from educational opportunities and may also be established when the conduct so undermines and detracts from the student's educational experience that access is effectively denied.

3. Or one of the following Prohibited Offenses:
 - a. **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. This includes 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 consent. This also includes any intentional touching of the private body parts of another person for the purpose of sexual gratification, without consent. Sexual assault includes:
 - i. **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.
 - ii. **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.
 - iii. **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.

- iv. **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.
- v. **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.
- b. **Dating Violence:** Means the use, attempted use, or threatened use of physical force against a person or property of another committed by a person:
 - i. who is or has been in a relationship of a romantic or intimate nature with the Complainant; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship
- c. **Domestic Violence:** Means the use, attempted use, or threatened use of physical force against a person or property of another:
 - i. by a current or former spouse or intimate partner of the Complainant,
 - ii. by a person with whom the Complainant shares a child in common,
 - iii. by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner,
 - iv. by a person similarly situated to a spouse of the Complainant under the family violence laws of California
- d. **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.

"Course of conduct" means two or more acts, 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.

"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

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. Sexual or Gender-Based Prohibited Offenses

1. Sexual or Gender-Based Prohibited Offenses are the conduct prohibited by this Policy and includes Domestic Violence (Dating, Intimate partner, and Relationship Violence), Gender-Based Harassment, Quid Pro Quo Harassment, Retaliation, Sexual Assault, Sexual Exploitation and Stalking when such conduct does not meet the definition of Title IX Prohibited Offense and when the Sexual or Gender-Based Prohibited Offense occurs:
 - a. on or off property owned or controlled by the University;
 - b. 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
 - c. 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.
2. The definitions listed above for Stalking and Retaliation also apply for allegations of Sexual or Gender-Based Prohibited Offenses when the allegations fall outside of the Title IX jurisdiction. Additional definitions for Sexual or Gender-Based Prohibited Offenses are as follows:
 - a. **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.
 - b. **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.
 - c. **Sexual Assault** consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Consent.
 - i. **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 to touch you or themselves with or on someone's breasts, buttocks, groin, genitals, or the clothing covering them.
 - ii. **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.
 - d. **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:
 - i. 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.
 - ii. 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.

- iii. The distribution of images, including video or photograph, or audio of another person's sexual activity or intimate parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not Consent to the disclosure.
- iv. Voyeurism: The act of intentionally observing, spying on or listening to a person(s) involved in sexual activity or in any state of undress, in a place where that other person would have a reasonable expectation of privacy, without that person's Consent. Voyeurism also occurs when an individual allows others to observe this behavior without the Consent of all parties involved.
- v. The prostituting of another person.
- vi. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or Coercion.
- e. **Sexual Harassment** is unwelcome conduct on the basis of sex that satisfies one or more of the following:
 - i. 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);
 - ii. Unwelcome conduct determined by a reasonable person standard to be so severe or pervasive that it effectively denies a person equal access to the University's education program or activity or creates a work environment that a reasonable person would consider intimidating, hostile, or abusive.

C. Other Definitions

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

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

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, or provided by the University for the purposes of cross examination, 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 and provides the opportunity for live cross-examination of the parties. 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).

A **Decision Maker** is a member of a standing pool of trained members of the University community or, at the discretion of the Title IX Coordinator, an external professional, that oversees the process of cross-examination during live hearings and makes rulings on relevance. The Decision Maker will not be the Title IX Coordinator or the Investigator(s) assigned to investigate the Formal Complaint.

Emergency Removal is the process for removing a student Respondent from the University's education program or activity or an employee Respondent from their employment, 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 Respondent may be removed. When Respondents 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.

This provision does not prohibit the University from placing employees on administrative leave pending the outcome of any investigative process, as deemed appropriate by the University.

The procedures for an Emergency Removal are detailed in the “Protocols for an Emergency Removal” section below.

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

Formal Complaint is an allegation(s) of discrimination, harassment and/or Retaliation, filed in good faith and in accordance with this Policy (see Section III. F).

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).

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 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 NUPD, 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.

No Contact Order (NCO) is a University directive available 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. OSCCR is the office granted authority to issue these orders to students while OUEC is granted authority to issue these to employees. Communication of this order will be made via email to the community member’s University email account.

For purposes of Prohibited Offenses, the University will consider the specific circumstances on a case by case basis to determine whether a unilateral or mutual NCO is appropriate.

An NCO issued after a finding of responsibility has been made shall be unilateral and only apply against the party found responsible.

Privacy means that information related to a report of a Prohibited Offense will only be shared with limited University employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report.

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 and may be conducted by a confidential resource.

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 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 designated and authorized to coordinate the University's Title IX initiatives, compliance with Title IX, responses to reports of Prohibited Offenses, including notification, investigation and disposition of complaints, 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 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, NUPD, Office of the General Counsel, and Office of Risk Services.

Mandatory University 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.⁸ This includes but is not limited to Resident Assistants in Residential Life, Graduate Research Assistants or Teaching

⁸ Solely for the purposes of the reporting requirements stated in this Policy, this definition of Mandatory University Reporter includes certain student workers who assume roles which other students may reasonably believe obligate that student worker to report allegations of a Prohibited Offense. Those student workers include: Resident Assistants, student-employees in Residential Life, UHCS, New Student Programs, NUPD, Athletics, the N.U. in Program, a Dialogue of Civilizations program, and an Alternative Spring Break program.

Assistants. Mandatory University Reporters are required to immediately report allegations of Prohibited Offenses to the Title IX Coordinator.

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

Any Mandatory University 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. Time Frame for Reporting Allegations by non-Mandatory University Reporters

There is no time limit for a Complainant or non-Mandatory University Reporter to make a report, however 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 OUEC as soon as possible 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, for the purposes of allegations of Title IX Prohibited Offenses, 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:

- SVRC
- OPEN
- Confidential Resource Advisors
- CSDS spiritual advisors/leaders.

For a list of confidential resources, please go to: <https://www.northeastern.edu/ouec/reporting-options/titleix-prohibited-offenses/>.

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). For allegations of Sexual or Gender-Based Prohibited Offenses, the Complainant may request anonymity as noted below in Section III(H).

Individuals may file an anonymous complaint directly to the Title IX Coordinator and OUEC through the on-line Discrimination Complaint Form.

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 NUPD as soon as possible, regardless of where the offense took place and whether or not the Respondent is known to the Complainant. As Mandatory University 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

OUEC will conduct an investigation into allegations of Prohibited Offenses when the Respondent is a University student, faculty or staff member and a Formal Complaint is filed with the Assistant Vice President for University Equity and Compliance (AVP) /Title IX Coordinator.

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

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 or civil 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 investigation into an alleged Prohibited Offense for a reasonable period of time during the initial stages of a criminal investigation. OUEC investigations will commence after law enforcement notifies the AVP/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 OUEC investigation when provided to the OUEC investigator. While an investigation may be delayed

during the preliminary stages of a criminal investigation, the OUEC 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 AVP/Title IX Coordinator alleging a Prohibited Offense against a Respondent and requesting that the University investigate the allegation.

- For the purposes of allegations of Title IX Prohibited Offenses, 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.
- For the purposes of allegations of Sexual or Gender-Based Prohibited Offenses, Third Party Complainants may file a Formal Complaint with the OUEC.

A Formal Complaint may be filed with the AVP/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 facts gathered during the investigation 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 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;
- an alleged pattern of Prohibited Offenses committed by an individual Respondent or by a specific Respondent group or organization;
- 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 AVP/Title IX Coordinator may sign a Formal Complaint. The AVP/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 AVP/Title IX Coordinator signs a Formal Complaint, the AVP/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 the alleged Title IX Prohibited Offense under Title IX as outlined in this Policy. Such a dismissal does not preclude a review to determine whether or not the alleged behavior falls under the definition of a Sexual or

Gender-Based Prohibited Offense, nor does it preclude action by the University under another University policy.

- In cases where a student Complainant was participating in or attempting to participate in an education program or activity of the University at the time of the incident and during the University resolution process, but left the University prior to the hearing process, the Complainant may choose to participate fully as a student Complainant would.
- If the AVP determines that a report of Prohibited Offenses reveals involvement of, or a pattern of behavior by a recognized student club or organization, the Title IX Coordinator will consult with appropriate University officials regarding any appropriate interim University action pending outcome of a University investigation, including, but not limited to, training or prevention programs or modification, or interim suspension.

G. OUEC's Response to Reports of Prohibited Offenses

As soon as is practicable, an Investigator from 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 Form ("Rights Form") to explain avenues for resolution, including:
 - The steps involved in 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 process.

H. Requests for Anonymity

In cases alleging a Title IX Prohibited Offense

Per the University's obligations under Title IX, if a Complainant pursues a Formal Complaint for an alleged Title IX Prohibited Offense, Respondents will receive a Notice of Investigation, which includes the identity of the Complainant, if known.

- A Complainant can make a report to OUEC without giving their name by using the reporting form on the [OUEC website](#).
- A student who is not a Mandatory University Reporter who is reporting a Prohibited Offense that happened to someone else is not required to disclose the name of the Complainant or Respondent.
- 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 OUEC, and the Complainant requests to remain anonymous after filing a Formal Complaint for an alleged Title IX Prohibited Offense, the Title IX Coordinator will not be able to honor the request for anonymity while pursuing a Resolution Option under this Policy. The University must

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 OUEC, if the University were to initiate a Resolution Process or take any action that affects the Respondent.

When the University is not 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. The University will also take immediate steps to provide Complainant with supportive, remedial and protective measures, as described below, as appropriate.

In cases alleging a Sexual or Gender-Based Prohibited Offense

If a Complainant requests to remain anonymous during an OUEC resolution for an Allegation of Sexual or Gender-Based Prohibited Offense, the AVP 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 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 AVP will notify the Complainant that the University intends to proceed with the most appropriate resolution procedure, as deemed by OUEC, and that during the resolution process the Complainant's identity may have to be disclosed to individuals who may have relevant information regarding the Allegation.

1. Resolution Options

The University recognizes that it is important to take into account the needs of students and employees 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 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, OUEC attempts to facilitate a mutually acceptable resolution through the use of conflict resolution techniques.

The University may determine that certain forms of Informal Resolution are not appropriate given the specific facts or Allegations. The Informal Resolution Procedure cannot be utilized to resolve Allegations where an employee is the Respondent and a student is a Complainant. Additionally, if the Allegation includes sexual violence that occurred in California, mediation is not allowed.

Informal Resolutions are pursued after a Formal Complaint of an alleged violation of this Policy is filed with 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 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 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.

The procedures for the Informal Resolution Procedure of reports of Prohibited Offenses are detailed in the "Informal Resolution Procedure" section below.

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 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 AVP/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 for Allegations of Prohibited Offenses, and this presumption may be overcome only where the Title IX Board or Sexual or Gender-Based Harassment 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 AVP/Title IX Coordinator for their review.

Student Respondent

If the AVP/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 hearing.

- In cases involving allegations of a Title IX Prohibited offense, the Director of OSCCR will facilitate a live Title IX Hearing with cross-examination of the parties by the party's Advisor.
- In cases involving allegations of Sexual and Gender-Based Harassment Prohibited Offenses, the Director of OSCCR will facilitate a hearing, which does not allow for cross-examination of the parties.

Employee Respondent

If the AVP determines that an Investigative Report involving an employee as the Respondent contains sufficient information to constitute a potential violation of this Policy, the following steps will be taken:

- In cases involving Title IX Prohibited Offenses, the case will be referred by the Title IX Coordinator to an Administrative Hearing which provides the opportunity for live cross-examination of the parties by their Advisors.
- In cases involving Sexual and Gender-Based Harassment Prohibited Offenses, the AVP will review the report and may affirm or alter the recommended findings of Policy violation contained in the Investigative Report.

Where there are allegations of both Title IX and Sexual and Gender-Based Prohibited Offenses, the University will utilize a Title IX 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/ Sexual and Gender-Based Harassment 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 a preponderance of the evidence standard, as part of the process to determine whether to:

- affirm the recommended findings of Policy violations contained in the Investigative Report; or
- make alternative findings of Policy violations than those contained in the Investigative Report. A Respondent shall not be disciplined or sanctioned for a Prohibited Offense under this Policy without a finding of responsibility. This does not include an appropriate interim action determined by HR or OUEC.

OUEC responds to complaints in accordance with the procedures outlined in “Protocols for Allegations of Title IX Prohibited Offenses Involving a University Student as the Respondent,” “Protocols for Allegations of Title IX Prohibited Offenses Involving University Employees as the Respondent”, and “Protocols for Allegations of Sexual and Gender-Based Harassment Prohibited Offenses involving a University Student or Employee as the Respondent” sections below. However, there may be circumstances that support a departure from these procedures, and, should such circumstances arise, OUEC will advise the parties.

J. Time Frame 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 and 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, hearing and adjudication, if applicable, of alleged Prohibited Offenses. Those that choose not to

participate in an 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.

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

L. Amnesty

The University seeks to remove any barriers to reporting allegations of Prohibited Offenses. Accordingly, student reporting parties, Respondents, Complainants and witnesses will not be subject to disciplinary sanctions for alleged violations of the Code of Student Conduct related to the incident unless the University determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

For California Students – If the allegation is Sexual Assault, Domestic Violence, Dating Violence, or Stalking, a student will not be subject to disciplinary sanctions for a violation of the Code of Student Conduct at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk.

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 become 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 SANE nurse;
- 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 University community member;
- options for receiving a University NCO; and
- options for seeking a Domestic Violence Restraining Order or a Civil Harassment 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 AVP/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 OUEC's receipt of a Formal Complaint, 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 Respondent's Rights 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

The procedures for responding to, investigating and adjudicating reports of Prohibited Offenses involving students are detailed in the "Protocols for Allegations of Title IX Prohibited Offenses involving a University Student as the Respondent" section below. 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/Sexual and Gender-Based Harassment Board/Administrator 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, non-discriminatory, and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

iii. Allegations Where the Respondent is an Employee

The procedures for responding to, investigating and adjudicating reports of Prohibited Offenses by University employees are detailed in the “Protocols for Allegations of Title IX Prohibited Offenses Involving University Employees as the Respondent”.

Any dispute regarding the applicable procedures for adjudication (e.g., where a Respondent is both an employee and student) will be resolved at 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 California, minors for these purposes are those not yet 18 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 an 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. See the processes described in the “Protocols for Allegations of Title IX Prohibited Offenses involving a University Student as the Respondent” (student Respondents) and “Protocols for Allegations of Title IX Prohibited Offenses Involving University Employees as the Respondent” (employee Respondents) sections below for more information.

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 as noted in “Protocols for Allegations of Title IX Prohibited Offenses involving a University Student as the Respondent” and “Protocols for Allegations of Title IX Prohibited Offenses Involving University Employees as the Respondent” sections below.

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 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:

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

U. Privacy and Confidentiality of University Records

The privacy of Student education records will be protected in accordance with 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 or their participation in procedures under this Policy.

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 a 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.

Z. 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.

IV. ADDITIONAL INFORMATION

V. CONTACT INFORMATION

A. Campus Contact Information

OUEC – northeastern.edu/ouec
Richards Hall #125, Boston, MA
617.373.4644 || ouec@northeastern.edu

NUPD – northeastern.edu/police
716 Columbus Ave, Boston, MA
Emergency: 617.373.3333 | Non-Emergency: 617.373.2121

OSCCR – northeastern.edu/osccr
204 Ell Hall, Boston, MA
617.373.4390 | osccr@northeastern.edu

CSDS – spirituallife.northeastern.edu

203 Ell Hall, Boston, MA
617.373.2728 | csds@northeastern.edu

LGBTQA Resource Center – lgbtqa.northeastern.edu
328 Curry Student Center, Boston, MA
617.373.2738 | lgbtqa@northeastern.edu

Office for Residential Life – northeastern.edu/housing
4 Speare Commons, Boston, MA
617.373.2814 | reslife@northeastern.edu

Office of the Senior Vice Chancellor for Student Affairs – studentlife.northeastern.edu
104 Ell Hall, Boston, MA
617.373.4384 | svcstudentaffairs@northeastern.edu

SVRC – northeastern.edu/open
106 St. Stephen Street, Boston, MA
open@northeastern.edu

B. Off-Campus Compliance Reporting Agencies

Please visit <https://www.northeastern.edu/ouec/> for a list of additional agencies available to University community members.

INFORMAL RESOLUTION PROCEDURE

If the Complainant requests that the Informal Resolution Procedure be utilized after filing a Formal Complaint and having been fully informed of all available options, the following steps shall be taken:

- 1. OUEC shall request to meet with Complainant, if necessary, to determine whether the complaint states a potential violation of this Policy.**

If OUEC determines that the Complainant's allegations, if true, do not constitute a potential violation of this Policy, or that OUEC has no jurisdiction in the matter, OUEC staff will provide appropriate referrals to both on and off-campus resources. If new information is subsequently provided to OUEC, OUEC may reevaluate whether the allegations constitute a potential violation of this Policy and/or whether OUEC has jurisdiction to investigate.

- 2. If OUEC determines that the Complainant's allegations, if true, constitute a potential violation of this Policy, OUEC will notify the Respondent, in writing, that a complaint has been filed against them and that the Complainant has requested an informal resolution. The Respondent may agree to the informal resolution or request a formal investigation as detailed in the "Formal Resolution Procedure" section below.**

OUEC will provide the Complainant and the Respondent a summary of the alleged Prohibited Offense, identify potential Policy violation(s), and provide an explanation of the Informal Resolution Procedure, including:

- a. completion of the Informal Resolution Procedure, documented through a Memorandum of Agreement ("MOA"), which precludes the parties from resuming a Formal Complaint Procedure arising from the same allegations;
 - b. any time prior to agreeing to an Informal Resolution, any party has the right to withdraw from the Informal Resolution Procedure and resume the grievance process with respect to the Formal Resolution Procedure,
 - a. 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;
 - c. record maintenance of the procedure;
 - d. the requirement for the parties' voluntary, written consent to the Informal Resolution Procedure.
3. **If the Respondent agrees to an informal resolution, OUEC facilitator(s) will request to meet separately with the Respondent, and the Complainant, if necessary, for an interview.**
4. **Both the Complainant and the Respondent will have the opportunity to provide their version of events to the OUEC facilitator (s) so they may understand the issues. Please note that this is not a formal investigation.**
5. **A summary of the informal process shall be kept on file with OUEC but will not be considered part of the academic record for students Complainants and Respondents or the employee record for employee Complainants and Respondents.**
 - a. Complaints resolved informally require mutual acceptance by the Complainant, the Respondent(s), and OUEC through MOA. The MOA (1) must be signed by the Complainant, the Respondent(s), and OUEC, (2) shall state the conditions of the resolution, if any, and (3) shall state that the resolution of the complaint via the MOA does not imply an admission of wrongdoing or a clearance of charges. The MOA shall also state which issues are being resolved by the parties and which issues remain unresolved, if any.
 - b. If an Informal Resolution is not achieved, the OUEC facilitator will notify all parties in writing that the informal process has terminated without a resolution.
 - c. If resolution of the Formal Complaint is reached through the Informal Resolution Procedure, the matter will be considered closed.
 - d. If resolution is not reached, if OUEC determines that further process is necessary, or if either party fails to comply with the terms of any agreed resolution, OUEC may initiate the Formal Resolution Procedure.

The University retains the discretion and authority to determine whether the Informal Resolution Procedure is inappropriate or is no longer appropriate. The University will consider, among other things, the following factors in making its decision: the length of time of informal review process, the results of the informal process, the gravity of the alleged offense, the risk of harm to an individual, the risk of a violation of law, or any other reason that necessitates elevation to the Formal Resolution Procedure.

FORMAL RESOLUTION PROCEDURE

The protocols outlined below describe the steps the University will take to investigate cases involving allegations of Prohibited Offenses detailed in the Policy through the Formal Resolution Procedure. In the event of any conflict or inconsistency between the Policy and other policies or procedures that may relate to the subject matter hereof, (e.g., procedures listed in the Code of Student Conduct – www.northeastern.edu/osccr/code-of-student-conduct/) this Policy shall supersede and apply.

A. Protocols for Allegations of Title IX Prohibited Offenses involving a University Student as the Respondent

- 1. When a Mandatory University Reporter is notified of an alleged Title IX Prohibited Offense, the Mandatory University Reporter will notify the Title IX Coordinator (or designee) for review.**
- 2. The Title IX Coordinator will, in collaboration with appropriate University departments, assess the safety and well-being of the parties involved, as well as potential threats to the University community, and will determine the need for any immediate action or interim measures.**
- 3. The Title IX Coordinator will determine whether the complaint states a potential violation of this Policy.**
 - a. If the Title IX Coordinator determines that the Complainant's allegations, if true, do not constitute a potential violation of this Policy, or that OUEC has no jurisdiction in the matter, OUEC staff will provide appropriate referrals to both on and off-campus resources. If new information is subsequently provided to OUEC, OUEC may reevaluate whether the allegations constitute a potential violation of this Policy and/or whether OUEC has jurisdiction to investigate.
 - b. If the Title IX Coordinator determines that the Complainant's allegations, if true, constitute a potential violation of this Policy, and a Formal Complaint is made, the Title IX Coordinator will initiate an investigation into the allegations and assign an investigator.
- 4. Case Managers will be assigned to students who are Complainants or Respondents. Case Managers will serve as the main point of contact for these individuals in order to provide interim measures and resources.**
- 5. Notice of Investigation: Upon initiation of the investigation, the investigator will notify the Complainant and the Respondent of the investigation in writing via their University email account.**

The notice will:

- a. provide a summary of the alleged Prohibited Offense including the date, time and location, if known;
- b. identify potential Policy violation(s);
- c. provide the identities of the Complainant and Respondent, if known;
- d. explain the prohibition against Retaliation;
- e. provide an explanation of the investigation process as described herein; and

- f. provide a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing process.
6. **During the investigation, the parties will have an equal opportunity to be heard. The investigator(s) will request to meet separately with the Complainant and the Respondent for an interview.**
 - a. Either party may choose to participate or decline to participate in the investigation. The investigator(s) may continue to investigate the alleged Prohibited Offense and produce an Investigative Report based on the available information.
 - b. Both the Complainant and the Respondent will be asked to provide relevant documentary evidence, including electronic or other records of communications between the parties or witnesses (e.g., photographs, text messages, emails, phone records, messages through social media sites, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged Prohibited Offense. Witnesses cannot participate solely to speak about an individual's character.
 - i. Parties involved in the investigation may, under limited and extenuating circumstances, request to submit a written statement instead of participating in an interview with the investigator(s). The Title IX Coordinator will determine whether to include in the Investigative Report information provided in a written statement, taking into consideration the relevance of the information and the rights of the Complainant and Respondent to have equal opportunity to present information and witnesses.
 - ii. The investigation may also include the review of any documentation, reports, video or other items the investigator deems relevant to the Allegation.
 - iii. The University may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any Allegations therein;
 - the Respondent is no longer enrolled or employed by the University; or
 - specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or Allegations. Either party may appeal any dismissal decision through the appeal procedures set forth below.
7. **The investigator(s), in consultation with the Title IX Coordinator, has the discretion to determine the relevance of any witness or evidence and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the Title IX Investigative Report.**
 - a. An individual's prior or subsequent sexual activity, behavior or predisposition is not relevant and will not be considered, except for one, limited, factual purpose:
 - i. Evidence of past sexual experience are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
 - ii. The Complainant and the Respondent engaged in consensual sexual activity prior or subsequent to the alleged Prohibited Offense, and
 - iii. The prior or subsequent consensual sexual activity is offered for the sole purpose of demonstrating how Consent was communicated between the parties during the

consensual sexual activity, as compared to the alleged Prohibited Offense. Such information will not be used for any other purpose.

8. The investigator(s) will provide each interviewed party a written interview summary for review via their University email account. The interviewed party will review the summary and, within two (2) business days of receipt, will confirm the summary's accuracy or provide a written response. Failure to respond within two (2) business days will be considered confirmation of the accuracy of the summary. The investigator(s) will review any written response by an interviewed party and will incorporate information into the Investigative Report deemed relevant at the discretion of the investigator(s).
9. At the conclusion of the investigative process, the investigator(s) will share a draft summary of the facts gathered during the investigation with the Complainant, Respondent and their Advisors for their review and response. The identities of individuals named in the report may be redacted as deemed necessary in the sole discretion of the investigator.

The parties may submit a written response to the investigator(s) within ten (10) business days in order to:

- a. clarify information;
 - b. provide an additional explanation;
 - c. submit additional questions for the investigator(s) to ask of other parties or witnesses; or
 - d. identify any other relevant information for the investigator to consider.
10. If a written response includes new and relevant information, the investigator will revise the draft summary of facts accordingly and provide the Complainant and Respondent with opportunities to respond to the new information. Thereafter, the investigator(s) will determine if additional investigation is required. Any further investigation will follow the steps above. If no further investigation is needed, the investigator(s) will finalize the Investigative Report.
11. The investigator(s) will submit the Investigative Report to the Title IX Coordinator for their review. The Title IX Coordinator will review the Investigative Report to assess its thoroughness, reliability and impartiality.
12. If the Title IX Coordinator determines that the Investigative Report contains insufficient information to constitute a potential violation of this Policy, the case will be closed and the decision will be simultaneously communicated to the Complainant and the Respondent by the Title IX Coordinator in writing. There is no appeal of this decision.
13. If the Title IX Coordinator determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy, the case will be referred by the Title IX Coordinator to the Director of OSCCR (or designee).
 - a. In order to protect the Privacy of the parties, the Investigative Report forwarded to the Director of OSCCR and reviewed by the Title IX Board will have personally identifiable

information replaced with their role in investigation (Complainant, Respondent, Witness 1, etc.). Members of the Title IX Board will not know the names of the parties.

14. Facts established as part of a Prohibited Offense investigation that reveal conduct that may violate the Code of Student Conduct will be investigated by OUEC and a recommended finding will be made in the Investigative Report.

- a. Title IX rights, including the right to an Advisor throughout the process and Title IX Appeal options (see #23) will apply to these alleged violations of the Code of Student Conduct that stemmed from an investigation of a Prohibited Offense.
- b. Facts established as part of a Prohibited Offense investigation that reveal conduct that may violate other University policies, procedures, or commonly accepted norms of conduct will be referred to the appropriate office for review.

15. The Director of OSCCR will send a pre-hearing meeting notice to the University email account of the Complainant and the Respondent when they are University students.

The pre-hearing meeting, which will take place at least ten (10) days prior to a hearing, is between the party, their Advisor and an OSCCR Hearing Administrator to:

- a. Review the Investigative Report that forms the basis of the complaint;
- b. Explain the charges of the Policy violation filed against the Respondent (from this point on in the process, the Respondent will be referred to as the Charged Student);
- c. Explain the process for resolving the case, including whether the parties accept or contest the recommended findings of the Investigative Report;
- d. Explain that the Director of OSCCR will appoint a three (3) member Title IX Board; and
- e. Review the process how to challenge participation by any member of the Title IX Board for perceived bias or conflict of interest.

If a Complainant or Respondent does not schedule their pre-hearing meeting within five (5) business days of receiving their notice, the party forfeits their right to participate in a pre-hearing meeting and the Director of OSCCR may move forward and schedule the hearing without the party's input.

16. Complainants and Respondents can accept or contest the recommended findings of the Investigative Report at the pre-hearing meeting and/or through completion of the Pre-Hearing Summary Form.

The party's acceptance or contestation of the recommended finding will be noted for the Title IX Board as they review the Investigative Report and hold a Title IX Hearing to determine, using a preponderance of the evidence standard, whether to:

- a. affirm the recommended findings of Policy violations contained in the Investigative Report;
- b. make alternative findings of Policy violations than those contained in the Investigative Report.

If a Complainant or Respondent does not return their Pre-Hearing Summary Form within two (2) days of receiving it, the Director of OSCCR may move forward and schedule the hearing without the party's input.

- 17. The Complainant and the Charged Student will each have the option to present a written or oral statement to the Board. Such statements or the decision to give an oral statement should be provided to the Director of OSCCR at least five (5) business days prior to the Hearing.**

However, the Title IX Hearing is not a forum for the parties to present facts, information or witnesses. The parties are expected to provide all relevant facts, information and witnesses to the investigator(s) during the investigation. The Title IX Hearing is an opportunity for the parties to present their arguments as to why the recommended findings of Policy violations in the Investigative Report should or should not be adopted by the Board. Any new information presented at the Title IX Hearing will not be considered by the Board.

Any party or witness scheduled to participate at the Title IX Hearing must have first participated in the investigation process.

- 18. The Board will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally.**

Only relevant cross-examination and other questions may be asked of a party or witness. The Decision Maker will prohibit questions of either party or of any witness that are repetitive, irrelevant, or harassing. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Board Chair must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

The Title IX Board / Administrator may not draw any inference from a decision of a party or witness to not participate at the hearing, including to not submit to cross-examination or make any decisions about a party's credibility based on their decision not to participate in a hearing or submit to cross-examination or answer other questions.

- 19. Either party may request alternative methods for participating in the Title IX Hearing that do not require physical proximity to the other party, including participating through electronic means that enable the Board and parties to simultaneously see and hear the party or the witness answering questions. This request should be submitted to the Director of OSCCR at least two (2) business days prior to the Hearing.**
- 20. At the conclusion of the Title IX Hearing, the Title IX Board will convene to deliberate and render a decision, by majority vote, regarding whether or not there is a preponderance of the evidence to support the recommended findings in the Investigative Report. No member may abstain. In reaching a determination, the Title IX Board must evaluate all evidence independently and must not give deference to the recommended finding expressed in the Investigation Report.**
- 21. The Director of OSCCR will provide both the Complainant and the Charged Student written notice of the Title IX Board's decision, including a description of the procedural steps taken by the University from the receipt of the Formal Complaint through Board's finding, the rationale for why a Policy violation was or was not found, and any relevant sanctions, within seven business days of conclusion of the hearing. The Director of OSCCR will also explain the appeals process to both parties.**

22. The Complainant or the Charged Student may file a written appeal within five (5) business days of the Title IX Board's decision.

The written appeal will be provided to the non-appealing party, who may but is not required to provide a response within two (2) business days. OSCCR will appoint a Title IX Appeals Board to review the written appeal to determine whether it meets any of the following grounds for appeal:

- a. new information not reasonably available by the completion of the investigation that could affect the outcome;
- b. procedural error that affected the outcome;
- c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. review of the imposed sanctions based on extraordinary circumstances.

23. If an appeal is granted on the basis of new information, the original Title IX Board will reconvene to determine if the new information alters their original decision. The Director of OSCCR will notify the parties of the Board's decision.

24. If an appeal is granted for procedural error, the process will reset to the point at which the procedural error occurred and proceed from that point.

25. If an appeal is granted based on a review of imposed sanctions, the Director of OSCCR will notify the parties of the decision.

26. If an appeal is granted based on bias from the Title IX Coordinator, Investigator or Chair the Senior Vice Chancellor for Student Affairs or designee will replace the individual and reset the process to the point at which the alleged bias occurred and proceed from that point.

27. The Senior Vice Chancellor of Student Affairs reserves the right to review and revise final outcomes in Title IX cases, including if Title IX Coordinator closes a case at Step 12 of this process, as well as any decision by a Title IX Board or Title IX Appeals Board. Any such revision is not subject to appeal.

B. Protocols for Allegations of Title IX Prohibited Offenses Involving University Employees as the Respondent

1. When a Mandatory University Reporter is notified of an alleged Title IX Prohibited Offense, the Mandatory University Reporter will notify the Title IX Coordinator (or designee) for review.

2. The Title IX Coordinator will, in collaboration with appropriate University departments, assess the safety and well-being of the parties involved, as well as potential threats to the University community, and will determine the need for any immediate action or interim measures.

3. The Title IX Coordinator will determine whether the complaint states a potential violation of the Policies.

- a. If the Title IX Coordinator determines that the Complainant's Allegations, if true, do not constitute a potential violation of this Policy, or that OUEC has no jurisdiction in the matter,

OUEC staff will provide appropriate referrals to both on and off-campus resources. If new information is subsequently provided to OUEC, OUEC may reevaluate whether the Allegations constitute a potential violation of this Policy and/or whether OUEC has jurisdiction to investigate.

- b. If the Title IX Coordinator determines that the Complainant's Allegations, if true, constitute a potential violation of this Policy, the Title IX Coordinator will initiate an investigation into the allegations and assign an investigator.

4. Case Managers will be assigned to students who are Complainants or Respondent. Case Managers will serve as the main point of contact for these individuals in order to provide interim measures and resources.

5. Notice of Investigation: Upon initiation of the investigation, the investigator will notify the Complainant and the Respondent of the investigation in writing via their University email account.

The notice will:

- a. provide a summary of the alleged Prohibited Offense including the date, time and location, if known;
- b. identify potential Policy violation(s);
- c. provide the identities of the Complainant and Respondent, if known;
- d. explain the prohibition against Retaliation;
- e. provide an explanation of the investigation process as described herein; and
- f. provide a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing process.

6. During the investigation, the parties will have an equal opportunity to be heard. The investigator(s) will request to meet separately with the Complainant and the Respondent for an interview. Either party may choose to participate or decline to participate in the investigation.

The investigator(s) may continue to investigate the alleged Prohibited Offense and produce an Investigative Report based on the available information. Both the Complainant and the Respondent will be asked to provide relevant documentary evidence (e.g., photographs, text messages, emails, phone records, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged Prohibited Offense. Witnesses cannot participate solely to speak about an individual's character.

- a. Parties involved in the investigation may, under limited and extenuating circumstances, request to submit a written statement instead of participating in an interview with the investigator(s). The Title IX Coordinator will determine whether to include in the Investigative Report information provided in a written statement, taking into consideration the relevance of the information and the rights of the Complainant and Respondent to have equal opportunity to present information and witnesses.
- b. The investigation may also include the review of any documentation, reports, video or other items the investigator deems relevant to the Allegation.
- c. The University may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- i. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any Allegations therein;
- ii. the Respondent is no longer enrolled or employed by the University; or
- iii. specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or Allegations.

Either party may appeal any dismissal decision through the appeal procedures set forth below.

7. **The investigator(s), in consultation with the Title IX Coordinator, has the discretion to determine the relevance of any witness or evidence and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the Title IX Investigative Report.**
 - a. An individual's prior or subsequent sexual activity is not relevant and will not be considered, except for one limited, factual purpose:
 - i. Evidence of past sexual experience are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - ii. The Complainant and the Respondent engaged in consensual sexual activity prior or subsequent to the alleged Prohibited Offense, and
 - iii. The prior or subsequent consensual sexual activity is offered for the sole purpose of demonstrating how Consent was communicated between the parties during the consensual sexual activity, as compared to the alleged Prohibited Offense. Such information will not be used for any other purpose.
8. **The investigator(s) will provide each interviewed party a written interview summary for review via their University email account. The interviewed party will review the summary and, within two (2) business days of receipt, will confirm the summary's accuracy or provide a written response. Failure to respond within two (2) business days will be considered confirmation of the accuracy of the summary. The investigator(s) will review any written response by an interviewed party and will incorporate information into the Investigative Report deemed relevant in the discretion of the investigator(s).**
9. **At the conclusion of the investigative process, the investigator(s) will share a summary of the facts gathered during the investigation with the Complainant and Respondent for their review and response. The identities of individuals named in the report may be redacted as deemed necessary at the sole discretion of the investigator.**

The parties may submit a written response to the investigator(s) within ten (10) business days in order to:

- a. clarify information;
 - b. provide an additional explanation;
 - c. submit additional questions for the investigator(s) to ask of other parties or witnesses; or
 - d. identify any other relevant information for the investigator to consider.
10. **If a written response includes new and relevant information, the investigator will revise the summary of facts accordingly and provide the Complainant and Respondent with opportunities to respond to the new information. Thereafter, the investigator(s) will determine if additional investigation is required. Any further investigation will follow the steps above. If no further investigation is needed, the investigator(s) will finalize the Investigative Report.**

- 11. The investigator(s) will submit the Investigative Report to the Title IX Coordinator for their review. The Title IX Coordinator will review the Investigative Report to assess its thoroughness, reliability and impartiality. The Title IX Coordinator may request more information or additional investigation.**
- 12. If the Title IX Coordinator determines that the Investigative Report contains insufficient information to constitute a potential violation of this Policy, the case will be closed and the decision will be simultaneously communicated to the Complainant and the Respondent by the Title IX Coordinator in writing. There is no appeal of this decision.**
 - a. Facts established as part of an investigation that reveal conduct that may violate other University policies, procedures or commonly accepted norms of conduct will be referred to the appropriate office for review.
- 13. If the Title IX Coordinator determines that the Investigative Report contains sufficient information to constitute a potential violation of this Policy, the case will be referred by the Title IX Coordinator to an Administrative Hearing.**
 - a. In order to protect the Privacy of the parties, the Investigative Report forwarded to Hearing Administrator will have personally identifiable information replaced with their role in investigation (Complainant, Respondent, Witness 1, etc.).
- 14. The Title IX Coordinator will send a pre-hearing meeting notice to the university email account of the Complainant and the Respondent.**

The pre-hearing meeting, which will take place at least ten (10) days prior to a hearing, is between the party, their Advisor and the Title IX Coordinator to:

- a. Review the Investigative Report that forms the basis of the complaint;
 - b. Explain the charges of the Policy violation filed against the Respondent;
 - c. Explain the process for resolving the case, including whether the parties accept or contest the recommended findings of the Investigative Report;
 - d. Explain that the Title IX Coordinator will appoint an Administrator to conduct the Administrative Hearing; and
 - e. Review the process for challenging participation by the Administrator for perceived bias or conflict of interest.
- 15. Complainants and Respondents can accept or contest the recommended findings of the Investigative Report at the pre-hearing meeting.**

The party's acceptance or contestation of the recommended finding will be noted for the Administrator as they review the Investigative Report and hold an Administrative Hearing to determine, using a preponderance of the evidence standard, whether to:

- a. affirm the recommended findings of Policy violations contained in the Investigative Report;
- b. make alternative findings of Policy violations than those contained in the Investigative Report.

16. The Complainant and the Respondent will each have the option to present a written or oral statement to the Administrator.

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

17. The Administrator will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Administrator must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If a party or witness does not submit to cross-examination at the live hearing, the 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.

18. Either party may request alternative methods for participating in the Administrative Hearing that do not require physical proximity to the other party, including participating through electronic means that enable the Administrator and parties to simultaneously see and hear the party or the witness answering questions. This request should be submitted to the Title IX Coordinator at least two (2) business days prior to the Hearing.

19. At the conclusion of the Administrative Hearing, the Administrator will deliberate and render a decision regarding whether or not there is a preponderance of the evidence to support the recommended findings in the Investigative Report.

20. The Administrator may affirm or alter the recommended findings of Policy violation contained in the Investigative Report. Thereafter, the Administrator will provide both the Complainant and the Respondent written Notice of the Administrator's decision, including a description of the procedural steps taken by the University from the receipt of the Formal Complaint through the Administrator's finding and the rationale for why a Policy violation was or was not found.

As appropriate, a copy of the Notice will also be forwarded to the administrative official immediately responsible for supervision of the Respondent and the appropriate Vice President, Dean, or Director for the unit in which the Respondent works for their review and determination of disciplinary action. The Administrator may, as appropriate, provide these offices with recommended action.

The Administrator will also explain the appeals process to both parties through the Notice.

21. The Complainant and Respondent may notify the Title IX Coordinator of their request to appeal the findings of Policy violations within five (5) business days of receiving notice of the recommended findings of fact.

The written appeal will be provided to the non-appealing party, who may, but is not required to provide a response within two (2) business days. The Title IX Coordinator will appoint a Title IX Appeals Board or Administrator to review the written appeal to determine whether it meets any of the following grounds for appeal:

- a. new, relevant information not reasonably available by the completion of the investigation;
- b. procedural error that prevented the appealing party from a fair opportunity to present information and/or witnesses;
- c. the Title IX Coordinator, investigator(s), or Administrator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Once the appeal materials are submitted, the non-appealing party and the investigator will be notified of the appeal and given an opportunity to provide a response within two (2) business days.

- If an appeal is granted on the basis of new information, the Appeal Officer will refer the matter back to the Administrator to determine if the new information alters their original decision.
- If an appeal is granted for procedural error, the process will reset to the point at which the procedural error occurred and proceed from that point.
- If an appeal is granted based on bias from the Title IX Coordinator, Investigator or Administrator, the Appeal Officer will notify the Title IX Coordinator to determine next steps.
- The Appeal Officer, the parties, and if required witnesses, may be reconvened to review only the new information. The Appeal Officer will render a decision based on all the relevant information provided.

22. At the conclusion of the appeal, both the Complainant and Respondent will be notified, in writing, of the outcome by the Appeal Officer, and the Investigative Report will be forwarded to the appropriate office for consideration of the findings of fact. Any disciplinary action taken based upon the Investigative Report is governed and controlled by other applicable University policy.

PROTOCOLS FOR ALLEGATIONS OF SEXUAL OR GENDER-BASED HARASSMENT PROHIBITED OFFENSES
INVOLVING A UNIVERSITY STUDENT OR EMPLOYEE AS THE RESPONDENT

A. Formal Resolution Procedure

- 1. When made aware of a complaint of Sexual or Gender-Based Harassment, the AVP will, in collaboration with appropriate University departments, assess the safety and well-being of the parties involved, as well as potential threats to the University community, and will determine the need for any immediate action or interim measures.**
- 2. The AVP or designee will determine whether a Formal Complaint states a potential violation of this Policy.**

- a. If the AVP determines that the Complainant's Allegations, if true, do not constitute a potential violation of this Policy, or that OUEC has no jurisdiction in the matter, OUEC staff will provide appropriate referrals to both on and off-campus resources. If new information is subsequently provided to OUEC, OUEC may reevaluate whether the Allegations constitute a potential violation of this Policy and/or whether OUEC has jurisdiction to investigate.
 - b. If the AVP determines that the Complainant's allegations, if true, constitute a potential violation of this Policy, the AVP will initiate an investigation into the allegations and assign an investigator.
3. **Case Managers will be assigned to students who are Complainants or Respondents. Case Managers will serve as the main point of contact for these individuals in order to provide interim measures and resources.**
4. **Notice of Investigation: Upon initiation of the investigation, the investigator will notify the Complainant and the Respondent of the investigation in writing via their University email account.**

The notice will:

- a. provide a summary of the alleged violations of this Policy including the date, time and location, if known;
 - b. identify potential Policy violation(s);
 - c. provide the identities of the Complainant and Respondent, if known;
 - d. explain the prohibition against Retaliation;
 - e. provide an explanation of the investigation process as described herein; and
 - f. provide a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing process.
5. **During the investigation, the parties will have an equal opportunity to be heard. The investigator(s) will request to meet separately with the Complainant and the Respondent for an interview. Either party may choose to participate or decline to participate in the investigation.**

The investigator(s) may continue to investigate the alleged Sexual or Gender-Based Harassment and produce an Investigative Report based on the available information. Both the Complainant and the Respondent will be asked to provide relevant documentary evidence, including electronic or other records of communications between the parties or witnesses (e.g., photographs, text messages, emails, phone records, messages through social media sites, receipts, etc.) and the names of any and all relevant witnesses with information about the alleged Sexual or Gender-Based Harassment. Witnesses cannot participate solely to speak about an individual's character.

- a. Parties involved in the investigation may, under limited and extenuating circumstances, request to submit a written statement instead of participating in an interview with the investigator(s). The AVP will determine whether to include in the Investigative Report information provided in a written statement, taking into consideration the relevance of the information and the rights of the Complainant and Respondent to have equal opportunity to present information and witnesses.
 - b. The investigation may also include the review of any documentation, reports, video or other items the investigator deems relevant to the Allegation.

- c. The University may dismiss a complaint or any Allegations therein, if at any time during the investigation or hearing:
 - i. a Complainant notifies the AVP in writing that the Complainant would like to withdraw the complaint or any Allegations therein;
 - ii. the Respondent is no longer enrolled in or employed by the University; or
 - iii. specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or Allegations.
- 6. The investigator(s), in consultation with the AVP, has the discretion to determine the relevance of any witness or evidence and may exclude irrelevant, immaterial or unduly prejudicial information in preparing the Investigative Report.**
- a. An individual's prior or subsequent sexual activity, behavior or predisposition is not relevant and will not be considered, except for these limited, factual purposes:
 - i. Evidence of past sexual experience are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; or
 - ii. The Complainant and the Respondent engaged in consensual sexual activity prior or subsequent to the alleged Sexual Harassment; and
 - iii. The prior or subsequent consensual sexual activity is offered for the sole purpose of demonstrating how Consent was communicated between the parties during the consensual sexual activity, as compared to the alleged Sexual Harassment. Such information will not be used for any other purpose.
- 7. The investigator(s) will provide each interviewed party a written interview summary for review via their University email account. The interviewed party will review the summary and, within two (2) business days of receipt, will confirm the summary's accuracy or provide a written response. Failure to respond within two (2) business days will be considered confirmation of the accuracy of the summary. The investigator(s) will review any written response by an interviewed party and will incorporate information into the Investigative Report deemed relevant at the discretion of the investigator(s).**
- 8. At the conclusion of the investigative process, the investigator(s) will share a draft summary of the facts gathered during the investigation with the Complainant and Respondent for their review and response. The identities of individuals named in the report may be redacted as deemed necessary at the sole discretion of the investigator.**

The parties may submit a written response to the investigator(s) within three (3) business days in order to:

- a. clarify information;
 - b. provide an additional explanation;
 - c. submit additional questions for the investigator(s) to ask of other parties or witnesses; or
 - d. identify any other relevant information for the investigator to consider.
- 9. If a written response includes new and relevant information, the investigator will revise the draft summary of facts accordingly and provide the Complainant and Respondent with opportunities to respond to the new information. Thereafter, the investigator(s) will determine if additional investigation is required. Any further investigation will follow the steps above. If no further investigation is needed, the investigator(s) will finalize the Investigative Report.**

10. The investigator(s) will submit the Investigative Report with their recommended finding to the AVP for review. The AVP will review the Investigative Report to assess its thoroughness, reliability and impartiality.
11. If the AVP determines that the Investigative Report contains insufficient information to constitute a potential violation of this Policy, the case will be closed and the decision will be simultaneously communicated to the Complainant and the Respondent by the AVP in writing. There is no appeal of this decision.
12. If the AVP determines that an Investigative Report involving a student as the Respondent contains sufficient information to constitute a potential violation of this Policy, the case will be referred by the AVP to the Director of OSCCR (or designee).
 - If the AVP determines that an Investigative Report involving an employee as the Respondent contains sufficient information to constitute a potential violation of this Policy, the AVP will review the report and may affirm or alter the recommended findings of Policy violation contained in the Investigative Report.
 - Thereafter, the AVP will inform the Complainant and Respondent of the findings of fact of any Policy violation. As appropriate, a copy of the Notice will also be forwarded to the administrative official immediately responsible for supervision of the Respondent and the appropriate Vice President, Dean, or Director for the unit in which the Respondent works. OUEC may, as appropriate, provide the offices identified in Step #4 with recommended action. The next step for cases involving employee Respondents is Step #20.
 - a. In order to protect the Privacy of the parties, the Investigative Report forwarded to the Director of OSCCR and reviewed by a Conduct Board will have personally identifiable information replaced with their role in investigation (Complainant, Respondent, Witness 1, etc.). Members of the Board will not know the names of the parties.
13. Facts established as part of an investigation that reveal conduct that may violate the Code of Student Conduct will be investigated by OUEC and a recommended finding will be made in the Investigative Report.
 - a. Rights, including the right to an Advisor throughout the process and Appeal options will apply to alleged violations of the Code of Student Conduct that stem from an investigation of a Sexual or Gender-Based Harassment.
 - b. Facts established as part of an investigation that reveal conduct that may violate other University policies, procedures or commonly accepted norms of conduct will be referred to the appropriate office for review.
14. The Director of OSCCR will send a pre-hearing meeting notice to the University email account of the Complainant and the Respondent when they are University students.

The pre-hearing meeting is between the party, their Advisor and an OSCCR Hearing Administrator to:

- a. Review the Investigative Report that forms the basis of the complaint;

- b. Explain the charges of the Policy violation filed against the Respondent (from this point on in the process, the Respondent will be referred to as the Charged Student);
- c. Explain the process for resolving the case, including whether the parties accept or contest the recommended findings of the Investigative Report;
- d. Explain that the Director of OSCCR will appoint a three (3) member Board; and
- e. Review the process how to challenge participation by any member of the Board for perceived bias or conflict of interest.

15. Complainants and Charged Student can accept or contest the recommended findings of the Investigative Report at the pre-hearing meeting.

The party's acceptance or contestation of the recommended finding will be noted for the Board as they review the Investigative Report and hold a Hearing to determine, using a preponderance of the evidence standard, whether to:

- a. affirm the recommended findings of Policy violations contained in the Investigative Report; or
- b. make alternative findings of Policy violations than those contained in the Investigative Report.

16. The Complainant and the Charged Student will each have the option to present a written or oral statement to the Board.

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

17. Either party may request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means that enable the Board and parties to simultaneously see and hear the party or the witness answering questions. This request should be submitted to the Director of OSCCR at least two (2) business days prior to the Hearing.

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

19. The Director of OSCCR will provide both the Complainant and the Charged Student written notice of the Board's decision, including a description of the procedural steps taken by the University from the receipt of the Formal Complaint through Board's finding, the rationale for why a Policy violation was or was not found, and any relevant sanctions. The Director of OSCCR will also explain the appeals process to both parties.

20. The Complainant or the Charged Student/employee Respondent may file a written appeal within five (5) business days of the Notice of Decision.

The written appeal will be provided to the non-appealing party, who may but is not required to provide a response within two (2) business days.

- a. In cases involving students as the Respondent, OSCCR will appoint an Appeals Board to review the written appeal to determine whether it meets any of the below grounds for appeal.
- b. In cases involving employees as the Respondent, the AVP will appoint an Appeals Officer to review the written appeal to determine whether it meets any of the below grounds for appeal.

Grounds for appeal are:

- i. new information not reasonably available by the completion of the investigation that could affect the outcome;
 - ii. procedural error that affected the outcome,
 - iii. review of the imposed sanctions based on extraordinary circumstances (for student Respondents only);
- If an appeal is granted on the basis of new information, the original Conduct Board (where students are Respondent) or AVP (where an employee is the Respondent) will reconvene to determine if the new information alters their original decision. The Director of OSCCR/ AVP will notify the parties of the Board's decision.
 - If an appeal is granted for procedural error, the process will reset to the point at which the procedural error occurred and proceed from that point.
 - If an appeal is granted based on a review of imposed sanctions, the Director of OSCCR will notify the parties of the decision.

21. The Senior Vice Chancellor of Student Affairs reserves the right to review and revise final outcomes in all cases involving students, including if AVP closes a case at Step 11 of this process, as well as any decision by a Board or Appeals Board. Any such revision is not subject to appeal.

PROTOCOLS FOR AN EMERGENCY REMOVAL

- 1. When an alleged violation(s) of this Policy is reported and the violation(s) may constitute an immediate threat to the physical health or safety of any student or other individual, the Title IX Committee will meet to conduct an individualized safety and risk analysis of the potential need to remove the Respondent(s) from the University on an emergency basis.**
- 2. If an Emergency Removal is deemed necessary:**
 - a. a Student Respondent will receive communication of the Emergency Removal through the Director of OSCCR, or their designee which will be sent through the Maxient conduct database to the Respondent's University email address;
 - i. A hold will be placed on the student's record.
 - b. an employee Respondent will receive communication of the Emergency Removal through HR, their supervisor, or their designee which will be sent to the Respondent's University email address.

The Respondent is not allowed on any University property cannot attend classes or any University sponsored activities both on and off University property;

- i. The Respondent will need to make advance arrangements with OSCCR (students) or HR (employees) for approval any time they may need to be on campus to take care of University-related business during the period of Emergency Removal;
- ii. Included in the letter will explain the Respondent's opportunity to submit an online request to challenge the decision of the Emergency Removal.

3. If the Respondent wishes to challenge the Emergency Removal, they will submit an online request form within five (5) business days, explaining in detail the reasons for why they are challenging the Emergency Removal.

Grounds to challenge an Emergency Removal are:

- a. The reliability of the information concerning the appellant's alleged conduct, including the matter of their identity; or
- b. Whether the alleged conduct and surrounding circumstances reasonably indicate that the continued presence of the appellant on University property or within University programs poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of a Prohibited Offense.

4. The appeal for student Respondents will be reviewed by the Senior Vice Chancellor of Student Affairs, or their designee and the Emergency Removal will remain in effect during the appeal process. The appeal for employee Respondents will be heard by the Vice President for Human Resources or their designee and the Emergency Removal will remain in effect during the appeal process.

5. The Senior Vice Chancellor of Student Affairs, or their designee, will review the student's appeal, the incident report(s), and the original individualized safety and risk analysis.

- a. The Senior Vice Chancellor of Student Affairs, or their designee, can request to meet with the student in person or virtually, if deemed necessary to obtain any additional information or clarification.
 - i. This meeting will not replace the Resolution process, which shall proceed in accordance with procedures identified in this Policy.

6. A final decision to either (1) uphold the Emergency Removal, (2) modify, or revoke it will be provided to the student within two (2) business days of receiving the student's appeal request or within two (2) business days of the date of the meeting between the Senior Vice Chancellor of Student Affairs and the student.

- a. There will be no further appeals to the decision rendered upon review.
- b. If the Emergency Removal is modified or revoked, other supportive, remedial and protective measures may be assigned until the resolution of any related Resolution Option through OUEC is completed.
 - i. At any point in a Resolution Process of an allegation of a Prohibited Offense, the University has the discretion to impose, lift, reassess, and modify an Emergency Removal as circumstances may warrant and as new information becomes available.

7. If the Emergency Removal is upheld, the Director in OSCCR, or their designee, will send a memo to campus colleagues regarding the Emergency Removal.

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, information concerning rights under Title IX, and guidance on how to support someone who has experienced harm.

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 and can be reached at 617.373.4644 or ouec@northeastern.edu.

The Office of Prevention and Education at Northeastern (OPEN) oversees sexual violence prevention and education and provides confidential information and resources to students affected by sexual violence. OPEN can be reached at 617.373.4459 or open@northeastern.edu.

Throughout 2022, OPEN and OUEC provided approximately 325 synchronous programs across the University's network of campuses regarding on-going prevention, bystander intervention, and awareness of Dating Violence, Domestic Violence, Sexual Assault and Stalking.

STUDENT EDUCATION

New, incoming, and degree-seeking students, both graduate and undergraduate on all campuses are required to complete an online and interactive sexual violence prevention program called [Up2Us: Foundations](#). This course covers topics including Consent and healthy sexual communication, warning signs of sexual violence, how to intervene to prevent sexual violence, and on-campus resources related to sexual violence. This program was created by Northeastern University staff and students and was launched in Fall 2021.

The University's Up2Us: Bystander Intervention program, which builds upon the topics presented in the "Up2Us: Foundations" course, teaches students in first-year seminars how to recognize risk factors of sexual violence and take action using effective intervention strategies. This peer-led workshop offers discussion about prevention, intervention, and response to sexual violence primarily by teaching students how to be active and prosocial bystanders. The presentation includes topics such as the culture of violence, how alcohol can affect the ability to give consent, resources available on campus, and how to support survivors of sexual violence. In 2022, OPEN gave synchronous, in-person bystander intervention presentation to approximately 3,300 University students in first year seminar classes. A newly-updated asynchronous version of "Up2Us," is accessible via Canvas to the entire University community as of Summer 2022.

In addition to the new Up2Us: Foundations course and the existing Up2Us: Bystander Intervention program OPEN has developed several additional courses on this topic. [All online modules can be accessed here.](#)

Additional courses include:

- *RESPOND: Trauma-informed Response to Disclosures of Sexual Violence*- This Canvas course covers basics on the impacts of sexual trauma, information on why a compassionate response to disclosures is so important, step-by-step considerations for an effective response, and information on resources.
- *What to Do: Preventing Sexual Violence as a Student Leader*- Designed for student leaders, this course focuses on preventing and responding to incidents of sexual violence within student organizations. Participants learn about campus resources available for support, reflect on organization culture, and build skills to intervene and respond to allegations of sexual violence.

OPEN and OUEC host additional trainings throughout the year which are tailored to the specific needs of the requesting group.

FACULTY AND STAFF EDUCATION

In 2022, all new faculty members received Title IX information at their orientation and were required to complete Preventing Harassment and Discrimination training. Employee training is ongoing and requires employees to annually complete Preventing Harassment and Discrimination training with specific information about resources and reporting procedures related to sexual misconduct, discrimination, and Title IX.

OUEC and OPEN work together to train faculty and staff to respond to disclosures of sexual misconduct. Such trainings ensure that community members understand definitions of Prohibited Offenses and Consent, information concerning rights under Title IX, obligations of Responsible Employees to report allegations to the OUEC, as well as how to respond in a way that is trauma sensitive.

SURVEY ON SEXUAL AND GENDER-BASED HARASSMENT

The University looks to data to inform ongoing education and prevention efforts. Last administered in the Fall 2021 semester, the University conducts a biennial university-wide survey on Sexual and Gender-Based Harassment (formerly called the Campus Climate survey). The survey gauges students' perception of prohibited sexual conduct, asks about incidents of prohibited offenses students experienced during their time at the University, and measures student knowledge of campus resources. The data helps inform areas where the University can improve its educational, support, and response programs. The Fall 2021 survey results were used to evaluate the impact of OPEN's bystander intervention programs, identify student populations at higher risk of experiencing sexual violence to drive intervention priorities, and better understand barriers for students seeking supportive services after experiences of sexual violence. The results of the survey can be found [here](#).

RESOURCES AND SUPPORT FOR STUDENTS WHO HAVE EXPERIENCED SEXUAL VIOLENCE

OPEN's Sexual Violence Resource Center (SVRC) continues to serve as a confidential resource for students who have experienced any form of sexual violence. The SVRC offers free, confidential, trauma-informed services. SVRC staff work with students to help them understand their options and resources, and support survivors in making the best choices for them going forward. For example, staff can help by facilitating connections to ongoing counseling, medical care, and/or legal services; discussing reporting options and/or accompanying students through the University investigation and adjudication process; and/or expediting connections to other Northeastern or community resources that can best meet students' needs.

SVRC staff can meet with students in-person in Boston and/or virtually to serve students across the global University network. Students can connect to this service using OPEN's confidential Sexual Violence Service Request Form: bit.ly/svrequestform.

The SRVC offers additional resources for survivors, including grounding kits containing supplies to assist with coping with traumatic stress, and the online guide : "[We Believe You Guide: Information on Trauma and Coping for Survivors of Sexual Violence](#)." This guide reviews common symptoms of trauma and self-care suggestions for survivors.

. Northeastern offers mental health support for students through Find@Northeastern, 24/7 mental health support via phone at 877.233.9477 (US), 855.229.9797 (Canada), and 781.457.7777 (International). Find@Northeastern can also connect students to free, unlimited counseling sessions in the community.

The University's We Care team is also available to provide support to students experiencing any challenges that impede their academic progress. We Care frequently works with students impacted by sexual violence and serve as Case Managers to students who make a report to OUEC.

Beyond directly supporting students who have experienced sexual violence, OPEN also began offering confidential Community Consultation services in 2022. OPEN recognizes that when sexual violence occurs, it often affects people beyond those who were directly harmed or accused. To that end, OPEN now provides Community Consultation services for Northeastern students and employees looking to respond to incidents, support others, and/or discuss prevention strategies. Students, faculty, and staff can connect to this service using OPEN's confidential Sexual Violence Service Request Form: bit.ly/svrequestform

RESOURCE FOR RESPONDENTS

As part of the 2021 Massachusetts Campus Safety Act, OPEN's services expanded to serve students accused of alleged sexual misconduct through the addition of Confidential Resource Advisor (CRA) services. CRAs provide free, confidential, non-judgmental, restorative-informed services for Northeastern students or organizations who have been accused of any form of sexual violence and/or who have concerns about beliefs and behaviors that could lead to harm.

CRA staff meet with students virtually, through Microsoft Teams, to serve students across the global University network. Students can connect to this service using OPEN's confidential Sexual Violence Service Request Form: bit.ly/svrequestform

LOCAL RESOURCES

San Jose Police Department Headquarters
201 W Mission St, San Jose, CA 95110
408.277.8900
<http://www.sjpd.org/>

San Jose Police Department Family Violence Unit:
408.277.3700
<https://www.sjpd.org/about-us/organization/bureau-of-investigations/investigations-division-ii/family-violence>

San Jose Police Sexual Assault Investigation Unit:

408.277.4102

<https://www.sjpd.org/about-us/organization/bureau-of-investigations/investigations-division-i/sexual-assaults>

San Jose Police Department Victim Assistance Resources:

408.277.5550

<https://www.sjpd.org/community/community-services/victim-assistance>

San Jose City Hall

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

408.535.3500

YWCA

24-hour hot line:

800.572.2782

Linda Haskell Empowerment Center: 408.295.4011

Sunnyvale Family Justice Center 408.749.0793

<https://yourywca.org>

Next Door - Solutions to Domestic Violence

Main Office: 408.501.7550

Information: info@nextdoor.org

24-hour hot line:

408.279.2962

To chat with someone:

<https://safechatsv.org/>

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

Community Solutions

24-hour help-line: 1.877.363.7238

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

Inter-tribal Council of California Santa Rosa Satellite Office (ITCC, Inc.)

707.521.4555

Bay Area Women Against Rape (BAWAR)

Hotline: 510.345.1056

<https://bawar.org/>

LOCAL MEDICAL RESOURCES

Good Samaritan Hospital

408.559.2011

<https://goodsamsanjose.com>

Regional Medical Center

409.259.5000

<https://regionalmedicalsanjose.com>

Santa Clara Valley Medical Center
Sexual Assault Response Team
408.885.6466
<https://www.scvmc.org/Pages/home.aspx>

Highland Hospital
1411 E 31st St
Oakland, CA 94602
510.437.4800
<http://www.alamedahealthsystem.org/locations/highland-hospital/>

OFF CAMPUS RESOURCES

OPEN, 617.373.4459
<https://studentlife.northeastern.edu/open/>

OSCCR, 617.373.4390
www.northeastern.edu/osccr

ODEI, 617.373.5290
<https://provost.northeastern.edu/odei/>

OUEC, 617.373.3543
<https://www.northeastern.edu/ouec/>

NUPD, 617.373.2121
<https://nupd.northeastern.edu/>

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

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

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

sex offender may be obtained by appearing in person at NUPD and asking to review the registered sex offender log.

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

NORTHEASTERN UNIVERSITY WORKPLACE VIOLENCE POLICY

The 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. The 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 Human Resources ("HR")/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, SJPD at 9-1-1 or 408.277.8900, or SFPD at 9-1-1 or 415.315.2400.

Verbal abuse, perceived intimidation, harassment, or other non-emergency situations should be reported immediately to the immediate supervisor, manager, OUEC and/or HR. For all other situations contact HR at 617.373.2230, or NUPD at 617.373.2121. The University offers all employees counseling services and confidential referrals through the Employee Assistance Program (EAP). For support call 877.739.3989 or for additional information, please contact HR at 617.373.2230.

PROCEDURES FOR MISSING STUDENTS

If a member of the University community has reason to believe that a student is missing, local police should be contacted immediately. An incident report will be generated and an investigation will be initiated in order to attempt to locate the missing student. The SJPD 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 SJPD.

When registering the name of a person as an emergency contact in the online registration process through the Student Hub portal, students also have the option to confidentially identify an individual to be contacted by the University 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 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 strives to maintain a working, living, and learning environment that is free from the negative effects that alcohol and other drug use can create. The University works to provide drug-free campuses and workplaces for all University employees and students and is committed to enforcing policies and laws relating to alcohol and other drug use.

Northeastern complies with all local, state, and federal regulations pertaining to alcohol and illicit drugs. In addition, the University complies with the regulations of both the Drug Free Workplace Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1989. The unauthorized purchase, manufacture, distribution, possession, sale, storage, or use of alcohol, illegal drugs, or controlled substances while on duty, while in or on premises or property owned or controlled by the University, or while in vehicles used for University business is prohibited for all students, faculty, and staff.

The University has a standard of conduct that prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on university property or as a part of university activities. The University's [Code of Student Conduct](#) applies both on and off campus, to all Northeastern University students, at all levels of study, in all colleges and programs locally or abroad, on-ground or online, as well as to all student groups and organizations.

The [Policy on Drug-Free Workplace](#) applies to all campuses and university-owned or leased property, and to university-sponsored events off campus. It does not apply to the utilization of alcohol and drugs in approved research studies.

As outlined in the [Policy on Tobacco and Smoke-Free Campus](#), the use or possession of any tobacco or smoking-related products is prohibited at Northeastern University, which includes all locations, campuses, buildings, and outdoor areas owned and/or operated by the University, consistent with applicable law and University policy.

The University 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 resources related to alcohol and other drug prevention, education, counseling, and referrals for students, faculty, and staff who may experience problems related to substance use.

OPEN provides confidential alcohol, cannabis and other drug check-in services to students. With support of the Division of Student Life, OPEN facilitates educational programs and events designed to encourage informed decision-making regarding substance use. OPEN provides confidential resources for treatment and referral for students around alcohol and other drug use. Employees may learn more about substance abuse and obtain information about treatment and counseling options available to the Northeastern community through Northeastern's Employee Assistance Program.

PREVENTION, EDUCATION & TREATMENT

The University has developed a comprehensive approach to alcohol abuse prevention and education modeled after the NIAAA's College Alcohol Intervention Matrix (AIM) 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 the University include:

- Assessment, brief intervention and referral services at OPEN
- Programming and campaigns that provide evidence-based education on the risks associated with alcohol and other drug use, encouraging informed decisions.
- Alcohol education and skill building sessions during orientation, first year seminars, residence hall programming, fraternity/sorority life presentations, and athletics presentations
- Required online alcohol education program for all incoming students (eCHECKUP to GO)
- Customized presentations that combine discussion with normative feedback
- Peer-led alcohol education program designed to help students identify alcohol emergencies and call for assistance

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 the University, 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 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 is prohibited in the following situations:
 - 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

The University prohibits:

1. Knowingly being in the presence of 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 University property.

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

OSCCR impose disciplinary sanctions for student violations of the University's Alcohol or Drug 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, as well as a parent/guardian notification consistent with University policy. 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.

NUPD runs alcohol suppression operations throughout the year near campus retail alcohol outlets with the goal of reducing procurement of alcohol by underage individuals. The laws against the sale of alcohol to minors, procurement of alcohol to minors, and minors in possession of alcohol are enforced either through OSCCR and/or

through the local court. NUPD forwards all incident reports involving cases of student alcohol or other drug possession, consumption, underage purchase, etc., to OSCCR for adjudication.

Annually, all Resident Directors and Residents Assistants (RAs) are provided training in the University's policy around student alcohol and drug use, and how to enforce the policy among the on-campus resident population. RAs document known incidents of student behavior appearing to be in violation of alcohol and drug use policies, and forward those reports to OSCCR for adjudication.

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

OTHER PROGRAMMING

Alcohol-free events and activities are created and promoted on a consistent and ongoing basis through efforts of the Center for Student Involvement. The campus offers a student center, recreation center, and alcohol-free venues, all with expanded hours.

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:

OSCCR at <http://osccr.sites.northeastern.edu>

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

HR at <https://hr.northeastern.edu/>

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

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, etc.

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

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. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

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: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of Consent.

ARREST⁹ AND REFERRALS FOR DISCIPLINE FOR VIOLATIONS OF LIQUOR, DRUG, AND WEAPONS LAWS

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Weapons Law Violations: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Law Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful

⁹ Under Clery, an “arrest” is defined as the processing of a person by arrest, citation, or summons. A “referral for disciplinary action” is defined as the referral of any person to an institutional official who institutes a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Disciplinary action occurs where an official receiving the information initiates a disciplinary action, a record of the action is kept, and the action may, but not need have to, result in a sanction. Disciplinary actions may be initiated in both informal and formal manners and can include an interview or a simple, initial review of names submitted to an institutional official. An incident involving both an arrest and a referral for discipline is counted only as an arrest.

cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

HATE CRIMES

Under the Clery Act, a hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.¹⁰ 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. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple assault: An unlawful physical attack by one person upon 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 other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

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

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT CRIMES

The Violence Against Women Reauthorization Act of 2013 ("VAWA") 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: (i) A felony or misdemeanor crime of violence committed:

- a. By a current or former spouse or intimate partner of the victim;
- b. By a person with whom the victim shares a child in common;
- c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- d. 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

¹⁰ 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."

- e. 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.
- (ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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.

- i. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. For the purposes of this definition:
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
- iii. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking: (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.

(ii) For the purposes of this definition:

- A. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual Assault: An offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI's UCR program and included in Appendix A of this subpart. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person without the Consent of the victim, including instances where the victim is incapable of giving Consent."

State Definitions

VAWA amended the Clery Act to require that institutions publish in their annual security reports state law definitions of the following terms: Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent. Dating Violence is not defined under California law in the criminal code.

Domestic Violence

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

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

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

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

Dating Violence

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

Sexual Assault

Rape (Definition Under California Penal Code §261): (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: 1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1(commencing with Section

5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent; 2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another; 3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused; 4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep; (B) Was not aware, knowing, perceiving, or cognizant that the act occurred; (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. 5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief; 6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death; 7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress. As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

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

have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in apprising the existence of duress. (c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

Sexual Battery (Definition Under California Penal Code §243.4): (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. Sodomy (Definition Under California Penal Code §286): (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

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

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

Stalking

Stalking (Definition Under California Penal Code §646.9): (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

Consent

Consent (California Penal Code §261.6): In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent. Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

RULES FOR CALCULATING STATISTICS DISCLOSED IN THE ANNUAL SECURITY REPORT

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

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

PART I CRIMES (FELONY OFFENSES)

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

1. Criminal Homicide:
 - a. Murder and Non-Negligent Manslaughter
 - b. Manslaughter by Negligence
2. Sex Offenses:
 - a. Rape
 - b. Fondling

- c. Incest
 - d. Statutory Rape
- 3. Robbery
- 4. Aggravated Assault
- 5. Burglary
- 6. Motor Vehicle Theft
- 7. Arson

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

- 1. Weapons Law Arrests
- 2. Drug Law Arrests
- 3. Liquor Law Arrests
- 4. Weapons Law Referral for Discipline
- 5. Drug Law Referral for Discipline
- 6. Liquor Law Referral for Discipline

PART III CRIMES (HATE CRIMES)

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

Part I Felonies Subject to Hate Crime Counting Requirements

- 1. Criminal Homicide:
 - a. Murder and Non-Negligent Manslaughter
 - b. Manslaughter by Negligence
- 2. Sex offenses:
 - a. Rape

- b. Fondling
 - c. Incest
 - d. Statutory Rape
- 3. Robbery
- 4. Aggravated Assault
- 5. Burglary
- 6. Motor Vehicle Theft
- 7. Arson

Additional Misdemeanor Offenses Subject to Hate Crime Counting Requirements

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

PART IV CRIMES (VAWA OFFENSES)

- 1. Domestic Violence
- 2. Dating Violence
- 3. Stalking

CALCULATING STATISTICS SUBJECT TO THE HIERARCHY RULE

Some single incidents involve multiple Clery Act offenses, and often, a determination of which offense to disclose in the ASR's statistics grids is made simply based on where the offense lies 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 apartment, then the institution must record one statistic in the Burglary category.)
- There are special rules for the counting of Burglaries: 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. In the event of a Part II offense, 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.

ANNUAL SECURITY REPORT 2023

CLASSIFICATION	2020 ²					CLASSIFICATION	2021 ³					2022				
	On Campus	Student Housing ¹	Noncampus	Public Property	Total		On Campus	Student Housing ¹	Noncampus	Public Property	Total	On Campus	Student Housing ¹	Noncampus	Public Property	Total
Murder/Non-Negligent Manslaughter	0	0	0	0	0	Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	Sex Offenses Total	0	0	0	0	0	0	0	0	0	0
-Rape	0	0	0	0	0	-Rape	0	0	0	0	0	0	0	0	0	0
-Fondling	0	0	0	0	0	-Fondling	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses																
-Incest	0	0	0	0	0	-Incest	0	0	0	0	0	0	0	0	0	0
-Statutory Rape	0	0	0	0	0	-Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	Burglary	1	0	0	0	1	0	0	0	0	0
Theft – Grand Auto	0	0	0	0	0	Motor Vehicle Theft	0	0	0	1	1	0	0	0	0	0
Arson	0	0	0	0	0	Arson	0	0	0	0	0	0	0	0	0	0

Violence Against Women Act Totals	0	0	0	0	0	Violence Against Women Act Totals	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	Stalking	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	Domestic Violence	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	Dating Violence	0	0	0	0	0	0	0	0	0	0	0
Arrests																	
Liquor Law Violations	0	0	0	0	0	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	Drug Violations	0	0	0	0	0	0	0	0	0	1	1
Weapons Violations	0	0	0	0	0	Weapons Violations	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals																	
Liquor Law Violations	0	0	0	0	0	Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	Drug Violations	0	0	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	Weapons Violations	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes: 2022 – No incidents were reported 2021 – No incidents were reported 2020 – No incidents were reported Footnote 1: There are no on-campus residential facilities. Footnote 2: Statistics that were received were not in a useable format for Clery Act reporting. Footnote 3: Not all statistics that were received were in a useable format for Clery Act reporting.																	