<table>
<thead>
<tr>
<th>SECTION</th>
<th>CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>INTRODUCTION 6</td>
</tr>
<tr>
<td>II</td>
<td>DEFINITIONS USED IN THIS CODE 8</td>
</tr>
<tr>
<td>III</td>
<td>STUDENT CODE OF CONDUCT 10</td>
</tr>
<tr>
<td>1.)</td>
<td>Academic Dishonesty 10</td>
</tr>
<tr>
<td>2.)</td>
<td>Alcohol 10</td>
</tr>
<tr>
<td>3.)</td>
<td>Controlled Substances/Drugs 12</td>
</tr>
<tr>
<td>4.)</td>
<td>Smoking/Tobacco 13</td>
</tr>
<tr>
<td>5.)</td>
<td>Disorderly Conduct 13</td>
</tr>
<tr>
<td>6.)</td>
<td>Harmful Behavior 14</td>
</tr>
<tr>
<td>7.)</td>
<td>Sexual Misconduct 15</td>
</tr>
<tr>
<td>8.)</td>
<td>Hazing 16</td>
</tr>
<tr>
<td>9.)</td>
<td>Retaliation 16</td>
</tr>
<tr>
<td>10.)</td>
<td>Audio/Video Recording 16</td>
</tr>
<tr>
<td>11.)</td>
<td>Interference 17</td>
</tr>
<tr>
<td>12.)</td>
<td>Identification 17</td>
</tr>
<tr>
<td>13.)</td>
<td>Misrepresentation/Filing False Reports 17</td>
</tr>
<tr>
<td>14.)</td>
<td>Failure to Comply 18</td>
</tr>
</tbody>
</table>
15.) Respect for College Representatives 18
16.) Unauthorized Entry 18
17.) Theft 19
18.) Property Damage 19
19.) Vehicles 19
20.) Technology Resources 19
21.) Fire Safety 20
22.) Solicitation 21
23.) Animals 21
24.) Weapons 22
25.) College Policies 23
26.) Federal, State, and Local Laws 23
27.) Abuse of College Resources 23

SECTION IV: STANDARD OF EVIDENCE 24

SECTION V: DISCIPLINARY PROCEDURES 25

1.) Authority 25
2.) Jurisdiction of the College/Off-Campus Conduct 25
3.) Filing an Incident Report 26
4.) Adjudication Process 27
5.) Alleging Violations 27
6.) Hearing Procedures 27
SECTION VI: APPEALS 30

SECTION VII: SANCTIONS 32
1.) Educational/Restorative Sanctions 32
2.) Disciplinary Sanctions 34
3.) Administrative Actions 35

SECTION VIII: DISCIPLINARY FILES AND RECORDS 38

SECTION IV: ADDITIONAL POLICIES AND PROCEDURES 40
1.) Medical Amnesty Policy 40
2.) Parental Notification Policy 41
3.) Re-Entry Procedures 42

APPENDIX A: EXAMPLES OF PROHIBITED CONDUCT 44

Academic Dishonesty 44
Alcohol 44
Controlled Substances/Drugs 44
Smoking/Tobacco 44
Disorderly Conduct 44
Harmful Behavior 45
Sexual Misconduct 45
Hazing 45
Retaliation 45
Audio/Video Recording 45
Interference 45
Identification 45
Misrepresentation/Filing False Reports 46
Failure to Comply 46
Respect for College Employees 46
Unauthorized Entry 46
Theft 46
Property Damage 46
Vehicles 46
Technology Resources 46
Fire Safety 47
Solicitation 47
Animals 47
Weapons 47
College Policies 47
Federal, State, and Local Laws 47

APPENDIX B: TITLE IX/EQUITY POLICY 48

APPENDIX C: COMMUNITY STANDARDS PROCESS FLOWCHART86
SECTION I: INTRODUCTION

Berklee College of Music endeavors to provide a living and learning environment in which students can meet their creative, artistic, and personal goals. The college determines, publishes, and makes known its rules and regulations concerning student and organizational conduct in this Student Code of Community Standards, as well as department- and program-specific policies, and strives to provide students with a clear understanding of all academic requirements and policies. These regulations should be read broadly and are not designed to define prohibited conduct in exhaustive terms. The Vice President of Student Affairs/Dean of Students is designated by the college president to be responsible for the administration of the Student Code of Community Standards.

By enrolling in Berklee College of Music, students accept the responsibility to become fully acquainted with the college’s regulations, to comply with the college’s policies and authority, to respect the rights and property of others, and to recognize that student actions reflect upon the students involved as well as upon the entire college community. Unfamiliarity with college policies will not exempt students from the conduct process. Officially recognized student organizations are also expected to adhere to the Student Code of Community Standards. The college will take appropriate disciplinary action for any conduct that violates the Student Code of Community Standards, whether such conduct occurs on- or off-campus (in Boston or Valencia) or online. This may include disciplinary action up to and including expulsion and parental notification. Sanctions are also grounded in education and encourage students to reflect on the impact of their actions. In addition, sanctions will reflect the seriousness of the behavior for which the student will be held accountable. Being a Berklee student is a privilege,
and with that privilege comes the expectation that students will uphold the standards and values set forth by the college and will conduct themselves as individuals who contribute positively to the college community. All students will be treated fairly in the student conduct process, whether they are the alleged student, complainant, victim, or witness.
SECTION II: DEFINITIONS USED IN THIS CODE

a. “College” means Berklee College of Music (including Boston and Valencia, as well as Berklee Online).

b. “Student” includes all persons enrolled in courses at the college’s Boston or Valencia campuses, as well as Berklee Online, both full-time and part-time, including students who serve in any capacity as a part of the college staff; those pursuing undergraduate, graduate, or professional studies; and persons who reside in Housing and Residential Life-operated buildings. Persons who withdraw after allegedly violating the Student Code of Community Standards, or who are not officially enrolled for a particular term, but who have a continuing relationship with the college, are also considered students.

c. “College Official” includes any person employed by the college, performing assigned administrative or professional responsibilities (including Resident Assistants).

d. “Faculty member” means any person hired by the college to conduct classroom activities.

e. “College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college (including adjacent streets and sidewalks).

f. “College community” refers collectively and individually to students, college officials, Trustees, and all visitors, contractors, and guests to the college, facilities, or events.

g. “Organization” means any number of persons who have complied with the formal requirements for college recognition.
h. **“College-sponsored activity”** means any activity on- or off-campus that is initiated, aided, authorized, or supervised by the college.

i. **“Conduct Officer”** means a college official authorized by the Office of Community Standards to determine whether a student has violated the Student Code of Community Standards and to impose sanctions.

j. **“Alleged student”** means any student who is alleged to have violated any of the Student Code of Community Standards.

k. **“Hold”** refers to a block placed on a student’s record that may impact a student’s ability to register for classes and request transcripts, diploma or degree, grades, and other college activities including graduation.

l. **“Sanction”** refers to outcome(s) imposed on a student found responsible for violation of the Student Code of Community Standards.

m. **“Policy”** is defined as the written regulations of the college, including but not limited to those found in this Student Code of Community Standards, Graduate Bulletin, Policy Handbook for Students, Housing Handbook, and any other department- or program-specific policies.

n. **“Shall”** is used in the imperative sense.

o. **“May”** is used in the permissive sense.
SECTION III: STUDENT CODE OF CONDUCT

College rules and regulations are set forth in writing in order to give students general notice of prohibited conduct. Any student found to have committed conduct prohibited by the college is subject to the disciplinary sanctions outlined in Section VII. The following is not designed to be all-inclusive, but should serve as a list of examples of prohibited conduct and, thus, be broadly read.

1.) Academic Dishonesty
   a. Students/organizations shall refrain from all acts of dishonesty, including but not limited to: cheating, plagiarism, and other forms of academic dishonesty.

   b. Those that are charged with a possible Academic Dishonesty violation will meet directly with members of the faculty/supervisor. For more information on the procedures for this process, please visit the Honesty in Academic Work and Scholarly and Professional Practice at https://www.berklee.edu/policy-handbook-students.

2.) Alcohol
   a. Alcoholic beverages are permitted for persons 21 years or older and shall be limited to beer, wine, wine coolers, champagne, cider, and malt beverages. The alcohol content of beverages must be below 22 percent alcohol by volume. Hard liquor, distilled spirits, and grain alcohol are prohibited.

   b. Possessing, consuming, or being under the influence or knowingly in the presence of alcohol under the age of 21. Being under the influence of alcohol may be demonstrated through one’s actions, behaviors, or the results of a Blood Alcohol Content reading.
c. Residents or guests of legal drinking age may not possess, consume, or provide alcoholic beverages if any resident of that room is not of legal drinking age or if any person under the age of 21 is present in the room. In Valencia, Galileo residents, regardless of their age, are not allowed to drink or store alcohol in their rooms.

d. Purchasing, providing, or serving alcohol to or for an underage person.

e. Manufacturing, distributing, or engaging in the sale of alcohol.

f. Possessing excessive amounts of alcohol. Students may not possess more than the equivalent of 6 drinks per number of legal age residents in a campus residence. One drink is equivalent to a 12 ounce beer, wine cooler, malt beverage, or cider; or a five ounce glass of wine or champagne. One standard (750 ml) bottle of wine is equal to five drinks. For the purpose of clarity, students are not allowed to possess more than one standard bottle of wine.

g. Possessing, providing, or consuming alcohol in common areas, corridors, lobbies, elevators, or the exterior of a residence hall or facility.

h. Creating and/or engaging in drinking games involving rapid and/or excessive consumption of alcohol.

i. Possessing devices designed for the purpose of the rapid consumption of alcohol (e.g., beer bongs, funnels, yards of ale, etc.).

j. Possessing common source containers of alcohol (e.g., kegs, party balls, beer bongs, punch bowls, etc.).

k. Possession of empty alcohol containers and paraphernalia. Paraphernalia specifically includes, but is not limited to, empty bottles and cans, flasks, beer bongs, funnels, boxes of wine, and kegs. Shot glasses and drinking glasses (such as beer steins and wine glasses) are permitted. Empty alcohol containers including, but not limited to, beer bottles/cans and bottles of wine, are not considered decorative and are not permitted.
l. Any misconduct under the influence of alcohol as demonstrated through one’s actions, behaviors, or the results of a Blood Alcohol Content reading, regardless of one’s age.

m. Any misconduct under the influence of alcohol where one’s actions and behavior is abusive or destructive.

n. Any operation of a motor vehicle during consumption of alcohol, or following consumption of alcohol that creates a risk of danger to self, others, or the college community.

o. Any alleged violations of the alcohol policy will result in immediate disposal of alcohol on scene and/or the confiscation of any prohibited devices, in addition to other appropriate sanctions.

3.) Controlled Substances/Drugs

a. Possessing, consuming, or being under the influence or knowingly in the presence of any illegal drug or any controlled substance not prescribed to the user by a licensed medical professional. The odor of marijuana or any other prohibited substance may suffice to constitute a violation of this policy.

b. Use of substances for purposes or in manners not as directed, including use of prescription medication not prescribed to an individual and/or providing prescription medication to an individual to whom it is not prescribed.

c. Use of any substance to provide an altered state of being, including huffing, snorting, smoking, or otherwise possessing or using legal substances in manners not as intended. Substances including, but not limited to, K2, “Spice,” salvia and pyrovalerone derivatives (found in substances marketed as “bath salts”) are not intended for human consumption and are prohibited for possession or use.

d. Possessing and/or using drug paraphernalia including, but not limited to, pipes, grinders, roach clips, bongs, blow tubes, rolling papers, scales, or any material or apparatus containing drug residue.
e. Manufacturing, selling, transporting, and/or distributing controlled and unprescribed or illegal substances or any prohibited substances as defined above.

f. Possessing, consuming, or being under the influence of legally obtained medical marijuana while on-campus or during college events, activities, trips or classes.

4.) Smoking/Tobacco

a. The use of all tobacco products in all property that is owned, operated, leased, occupied, or controlled by the college and is prohibited within 25 feet of an exit, entrance, or operable window. “Property” for purposes of this paragraph includes all buildings.

b. “Tobacco Products” means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, water pipes (hookah), e-cigarettes (any device intended to simulate smoking), and the variety of smokeless tobacco products.

5.) Disorderly Conduct

a. Any behavior which disrupts the orderly conduct, processes, and functions of the college or infringes on the rights of others’ normal activities.

b. Public intoxication or substance abuse which creates an unsafe environment for self and others.

c. Public urination or defecation.

d. Disruption or obstruction of teachings and academic learning.

e. Any act which deliberately impedes the normal flow of pedestrian and/or vehicular traffic.

f. An act which aids, abets, or causes another person to breach the peace of the college premises or college-sponsored/related functions.
6.) Harmful Behavior

a. Causing physical harm or threat of physical harm to any person or persons. This harmful behavior policy may not apply in those instances where it is found that a student is acting in self-defense.

b. Verbal or written abuse, threats, intimidation, coercion, or conduct that would reasonably tend to cause alarm, anger, fear, or resentment in others or interfere with the ability to learn. This may be conducted through a variety of media, including but not limited to physical, written, visual, electronic, or oral means.

c. Hate/bias incidents that use language, signs, symbols, or threats that would reasonably tend to arouse alarm, anger, fear, or resentment in others or would endanger the mental and/or physical health, safety, and welfare of a member(s) of the college community.

(*See also the Equity Policy in Appendix B for further detail.)

d. Harassment is conduct (not of a sexual nature) that is severe, pervasive, or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, persistent verbal abuse, threats, intimidation, and coercion. In addition, harassment may be conducted through a variety of media, including but not limited to physical, written, visual, electronic, or oral means.

(*See also the Equity Policy in Appendix B for further detail.)

e. Bullying is defined as behavior (including through written, visual, electronic, or oral means) that is intentional and repeated, or meant to be done in humor or in jest, that results in the intimidation, injury, or distress of another individual physically, mentally, or socially.

f. Stalking is defined as a persistent, unwanted or unwelcome, and repeated course of conduct that would cause a reasonable person to become fearful for the person’s safety or the safety of another or suffer substantial emotional distress.

g. Condoning or encouraging acts of harmful behavior as defined above or failing to stop an act of such behavior while it is occurring.
7.) Sexual Misconduct

(See also the Equity Policy in Appendix B for further detail)

a. Non-consensual sexual contact is the deliberate touching of a person’s intimate parts (including genitalia, groin, breast, or buttocks), or clothing covering any of those area(s) without consent, or using force to cause a person to touch his or her own or another person’s intimate parts.

b. Non-consensual sexual intercourse refers to penetration (anal, oral, or vaginal) by a penis, tongue, finger, or any object that occurs without consent, however slight the penetration.

c. Sexual Harassment is unwelcome conduct of a sexual nature. Sexual harassment includes any unwelcome sexual advances or requests for sexual favors, whether physical, written, verbal, or visual, towards another individual exclusive of gender or sex and encompasses any other conduct of a sexual nature when: (i) submitting to such conduct is made either explicitly or implicitly a term or condition of employment, academic decisions, or college-sponsored activities; (ii) submitting to such conduct is used as the basis for employment or academic decisions affecting the individual as an employee, student, or participant in college-sponsored activities; or (iii) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working or learning environment.

d. Sexual Exploitation means taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. This includes, but is not limited to: causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts (including genitalia, groin, breasts, or buttocks) of another person; allowing third parties to observe private sexual acts; engaging in
voyeurism; and/or knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection.

e. Possession of child pornography.

f. Attempting to commit by solicitation sexual acts with a minor by oral, written, or electronic means.

g. Attempts of any of these behaviors will also be considered violations of this rule of conduct.

h. Condoning or encouraging acts of sexual misconduct as defined above or failing to stop an act of such behavior while it is occurring.

8.) Hazing

a. An act that threatens the mental, physical, or academic health or the safety of a student through actions or situations that endanger, embarrass, harass, demean, or ridicule any person regardless of locations, intent, or consent of participants.

b. Condoning or encouraging acts of hazing or failing to stop an act of such behavior while it is occurring.

c. Berklee College of Music supports all laws of the Commonwealth of Massachusetts governing hazing.

9.) Retaliation

a. Any conduct or behavior that interferes with a person’s rights and ability to pursue both internal disciplinary processes and charges through external law enforcement authorities. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions.

10.) Audio/Video Recording

a. Undisclosed and unauthorized recording of other individuals within the college community. Students are expected to respect the reasonable expectations of privacy of other individuals within the college community. Accordingly, students are not permitted
to make or attempt to make an audio or video recording of private, nonpublic conversations, and/or meetings on college premises, without the knowledge and consent of all participants subject to such recordings. In such circumstances, the uses of undisclosed hidden recording devices is prohibited, as is the transmission and/or distribution of any such recordings. This provision does not extend to the recording of public events or discussions or to recordings made by Public Safety or college staff for law enforcement or college administrative proceedings. Students will be made aware when they are being recorded for administrative proceedings.

11.) Interference
   a. Influencing or attempting to influence another person participating in the hearing process. This includes but is not limited to disruption, harassment, intimidation, or attempted influence of the conduct officer.

12.) Identification
   a. Students shall be required to obtain an official student identification card within one week of orientation. Students are required to carry their student identification card with them at all times and present it when requested to any college official who makes such a request while in the performance of their duties. Guests should carry a government-issued photo identification card with them at all times. Students may use this identification before they obtain a student identification card.

   b. The altering or misuse of a student identification card.

   c. Possessing, using, or attempting to use any form of fraudulent identification.

13.) Misrepresentation/Filing False Reports
   a. Knowingly or willfully providing false information or statements to any representative of the college in any form.

   b. Forgery, alteration or misuse of any college document, material, file, record, or instrument of identification.
c. Withholding information, including failing to disclose or update records of convictions or disciplinary actions on applications. Students who do not comply with the college’s requirement to disclose records of criminal conviction or disciplinary action taken by the student’s school, either before applying or after applying but before matriculation, will be considered in violation of this section. Failing to disclose will be considered a serious violation and may include suspension or dismissal from the college.

14.) Failure to Comply
a. Failure to comply with the directives of college officials and their authorized agents, including but not limited to the directives of Public Safety, Student Affairs, and Housing and Residential Life professional and student staff.

b. Failing/refusing to correctly identify yourself or guest(s).

c. Failure to complete or adhere to sanctions resulting from a hearing outcome may be considered failure to comply.

d. Students must comply with the directions of the Office of Community Standards or any college official in scheduling and attending appointments.

15.) Respect for College Representatives
a. Any form of disrespect, harassment, interference, or noncompliance with the proper and lawful directions of college officials and their authorized agents or designees.

16.) Unauthorized Entry
a. Unauthorized entry or attempt to enter any college facility or portion thereof or unauthorized use or abuse of any college building, facility, or premise.

b. Students are not permitted on the roofs of any building at any time, unless authorized by a professional college staff member acting in the performance and scope of their duties.

c. Unauthorized possession, duplication, or use of any college facility key. This includes unauthorized use/misuse of card access. Only professional college staff acting in the performance and scope of their duties may authorize use of college keys/access.
17.) Theft
   a. Attempted or actual theft of property of the college community or other personal or public property. This includes physical or digital theft of services on college premises.
   b. Knowingly possessing stolen property.

18.) Property Damage
   a. Attempted or actual vandalism, damage, or destruction of property of the college, community, or other personal or public property.

19.) Vehicles
   a. Bicycles/motorcycles are not permitted within college-owned facilities and must be kept outside the buildings in the approved designated areas (e.g., Bicycle Pavilion). Boards of any kind are not permitted to be used indoors.
   b. Careless or reckless operation of a vehicle including, but not limited to, the use of a vehicle to deface or damage campus property or engaging in street-racing activities.
   c. Operation or parking of vehicles in unauthorized spaces, restricted areas, and non-designated parking spaces.
   d. Any vehicle operated carelessly anywhere on-campus is subject to removal.

20.) Technology Resources
Theft or abuse of computer usage or network services including, but not limited to:
   a. Sending abusive or unwanted material causing the work or college experience of others to be disrupted.
   b. Copying files or passwords belonging to others.
   c. Anonymous or pseudo-anonymous communications that appear to dissociate oneself from responsibility for one’s actions.
d. Distributing or making one’s password or another person’s password or access code available to others; otherwise attempting to evade, disable, or “crack” a password or other security provisions; or assisting others in doing so.

e. Use of resources for unlawful purposes or for use not specifically permitted by the college, or assisting another in such use.

f. Use of vulgar, abusive, or hateful language.

g. Targeting another person or organization to cause distress, embarrassment, injury, unwanted attention, or other substantial discomfort.

h. Transmitting through or posting on any online network sexually explicit images or any other content the college deems to be offensive.

i. Communications under a false name or designation or a name or designation community members are not authorized to use, including instances in conjunction with representing that one is somehow acting on behalf of or under the auspices of Berklee College of Music.

j. Transmission of chain letters and pyramid schemes of any kind.

k. Use of any college online network to send unsolicited advertising, promotional material, or other forms of solicitation to others.

l. Unauthorized transmission of copyrighted or other proprietary content.

m. Use of any symbol, logo, or graphic used by or associated with Berklee College of Music for personal use.


21.) Fire Safety

a. Tampering with or using fire safety equipment such as extinguishers, smoke detectors, sprinklers, alarm pull stations, or emergency exits other than in emergency situations.
This includes the use of fire escapes as regular entrances and exits to and from a building, as these are only to be used in the case of a fire or an alarm.

b. Fire drills are conducted at various times during the year to ensure that all residents are familiar with evacuation procedures and to test safety equipment. During a fire drill or alarm, every person must evacuate the building and follow emergency procedures issued by Public Safety, Housing and Residential Life, or local authorities/emergency personnel.

c. Any substance that could cause a fire, damage, or an explosion is not permitted inside the residential facilities. This provision includes space heaters, fuel containers, candles, open flames, incense, fragrance pots, and similar burning devices. Outdoor fire pits/pots are not permitted.

d. Malicious burning, or attempted burning, of any personal or public property.

e. Negligence that contributes to the activation of a fire alarm and/or fire department response may result in alleged violations of fire safety. Appropriate sanctions, including the imposition of fines, will be determined based on the level of negligence, frequency of incidents, and any resulting damage that may have occurred.

22.) Solicitation

a. Any personal, commercial or political solicitation, sale or distribution of material, pamphlets, newsletters, or newspapers on the college’s campuses must be approved by the Office of Student Activities. Violators may be denied the privilege of any further approved solicitation on campus.

23.) Animals

a. No animals are allowed in the residence halls or in administrative buildings, with the exception of a guide dog that accompanies a visually impaired or other disabled person. Those that need an emotional support animal will need to work with the Office of Disability Services for approval. The college may contact the humane society or animal control to facilitate the removal of unauthorized animals from campus.
24.) Weapons

a. Possessing a concealed or unconcealed firearm, weapon, or other hazardous material:
   i. on the campuses of Berklee College of Music;
   ii. on premises owned or within the control of the college; or
   iii. at functions sponsored by the college.

b. Items covered by this policy include, but are not limited, to:
   i. guns and firearms of all types;
   ii. stun guns, air guns, and spear guns
   iii. machetes, swords, and knives, except for pocket knives with blades less than three inches and knives normally used for cooking or dining;
   iv. billy clubs, stilettos, metallic knuckles, and martial arts weapons;
   v. bows and arrows;
   vi. slingshots;
   vii. fireworks and incendiary devices, and explosives of any type; and
   viii. any other types of dangerous weapons.

c. In addition, other than for use as props in official Berklee College of Music activities, this policy also prohibits individuals from possessing replica or “toy” weapons on-campus, and from possessing on-campus component parts that can be readily assembled into a weapon.

d. This policy does not apply to lawfully obtained self-defense chemical spray. An individual may carry a chemical spray sold commercially solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.
25.) College Policies  
   a. Students/organizations who violate published college policies, procedures, regulations, or rules will be adjudicated. Such regulations include, but are not limited to: information in the Housing Handbook, regulations relating to parking and traffic.

26.) Federal, State, and Local Laws  
   a. Students/organizations must comply with all federal, state, and local laws.

27.) Abuse of College Resources  
   a. Students who demonstrate a lack of regard for college regulations or policies through behavior that includes but is not limited to excessively locking themselves out of their assigned residence hall, may be subject to the disciplinary process. The Office of Community Standards shall determine what constitutes an excessive number, based on the circumstances.
SECTION IV: STANDARD OF EVIDENCE

The standard of evidence used in disciplinary decision-making shall be that of a preponderance of the evidence or information presented (i.e., it is "more likely than not" that the alleged student violated the Student Code of Community Standards). The admissibility of evidence or information presented for consideration to a conduct officer is at the discretion of the Office of Community Standards.
SECTION V: DISCIPLINARY PROCEDURES

1.) Authority
   a. The Director of Community Standards shall serve as the chief conduct officer and shall determine the composition of the conduct officers and which conduct officer shall be authorized to hear each case.
   
   b. The Office of Community Standards shall develop policies for the administration of the conduct program and procedural rules for the conduct of hearings, which are consistent with provisions of the Student Code of Community Standards.
   
   c. Decisions made and sanctions imposed by the chief conduct officer or other conduct officer(s) shall be effective and final pending the normal appeal process.
   
   d. A conduct officer may be designated as a mediator of disputes within the student community in cases which do not involve a violation of the Student Code of Community Standards. In order for mediation to be successful, all parties must agree to be bound by the decision with no right of appeal. In cases where violations of the Student Code of Community Standards appear to have occurred, those individuals may be charged with violating this code. This process will only occur by approval of the Director of Community Standards.

2.) Jurisdiction of the College/Off-Campus Conduct
   a. College jurisdiction and discipline shall be limited to conduct which adversely affects the college community or the pursuit of its objectives.
b. The college may choose to review or initiate the disciplinary process against a student:
   i. If a student is charged with an off-campus conduct violation of federal, state, or local
      laws; or
   
   ii. When a student's behavior off-campus interferes with the rights of others, reflects
       adversely on the college, or results in a criminal conviction. The circumstances of the
       case shall be reviewed by the Office of Community Standards to determine whether the
       student may be subject to further disciplinary action and/or determine the status of the
       student.

c. Students may be accountable to both civil and criminal authorities, in addition to the
   college, for acts which constitute violations of law and of the Student Code of
   Community Standards. Although the college may choose to withhold adjudication
   pending further investigation or resolution of civil or criminal charges, disciplinary action
   at the college will normally proceed, concurrently with these civil or criminal
   proceedings and will not be subject to challenge on the grounds that civil or criminal
   charges involving the same incident have been dismissed or reduced. When a student
   has been charged by a civil authority for violation of law, the college will neither request
   nor agree to special consideration for the student solely because of their status as a
   student.

3.) Filing an Incident Report

Any member of the Berklee or extended community may submit a report of alleged violations
or concerns about any student to the Office of Community Standards via the online incident
reporting system, Public Safety, or the Office of Student Affairs. Such information shall be
submitted online with the incident report form as soon as possible after the incident takes
place. Incident reports are reviewed by the college, which makes the determination of possible
next steps, including additional investigation, providing resources, care/support, alleging
violations, or having an educational meeting or follow-up letter sent. Please use https://
www.berklee.edu/report to submit an incident report. All emergencies should be reported to
Public Safety or local law enforcement.
4.) **Adjudication Process**
   
a. A student who is alleged to have violated the Student Code of Community Standards shall have the matter adjudicated by a Conduct Officer.

b. Alleged violations of college regulations by officially recognized student organizations are also handled by the Office of Community Standards.

5.) **Alleging Violations**
   
a. The Office of Community Standards shall make every effort to have alleged student misconduct matters considered as expeditiously as possible in order to remove any question of a student's continuance at the college. The Office of Community Standards will secure all available information concerning the alleged misconduct to determine if the alleged violations have merit. If the student withdraws from the college or is no longer an active student, reentry shall not occur until all cases are resolved. Prior to adjudication, the Office of Community Standards may establish restrictions or specific parameters and expectations for the behavior of the alleged student if, in the judgment of the Office of Community Standards, lack of such restrictions or parameters may lead to disruption of the residential or college community.

b. The Office of Community Standards shall communicate the alleged violations to the student via their Berklee email. Notices of alleged violations will include a scheduled hearing appointment.

6.) **Hearing Procedures**
   
a. Hearings shall be conducted according to the following guidelines:

   i. The hearing is for the purpose of discussing the alleged violation(s) of the Student Code of Community Standards.

   ii. The alleged student's hearing shall be open only to the alleged student, their advisor, the conduct officer, witnesses (when called upon by the conduct officer), and a representative from the Office of Community Standards.
iii. Admission of any person to the hearing shall be at the discretion of the conduct officer.

1. Relevant witnesses may be interviewed by the conduct officer outside of the formal hearing.

2. Advisors - Students shall be afforded the privilege to have an advisor present who does not have a direct role in the Community Standards Process or potential violation. While students are permitted to select an advisor of their choice, the advisor may not speak for the student or represent the student in any form.

iv. All procedural questions are subject to the final decision of the conduct officer.

v. Any oral or written statements that the student may make pertaining to the alleged violation may be presented to the conduct officer.

vi. Participants will be afforded the privilege to prepare a written statement concerning the alleged violation to be shared at the time of the hearing.

vii. The alleged student is presumed not responsible until determined responsible for the alleged violation(s) based on a preponderance of the evidence standard.

viii. Participants will be afforded the opportunity to inspect and review all non-confidential information regarding the alleged violation(s) in any proceeding, including incident reports and other materials upon which the alleged violations are based from the Office of Community Standards. Requests to inspect and review such materials shall be made in writing at least two business days preceding the established time for the disciplinary hearing. The college does not assume responsibility to make available these materials in advance of the hearing, but will attempt to provide access to the materials when formally requested in writing. The parties involved will review the materials at the Office of Community Standards or prior to the start of the Community Standards meeting.

b. In Absentia—If the student fails to appear for a scheduled hearing or fails to reschedule a meeting and the Office of Community Standards has, in good faith, exhausted all
reasonable efforts to schedule a hearing, the Office of Community Standards, on the basis of the information available, may make a determination of a violation of the Student Code of Community Standards and may impose sanctions for such violations. This decision shall be communicated in writing to the student via their Berklee email. The appeal process as outlined in Section VI shall be in place for hearings in absentia.

c. At the conclusion of the meeting or within a reasonable amount of time thereafter, the conduct officer shall determine whether the student has been found responsible or not responsible for violation of each section of the Student Code of Community Standards which the student is alleged of violating.

d. If the student is found to have violated the Student Code of Community Standards, the conduct officer shall create sanctions to be imposed. A communication outlining the hearing decision and any applicable sanctions will be sent via email to the student’s Berklee College of Music email account and, as required by law, to the complaining student, parents, or Berklee employees who have a legitimate need to know.

e. A student’s prior record (legal or disciplinary) may be considered in determining appropriate sanctions when it is determined a violation occurred.

f. Any student who fails to complete the sanction(s) issued in their disciplinary hearing and outlined in the decision letter will be viewed as non-compliant. Noncompliance is looked on unfavorably by the college and may result in further disciplinary action and a hold being placed on the student’s account.

g. In cases where it is determined that a student is not responsible for violation of the policies alleged, no sanctions will be imposed.

h. Any student who is suspended or separated from the college will need to work directly with Financial Aid to understand impact to aid and scholarships.
SECTION VI: APPEALS

a. Students have the right to appeal decisions reached by the Office of Community Standards. The student shall adhere to the following stipulations:

i. Appeal requests shall be made in writing to the Office of Community Standards within three business days of the decision being sent.

ii. In appealing a disciplinary decision, said appeal must fall into one of the following categories:

1. The student has new evidence available that was not available prior to the original hearing;

2. The hearing process as outlined was not adhered to during the student’s original hearing.

b. Upon receipt of the appeal request, the Office of Community Standards shall evaluate the request and decide whether an appeal hearing will be granted. If an appeal hearing is granted, the Office of Community Standards will notify the student of an appeal hearing. The Office of Community Standards may determine an outcome based on the information provided in the appeal without further action of the student(s) involved or participation in an additional hearing. If an appeal hearing is not being granted, an official response from the Office of Community Standards as to why the appeal request is being denied will be sent.

c. Appeal hearing decisions will:

i. Affirm the original decision(s); or
ii. Modify/reverse the original decision(s) and/or sanction(s).

d. Decisions in appeal hearings shall be the final determinant of college violations. If the appeal officer upholds the original findings, the effective date of any sanction(s) imposed will revert back to the date of the original decision letter.

e. Students are expected to uphold the Student Code of Community Standards at all times. Sanctions are in effect at the time of the original decision letter and will be final pending the outcome of a formal appeal. Any alleged violation(s) of the Student Code of Community Standards that occur while an appeal is pending may result in more severe sanctions if a student is found responsible for the additional violation(s).

f. Appeals shall be heard by designated appeal officers identified by the Office of Community Standards.
SECTION VII: SANCTIONS

It is important for our students to know that our system aims to be educational and developmental. It is, however, important for students to recognize that there are severe consequences for policy violations. All violations are taken very seriously and each situation is individually assessed in determining appropriate sanctions.

1.) Educational/Restorative Sanctions

The sanctions listed below are examples of educational sanctions which are aimed at providing the student who is found responsible for violations of the Student Code of Community Standards the opportunity to reflect upon their experiences, take individual and community responsibility into consideration, and aim not only to avoid duplicating past inappropriate behavior but to make active efforts to learn and grow from the experience. This list highlights standard sanctions, but is not exhaustive.

a. Anger Management Education, consisting of two one-on-one 50-minute sessions with a trained staff member in the college Counseling Center where students identify potential changes to reduce risk of further difficulties resulting from anger.

b. Brief Alcohol Screening & Intervention for College Students (BASICS) is a two-session brief alcohol and other drug screening and intervention created specifically for college students. The goals are selected by the student and aimed at reducing risky behavior and potential harmful consequences from usage. BASICS meetings focus on: discussing alcohol and/or drug use, giving personalized feedback, and developing strategies to help make informed decisions about alcohol and/or drugs.

c. Alcohol Education group - the alcohol education group is a one-time discussion that provides tips to minimize the negative effects and consequences of alcohol as well as ways to stay safe, whether or not students choose to drink.
d. **Campus Clarity’s Think About It courses** - *Think About It* is a set of three online education and prevention courses that address alcohol, drugs, and sexual violence.

e. **Referrals** are required recommendations to internal and external resources and offices, which can serve as support and/or educational experiences. Examples include the Counseling Center, LiveWell, Diversity and Inclusion, etc.

f. **A Letter of Apology** is a personal communication outlining involvement in a situation, showing personal responsibility and a reflection of commitment not to duplicate the initial situation.

g. **Check-in/Success Meeting** between the student and a selected staff member provide updates on personal goals/growth, reflection on the incident, and current status.

h. **Restitution** is compensation for damage, loss, theft, or injury. The conduct officer shall set the amount and form of restitution, which shall not exceed the fair amount of damage, loss, theft, or injury incurred.

i. **Reflection/Research Papers** may be assigned as an opportunity for the student to reflect upon and/or research topics related to their incident. Topics may include but are not limited to general reflection; impact on others; impact on the future; research of college policies and local, state, or federal laws; and interviews.

j. **Community Restitution** consists of a designated number of hours the student must complete by volunteering with the college and/or local community.

k. **Parental/Guardian Notification** may occur, as the Family Education Rights and Privacy Act (FERPA) allows universities to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the college respects student privacy, we will exercise our right to notify parents/guardians when our policies in regard to use and possession of alcohol or other controlled substances are violated. Notification of parents/guardians will typically occur when a student is hospitalized for alcohol/substance use or has repeated alcohol/substance violations that may impact their success at the college. Other circumstances
may also result in parental/guardian notification. It is in your best interest to contact your parents/guardians first, when you are able.

2.) Disciplinary Sanctions

The below listed items are status level sanctions placed on a student as a result of being found responsible for violations or used in other circumstances for the safety and security of an individual or greater community. Any student who has been required to leave the college for disciplinary reasons and had exhausted the appeal process shall leave the premises immediately after being notified, unless permission to remain longer is obtained. Any student who is required to leave the college for disciplinary reasons shall not be eligible for a refund of tuition or fees.

a. **Disciplinary Warning**—It should be known that future or similar behavior will be subject to more severe disciplinary sanctions, including but not limited to probation or dismissal from the college with no reimbursement of fees or tuition.

b. **Disciplinary Probation**—Probationary status restricts your ability to study abroad and to participate in certain leadership opportunities with the college. This also means that if you violate any policies of the college or exhibit behavior prohibited by the college, you may face more serious disciplinary sanctions including immediate dismissal from the college with no reimbursement of fees or tuition.

c. **Residential Probation**—A strong statement of disapproval for violation of residential housing policies and/or college regulations. Imposed for a specified period of time, residential probation includes the probability of more severe disciplinary sanctions, including removal from college housing, if the student is found in violation of the Student Code of Community Standards during the probationary period.

d. **Residential Suspension**—Removal from on-campus college residential facilities (any building owned/operated by Berklee College of Music) for a definite period of time. Conditions for return to housing may be specified. Students suspended from on-campus college residential facilities are not permitted to visit any residential facility during the period of their suspension.
e. **Suspension**—Suspension means the student will not be able to participate in any Berklee classes, activities, or college-sponsored events during the term of suspension. After suspension has been served, the student will be able to return to the college, contingent upon certain conditions, and will be placed on disciplinary probation. Probationary status restricts ability to study abroad and to participate in certain leadership opportunities with the college. This also means that if the student violates any policies of the college or exhibits behavior prohibited by the college, the student may face more serious disciplinary sanctions including immediate dismissal from the college with no reimbursement of fees or tuition.

f. **Expulsion**—Termination of the student's enrollment and permanent separation of the student from the college. Students expelled from the college are not permitted to enter any college facility or to be on any college property. Violators of this sanction could be subject to arrest for trespassing. This sanction also includes the same restrictions listed in Disciplinary Suspension. Expulsions will result in a permanent notation on the student's academic transcript.

g. **Fines**—A fee for service to cover costs associated with the incident or to support educational development. Previously established and/or appropriate fines may be imposed, depending on the incident.

h. **Restriction of Privileges**—Denial of specific privileges for a definite period of time. Restrictions will be clearly defined.

3.) **Administrative Actions**

The below listed actions are administrative decisions that may be placed as a result of behavior exhibited for the safety and security of an individual or greater community; they are not subject to appeal.

a. **Behavioral Agreement**—An agreement between a student and the college that defines expected behavior and unacceptable behavior, consequences for breaking the agreement, and resources for the student's success while at the college.
b. **Confiscation**—Removal of items possessed in violation of the Student Code of Community Standards.

c. **Hold**—Refers to a block placed on a student's record that may impact a student's ability to register for classes and/or request transcripts, diploma or degree, grades, and other college activities including graduation.

d. **Deferred Removal**—This status indicates that the resident's status in college housing is now in jeopardy. Deferred removal results in a decision in consultation with Housing and Residential Life to reassign a resident's living unit within housing to another assignment and usually prohibits the resident from returning to the residential area associated with the former assignment. Any additional violation will result in termination of the student's housing agreement. This status may be extended for a specific period of time, until the completion of a specific condition, or permanently.

e. **Parental/Guardian Notification**—The Family Education Rights and Privacy Act (FERPA) allows colleges to notify parents/guardians when students violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the college respects student privacy, we will exercise our right to notify parents/guardians when our policies in regard to the use and possession of alcohol or other controlled substances are violated. Notification of parents/guardians will typically occur when a student is hospitalized for alcohol/substance use or has repeated alcohol/substance violations that may impact their success at the college. Other circumstances may also result in parental/guardian notification. It is in your best interest to contact your parents/guardians first, when you are able.

f. **No-Contact Orders**—Administrative directives placed to limit the in-person and digital interactions between individuals as a means to separate individuals and information so that the college is better able to control possible information sharing, which could distort recollection of events; to separate individuals from physically or mentally/emotionally endangering persons; and to provide time to further investigate incidents.
g. **Interim Suspension**—In certain circumstances, the Student Affairs Executive Leadership may impose a college and/or on-campus housing suspension, prior to the student conduct hearing.

i. Interim suspension may be imposed only:

1. To ensure the safety and well-being of members of the college;

2. To ensure the student's own physical or emotional safety and well-being; or

3. If the student poses a definite threat of disruption of or interference with the normal operations of the college.

ii. During interim suspension, the student may be denied access to on-campus housing and/or the campus (including classes) and/or all other college activities or privileges, which are determined to be appropriate.
SECTION VIII: DISCIPLINARY FILES AND RECORDS

1. Case referrals may result in the development of a disciplinary file in the name of the student alleged. Other than college suspension or expulsion, disciplinary action shall not be made part of the student’s academic record, but shall become part of the student’s disciplinary record.

2. Records of disciplinary meetings for students found to have violated the Student Code of Community Standards shall be retained as a disciplinary record in the Office of Community Standards for a minimum of seven years from the date of the sanction or four years after the student’s graduation from the college, whichever comes first. Records shall be kept in a secured file and subject to limited access by the Office of Community Standards. Disciplinary records may be retained for longer periods of time or permanently, if a student was suspended or expelled, and in situations that may result in future litigation.

3. Students will be afforded the opportunity to inspect and review all information in their disciplinary file. Requests to inspect and review such materials shall be made in writing. The college does not assume responsibility for making available these materials in advance of the hearing, but will attempt to provide access to the materials, once requested in writing.
4. In all such cases where the alleged student is found not responsible for violation of the Student Code of Community Standards, such finding shall be clearly noted in the records.

5. Students may be accountable to both civil and criminal authorities, in addition to the college for acts which constitute violations of law and of the Student Code of Community Standards. College administrative meetings are separate and distinct from any civil/criminal proceedings. As such, any notification or requests regarding the expunging or sealing of criminal/civil records are not applicable to college disciplinary records and the record will remain on file per the college's records retention policy. This is designed to maintain the integrity of our records and ensure compliance with all federal reporting guidelines.
SECTION IV: ADDITIONAL POLICIES AND PROCEDURES

1.) Medical Amnesty Policy
   a. Berklee College of Music stresses the importance of safety on campus and within college residential living facilities for its students. It is a realistic possibility that a student could be placed in a life-threatening situation through the consumption or abuse of alcohol or drugs. Students could be placed in a situation where a student who requires emergency services in a potentially life-threatening situation could face reprimand for the violation of college policy, preventing them from contacting such emergency services and severely threatening the life of the endangered student. In an effort to advance individual health and wellness, a core value of Berklee College of Music, and to provide a healthful working environment for every Berklee College of Music student, the following medical amnesty policy is in effect:

   i. In cases of intoxication through the consumption or abuse of alcohol or drugs, the primary concern is the health and safety of the individual(s) involved. Students are strongly encouraged to call for medical assistance for themselves or a friend/acquaintance who is dangerously intoxicated.

   ii. No student seeking medical treatment for an alcohol or other drug-related overdose will be subject to the college's disciplinary meeting for the sole violation of using or possessing alcohol or drugs. In addition, students seeking help for the intoxicated student will not be subject to the college's disciplinary meetings for the sole violation of using or possessing alcohol or drugs.
iii. Students may be required to attend an alcohol education or customized developmental program as prescribed by the Vice President of Student Affairs/Dean of Students and Office of Community Standards or designee to be eligible for amnesty protection.

iv. In cases where multiple policy violations are present, such as sexual assault, violence, or sale of or dispensing alcohol or drugs, students may be subject to the college's disciplinary policies and procedures for those violations only.

v. This policy applies only to those students who seek medical assistance in connection with an alcohol or drug-related medical emergency and does not apply to students experiencing an alcohol or drug-related medical emergency who are found by any college employee (including residence hall staff).

vi. The Office of Community Standards reserves the right to contact any student to discuss an incident whether or not this Medical Amnesty Policy is implicated.

vii. Organizations: A representative of an organization hosting an event is expected to promptly call for medical assistance in an alcohol or drug-related emergency. This act of responsibility will mitigate the disciplinary consequences against the organization resulting from any college policy violations that may have occurred at the time of the incident. Likewise, failure to call for medical assistance in an alcohol- or drug-related emergency will be considered an "aggravating circumstance," and may affect the conduct resolution against the organization if policy violations may have occurred.

viii. The Medical Amnesty Policy covers the college’s conduct process only. It does not provide protection from the legal consequences of underage or excessive drinking.

2.) Parental Notification Policy

a. The Family Education Rights and Privacy Act (FERPA) allows the college to notify parents/guardians when students under the age of 21 violate student conduct codes pertaining to the use or possession of alcohol or a controlled substance. While the college respects student privacy, we will exercise our right to notify parents/guardians
when our policies in regard to use and possession of alcohol or other controlled substances are violated. Parents of students under the age of 21 will be notified if:

i. The student has been found for the second or more time(s) to be responsible for violation of the alcohol policy.

ii. The student has been found for the second or more time(s) to be responsible for violation of the college policy regarding public intoxication.

iii. The student has been found responsible for violation of the college’s controlled substances policy.

iv. The student has been hospitalized for alcohol/substance use.

b. The college also reserves the right to contact the parent of any student when:

i. The student has been arrested for violation of a local, state, or federal law.

ii. The student has been hospitalized.

iii. The student engages in behavior that endangers the health, safety, or success of the student or other individuals in the community.

3.) Re-Entry Procedures

a. Students who request to be reinstated or who are interested in returning to campus must obtain permission from the Office of Student Affairs and the Office of Community Standards. Such requests should be submitted in writing at least three weeks prior to the beginning of the semester for which readmission is being requested. Any student who has outstanding sanctions must complete those prior to reinstatement. After obtaining clearance for readmission, students must comply with deadlines and requirements of the Policy Handbook/Graduate Bulletin for Students in effect at the time of their re-entry.

b. The status of any student resuming studies at the college after suspension for disciplinary reasons shall be that of Disciplinary Probation and/or Residential Suspension for the first semester of re-enrollment unless other status levels are already
in place. Students must also adhere to any re-entry requirements put in place by the Office of Community Standards.
APPENDIX A: EXAMPLES OF PROHIBITED CONDUCT

The following list is intended to provide examples of prohibited conduct under each rule, in an effort to educate students and provide clarification on potential policy violations. Examples include, BUT ARE NOT LIMITED TO, the following:

**Academic Dishonesty**
Cheating on an exam; plagiarizing a paper; paying someone to complete your academic assignments.

**Alcohol**
Hosting a gathering involving alcohol with underage guests present; participation in drinking games designed to have individuals test their tolerance for alcohol, drink alcohol at a high rate of speed, or engage in a particular act or skill; receiving a DUI; decorating your residence with empty alcohol bottles.

**Controlled Substances/Drugs**
Smoking marijuana in your residence; providing/selling your prescription Adderall to friends.

**Smoking/Tobacco**
Smoking cigarettes inside of buildings.

**Disorderly Conduct**
Being disruptive in class; engaging in riots; intentionally parking your car in the middle of Massachusetts Ave., preventing other vehicles from accessing campus; getting drunk and screaming outside of your residence hall in the middle of the night; engaging in prank activities that disrupt the normal operations of the college or the rights of others.
Harmful Behavior
Punching, kicking, slapping; engaging in brawling and fighting activities; using derogatory or obscene language towards someone; posting threats via social media; using physical or digital means excessively to monitor or gain information about another person; repeatedly maintaining a visual or physical proximity to a person without legitimate purpose; providing unwanted gifts or displays of affection.

Sexual Misconduct
Grabbing someone’s breast without their consent; having sex with someone when they are asleep; slipping a drug into someone’s drink and then engaging in sexual activity while they are incapacitated; displaying explicit sexual pictures on the exterior of a residence hall door or in a common, public area; repeatedly sending sexually-oriented jokes to someone on your floor, despite them asking you to stop.

Hazing
Forcing someone to drink excessive amounts of alcohol in order to join an organization; paddling; branding; forced calisthenics; requiring someone not to shower for a week.

Retaliation
Threatening or intimidating someone who reported you to Community Standards.

Audio/Video Recording
Recording someone in the shower or bathroom on your phone without their consent; recording a private phone conversation; posting unauthorized pictures or recordings on social media.

Interference
Contacting witnesses to dissuade them from providing information to Community Standards; threatening prior to, during, or following a hearing.

Identification
Utilizing your friend’s Berklee ID to gain access to 160; purchasing a fake ID to get into the bars downtown; providing a fake name to a Resident Assistant.
Misrepresentation/Filing False Reports
Submitting a false report to Public Safety; forging a college official’s signature on a Financial Aid form; lying on your application when it asks whether you have ever received disciplinary action from a previous educational institution.

Failure to Comply
Refusing to provide identification to the Resident Assistants when asked.

Respect for College Employees
Calling a college representative a rude name; utilizing an obscene gesture; writing or drawing inappropriate messages on the whiteboard of a college representative.

Unauthorized Entry
Going into a friend’s room without their permission; unlocking the door of a staff member’s office; deciding to go on the roof of a building without permission to gain a better view of an eclipse.

Theft
Using your roommate’s Berklee ID card to purchase food; stealing a sign from downtown Boston; not paying for groceries at local convenience store.

Property Damage
Keying someone’s vehicle; breaking your roommate’s TV after an argument.

Vehicles
Doing donuts in the grass with your vehicle; repeatedly parking in a clearly designated handicapped parking space without having the appropriate permit; engaging your friend in a street race down Boylston Ave.

Technology Resources
Stealing a friend’s file from their USB device; signing in under someone else’s username to take a test.
Fire Safety
Refusing to evacuate your residence hall; cooking noodles in the microwave with no water, causing the fire alarm to sound; lighting several candles in your residence; taking a fire extinguisher and emptying the contents of it without an emergency need.

Solicitation
Posting flyers of a St. Patrick’s Day celebration all over 160 without prior approval.

Animals
Having a dog in a non-pet friendly residence hall.

Weapons
Being in possession of a gun on campus; playing with pellet guns outside on-campus; possessing a sword; setting off fireworks outside of your building.

College Policies
Leaving excessive amounts of trash in your residence hall before winter break closing; not abiding by designated Quiet and Courtesy Hours.

Federal, State, and Local Laws
Being in possession of an open container in the community; driving with a suspended license; any violation that could result in a felony or misdemeanor.

Abuse of College Resources
Excessive room lock-out assistance requiring the attention of Housing and Residential Life staff.
APPENDIX B: TITLE IX/EQUITY POLICY

Berklee College of Music

Non-Discrimination, Harassment, and Sexual Misconduct
Equity Policy and Process

Berklee College of Music is a diverse community comprised of individuals with different life experiences, viewpoints, and belief systems. A welcoming and inclusive culture is essential to maintaining the college’s role as a leader in music education and Berklee highly values the dynamic environment that results when students, faculty, administrators, and staff from diverse backgrounds come together to learn, live, and work.

The following Equity Policy and Procedure was designed to further Berklee’s goal of inclusion, respect, and equality for all community members, and affirms Berklee’s commitment to promote fairness and equity in all aspects of the institution.

EQUITY POLICY

I. Non-Discrimination, Harassment, and Sexual Misconduct Policy Statement

This policy prohibits acts of discrimination, harassment, and sexual misconduct, including but not limited to sexual assault or harassment, domestic violence, dating violence, and stalking. Such acts are serious violations of Berklee community values and are strictly prohibited by the college. This policy and the college’s commitment to fostering a safe, supportive, and diverse climate is a fundamental part of a Berklee community where all can study, live, and work together in an environment of equal opportunity, inclusiveness, and mutual respect.

Berklee adheres to all federal and state civil rights laws barring discrimination, including but not limited to Title IX and Title VI of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the American with Disabilities Act, the Rehabilitation Act, and the Massachusetts Equal Rights Law. Berklee is committed not only to compliance with these mandates, but to promoting a culture that is in line with the values these civil rights laws envision. To that end, the Equity Policy and Process is intended to address and resolve complaints involving

---

1 This Policy and Process is the result of input from various areas of the college, as well as guidance from outside sources. As the Policy and Process is implemented, modifications or additions may be made, which will be communicated on an ongoing basis to the community.
any legally protected characteristic with a unified policy and centrally administered processes that are equally applicable to all members of the Berklee community.

Specifically, this policy and process prohibits and addresses sexual misconduct, sexual assault, dating and domestic violence, stalking, and discrimination or harassment based on race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law (collectively referred to as “protected characteristics”).

II. Applicability and Scope

Who - This policy applies to:

• All members of the Berklee community (including Berklee undergraduate and graduate programs, Berklee Valencia, and Berklee Online), including students, faculty, staff, and applicants for admission or employment, regardless of sexual orientation or gender identity; and

• Third parties (i.e., visitors, independent contractors, and others who are neither students nor employees), where their conduct is directed toward or otherwise affects Berklee community members.

What - This policy applies to:

• All forms of prohibited conduct defined below, including but not limited to discrimination, harassment, sexual misconduct, sexual assault, dating and domestic violence, and stalking

• Any other policy violation related to discrimination on the basis of a protected characteristic may also be addressed under this policy and the Equity Complaint Process that follows.

• Protected characteristics include race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law.

When – This policy applies regardless of length of time since the conduct occurred, however, disciplinary action can generally only be taken against a respondent as long as he or she is enrolled, employed, or otherwise involved with
the college. Any respondent who is found responsible, however, may be removed or prohibited from campus or Berklee programs or activities regardless of status.

**Where** - This policy applies to:
- Conduct that occurs on campus (Boston or Valencia), including online or electronic conduct initiated or received on campus or through use of college computing or network resources; and
- Conduct that occurs off campus, including online or electronic conduct, when the conduct:
  - occurs in the context of an employment or education program or activity of the college;
  - has, or may have, the effect of continuing adverse effects on campus, including adverse impact on any member of the college community or the college;
  - has continuing adverse effects in an off campus employment or education program or activity, such as travel abroad, research, performances, or internship programs;
  - causes concern for safety or security of Berklee’s campus; or
  - has, or may have, the effect of contributing to or continuing a hostile environment in a college program or activity.

A complaint that this policy has been violated will be addressed through the college’s Equity Complaint Process. The Equity Complaint Process applies regardless of the status of the parties involved, who may be students, faculty, administrators, or staff. Complaints made to the college by third parties against any Berklee community member are also subject to the Equity Complaint Process. While the college may choose to pursue complaints by a Berklee community member against third parties or former community members, disciplinary action can generally only be taken against an individual as long as he or she is enrolled, employed, or otherwise involved with the college.

The Chief Equity Officer serves as Title IX coordinator and oversees this policy and implementation of the Equity Complaint Process for responding to complaints of discrimination, discriminatory harassment, sexual harassment, sexual assault, and other violations of this policy. In addition to coordinating the equity process generally, the Title IX Coordinator is charged with the responsibility of coordinating Berklee’s efforts to comply with its obligations under Title IX, including addressing complaints of sexual misconduct, coordinating investigations, overseeing sanctioning, and providing appropriate interim measures for the Berklee community.
Inquiries about this policy and procedure should be made to:

- Dr. Christopher Kandus-Fisher
  Chief Equity Officer/Title IX Coordinator
  Associate Vice President of Student Affairs
  921 Boylston, Boston, MA 5th Floor
  617-747-2330
  ckandusfisher@berklee.edu

Inquiries about discrimination or harassment covered by this policy may also be directed to:

- U.S. Department of Education: Office for Civil Rights, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109-3921, (617) 289-0111;
- Equal Employment Opportunity Commission, JFK Building, Room 475, 15 New Sudbury Street, Boston, MA 02203, 617 565-3200;
- Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108, 617 727-3990

III. Prohibited Conduct and Definitions

A. Discrimination

It is the policy of Berklee College of Music to maintain a working and learning environment that is safe, respectful, productive, and free from unlawful discrimination and/or harassment based on race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law (collectively referred to as “protected characteristics”). All such unlawful harassment or discrimination is strictly prohibited on campus and at all college-sponsored functions, events, and activities, regardless of location. Berklee College of Music, its faculty, staff, students, service providers, and suppliers will be held responsible for their acts of discrimination and harassment and are subject to appropriate disciplinary or remedial actions.

---

2 Criminal definitions under state and federal law for some of the conduct described under this policy such as relationship violence (including dating and domestic violence) and stalking can be found in Attachment A to this policy.
This policy covers nondiscrimination in employment and in access to educational opportunities.

The term “discrimination” refers to any conduct that excludes an individual from participation, denies the individual benefits, treats the individual differently, or otherwise adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a college program on the basis of the affected individual’s protected characteristic. Examples of discrimination include but are not limited to denying a student a performance opportunity because of the student’s race, disability, sexual orientation, or other protected characteristic; giving a student a lower grade than deserved because of the student’s gender, military service, religion, or other protected characteristic; denying an employee a promotion because of the employee’s age, gender, or other protected characteristic.

B. Harassment

Harassment is unwelcome, offensive conduct that occurs on the basis of an individual’s race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law. Harassment often degrades or shows hostility towards an individual, has the intent or effect of unreasonably interfering with the individual’s employment or education, or has the purpose or effect of creating a hostile, intimidating, or offensive working, living or learning environment. Sexual harassment is one form of harassment (defined more fully below) that is characterized by unwelcome conduct that is sexual in nature.

The fact that a person was personally offended by a statement or incident does not alone constitute harassment in violation of policy. Whether harassment occurred is measured from both an objective (reasonable person’s view) and subjective (the complainant’s view) standard, and depends on the totality of the circumstances, including: the context of a communication or incident; the relationship of the individuals involved; whether an incident was isolated or part of a course of conduct; the seriousness or severity of the incident; the intent of the individual who engaged in the offensive conduct; and its effect or impact on the individual and the working or learning community.

In all instances, a key factor is whether the reported behavior occurred because of one of the protected characteristics listed above. If it did not, the behavior is not
subject to this policy (such behavior may be subject to other Berklee policies, such as the Student Code of Community Standards.

C. Sexual Misconduct

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities and Berklee has developed policies and procedures that prohibit such sex discrimination in all of its forms. Sexual Misconduct is a broad term which encompasses, but is not limited to, sex or gender discrimination, sexual assault, sexual violence, rape, sexual harassment, gender-based harassment, sexual exploitation, coercion, and intimidation. Conduct defined below violates college policy, regardless of whether the conduct rises to the level of violating the law.

a. Sex-Based Harassment is a form of sex discrimination that includes sexual harassment and gender-based harassment.

- Sexual harassment involves unwelcome or unwanted conduct of a sexual nature. It can include unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature.
- Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

Such conduct is harassment when:

- It is made a condition of academic status or employment;
- Refusing or submitting to the conduct is used as a basis for academic or employment decisions; or
- The conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance.

Sexual or gender-based harassment has the purpose or effect of unreasonably interfering with an individual’s work or academic performance if, for example, it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, discriminatory or sexually offensive working, academic, residential or social environment under both
an objective (reasonable person’s view) and subjective (the complainant’s view) standard.

Some examples of unwelcome or unwanted conduct that could constitute sexual or gender-based harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, include (but are not limited to):

• Lewd remarks, whistles, or personal reference to one’s anatomy;
• Visual displays of degrading sexual images;
• Unwanted physical contact such as patting, pinching, or constant brushing against a person’s body;
• Subtle or overt pressure for sexual favors;
• Persistent and offensive sexual jokes and comments
• Persistent and unwanted requests for dates;
• Email, text, or social media messages of an offensive sexual nature;
• Hostile or intimidating conduct such as yelling or screaming at an individual based on sex/gender;
• Taunting slurs or other hostility for failing to conform to expected notions of masculinity or femininity;
• Sexual violence of any type.

Sexual or gender-based harassment can occur between

• Teacher and student
• Supervisor and employee
• Teacher and teacher
• Student and student
• Staff member and student
• Other relationships among colleagues, peers, and coworkers
• Service providers and vendors of the college

b. Sexual Assault is the act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger, and is a form of sexual violence. There are many degrees and forms of sexual assault including, but not limited to, the following:
• **Non-consensual Sexual Intercourse or Rape.** Any form of sexual intercourse (anal, oral, or vaginal) with any object without consent. Intercourse includes but is not limited to: vaginal penetration, however slight, by a penis, object, tongue or finger; anal penetration, however slight, by a penis, objects, tongue or finger; or mouth-to-genital contact.

• **Non-consensual Sexual Contact.** Non-consensual sexual contact involves intentional and unwelcome sexual touching, however slight, usually but not necessarily involving contact with genitals, breasts, groin or buttocks by a body part or object, that is without consent. Sexual touching includes but is not limited to: intentional contact with someone’s breasts, buttocks, groin or genitals; touching someone else with any of these body parts; making someone touch you or themselves on these same body parts; or intentional physical contact in a sexual manner, even if it does not involve contact with or by these body parts.

c. **Sexual Violence** includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into this category, including but not limited to, acts of non-consensual sexual contact and non-consensual sexual intercourse such as rape, sexual assault, sexual battery, sexual coercion, forcible sodomy, forcible oral copulation, sexual assault with an object, forcible fondling, and threat of sexual assault. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

d. **Consent** is giving clear permission, by words or actions, to engage in mutually agreed-upon specific sexual contact. It must be informed, voluntary, and mutual, and can be withdrawn at any time. Consent is an active and on-going choice to knowingly, and without pressure, engage in a sexual encounter.

Consent is **not** giving in because of fear, or due to pressure, manipulation, deception, or lying. Silence, previous sexual relationships, current relationships, or the use of alcohol or drugs is not an indication of consent. Consent can never be given if a person is incapacitated, drugged, asleep, unconscious, or impaired because of
a physical or mental condition, or is under the legal age to give consent (16 years of age in Massachusetts). Consent also may never be obtained through use of coercion, intimidation, force, or threats.

Consent may be initially given, but it may be withdrawn at any point, either verbally, through physical resistance, or by losing consciousness. “No” or any other negative statement, act, or physical gesture indicating the desire to stop contact at any time must be understood as denial or withdrawal of consent. If consent is withdrawn sexual contact must stop immediately.

e. **Incapacitation** is the inability to make informed, rational judgments and decisions. If alcohol or drugs are involved, incapacitation may be measured by evaluating how the substance affects a person’s decision-making capacity, awareness, and ability to make informed judgments. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include but are not limited to slurred speech, unsteadiness, impaired coordination, inability to perform personal tasks such as undressing, inability to maintain eye contact, vomiting, and sudden change in emotion. The question is whether the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the other person was incapacitated.

f. **Coercion** includes the use of pressure or oppressive behavior, including express or implied threats of harm, or severe or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person’s words or conduct amount to coercion if they wrongfully impair the other’s freedom of will and ability to choose whether or not to engage in sexual activity. In assessing whether coercion was used, the frequency, duration, and intensity of the pressure applied will be taken into consideration. If sexual acts were preceded by threats or coercion, there is no consent.

g. **Intimidation** is spoken, written, or physical conduct directed toward an individual or individuals that reasonably leads the target to fear for their physical well-being, or to engage in sexual conduct for self-protection, or that is intended to create or may be reasonably determined to have created a threatening or hostile environment.
h. *Sexual Exploitation* occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to:

- Prostituting another person;
- Recording or distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
- Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire;
- Knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection; or
- Administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

D. Relationship Violence

Relationship Violence (also known as Dating Violence or Domestic Violence) refers to actual or threatened violent or manipulative behavior by a person who is currently or was previously in an intimate, dating, or domestic relationship with the person subject to such behavior. Relationship violence can also involve domestic violence committed by a person with whom the person subject to the violence shares a child or domicile in common. The existence of a relationship will be gauged by its length and type, and frequency of interaction.

Relationship Violence includes but is not limited to:

- Physical violence, such as kicking, hitting, pinching, choking, biting;
- Sexual violence, such as forcing a partner to take part in a sex act when the partner does not consent;
- Emotional violence, such as isolation, intimidation, belittling, stalking, “outing” someone against his/her will, cyber-bullying/harassment or threat of physical force; or
E. Stalking

Stalking is defined as a persistent, unwanted or unwelcome, and repeated course of conduct that would cause a reasonable person to become fearful for the person’s safety or the safety of another, or suffer substantial emotional distress. Stalking includes “cyber stalking,” a form of stalking over an electronic medium such as the internet, social networks, blogs, cell phones, texts or other similar devices. Such modes of contact may be used to pursue or harass someone when it is unsolicited, unwelcome, or unwanted conduct from the stalker.

Examples of stalking include, but are not limited to:

- Following a person(s);
- Repeatedly appearing at a person’s home, work, or class;
- Making frequent phone calls, emails, texts etc. to a person(s);
- Leaving written messages or objects for a person(s); or
- Vandalizing a person’s property

Anyone can be stalked, regardless of sex or gender. A stalker can be an intimate partner or former partner, classmate, roommate, professor, co-worker, or any acquaintance or a stranger.

F. Hate Crimes

For the purpose of this policy, a “hate crime” is defined as violence to a person or damage to property (or a threat to do so) or any other criminal act that is motivated entirely or partly by hostility toward or intolerance of another’s race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sex, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by law. Hate crimes are not limited to actual completed crimes but may also be threatened or attempted crimes; and may include assault and battery, vandalism, or other destruction of property, or verbal threats of physical harm. Harassment or intimidation may also be a hate crime when intended to deprive or interfere with a person's civil rights.
G. Hostile Environment

A hostile environment exists when harassment or discrimination is sufficiently serious to deny or limit an individual’s ability to participate in or benefit from the college’s education or employment programs or activities. In determining whether harassment or discrimination has created a hostile environment, the college considers the conduct from the perspective of a reasonable person, and assess a variety of factors related to the severity, persistence, or pervasiveness of the conduct, including: (1) the type, frequency, and duration; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more community member’s education or employment. The more severe the harassment or discrimination, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single or isolated incident of harassment or discrimination may be sufficient to create a hostile environment, particularly if the harassment is physical. Likewise, a series of incidents may be sufficient even if the harassment or discrimination is not particularly severe.

IV. Disabilities

The college is committed to full compliance with the Americans with Disabilities Act (ADA) and its amendments and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. For students, the Director of Disability Services has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any complaint alleging noncompliance. For faculty and staff, the Director for the Office for Diversity and Inclusion has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any complaint alleging noncompliance.

The Equity Complaint Process described below covers claims of disability-related harassment and discrimination. Disability accommodation requests are handled separately from the Equity Complaint Process. Procedures for requesting accommodations are described elsewhere in the Human Resources Policy Manual and Student Handbooks.
Employee requests for disability-related accommodations should be made to Kevin Johnson, Director for the Office for Diversity and Inclusion. Student requests for accommodations should be directed to Bob Mulvey, Director of Disability Services.

V. Retaliation

The college, as well as state and federal laws, prohibits retaliation against any person who, in good faith, reports, assists in reporting, or participates in an investigation of possible discrimination, harassment, or sexual or gender-based misconduct. Retaliation against an individual for reporting a complaint or concern about a violation or suspected violation of this policy, supporting a complainant, or for assisting in providing information in the context of an investigation or disciplinary proceeding pursuant to this policy is a serious violation of Berklee’s policy and will be subject to discipline pursuant to this policy and the Equity Complaint Process.

Retaliation is any conduct or behavior that interferes with a person’s rights and ability to pursue both internal disciplinary processes and charges through external law enforcement authorities. Retaliation may include intimidation, threats, coercion, or adverse employment or educational actions. Retaliation includes taking, or causing third parties to take any such action. Retaliation against a complainant may be violating college policy and the law, even if the original complaint of misconduct cannot be substantiated.

Incidents of suspected retaliation should be reported to the investigator assigned to the matter or to any individual identified below in the Formal Reporting to the College section.

VI. Options, Reporting, and Confidentiality

The college encourages individuals who have been subjected to a violation of this policy to talk to somebody about what happened – so they can get the support they need, and so the college can respond appropriately.

Overview/What to Do
This policy explains options and resources available to Berklee community members who believe they have been subject to any type of discrimination, harassment, sexual or gender-based misconduct, or any other conduct prohibited
by this policy. The following is an overview of what to do and how the college will respond, investigate, and provide support:

Immediately
For any individual subject to or witness to physical violence of any type, the first step is always the same: **get to a safe place as soon as possible and call a trusted friend or advocate.** Any individual subject to physical violence should seek medical attention. Take care to preserve any evidence of the incident, even if there is uncertainty whether a claim will be filed or legal action will be taken. This may assist in proving that a criminal offense occurred or be helpful in obtaining a protection order, should the individual choose to do so later.

Assess your options
If any individual has been subject or witnessed any type of discrimination, harassment, sexual or gender-based misconduct, or any other conduct prohibited by this policy, the following options are available:

- Seek confidential support and counseling from the Personal Counseling Staff located in the Counseling and Advising (617-747-2310) and other confidential resources listed in this policy. An after-hours confidential resource (personal counseling staff) can be accessed by calling Public Safety at (617-747-2333);
- Report the incident to the college or file a complaint with the college, so it may investigate and provide protective and remedial measures, by contacting Berklee’s Chief Equity Officer/Title IX Coordinator, Dr. Christopher Kandus-Fisher, 617-747-2330, ckandusfisher@berklee.edu, any Deputy identified herein, or one of the other college reporting sources identified below;
- Notify law enforcement authorities and file a criminal complaint by calling Berklee Public Safety (617-747-2333), 911, or other law enforcement units listed in this policy. In Valencia, contact police by dialing 112, or Berklee Valencia Security Control Center at +34 961 975 817.

If Berklee is Notified
The college’s Chief Equity Officer/Title IX Coordinator will contact the complainant and provide information regarding rights, options, how to get immediate confidential help and, in appropriate circumstances, will notify
The Deputy of Advocacy and Support: Toni Blackwell, Associate Dean for Student Health and Wellness, (617-747-2462).

The Deputy of Advocacy and Support, in consultation with the Chief Equity Officer/Title IX Coordinator, will also put appropriate interim measures in place, including but not limited to: Avoidance of Contact orders, changes to class assignments, changes to housing or working assignments, temporary interim removal of the respondent from housing, classes, or workplace, counseling, assistance with court-ordered restraining orders, academic support, delays in project or examination due dates, campus No Trespass orders, administrative leave, and any other measures that may be necessary to protect the safety and well being of the Berklee community. Some of these measures may be available under certain circumstances even if one decides to seek only confidential support. The college will treat any protective measures with confidentiality to the extent that maintaining such confidentiality would not impair the ability of the college to provide the protective measure.

Berklee will take additional prompt remedial or disciplinary action with respect to any individual who has been found to engage in harassing or discriminatory behavior or retaliation.

Procedures for addressing, investigating, and adjudicating complaints or reports of violation of this policy are fully described in the Equity Complaint Process.

Going forward
The college is committed not only to fully addressing instances of prohibited conduct, but to taking measures to prevent its recurrence and address its effects. Even after an investigation is completed, complainants should follow up with the college if they have lingering concerns or would like further support of any type.

A. Confidential Resources

Individuals who have been subject to discrimination, harassment, sex or gender-based misconduct, or any other conduct prohibited by this policy are encouraged to seek support for their emotional and physical needs. A person seeking confidential emotional or healthcare may contact the following resources.
A report to a confidential resource listed below is not a report to the college and will not result in remedial action or an investigation or disciplinary action. Confidential resources are there to support emotional, physical, and spiritual needs only; any person who desires for the college to take investigatory/disciplinary action must make a report to one of the College Reporting resources, listed below this section.

For students, the following staff members within the student health and wellness team are confidential resources:

- Director of Counseling Services, Karen Grimes, (617-747-2310) kgrimes@berklee.edu.
- Professional Counselors in Counseling and Advising Office, (617-747-2310) between 9am and 5pm, Monday through Friday. For after hours emergencies, contact the Public Safety emergency line (617-747-2333) and ask to speak to the on-call counselor. (Certain professional counselors may also be trained sexual assault victim advocates.)

These individuals will maintain the confidentiality of a report unless (i) they are given permission to share information by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order.

For employees:


Emergency Medical Attention:

- Beth Israel-Deaconess Hospital 617-754-2450
- Massachusetts General Hospital 617-724-4100
• Brigham and Women’s Hospital
  617-732-5636
• Boston Medical Center
  617-414-4075

In cases of sexual violence, the college encourages individuals to request a Sexual Assault Exam at any of the above hospitals. The exam includes preventive treatment for sexually transmitted infections, pregnancy, and evidence collection, if sought. The exam is conducted by a Sexual Assault Nurse Examiner (SANE) who is a Registered Nurse with advanced training and certification in conducting sexual assault exams. If an individual chooses not to preserve evidence or seek medical assistance, any of the other options outlined here may still be taken.

Other confidential resources related to sexual misconduct or relationship violence:

• The Boston Area Rape Crisis Center, 800-841-8371 (Provides a crisis line, 24-hour advocacy, and counseling services)
• National Sexual Assault Hotline: 1-800-656-4673
• National Domestic Violence Hotline: 1-800-799-7233
• National Dating Abuse Hotline: 1-866-331-9474
• Massachusetts Coalition Against Sexual Assault and Domestic Violence / Jane Doe, Inc., 24-hour Multi-lingual: (617) 248-0922, SafeLink Hotline: (877) 785-2020, janedoe.org (Advocacy, referral and support services; LGBT services.)
• RAINN (Rape, Abuse and Incest National Network) Hot Line: 1-800-656-HOPE WWW.rainn.org
• The Victim Rights Law Center, 617-399-6720 X19 (Provides direct legal representation to victims/survivors of rape and sexual assault.)
• LGBTQ Specific Resources
  ▪ Pandora Project, http://pandys.org/lgbtsurvivors.html
  ▪ GLBTQ Domestic Violence Project, 24 Hour Domestic Violence Hotline: 1-800-832-1901

*NOTE*: While the above confidential resources may maintain an individual’s confidentiality vis-à-vis the college, they may have reporting or other obligations under state law, such as mandatory reporting to the Department of Children and
Families in case of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case.

B. College Reporting / Responsible Employees

a. Formal Reporting to the College

The following offices and individuals have been trained to receive and respond to allegations of violations of this policy:

- Dr. Christopher Kandus-Fisher, Chief Equity Officer/Title IX Coordinator 617-747-2330, ckandusfisher@berklee.edu
- Eileen Alviti, Director, Employee Relations & Staffing/Deputy for Employee Investigations, 855 Boylston Street, Human Resources, 4th Floor, 617-747-2305, ealviti@berklee.edu
- Michelle Quiñones, Director of Community Standards/Deputy for Student Investigations, 617-747-2849, mquinones@berklee.edu
- Berklee Primary Response Team (24 hours): 617-851-6763
- Valencia: Jorge Rostoll, Senior Director of Operations, jrostoll@berklee.edu, 617-747-3416 and Clara Barbera, Director, Student Affairs Valencia cbarbera@berklee.edu, 617-747-3403

b. Responsible Employees

All Berklee employees (including staff, administrators, faculty, and Resident Assistants) - with a few limited exceptions - are considered “Responsible Employees” under this policy and as a result are required to promptly report allegations of violations of this policy that they observe or learn about to the Chief Equity Officer/Title IX Coordinator, Dr. Christopher Kandus-Fisher, ckandusfisher@berklee.edu.

Although Responsible Employees are required to report conduct under this policy to Chief Equity Officer/Title IX Coordinator, they will otherwise maintain the privacy of the information related to the matter reported, meaning they will only share it with the Chief Equity Officer/Title IX Coordinator and other employees with a need to know.

All Responsible Employees are required to report any incident of sexual misconduct, even if the person(s) concerned about or affected by the misconduct is
unsure about pursuing a disciplinary complaint. Reported allegation(s) will be reviewed by the Chief Equity Officer/Title IX Coordinator who will assess the report and consult with the complainant. Responsible employees who knew about but did not report allegations of sexual misconduct may be subject to disciplinary action.

Note however that Responsible Employees are not required to report information about violations of this policy learned through public awareness events such as “Take Back the Night” or other forums at which students disclose experiences with sexual violence. The college will proceed with an inquiry or investigation in these circumstances if the disclosing student wishes to file a complaint.

c. Requests for Confidentiality

A complainant may disclose an incident but request confidentiality, that no investigation into the particular incident be pursued, or that no action through the college process be taken. In such instances the Chief Equity Officer/Title IX Coordinator will weigh the request against the college’s obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. A range of factors may be considered in making this assessment (including but not limited to whether the alleged accused is likely to commit additional acts of violence, whether the act was committed with a weapon, if the complainant is a minor, whether the college can obtain relevant evidence of the misconduct through some other means, or whether the report reveals a pattern of behavior at a given location or by a particular group). The presence of one or more of these factors could lead the college to investigate and, if appropriate, pursue action against the accused. If none of these factors are present, the college will likely respect the complainant’s request.

Similarly, a complainant may desire to have investigatory or disciplinary action taken, but may wish to have his/her identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident (for instance, if it occurred in the classroom), it may be possible for the complainant’s identity to remain confidential and not shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the complainant.

If the college honors a complainant’s request for confidentiality or decision not to participate in an investigation (or if the complainant makes an anonymous
complaint), the college’s ability to meaningfully investigate the incident or pursue action against the alleged accused may be limited.

If the college determines that it cannot maintain a complainant’s confidentiality, the college will inform the complainant prior to an investigation and, to the extent possible, share information only with a limited number of personnel responsible for handling the college’s response. The college may not require a complainant to participate in any investigation or disciplinary proceeding. The college will remain ever mindful of the complainant’s well-being, and will take ongoing steps to protect the complaint from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant or any witnesses involved in the process, whether by students or college employees, will not be tolerated.

Because the college is under a continuing obligation to address the issue of discrimination, harassment, and sexual or gender-based misconduct campus-wide, reports of that nature (including non-identifying reports) will also prompt the college to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported acts occurred; increasing education and prevention efforts, including to targeted population groups; and/or revisiting its policies and practices.

d. Required Disclosures

Clery Act. Pursuant to the Clery Act and the 2013 Amendments to the Violence Against Women Act, anonymous statistical information regarding reported criminal incidents must be shared with Berklee Public Safety for inclusion in the Daily Crime Log. This information will also be included in the College’s Annual Security Report. The college may also share aggregate and not personally identifiable data about reports, outcomes, and sanctions. This information is collected only for statistical reporting as mandated by the Clery Act; no individuals or identifying details are revealed.

If a report of misconduct discloses a serious and immediate threat to the campus community, Berklee Public Safety will issue a timely notification to protect the health or safety of the community as required by the Clery Act. The notification will not include identifying information about a reporting party.

All college investigations and disciplinary processes are conducted in accordance with the requirements of Title IX, the Clery Act, the Violence Against Women Act, FERPA, state and local law, and college policy. Information about particular investigations and disciplinary processes will only be released in accord with law or college policy.
For further information regarding the Clery Act and other Public Safety functions, contact Roy J. Murphy, Senior Director of Public Safety, Chief of Police, or Nadine Taylor-Miller, Associate Director of Public Safety, at (617) 747-2682.

*Mandated Reporter Obligations.* Members of the Berklee community who hold certain positions are considered “mandated reporters” and required by law to report suspected abuse of minors, including sexual abuse, to the Massachusetts Department of Children and Families (DCF). These positions include, but are not limited to, teachers, educational administrators, police officers, nurses, medical treatment providers, social workers, preschool, summer, and after-school program staff, child care providers, and guidance or family counselors.

C. Law Enforcement

The conduct discussed in this policy may also constitute violations of the law, to which other laws and regulations may apply beyond the scope of this policy and Berklee’s disciplinary measures. Criminal definitions under state and federal law for some of the conduct described under this policy such as relationship violence (including dating and domestic violence) and stalking can be found in Attachment A to this policy.

A victim of a crime is encouraged to, but is not required to, report the incident to Berklee Public Safety Department and/or local law enforcement in order to pursue criminal charges. The criminal process and the college’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or college complaint or both. The fact that there is a criminal complaint filed will not prevent the college from taking its own internal investigatory and disciplinary action. In some cases, however, the college may delay temporarily its internal processes while a law enforcement investigation is ongoing.

Any person may call the Berklee Public Safety Department (617-747-2333) or 911 for immediate safety assistance. The college can assist in making a criminal report to local law enforcement and will cooperate with law enforcement agencies if a community member decides to pursue the criminal process, to the extent permitted by law. Criminal complaints may be filed by contacting Berklee Public Safety (617-747-2333), or local law enforcement (911).

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. In cases of rape or other forms of sexual assault, it is important not to shower, change clothes and even brush your hair, as physical
evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs. The Berklee Public Safety Department (617-747-2333), or local law enforcement (911) can assist in filing a criminal complaint and in securing appropriate physical examination, including by a Sexual Assault Nurse Examiner.

In some cases, an individual may also wish to consider an Abuse Prevention Order, also known as a “restraining order” or “209A order,” or a Harassment Prevention Order, also known as a “258E order,” from the local courts. These are civil proceedings independent of the college. If a court order is issued the college will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court and will also facilitate on campus compliance with the order. The college may also limit an individual or organization’s access to certain college facilities or activities as part of the no contact order.

In addition or in the alternative, affected individuals may also file a formal complaint with the appropriate government agencies. Students may submit complaints of discrimination or sexual harassment to the U.S. Department of Education: Office for Civil Rights, 5 Post Office Square, 8th Floor, Suite 900, Boston, MA 02109-3921, (617) 289-0111 (Statute of Limitations: 180 days). College employees may submit complaints of discrimination or sexual harassment to the Equal Employment Opportunity Commission, JFK Building, Room 475, 15 New Sudbury Street, Boston, MA 02203, 617 565-3200 (Statute of Limitations: 300 days) or the Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108, 617 727-3990 (Statute of Limitations: 300 days).

VII. Academic Freedom

This policy is not intended to restrict teaching methods or freedom of expression, nor will it be permitted to do so. Offensiveness of conduct, on its own, is not sufficient for the conduct to constitute a violation of this policy. The conduct must be sufficiently serious to interfere with an individual’s ability to participate in employment or educational program and activities from both a subjective and objective perspective.

VIII. False Allegations

The college will not tolerate false reporting of incidents and may discipline members of the community who bring false complaints of misconduct prohibited
by this policy. No complaint will be considered “false,” however, solely because it cannot be corroborated.

IX. Policy Administration and Enforcement

The following individuals and offices are responsible for the implementation of this policy and the Equity Complaint Process:

Title IX Coordinator: Dr. Christopher Kandus-Fisher, Chief Equity Officer and Associate Vice President of Student Affairs 921 Boylston Street, (617-747-2330) ckandusfisher@berklee.edu

Deputy for Advocacy and Support: Toni Blackwell, Associate Dean, Student Health and Wellness, 921 Boylston Street, (617-747-2462) tblackwell@berklee.edu.

Deputy for Prevention and Education: Kevin Johnson, Director for the Office of Diversity and Inclusion, 855 Boylston Street, 4th Floor (617-747-8273), kjohnson2@berklee.edu.

Deputy for Student Investigations: Michelle Quinones, Director of Community Standards, 921 Boylston Street,

Deputy for Employee Investigations: Eileen Alviti, Director, Employee Relations & Staffing, 855 Boylston Street, Human Resources, 4th Floor, 617-747-2305, ealviti@berklee.edu

Deputy for Advisors: Josh Crary, Diversity Programs Advisor, 855 Boylston Street, Diversity and Inclusion Office, 4th Floor, 617-747-3193 jcrary@berklee.edu

Deputy for Appeals, Christine Connors, Vice President for Human Resources, Diversity and Inclusion, 855 Boylston Street, Human Resources, 4th Floor, 617-747-2089, cconnors@berklee.edu

Valencia Deputy: Maria Iturriaga, Associate Executive Director/Dean of Admissions - Valencia, 617-266-1400 x3412, mmiturriaga@berklee.edu

X. Designation of Authority
Any person assigned a role pursuant to this policy may designate his/her authority to another appropriate person to avoid conflicts of interest or in other circumstances, as deemed necessary.

**EQUITY COMPLAINT PROCESS**

I. **Introduction**

This policy provides procedures for the investigation and adjudication of violations of the Equity Policy. Complaints of discrimination, harassment, sexual harassment, sexual exploitation, sexual assault, domestic violence, dating violence, and stalking will be handled internally through the Equity Complaint Process outlined below.

The process described below will apply to all complaints involving students, faculty, administrators, or staff. Complaints against any Berklee community member made to the college by third parties are also subject to this process. While the college may choose to pursue complaints by a Berklee community member against third parties or former community members, disciplinary action can generally only be taken against an individual as long as he or she is enrolled, employed, or otherwise involved with the college.

To the extent any collective bargaining agreement applicable to complainant or respondent provides for alternate procedures for the resolution of harassment or discrimination complaints, such procedures will be followed and read in the context of this policy and procedure, and any additional rights provided in the collective bargaining agreement will be applied equally to both complainant and respondent. Notwithstanding the foregoing, this policy and procedure shall supersede any provisions of a collective bargaining agreement that conflict with the law.

II. **Complaint Intake and Interim Remedial Actions**

Following receipt of notice of a violation or of a complaint, the Chief Equity Officer/Title IX Coordinator will contact the complainant and provide information regarding rights, options, how to get immediate confidential help, and, in appropriate circumstances, will notify the Deputy of Advocacy and Support.

An initial determination is made by the Chief Equity Officer/Title IX Coordinator as to whether a policy violation may have occurred or whether mediation or alternative resolution might be appropriate. If the complaint does not appear to
allege a policy violation, if mediation is agreed to by the involved parties and appears appropriate given the nature of the alleged behavior, or alternative resolution is appropriate under the circumstances, then the complaint does not proceed to full investigation. In making a decision as to whether to proceed to investigation, the Chief Equity Officer/Title IX Coordinator also considers the wishes of the complainant. A full investigation will almost always be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members.

At this stage and during any resulting investigation, the Deputy of Advocacy and Support, in consultation with the Chief Equity Officer/Title IX Coordinator, will also put appropriate interim measures in place, including but not limited to: Avoidance of Contact orders, changes to class assignments, changes to housing or working assignments, temporary interim removal of the respondent from housing, classes, or workplace, counseling, assistance with court-ordered restraining orders, academic support, delays in project or examination due dates, campus No Trespass orders, administrative leave, and any other measures that may be necessary to protect the safety and well being of the Berklee community. Some of these measures may be available under certain circumstances even if one decides to seek only confidential support. The college will treat any protective measures with confidentiality to the extent that maintaining such confidentiality would not impair the ability of the college to provide the protective measure.

III. Investigation

Investigator
In cases where the Chief Equity Officer/Title IX Coordinator determines that a complaint appears to allege a policy violation, and a complainant wishes to pursue a formal complaint, or the Chief Equity Officer/Title IX Coordinator decides that the college, based on a potential policy violation, wishes to pursue a formal complaint, then the Chief Equity Officer/Title IX Coordinator appoints an individual to conduct the investigation.

A single investigator will be assigned to each case and this individual will be referred to as “the investigator.” The investigator assigned to resolve a case is based on the status of the respondent as set forth below:

- Student Respondent: Deputy for Student Investigations, Director of Community Standards, or designee
• Staff or Faculty Respondent: Deputy for Employee Investigations, Director of Employee Relations, or designee

In certain circumstances, the Chief Equity Officer/Title IX Coordinator may appoint a neutral third-party or other investigator trained in investigations and familiar with college policies. Any such third-party investigator may serve as a single investigator, or as a co-investigator with one of the investigators identified above.

**Initiating Investigation and Communications**

The investigator is responsible for communications with the parties\(^3\) regarding the initiation and progress of the investigation. Prior to initiating the investigation, the investigator will meet separately with complainant and respondent to review applicable policy, procedures, rights, and other expectations related to the investigation. At this meeting, the parties must separately complete and sign the Investigative Procedures Checklist.

Allegations to be investigated and charge letters to respondents are determined and issued as follows:

• Cases against a student respondent: The investigator and the Chief Equity Officer/Title IX Coordinator will together determine all potential charges/violations and include those charges in the notice to the respondent. The investigator has the obligation to provide written notice of all charges to the respondent, in writing, prior to the initial interview. The investigator should further inform the respondent of the right to review and comment on all evidence, offer witnesses and evidence, and be accompanied by an advisor of his or her choice.

• Cases against a staff or faculty respondent: The investigator and Chief Equity Officer/Title IX Coordinator will inform the respondent of all charges and allegations, and of her or his right to review and comment on all evidence, offer witnesses and evidence, and be accompanied by an advisor of choice. For faculty respondents, the charge letter will be issued by the investigator.

---

\(^3\) The term “parties” in this section refers to the respondent(s), and if applicable any individual complainant(s). The college may bring charges even when there is no individual who wishes to formally pursue a complaint.
If new information comes to light that results in the need to charge the respondent with additional violations, then the respondent should be provided with an updated, written, letter setting forth the new allegations.

**Advisor of Choice**

Both the respondent and the complainant may be advised by one (1) advisor of their choice. Advisors serve as a support person for the parties during investigative meetings. If requested, the Deputy for Advisors, will work with the complainant and the respondent to connect each with a faculty or staff member who can act as an advisor. Advisors are not permitted to advocate for a party or speak on their behalf during any proceeding. Individuals who are witnesses to the incident or are otherwise involved in the matter cannot serve as advisors. The college reserves the right to remove an advisor from any proceeding should these expectations and guidelines be violated. The advisor’s name and relationship to a party (e.g., student, faculty member, family member, attorney, etc.) must be disclosed to the investigator at least two days prior to any meeting. Although proceedings are not generally delayed or rescheduled due to an advisor’s schedule or availability, the investigator will consider reasonable requests made to delay or reschedule a meeting or other proceedings and will make the final determination with respect to that request.

**Evidence Collection**

The investigator will interview the parties, as well as all relevant witnesses, and gather any relevant evidence (such as texts, social media postings, surveillance video, photos), and consider all relevant evidence. Although formal rules of evidence will not apply, the investigator will not consider character evidence, incidents not directly related to the possible violation unless they tend to show a pattern, past sexual history, or sexual character of either party, unless such information is determined to be highly relevant by the Chief Equity Officer/Title IX coordinator. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect.

During the investigation, the complainant and the respondent will have an equal opportunity to share information and request that witnesses be interviewed. The complainant and respondent will **not** be interviewed together or be required to meet. The investigator(s) retains discretion to determine how to conduct the investigation and what information is necessary and relevant.

In most cases, the investigator will prepare a written summary of the evidence to be considered at the conclusion of an investigation. Before a determination is
made, the participating complainant and respondent will be given the opportunity to review their own statements and, to the extent appropriate to honor privacy considerations, the participating complainant and respondent may also be provided with a written or oral summary of other information collected during the investigation. A complainant or respondent must submit any comments about their own statement, or on any investigation summary that might be provided, to the investigator within five (5) calendar days after that statement or summary was provided.

**Determination**
The investigator will then come to a conclusion as to whether or not there were policy violations by reviewing all relevant evidence and making a determination as to whether or not, by a preponderance of evidence, there is sufficient credible evidence to support each allegation. The investigator will then determine whether the respondent violated the policies with which she/he was charged, and prepare a confidential summary report, including rationale and conclusions, for review by the Chief Equity Officer/Title IX Coordinator.

The Chief Equity Officer/Title IX Coordinator will oversee each investigation, ensure sufficiency of evidence gathered, that the facts gathered support the findings and findings support the conclusion, that best practices are followed, and that each allegation is answered in the investigator’s determination and summary.

If no violation is found, both parties are notified, in writing, on the same day. Such notice will include a rationale for the outcome and information concerning appeal procedures.

**IV. Sanctions**

If there is a finding of a policy violation, a sanction(s) must be determined. Sanctions are designed to end the conduct, and prevent its recurrence.

**Determination of Sanctions**
Factors to be taken into account when determining sanctions include: past disciplinary history, if any; likelihood of ongoing harm to the community; past misconduct that was reported but not investigated; and the degree of misconduct found to have occurred.

Sanctions are determined as follows:
• Student cases: Investigator meets with Chief Equity Officer/Title IX Coordinator, and together they determine the sanction. The Deputy of Investigations, may also participate in making the decision.
• Staff cases: Investigator meets with the Chief Equity Officer/Title IX Coordinator, and together they determine the sanction. The Deputy of Investigations, may also participate in making the decision.
• Faculty cases: Investigator meets with a Dean or other individual designated by the Provost (“Provost’s designee for sanctioning”) and the Chief Equity Officer/Title IX Coordinator. The investigator and Chief Equity Officer/Title IX Coordinator make the decision, with the Dean or Provost’s designee serving in an advisory or consultative capacity.

Notification
Parties are notified in writing on the same day. The notification gives a summary of the investigative report and sanctioning determination, as well as information on how to file any appeal.

Possible Sanctions
Sanctions may range from mandated education, formal warning, probation, suspension, dismissal (for students), or corrective action up to and including termination (for employees).4

Sanctions may also include, but are not limited to, requirements that existing interim measures and accommodations stay in place for a prescribed period of time, and new remedies such as Avoidance of Orders, housing placement, or academic accommodations, based upon the investigation and adjudication of the case.

Factors considered when determining a sanction may include, but are not limited to:

• The nature, severity of, and circumstances surrounding the violation;
• An individual’s or organization’s previous disciplinary history;
• Previous complaints or allegations involving similar conduct;
• Any other factors deemed relevant by the hearing panel;
• The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation;

4 Criminal complaints are governed by applicable criminal laws and sanctions for the alleged assailant may include any applicable criminal sanctions, up to and including incarceration. The college will cooperate in all criminal investigations and support individuals throughout the process.
• The need for sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation; or
• The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community.

Below is a list of potential sanctions. While these represent sanctions generally assessed, the college may take other remedial measures not mentioned here, depending on the particular circumstances of a case:

For student respondents:

a. Disciplinary Warning
b. Disciplinary Probation
c. Residential Probation
d. Residential Suspension
e. Suspension
f. Expulsion
g. Fines
h. Restriction of Privileges
i. Behavioral Agreements
j. Deferred Housing Removal
k. No-Contact Orders
l. Interim Suspension
m. Letter of Apology
n. Check-in/Success Meeting
o. Reflection/Research Papers
p. Community Restitution

For Staff or Faculty:

a. No contact orders
b. Mandated counseling, education and/or training
c. Verbal warning
d. Written warning
e. Final written warning
f. Suspension
g. Involuntary termination

V. Timeframe
The college will conduct a timely review of all complaints, and endeavors to complete review and resolution within sixty (60) calendar days from receipt of the complaint.

The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within fifteen (15) days of receipt of the complaint.

The subsequent, comprehensive review and investigation of the complaint, including interviews with involved parties and gathering of evidence, is usually completed within forty-five (45) days of receipt of the complaint.

Final outcomes are typically issued within sixty (60) days of receipt of the complaint. The finding and outcome will be simultaneously communicated in writing to both the accused and the accuser.

Investigation of complaints brought directly by those alleging harm will be completed as expeditiously as possible. Investigation may take longer when (among other things) initial complaints fail to provide direct firsthand information or when the college is not in session. The college may, but shall not be obligated to, delay its processes when criminal charges on the basis of the same behaviors that invoke this process are being investigated. College action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

VI. Withdrawal With Charges Pending

If a student respondent withdraws from the college while an investigation under this policy is pending, and before any findings have been made, the respondent's transcript will reflect that the student withdrew pending an investigation of disciplinary charges. If a student respondent withdraws after an investigation found him or her responsible for violating the policy, but before a sanction was implemented, the student's transcript will reflect that the student withdrew pending disciplinary sanctions. Should a student decide to withdraw and not participate in the investigation, the college may opt to proceed without the student to a reasonable resolution and the student will not be permitted to return to the college unless all sanctions have been satisfied.

Should an employee respondent decide to resign and not participate in the investigation, the college may opt to proceed without the employee to a reasonable
resolution and the employee may not be permitted to reapply for employment if a policy violation is found.

VII. Alternative Resolution

In cases where the alleged violations are minor (and possible sanctions are thus also minor, such as disciplinary warning for students, or verbal warning for an employee) the Chief Equity Officer/Title IX Coordinator may request that an appropriate administrator or investigator make a decision as to responsibility using a preponderance of the evidence standard and implement a sanction, with a brief statement of the rationale for the sanction provided to the parties. A complainant or respondent dissatisfied with the sanction may request reconsideration in writing within five days of notification of the sanction to the Chief Equity Officer/Title IX Coordinator, who will determine whether to uphold or modify the sanction. Alternative resolution will not be used to address complaints of sexual assault or violent behavior of any kind or in other cases of serious violations of policy.

VIII. Mediation

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is an alternative to the formal investigation procedure outlined above. The Chief Equity Officer/Title IX Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to mediation. In a conflict resolution meeting, an individual designated by the Chief Equity Officer/Title IX Coordinator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies, in which case the complaint is resolved. The Chief Equity Officer/Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. Mediation will not be used to address complaints of sexual assault or violent behavior of any kind or in other cases of serious violations of policy. It is not necessary to pursue mediation first in order to make a formal complaint, and anyone participating in conflict resolution can stop that process at any time and request a formal process. The results of conflict resolution are not subject to appeal.

XI. Appeals
Both parties, the complainant and the respondent, have equal rights to an impartial appeal.

For cases against students or staff:

Both parties will have 5 business days from written notification of an outcome to submit a written appeal to the Deputy, Appeals.

Appeals will be heard solely on the following grounds –

i. New evidence available that was not available prior to the original investigation and finding, which may have a material effect on the case;

ii. The investigation process was not adhered to, and such non-adherence may have had a material impact.

Upon receipt of the appeal request, the Deputy, Appeals shall evaluate the request and decide whether an appeal meets any of the above grounds. Absent unusual circumstances, the parties will be notified within ten (10) calendar days whether the appeal has been granted or rejected. If granted, the appeal will be decided by an appeal panel composed of the three Vice Presidents (Provost, VP for Student Affairs, and VP for HR, Diversity and Inclusion), together. In the event a panel member is unable to participate, he or she will designate a member of his or her department (who played no role in the underlying investigation) to serve on the panel.

For cases filed against a member of the faculty subject to the collective bargaining agreement:

Both parties will have 15 calendar days from written notification of an outcome to submit a written appeal to the Provost or the Deputy, Appeals, acting as the Provost’s designee.

The only issue subject to appeal is the level of discipline, or lack thereof. Appeals will follow the terms of Article XI of the Faculty Contract.

The appeal will be decided by the Provost, who will make the final decision in consultation with the other Vice Presidents (Student Affairs, Human Resources).

Any non-faculty complainant shall have the same rights as a faculty respondent as set forth in the Faculty Contract, including the right to meet with the Provost.
In all cases, appeals are documentary in nature, and do not include a hearing. Once an appeal is received, the Deputy, Appeals will forward that appeal, in its entirety, to the other party for review and comment. That party will then have 10 days in which to review the appeal and respond. This is a right, but not a requirement. The decision not to respond to an appeal does not indicate agreement with the appeal as filed.

The panel will exclude from consideration any evidence it deems inadmissible by college policy, including but not limited to character evidence. The appeals panel will not substitute its opinion on credibility in place of the judgment of the investigator who saw and heard the witnesses, and will not make new findings of fact. If there is substantial evidence in light of the whole record to support a finding of fact, the panel will not reweigh the evidence but will defer to those findings. Where the findings of fact are upheld, the conclusions of the investigator as to policy violations will be changed only if not supported by the findings.

The panel may, at its discretion, require that the case be re-heard in whole or in part by the original investigator(s).

Appeal panel decisions are final.

XII. Designation of Authority

Any person assigned a role pursuant to this policy may designate his/her authority to another appropriate person to avoid conflicts of interest or in other circumstances, as deemed necessary.

XIII. Prevention and Education

Through its educational programming and security measures, the college attempts to help community members reduce their risk of being subject to harassment or discrimination. In line with its mission of cultivating a supportive learning environment the college strives to actively promote a climate of respect for personal and cultural differences by offering a range of services and activities to support the needs of the entire community, composed of people from all around the world. An integral part of this objective is comprehensive educational programming, prevention, and security measures designed to help community members reduce their risk of being subject to harassment or discrimination. In addition, the college has developed a strategic plan to educate the community with regard to sexual and gender-based violence in particular, and offers a number of training, education, and awareness programs each year.
For more information about the college’s available prevention and education offerings please contact:

Kevin Johnson
Deputy for Prevention and Education
Director for the Office of Diversity and Inclusion
855 Boylston Street, 4th Floor
(617-747-8273)
kjohnson2@berklee.edu
ATTACHMENT A

State and Federal Criminal Definitions

Sex Offenses, Forcible: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

Sexual Assault: An offense that meets the definition of rape, fondling, incest or statutory rape as stated in the FBI’s Uniform Crime Reporting program.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by sex organ of another person, without the consent of the victim. Under Chapter 265, Section 22, of the Massachusetts General Laws, Rape is defined as: Having sexual intercourse or unnatural sexual intercourse with a person and compelling such person to submit by force and against his or her will, or compelling such person to submit by threat of bodily injury.

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.

Sex Offenses, Nonforcible: Unlawful, nonforcible sexual intercourse.

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

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

Domestic Violence:

Federal - A felony or misdemeanor crime of violence committed - (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or a partner; (iv) By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred; or (v) 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.
State - Under M.G.L. c. 209A, § 1, domestic abuse is defined to be the occurrence of one or more of the following acts between family or household members: attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; and causing another to engage involuntarily in sexual relations by force, threat, or duress. Under this law, family or household members include people who are or were married, residing in the same household, related by blood or marriage, have a child together, or have a substantive dating or engagement relationship.

Dating Violence:

Federal - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (1) 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. (2) For purposes of this definition - (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (ii) Dating violence does not include acts covered under the definition of domestic violence. (3) For the purposes of complying with the requirements of this section, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

State - Massachusetts law has no statutory definition of “dating violence,” but that crime would be covered under the definition of “domestic violence.”

Stalking:

Federal - (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (i) Fear for the person’s safety or the safety of others; or (ii) Suffer substantial emotional distress. (2) For the purposes of this definition - (i) 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; (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling; (iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (Crime definitions are from the Uniform Crime Reporting Handbook. Sex offense definitions
are from the National Incident-Based Reporting System edition of the Uniform Crime Reporting Program).

State - Under Massachusetts law, M.G.L., ch. 265, §43, an individual engages in stalking if s/he: 1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress; and 2) makes a threat with the intent to place the person in imminent fear of death or bodily injury.

Consent: There is currently no state statutory definition of consent.
APPENDIX C: COMMUNITY STANDARDS PROCESS FLOWCHART

Incident Report Submitted

- No Violations/Documentation Only
- Referred for Possible Mediation (Returned to CS if Mediation is Unsuccessful)

Incident Report Received by Office of Student Conduct and Community Standards and Reviewed for Potential Alleged Violations

- Interim Suspension
- Notification Letter Sent Via Email

Notification Letter Sent Via Email

- Educational Meeting
- Community Standards Meeting

Educational Meeting

- Found Responsible
- Sanctions: Educational Sanctions Disciplinary Sanctions

Found Responsible

- Sanctions: Educational Sanctions Disciplinary Sanctions

Sanctions: Educational Sanctions Disciplinary Sanctions

- No Sanctions

No Sanctions

- Outcome Letter Sent Via Email

Outcome Letter Sent Via Email

- Outcome Accepted
- Process Ends
- Outcome Appealed in Writing to the Office of Community Standards

Outcome Appealed in Writing to the Office of Community Standards

- Appeal Request Granted
- Appeal Request Denied

Appeal Request Granted

- Appeal Hearing
- Appeal Outcome Letter Sent Via Email and Process Ends

Appeal Hearing

- Appeal Outcome Letter Sent Via Email and Process Ends