A MESSAGE FROM THE SENIOR DIRECTOR OF PUBLIC SAFETY

On behalf of Berklee College of Music ("Berklee" or the "College"), it is my privilege to present our 2015 Playing Safety in Valencia: Annual Security Report. Our Annual Security Report ("ASR") provides important information intended to help keep you safe and enhance your experience at Berklee.

As the Senior Director of Public Safety, I am responsible for the leadership, management, planning, organization, and administration of the Berklee Public Safety Department ("Public Safety" or the "Department"). In addition to coordinating safety and security services provided to the Berklee College of Music ("Berklee" or the "College") community, including its Valencia Campus, I am the College’s chief liaison with local, state, and federal law enforcement and safety agencies. It is also my responsibility to see that the College’s students, faculty, staff, and visitors recognize that the Department is a resource available to all members of the Berklee community.

As it is with your experience at our Boston campus, your safety and well-being are critical features of your overseas experiences in Valencia, and your welfare while abroad is every bit as important to the College as it is when you are in Boston. Berklee is committed to the goal of providing a safe campus environment for its students, faculty, staff, and visitors. However, each of us must also take personal responsibility for our own safety, as well as the safety of those around us. And please remember one fundamental rule of crime prevention: If you see something, say something.

On behalf of Berklee, I thank you for choosing to study and work at the Valencia Campus, and I encourage you to call upon the Public Safety Department or those at the Valencia Campus whenever necessary.

Best wishes for a healthy and successful year at Berklee College of Music’s Valencia Campus.

Roy J. Murphy, CPP
Chief of Police
## EMERGENCY INFORMATION AND RESOURCES

### Emergency Contact Information

<table>
<thead>
<tr>
<th>Service</th>
<th>Information</th>
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<tbody>
<tr>
<td>Police (Policia Nacional), Fire, and</td>
<td>Dial 112</td>
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<tr>
<td>Emergency Medical Services (Servicios de</td>
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<tr>
<td>Emergencias Medicas)</td>
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<tr>
<td>Berkee Valencia Program Front Desk</td>
<td>+34 963 332 802</td>
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<tr>
<td></td>
<td>(Ext. 3400 from on-campus</td>
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<td></td>
<td>phones)</td>
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<tr>
<td>Berkee Public Safety Department (Boston</td>
<td>(617) 747-2333</td>
</tr>
<tr>
<td>campus)</td>
<td></td>
</tr>
<tr>
<td>Student Affairs Emergency Line</td>
<td>+34 687 663 579</td>
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<tr>
<td>Berkee Valencia Security Control Center</td>
<td>+34 961 975 817</td>
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### Other College Resources

<table>
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<tr>
<th>Department</th>
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<tr>
<td>General Information</td>
<td><a href="mailto:infovalencia@berklee.edu">infovalencia@berklee.edu</a></td>
</tr>
<tr>
<td>Office of Graduate Admissions</td>
<td><a href="mailto:admissionsvalencia@berklee.edu">admissionsvalencia@berklee.edu</a></td>
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<tr>
<td>Summer Programs</td>
<td><a href="mailto:summervalencia@berklee.edu">summervalencia@berklee.edu</a></td>
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<tr>
<td>Study Abroad Program</td>
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<tr>
<td>International Career Center</td>
<td><a href="mailto:internationalcareers@berklee.edu">internationalcareers@berklee.edu</a></td>
</tr>
<tr>
<td>Office of the Registrar</td>
<td><a href="mailto:registravarcelona@berklee.edu">registravarcelona@berklee.edu</a></td>
</tr>
<tr>
<td>Office of the Bursar</td>
<td><a href="mailto:bursarvalencia@berklee.edu">bursarvalencia@berklee.edu</a></td>
</tr>
<tr>
<td>Marketing Department</td>
<td><a href="mailto:marketingvalencia@berklee.edu">marketingvalencia@berklee.edu</a></td>
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<tr>
<td>Communications Department</td>
<td><a href="mailto:communicationsvalencia@berklee.edu">communicationsvalencia@berklee.edu</a></td>
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<tr>
<td>IT Support</td>
<td><a href="mailto:itsupportvalencia@berklee.edu">itsupportvalencia@berklee.edu</a></td>
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<tr>
<td>Operations</td>
<td><a href="mailto:operationsvalencia@berklee.edu">operationsvalencia@berklee.edu</a></td>
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<tr>
<td>Library</td>
<td><a href="mailto:libraryvalencia@berklee.edu">libraryvalencia@berklee.edu</a></td>
</tr>
<tr>
<td>Berkee Valencia Employment Opportunities</td>
<td><a href="mailto:valenciajobs@berklee.edu">valenciajobs@berklee.edu</a></td>
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### Health Resources

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<tr>
<th>Hospital</th>
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<th>Phone</th>
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<tr>
<td>Hospital Nisa 9 de Octubre</td>
<td>Valle de la Ballestera 59, 46015 Valencia;</td>
<td>+34 963 179 100</td>
</tr>
<tr>
<td>Doctor Moliner Hospital</td>
<td>Porta Coeli, 46117 Serra;</td>
<td>+34 961 687 900</td>
</tr>
<tr>
<td>Doctor Peset University Hospital</td>
<td>Avenida Gaspar Aguilar 90, 46017 Valencia;</td>
<td>+34 961 622 300</td>
</tr>
<tr>
<td>Casa de Salud Hospital</td>
<td>Avenida Manuel Candela 41, 46021 Valencia;</td>
<td>+34 963 897 700</td>
</tr>
<tr>
<td>Biological and Immunological Medicine Clinic</td>
<td>Calle San Valeriano 27 Torrent, 46900 Valencia;</td>
<td>+34 961 564 929</td>
</tr>
<tr>
<td>Hospital de Sagunto</td>
<td>Avenida Ramon y Cajal s/n Sagunto, 46520 Valencia;</td>
<td>+34 962 659 400</td>
</tr>
<tr>
<td>Hospital de la Ribera</td>
<td>Ctra Corbera km 1 Alzira 46600, Valencia;</td>
<td>+34 962 458 100</td>
</tr>
<tr>
<td>La Fe Hospital</td>
<td>Avenida de Fernando Abril Martorell 106, 46026 Valencia;</td>
<td>+34 961 244 000</td>
</tr>
<tr>
<td>Hospital Nisa Valencia al Mar</td>
<td>Rio Tajo, 1 46011 Valencia;</td>
<td>+34 963 352 500</td>
</tr>
<tr>
<td>Quiron</td>
<td>Avenida Blasco Ibanez 14, 46010 Valencia,</td>
<td>+34 963 390 400</td>
</tr>
<tr>
<td>Hospital Nisa Virgen del Consuelo</td>
<td>Callosa d’en Sarria 12, 46007 Valencia;</td>
<td>+34 963 177 800</td>
</tr>
<tr>
<td>Hospital Aguas Vivas</td>
<td>Ctra Alzira Tavernes CV-50 km 11 Carcaixent, 46740 Valencia;</td>
<td>+34 962 588 800</td>
</tr>
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[1] Berklee College of Music does not endorse or otherwise recommend any of these medical facilities listed. Rather, this information is provided for students to review and consider while studying in Valencia.
NOTICE OF NON-DISCRIMINATION

Berklee College of Music does not discriminate on the basis of race, color, religion, gender, gender identity, transgendered status, national origin, age, disability, military or veteran status, sexual orientation, genetic information, marital status, pregnancy, or any other characteristic protected by applicable law in employment, admission, or participation in any of its programs and activities. Nor does Berklee tolerate retaliation in any form in response to initiating a complaint, or participating as a witness in an investigation, of alleged discrimination or harassment.

Any inquiries or grievances may be directed to the Title IX Coordinator/Chief Equity Officer, the Vice President for Student Affairs/Dean of Students, and/or the Director of Employee Relations and Staffing in Human Resources, Berklee College of Music, 855 Boylston Street, Boston, Massachusetts 02199, (617) 747-2305.

PREPARATION OF ANNUAL SECURITY REPORT

The Clery Act
The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (more commonly referred to as “the Clery Act”) requires all postsecondary educational institutions participating in federal Title IV student financial assistance programs to disclose certain crime statistics, safety related policies and procedures, fire safety information, and fire statistics in an annual security report (ASR). The Clery Act mandates that institutions publish their ASRs by October 1st each year.

In 2013, the Violence Against Women Reauthorization Act (2013) (“VAWA”) amended the Clery Act to require that schools collect crime statistics for three new crimes: domestic violence, dating violence, and stalking. Berklee Valencia first published its 2013 statistics for these crimes in its October 2014 ASR.

VAWA also now requires educational institutions to revise prior crime statistic disclosures, to delete the categories of non-forcible and forcible sex offenses reflected in prior years’ statistical charts, and to replace those categories with four categories of sex offenses: rape, fondling, incest, and statutory rape.

Institutions also must now disclose statistics concerning crimes determined to be “unfounded” and as a result not reported in prior years’ reports. Pursuant to this new requirement, Berklee now publishes statistics concerning “unfounded” Clery Act crimes for the three-year period immediately preceding publication of the ASR.

Finally, institutions are now required to report two new categories of bias crimes: those based on gender identity, and those based on national origin. Berklee began publishing statistics concerning these additional categories in 2014.

Data Collection and Policy Review
The Department of Public Safety is charged with the responsibility of collecting the information and data necessary for the preparation of this Annual Security Report and publishing it by the October 1 deadline each year. That process requires multiple immediate, ongoing, and annual efforts involving outside law enforcement agencies as well as College-wide departments.

Preparation of the Annual Security Report includes gathering crime statistics from reports of crimes disclosed to and reported by those identified in the law as “campus security authorities” and local law enforcement agencies, and reconciling those statistics with Public Safety’s own statistics in order to avoid duplicate reporting. In addition, preparation of the ASR requires review of College policies and procedures concerning campus safety and disclosure of those policies and procedures in this report.

Publication and Notice of Availability
The College publishes its Valencia ASR on the Department of Public Safety website under the Annual Security and Fire Safety Report sub-heading at https://www.berklee.edu/public-safety/annual-security-fire-safety-report. Each year, an email notification advising of the report’s availability, summarizing its contents, and containing a direct link to a PDF version of the report is sent to all enrolled students, faculty, and staff. Requests for paper copies of the report may be submitted via email to publicsafety@berklee.edu, or made in person at the Palau de les Arts Reina Sofia – Anexo Sur, Avenida Profesor Lopez Pinero, 1, 46013 Valencia, Spain.
Prospective employees and students similarly may obtain copies of the report through direct requests to the Public Safety Department.

BERKLEE PUBLIC SAFETY DEPARTMENT

The Public Safety Department (“Public Safety” or the “Department”) is responsible for campus safety, security, law enforcement, and emergency response on the Boston campus. The Department’s mission is to provide a comprehensive program of services designed to maintain and enhance the safety and well-being of the Berklee community, such that Berklee remains a safe place in which to live, work and study. Department shift commanders and command personnel administer day-to-day operations of the Department. Although located in Boston, Public Safety works closely with the Valencia Campus to assist in enhancing safety and improving quality of life for those studying in Valencia.

DESCRIPTION OF THE OPERATIONS DEPARTMENT

In coordination with Berklee’s Public Safety Department in Boston, the Operations Department (“OD”) in Valencia is responsible for campus safety, security, and emergency response at that location. It is the OD’s mission to provide a complement of services and programs to help facilitate safety and an enriching work, study, and living experience.

Due to the Valencia Campus’s location and the unique demands of the program, the OD is comprised of Berklee staff supplemented by Securitas Seguridad Espana, SA (“Securitas”), contract security officers who patrol the Valencia Campus 24 hours a day, 7 days a week while the program is in session. The Senior Director of Operations is the senior command level officer within the OD and reports to the College’s Chief Financial Officer/Senior Vice President of Administration and Finance.

LAW ENFORCEMENT AUTHORITY AND INTERAGENCY RELATIONSHIPS

Securitas has limited law enforcement rights provided under the Spanish Law of Private Security (Ley de 23/1992 de Seguridad Privada). Securitas and Berklee maintain cooperative working relationships with La Policia Nacional Espana (the Spanish National Police), La Comisaria de Policia de Valencia (the Valencia local municipal police), local consulates, and relevant elements of the Spanish criminal justice system. In the event of an incident requiring joint investigative efforts, resources, crime-related reports, and exchanges of information, Securitas and the OD work as closely as possible with investigators from the appropriate local law enforcement agency.

REPORTING CRIMES AND OTHER EMERGENCIES

The Berklee community, whether in Boston or Valencia, needs your help in addressing crime on and near the various campuses. If you witness a crime, immediately go to a safe place and call the law enforcement agency for the jurisdiction in which you are located. Stay on the line, and tell the dispatcher everything you can remember about the suspect (his/her clothing and appearance, vehicle, direction of travel, and anything else that may be helpful to law enforcement in their effort to apprehend the suspect).

Berklee students, faculty, staff, and guests are encouraged to promptly and accurately report all crimes and public safety-related incidents to La Comisaria de Policia de Valencia or La Policia Nacional. To report a crime, emergency, or suspicious activity, call 112 by phone. Alternately, Securitas can be reached at + 34 96 333 28 02 (extension 3400 on campus). A report may also be made directly in person to front desk personnel at the Valencia Campus, Students Affairs personnel, the Human Resources manager, or the Senior Director of the Operations Department, who may investigate.

Some reports are forwarded to the appropriate office at Berklee’s main campus in Boston for review and potential action. Where a matter necessitates the assistance of law enforcement, the OD will assist the reporting party in securing the appropriate law enforcement resources.

Berklee also uses a service called EthicsPoint to allow the community to report crimes anonymously and confidentially. Even if a victim or witness does not wish to be involved in the investigation of an incident, crimes should be reported to the Berklee Operations Department should a timely warning or emergency notification (discussed below) be required, and for inclusion in the College’s required annual statistical disclosures. This service can be used either online through www.berklee.edu or by calling (888) 286-5092.
ACCESS AND SECURITY OF CAMPUS FACILITIES AND MONITORING OF CRIMINAL ACTIVITY

The Valencia Campus is contained within the Palau de les Arts building, but does not contain any on-campus residential facilities. The area is openly accessible to members of the campus community, guests, and visitors during normal hours of business, and during designated hours on weekends and holidays. The building is staffed 24 hours a day, seven days a week by Securitas. Securitas’s presence provides both reactive services and proactive deterrence.

Securitas performs both routine and directed patrols, inspecting doors to campus facilities for actual and potential security breaches. This process involves testing of alarms and automatic closing and locking units.

Access to some buildings is controlled by electronic card readers and readily accessible by those with activated Berklee College identifications. Closed-circuit cameras continually monitor many areas of the campus, including interior and exterior locations twenty-four hours per day, seven days per week.

Berklee’s Valencia Campus does not have any student organizations that have off-campus housing facilities. Incidents reported to the Operations Department that fall into one of the Clery-reportable crime categories (discussed below) will be disclosed in the statistical portion of this report.

MAINTENANCE OF CAMPUS FACILITIES

Berklee Valencia maintains a strong commitment to safety and security on its campus. Common areas, pedestrian walkways, and building exteriors are well-lit to reduce the likelihood of criminal activity and enhance safety. Berklee Valencia’s contract maintenance company routinely conducts inspections and surveys of exterior lighting and other maintenance issues on campus to identify and correct problems, and it gives priority to security-related concerns. Members of the Berklee Valencia campus community are encouraged to report any maintenance concerns to the contract security company or to the front desk (ext. 3400).

DAILY CRIME INCIDENT LOG

The Operations Department prepares and maintains a daily incident log of all crimes reported to the Department. The log contains the information entered by call takers following receipt of a call for service, including the location of the incident reported, the resulting action(s) by OD and/or Securitas, a brief description of the incident reported, and the disposition of the report to the extent it can be ascertained. This annual security report contains statistics concerning Clery Act crimes only and does not contain statistics concerning all incidents reported to Berklee Valencia. The crime log, however, captures all incidents reported, both on and off campus.

The daily log is updated each business day with information concerning reports made the prior day. Reports received on weekends and College holidays are recorded in the log on the next business day. The log is available for inspection during normal business hours.

CAMPUS SECURITY AUTHORITIES

Federal law requires the College to disclose statistics concerning the occurrence of certain crimes enumerated in the Clery Act that occur within the College’s Clery geography and that are reported to College campus security authorities (“CSAs”). Under the law, CSAs include any member of the Berklee Public Safety Department; any individual who has responsibility for campus security, but who is not a member of Public Safety (e.g., contract security officers); any individual identified by the College as someone to whom a crime should be reported; and any College official who has significant responsibility for student and campus activities.

Examples of the College’s CSAs include, but are not limited to, the following:

- Berklee Public Safety Department;
- Contract security staff; and
- Operations Department staff.

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1 Definitions of Clery Act crimes and geographical locations are included later in this report.
A CSA is not required to disclose to the Department confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for his or her identity to remain confidential. However, CSAs are required to inform the Department of the existence of all known incidents, including confidential incidents, so that those incidents can be recorded as statistics, and, where appropriate, disclosed in the College’s Annual Security Report.

If a reporting party does not consent to the disclosure of his or her identity to the Department, CSAs are expected to inform the Department of the reporting party’s wish for confidentiality and to report the incident for statistical purposes only without disclosing identifying information. Berklee will maintain confidentiality under this framework to the extent permissible under the law and consistent with the College’s obligation to investigate allegations and provide accommodations.

Professional and pastoral counselors acting in those roles are not campus security authorities, and the law specifically exempts them from the responsibility to report to Public Safety crimes disclosed to them. The professional counselors in the Students Affairs office do not have a confidential reporting procedure, but may notify their clients of Operations Department voluntary, anonymous and confidential reporting procedures for inclusion in the annual disclosure of crime statistics, when they deem it appropriate.

The College urges all community members who are not CSAs to consider reporting any criminal incident to the Department or law enforcement for the geographical jurisdiction in which an incident occurs, particularly where a victim is unable to do so themselves. In the event an individual chooses not to report to the Department, the College urges the person to at least disclose the occurrence of the incident to a campus security authority so it may be counted, as appropriate, in the College’s annual security report. Given the distance between the Valencia and Boston campuses, it is particularly important that crimes be reported, even anonymously, to campus security authorities. If you have a question about who may be a CSA, please call Public Safety or speak with an administrator at the Valencia campus.

The Operations Department’s goal is to eliminate or minimize opportunities for crime on campus, and to create an atmosphere in which community members become more responsible for their own safety and security, as well as the security and safety of others. Below is a list of programs, services, committees, and technologies designed to raise awareness of crime, enhance prevention efforts, and improve quality of life for community members.

**New Student Orientation**
New student orientation presents an ideal opportunity both to educate captive audiences about the realities of studying in Spain, and to prepare newcomers for the awareness and mindset that contributes to enhancement of personal safety. Presentations are provided to students to inform them of the services provided by the Valencia Campus as well as some general safety tips they should follow.

**Closed-Circuit Television Surveillance**
Closed-circuit cameras located throughout campus are monitored by Securitas 24 hours a day, 7 days a week, 365 days a year. These cameras are designed to give heightened visibility to Securitas and OD, both for proactive prevention and quickened emergency response.

**Rape and Sexual Assault Prevention Committee**
The objective of the Rape and Sexual Assault Prevention Committee is to review ongoing efforts to promote sexual violence (including dating violence, domestic violence, sexual assault and stalking) awareness, education, and prevention, and to improve the quality of services offered and delivered to the community related to these topics.

**Rape and Sexual Assault Prevention Booklet**
Berklee’s Public Safety Department in Boston has created a publication titled *Rape and Sexual Assault: A Guide to Prevention, Reporting, and Changing the Culture on Campus*. Contact the Operations Department to request a copy or view it online at [http://www.berklee.edu/public-safety/rape-sexual-assault-prevention-booklet](http://www.berklee.edu/public-safety/rape-sexual-assault-prevention-booklet).

**Be Smart, Stay Safe**
Berklee Public Safety annually publishes an easy to use booklet containing various general safety and security tips. All community members are urged to
review the booklet for helpful ideas to enhance personal and community safety.

Safety Articles & Tips
Public Safety regularly submits safety-related articles to both the Faculty/Staff Email Newsletter and the Student Email Newsletter to raise crime prevention awareness. The Department also leverages social media to distribute similar information by posting relevant information through Facebook, Twitter, and other media outlets.

GENERAL SAFETY TIPS
Crime can be perpetrated anywhere at any time. The cooperation and involvement of students, faculty, and staff in working to enhance their own personal safety and security is crucial to maintaining a safe campus environment. Although no one set of guidelines can completely protect you, following the tips below may help to reduce exposure to victimization.

Apartment Security

- Never prop a door open. Doing so could allow an unauthorized person to enter a building, thus endangering the well-being of those inside.
- Always lock your room, regardless of how long you may be gone. Never leave money, jewelry, or other valuables out in the open, even if you are present.
- Get to know others around you, and watch out for each other. Report any suspicious persons to the front desk or the Operations Department.
- Do not leave notes stating that you are gone or for how long you will be gone, where anyone will be able to view those notes, including on social media.
- Close your drapes and blinds at night.
- Always ask who is at the door before you open it.
- Notify the front desk or the Operations Department if there are maintenance or lighting deficiencies on the Valencia Campus, particularly where they may compromise security.

While You are Out and About

- Communicate nonverbal cues (body language) that you are calm, confident, and know where you are.
- Stay in well-lit, busy areas.
- When using public transportation, use a busy, well-lit bus stop, sit near the driver, and do not sleep.
- If someone is harassing you, get help immediately, and if necessary, instruct the harasser to leave you alone using a firm, loud voice.
- Trust your instincts. If something or someone makes you uneasy, take steps to remove yourself from the situation.
- Walk or jog with a companion.
- Keep your car locked at all times.
- Avoid displaying cash or valuables.
- Have your keys in your hand as you approach your car, dorm, apartment, or office so you may gain access to those areas quickly if necessary.

TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS
The Clery Act requires colleges and universities to issue “timely warnings” to the campus community regarding any Clery Act crime that is reported to campus security authorities (or to local law enforcement where local law enforcement informs the College of the incident); occurs within the College’s Clery geography and patrol area; and is deemed to represent a serious or continuing threat to the College community. The Clery Act also requires colleges and universities to issue an “emergency notification” to the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus and
involving an immediate threat to the health or safety of employees or students. “Timely warnings” and “emergency notifications” are each discussed separately below.

**Timely Warnings**
The Operations Department and Students Affairs issue timely warnings concerning Clery Act crimes that occur on the College’s Clery geography, where those crimes pose an immediate, continuing, and ongoing threat to the safety of the campus community. The decision to issue a timely warning is made on a case by case basis in light of all known circumstances surrounding a crime, including factors such as the nature of the crime reported, whether there exists a continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. A “timely warning” may not be issued if the subject(s) is apprehended and the threat of imminent danger to the community has been mitigated; if a report was not filed with the OD; or the OD was not notified in a manner that would allow it to post a “timely” warning to the community. These circumstances will be evaluated on a case-by-case basis.

All crime should be reported directly to the Operations Department, particularly where an incident may involve the need for issuance of a timely warning. All reports of crimes to the OD may be made on a confidential, anonymous basis.

Upon receiving a report that may result in the issuance of a timely warning, OD senior staff will analyze the incident and consult, when necessary, with other departments (e.g., Student Affairs, the College’s Title IX coordinator, etc.). This consultation is typically conducted in person, via telephone, email, or text messaging and is undertaken for the purpose of discussing relevant facts, the level of threat to the community, whether a timely warning will be issued, and the content of any timely warning notice. When a timely warning is issued, Berklee Valencia will withhold the names of victims to preserve confidentiality.

**Emergency Notifications**
The Operations Department and contract security staff receive information from offices and departments on campus, local municipal law enforcement, email, and/or text messages, and other media sources. If OD or security confirms, based on information received from these sources, or any others, that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of the Berklee Valencia Campus community, the College will, through Securitas, without delay and taking into account the safety of the community, determine the content of an emergency notification and activate some or all of the systems described below to communicate an appropriate warning (i.e., an emergency notification), unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency. Contract security also will notify the Berklee Public Safety Department on the Boston campus.

In determining an appropriate communication, the College will take into account several factors, including, but not limited to, the building or segment of the population threatened, the nature of the threat, and the credibility of the information received. The message will contain information regarding the event, as well as instructions as to what steps to take to enhance safety. The system will send notifications to the affected population in the form of: email, voice message, text message, and social media. The information will also be posted by the Communications Department on a publicly available webpage on [www.berklee.edu/alerts](http://www.berklee.edu/alerts), which is accessible to the larger community. The system is tested on an annual basis to ensure proper functionality. Follow up messages are sent to the Berklee community using some or all of the above listed communication systems when follow up instructions are required and/or emergency conditions have abated. The Senior Director of Operations holds primary authority to approve, create, and send emergency notifications. In his or her absence, the Student Affairs manager/HR manager holds this authority.

Timely warnings and emergency notifications may be distributed to the campus community using some or all of the following methods of communication:

**Email Blast:** A blast email to staff, faculty and all currently registered students with information concerning the time/location/nature of threat, relevant details, including suspect description, and tips on how to stay safe (collectively, “pertinent information”).
**Fliers:** Fliers posted on the front of all academic buildings and residence halls affected by the incident(s) containing pertinent information.

**Social Media:** Various social media outlets either directly or indirectly to disseminate pertinent information.

**SMS/Text Message:** Text messages with pertinent information to community members whose phone numbers are registered in the emergency contact database.

**Voice Message:** Voicemail messages with pertinent information to community member whose phone numbers are registered in the emergency contact database.

An alert may not be issued if:

- The subject(s) have been apprehended and/or the threat of imminent danger to community has been mitigated.
- A report was not filed with the Operations Department or the Operations Department was not notified in a manner that would allow the department to post a “timely” warning to the community. This type of situation is evaluated on a case-by-case basis.

**EVACUATION PROCEDURES AND DRILLS**

**Emergency Evacuation Plan**
A specific evacuation plan (EEP) provides the proper policies, procedures, and guidelines for building occupants to follow during an evacuation.

**Drills/Testing**
An unannounced emergency evacuation drill is coordinated by the Operations Department at least once per calendar year at the Valencia Campus. The purpose of the evacuation drill is to prepare building occupants for an organized evacuation. In addition to educating the occupants of each building, the process also provides the Operations Department an opportunity to evaluate the efficiency of the emergency evacuation plan and to test the operation of fire alarm system components. Occupants are encouraged to report any deficiencies or provide any suggestions to the Operations Department.

**Sheltering in Place**
If an incident occurs and the buildings or areas in or near your location become unstable, or if the outdoor air becomes dangerous due to airborne toxins or irritating substances, it is usually safer to remain indoors because leaving your immediate location may expose you to the danger outside. Thus, to "shelter in place" means to make a shelter of the building you are in, and, with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

**Basic "Shelter in Place" Guidance**
If an incident occurs and the building you are in is not damaged, stay inside and seek an interior room until you are informed by emergency responders that it is safe to exit. If the building in which you are located is damaged, follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated the building, immediately seek shelter in the nearest safe Berklee building. If Securitas, the Operations Department, Student Affairs, local law enforcement, or local emergency responses are on scene, follow their directions.

**How You Will Know to "Shelter in Place?"**
A shelter in place notification can come from several sources, including Securitas, the Operations Department, Student Affairs, local law enforcement, or local emergency response. In addition, notification of a need to shelter in place may come over the radio or television or by any of the communication methods mentioned above.

**How to "Shelter in Place"**
No matter where you are, the basic steps to shelter in place will generally remain the same. Should the need to shelter in place ever arise, follow these steps unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter in place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
• Locate a room to shelter inside. It should be an interior room above ground level without windows (or with the least number of windows).

• Shut, lock, and tightly seal windows and exterior doors.

• Turn off air conditioners, heaters, and fans.

• Close vents to ventilation systems as you are able.

• Turn on a radio or TV, listen for further instructions, and to the extent possible, monitor the internet from a computer or phone.

**DRUG AND ALCOHOL POLICIES**

The College is committed to providing a safe, productive, and healthy environment in which all members of the Berklee community can learn, work, and grow from a wealth of varying experiences. The College is determined to establish and maintain working, living, and learning conditions that are free from the negative effects of alcohol and other drug (“AOD”) abuse. With this goal in mind, the College encourages responsible decision-making regarding the use of legal drugs (alcohol, tobacco, pharmaceuticals, etc.). Berklee and the members of its community are responsible for observing and complying with all laws together with all College policies concerning the use of AOD. These policies apply to conduct on the Berklee Valencia Campus as well as at any College-related activities, regardless of whether such conduct occurs on or off campus.

Berklee’s Valencia campus enforces all local and national laws on alcohol and drugs, including prohibitions against possession, use, and sale. Berklee’s Valencia Campus also has its own drug and alcohol policies. The following acts are prohibited on College premises or at Berklee-sponsored activities and events:

• Sale, possession, or use of any illegal drug and/or the use, possession, or distribution of any controlled substance without legal authorization.

• Sale, possession, or use of alcoholic beverages in violation of underage drinking laws.

• Providing alcoholic beverages to individuals under 18 years of age.

• Possession of alcoholic beverages by individuals under 18 years of age.

• Illegal possession of an open container of an alcoholic beverage.

• Public intoxication.

• Driving while under the influence of alcoholic beverages.

• Drinking alcoholic beverages in an unlicensed public place.

Sanctions for violation of the policy may include, but are not necessarily limited to, probation, suspension, or dismissal from the program or the College. College staff members may be disciplined under the human resources discipline process initiated by their department heads. Faculty members may be disciplined by their respective department. Faculty and staff members are not excluded from prosecution under the law merely by virtue of their employment.²

**SUBSTANCE ABUSE RESOURCES**

Berklee recognizes that the misuse and abuse of alcohol and drugs can be detrimental to the health, safety, learning, and well-being of individuals, as well as to the Berklee community. Therefore, the College offers substance abuse prevention programming for its community members and will identify other resources and provide assistance for students, faculty, and staff who have or develop problems with alcohol or other drugs (“AOD”).

In compliance with the Drug Free Schools and Communities Act, Berklee’s Drug and Alcohol²

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policies can be found in the **Policy Handbook for Students** which can be accessed at [http://www.berklee.edu/policy-handbook-students](http://www.berklee.edu/policy-handbook-students).

**Counseling and Advising Center**
In addition to the above programs and trainings, the Counseling and Advising Center ("CAC") provides assessment and referral services to students. For more information about any educational materials and programs contact the CAC at (617) 747-2321 or [http://www.berklee.edu/counseling-and-advising-center](http://www.berklee.edu/counseling-and-advising-center).

**Off-Campus Resources**
Along with the resources available through CAC, student may also consider off-campus resources, such as Alcoholics Anonymous meetings: [http://www.aaspain.org/meetings/Valencia.html](http://www.aaspain.org/meetings/Valencia.html)

**SEXUAL MISCONDUCT**

**Statement of Policy on Sexual Misconduct**
Berklee College of Music’s Non-Discrimination, Harassment, and Sexual Misconduct Equity Policy and Process (the “Policy”) expressly 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.

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 Americans 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 Policy is intended to address and resolve complaints involving any legally protected characteristic with a unified policy and centrally administered processes that are equally applicable to all members of the Berklee community.

**Complaint Process Overview**
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.

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. 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. 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.

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
Policy Definitions
The following definitions apply to the College’s Policy. Legal definitions follow in this report.

Sexual Assault is actual or attempted sexual contact with another person without that person’s consent, 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; or intentional physical contact in a sexual manner, even if it does not involve contact with or by these body parts.

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.

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.

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.

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.

What to Do if you Suspect You Have Been Assaulted

- **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. The importance of doing so cannot be overstated. 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 to 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 Center (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.

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 also 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.

Confidentiality

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 the 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. The Chief Equity Officer/Title IX Coordinator who will assess the report and consult with the complainant will review reported allegation(s). 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.

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.

Required Disclosures

- **Clergy Act**

Pursuant to the Clergy 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 are 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.

**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 health care 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 the 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:


In cases of sexual violence, the College encourages individuals to request a Sexual Assault Exam at a hospital. 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 the case of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case.

**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 Quinones, Director of Community Standards/Deputy for Student Investigations, 617-747-2849, mquinones@berklee.edu
- Jorge Rostoll, Senior Director of Operations, 617-747-3416, jrostoll@berklee.edu
- Clara Barbera, Director, Student Affairs Valencia, 617-747-3403, cbarbera@berklee.edu
- Berklee Primary Response Team (24 hours): 617-851-6763

**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. A victim of a crime is encouraged, 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.
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 dialing 112, or call Berklee Valencia Security Control Center at +34 961 975 817.

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.

In some cases, an individual may also wish to consider an Abuse Prevention Order. 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’s 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, 617-747-2305, ealviti@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 Prevetion and Education: Kevin Johnson, Director for the Office of Diversity and Inclusion, 921 Boylston Street, 617-747-8273, mkjohnson2@berklee.edu

Deputy for Student Investigations: Michelle Quinones, Director of Community Standards, 921 Boylston Street, 617-747-2849, mmquinones@berklee.edu

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, 921 Boylston Street, Diversity and Inclusion Office, 617-747-3193, mjcrary@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.

Equity Complaint Process
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. Nothing in this Policy or Process alters or modifies the at-will employment relationship.

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.

- **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.

- **Notification of Rights**

Any member of the Berklee community who make a report of any act of sexual violence perpetrated by another member of the Berklee community has the right to and will receive written notice of the following:

- Information about the importance of preserving evidence;
- How and to whom to report crimes;
- Options for notifying law enforcement and campus security authorities (and the option to decline to notify authorities);
- Information about orders of protection, no contact orders, restraining orders, or other similar lawful orders issued by a criminal, civil, or tribunal court or by the College;
- Information concerning confidentiality and maintenance as confidential of any accommodations or protective measures provided to the complainant (to the extent that maintenance of such confidentiality would not impair the ability of the institution to provide accommodations or protective measures);
- Options and resources for counseling, health and mental health services, victim advocacy, legal assistance, visa and immigration assistance, and other services available for College complainants, both within the college and in the community;
Options for assistance in changing academic, living, transportation, and working conditions (regardless of whether the victim chooses to report the incident to law enforcement); and

Procedures for College disciplinary action. This includes a description of each type of disciplinary proceeding used by the College; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how the College determines which type of proceeding to use based on the circumstances of an allegation; a description of the standard of proof (i.e., a preponderance of the evidence) that will be used during any disciplinary proceeding arising from an allegation; the accuser’s and accused’s right to have an advisor of choice (not to be limited by the College) present at any College disciplinary meeting or hearing; a listing of all possible sanctions that the College may impose following a disciplinary proceeding; the range of protective measures the College may offer following receipt of an allegation; the right to receive written notice of the result of any College disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking; appeal procedures; written notice of any change in the result of any initial disciplinary proceeding upon appeal; and notice of when results will become final.

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 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:

The investigator and the Chief Equity Officer/Title IX Coordinator will together determine all potential charges/violations, and will inform the respondent of her or his right to review and comment on all evidence, offer witnesses and evidence, and be accompanied by an advisor of choice. The investigator will provide the respondent with written notice of all charges and allegations, in a charge letter and/or written complaint, prior to the initial interview.

If new information comes to light that results in the need to charge the respondent with additional violations, then the respondent should be provided

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.
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 interfere with or obstruct the investigation or to testify in place of a party 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.) should 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. These procedures will not be applied in a manner which conflicts with an employee’s Weingarten rights, when applicable.

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 and 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.

• **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 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 acts of similar conduct;
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the complainant and the community; or
- Any other factors deemed relevant.

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.

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: disciplinary warning; disciplinary probation; residential probation; residential suspension; suspension; expulsion; fines; restriction of privileges; behavioral agreements; deferred housing removal; no-contact orders; interim suspension; letter of apology; check-in/success meeting; reflection/research papers; and community restitution.

For Staff or Faculty: No contact orders; mandated counseling, education and/or training; verbal warning; written warning; final written warning; suspension; and involuntary termination.

- **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

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\(^4\) 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.
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. Investigations 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.

- **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.

- **Alternative Resolution**

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. 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.

- **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 five (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: (1) new evidence available that was not available prior to the original investigation and finding, which may have a material effect on the case; or (2) 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 fifteen (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 ten (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.

SEXUAL ASSAULT EDUCATION PROGRAMS

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

Counseling & Advising Center (CAC)
The CAC offers a variety of support services, including academic advising, first-year advising, international student advising, personal counseling, and services for students with disabilities.

Rape and Sexual Assault Prevention Committee
This group meets regularly to promote the awareness of all forms of sexual assault, education and prevention.

Rape Aggression Defense (RAD) Program

5 Not all programs may be immediately available in Valencia, but are offered to students prior to their attending the Valencia campus.
This program, conducted by Public Safety, teaches women defense tactics to use during physical assaults.

**Rape and Sexual Assault Prevention Booklet**
Public Safety created a publication titled *Rape and Sexual Assault: A Guide to Prevention, Reporting, and Changing the Culture on Campus*. Copies can be obtained at Public Safety, Student Activities, or the CAC.

**Sex Signals**
This presentation to incoming students covers the definition of sexual consent; the importance and necessity of consent; the intersection of alcohol; morality issues; bystander intervention; victim impact; and myths.

**Engaging Bystanders In Sexual Violence Prevention**
This training focuses on encouraging bystanders to not “look the other way” when they have knowledge of sexual violence.

**SEXUAL ASSAULT RESOURCES**
In addition to the Counseling and Advising Center on the Boston campus, local sexual assault resources in Valencia include:

- Centro de la Mujer 24 horas (Woman Center 24 hours)
  Address: Calle de Guillen de Castro 100, Valencia
  Phone: 900-58-08-88

- Dirección General de la Mujer (Woman General Center)
  Address: Calle Naquera nº. 9, Valencia.
  Phone: 961-971-600

- Valencia University Clinic Hospital
  Avenida Blasco Ibáñez 17, 46010

**CLERY ACT/VAWA CRIME DEFINITIONS**

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

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6 Spain does not have a registry of sexual offenders and their crimes that is available to the public.

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**Clery Act Felony Definitions**

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

**Negligent Manslaughter**: The killing of another person through gross negligence.

**Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Arson**: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

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

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

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

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

**Clery Act Sex Offenses Definitions**

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

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

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

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

_statutory rape:_ Non forcible sexual intercourse with a person who is under the statutory age of consent.

**Arrest and Referrals for Discipline for Violations of Liquor, Drug, and Weapons Laws**

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

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

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

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

**Hate Crimes**

Under the Clery Act, a hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. For Clery purposes, hate crimes include any Clery Act felony (murder or non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, or arson) together with any of the following crimes to the extent they manifest evidence of bias:

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

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

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

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

Note: “Bias” is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin, or gender identity.

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

Federal Definitions

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

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

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

Spain Definitions

Under Spanish law, the following definitions apply to these sex offenses:

**Sexual Assault:** An offense against the sexual freedom of another person, using violence or intimidation.

**Rape:** Sexual assault consisting of vaginal, anal, or oral penetration, or inserting body parts or objects into either of the former two orifices.

**Sexual Harassment:** The solicitation of favors of a sexual nature, for him or herself or a third party, within the setting of a continuous or usual work relation, teaching or service provision relation, that places the victim in a situation that is objective and seriously intimidating, hostile, or humiliating.

**Physical Harassment:** The infliction of degrading treatment on another person, seriously damaging his moral integrity. This also crime encompasses the repeated perpetration of hostile or humiliating acts that, while not reaching the statement of degrading treatment, are aimed at preventing lawful enjoyment of a dwelling.

**Intimate Partner Violence:** Violence exercised against women by their present or former spouses or by men with whom they maintain or having maintained analogous affective relations, with or without cohabitation, including acts of physical and psychological violence, such as offenses against sexual liberty, threats, coercion, and the arbitrary deprivation of liberty.

**Consent:** For non-forcible sexual assault, the Spanish Criminal Code provides that a person who is unconscious, whose mental disorder is taken advantage of, or whose will is overcome by use of narcotics, drugs or any other natural or chemical substance cannot a consent to sex. An offender also cannot obtain consent through a situation of manifest superiority that deprives the victim of liberty.

**RULES FOR CALCULATING STATISTICS DISCLOSED IN THE ANNUAL SECURITY REPORT**

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

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

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

1. Criminal homicide:
   a. Murder and non-negligent manslaughter
   b. Negligent manslaughter
2. Sex offenses:
   a. Rape
   b. Fondling
   c. Incest
   d. Statutory rape
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson

Part II Crimes (Arrests/ Referrals for Weapons, Drug, and Liquor Offenses)

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

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

Part III Crimes (Hate Crimes)

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

Part I Felonies Subject to Hate Crime Counting Requirements

1. Criminal homicide:
   a. Murder and non-negligent manslaughter
   b. Negligent manslaughter
2. Sex offenses:
   a. Rape
   b. Fondling
   c. Incest
   d. Statutory rape
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Arson

Additional Misdemeanor Offenses Subject to Hate Crime Counting Requirements

8. Larceny – theft
9. Simple assault
10. Intimidation
11. Destruction, damage or vandalism of property

Part IV Crimes (VAWA Offenses)

1. Domestic violence
2. Dating Violence
3. Stalking

Calculating Statistics Subject to the Hierarchy Rule

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

- Crimes that occur in on-campus residence halls are counted twice – once in the general ‘on-campus’ category, and once in the ‘residence hall’ category.

- Arson is always counted, regardless of whether is more or less severe than any other Clery Act offense in the same incident. (For example, if someone commits arson during a burglary, then the institution must record a statistic in both the arson and burglary categories, thus appearing to reflect two separate incidents, but really only documenting one event.)

- Murder/non-negligent manslaughter and negligent manslaughter statistics are calculated based on the number of victims in a single incident. (For example, if two people are murdered in the same incident at the same time, or die due to the gross negligence of another person, then the institution must record two statistics in the murder category – one statistic for each victim.)

- Any incident involving both a murder/non-negligent manslaughter and either a robbery, burglary, aggravated assault, or motor vehicle theft must be recorded as one statistic in the murder/non-negligent manslaughter category. (Robbery, burglary, aggravated assault, and motor vehicle theft are subsumed within the murder/non-negligent manslaughter category. However, arson, sexual assault, hate crimes, and Part IV VAWA crimes are not subsumed by any other category and therefore must be reported in addition to any other Clery offense involved in the same incident.)

- Sex offenses (rape, fondling, incest, and statutory rape) are always counted, even where they also involve a murder or non-negligent manslaughter.

- Crimes less severe than sex offenses (rape, fondling, incest, and statutory rape) are not counted unless the less severe crime is one of dating violence, domestic violence, or stalking, or unless it is a hate crime misdemeanor (larceny – theft; simple assault; intimidation; or destruction, damage or vandalism of property).

- Robbery statistics are calculated by incident (or in other words, by distinct operation), not by the number of victims involved in a single incident. (For example, if one offender robs three individuals at gunpoint at the same time and while in the same place, the institution must record one statistic in the robbery category.)

- Aggravated assault statistics are calculated based on the number of victims involved in a single incident. (For example, if two people are assaulted with a weapon during the same incident, then the institution must record two statistics in the non-negligent manslaughter category – one statistic for each victim.)

- Burglary statistics generally are calculated by incident (or in other words, by distinct operation), not by the number of victims involved in a single incident. (For example, if one offender breaks into a structure and steals two laptops belonging to two different people who reside in the same room, then the institution must record one statistic in the burglary category.)

- There are special rules for the counting of burglaries: Each room in a student housing facility is considered a separate dwelling for purposes of calculating burglaries. (For example, if a burglar enters a resident hall suite and steals a television from the common area, and then enters two separate bedrooms within the suite and steals laptops from each bedroom, the institution must record three statistics in the burglary category – one for the common area,
and two for the bedrooms (one for each bedroom)).

However, various rooms within an academic building are considered to be under the control of a single entity. Therefore, the burglary of a single academic building is counted as one offense, regardless of the number of offices or other spaces from which items may have been stolen, unless the various rooms were burglarized within different time frames. In that case, each burglary separated by time would be recorded as separate statistic in the burglary category.

- Part I felony crimes committed on the basis of a prohibited bias (i.e. “hate”) are always counted twice – once in the Part I felony crime grid, and once separately in the hate crimes grid/narrative. In the event a single incident involves multiple Part I offenses based on bias, the hierarchy rule does not apply to disclosure of statistics in the hate crimes grid/narrative, and all Part I offenses must be reported separately. (For example, if an incident involves both an aggravated assault and motor vehicle theft based on bias, the institution must record statistics in both the aggravated assault and motor vehicle theft categories in the hate crimes grid/narrative. However, only the aggravated assault would be disclosed in the Part I grid based on the hierarchy rule.)

- The four Part III misdemeanor hate crimes (larceny – theft; simple assault; intimidation; or destruction, damage or vandalism of property) are only reported in the hate crime grid/narrative.

- Part IV VAWA crimes (domestic violence, dating violence, and stalking) are reported in a separate grid. If any Part I felony incident also involves a Part IV VAWA incident, then both incidents are reported – the felony crime is reported in the Part I grid, and the VAWA crime is reported in the Part IV grid.

- In the event a Part IV VAWA offense might be classified as both “domestic offense” and “dating violence”, the incident is reported as one of “domestic violence.”

- In the event a Part IV VAWA offense involves stalking together with domestic or dating violence, both the stalking and domestic/dating violence are reported separately. One statistic must be recorded in the stalking category, and one statistic must be recorded separately in the domestic/dating violence category.

- Where an incident involves both an arrest and a referral for discipline for a weapon, liquor or drug law violation, only the arrest is recorded.

- Where an arrest or referral for discipline is made in response to a Part II incident involving more than one offense (for example, unlawful possession of drugs and liquor), only one statistic is recorded. The DOE Clery Handbook does not offer guidance on a hierarchy for Part II offenses, and in the event of such an incident, the decision on how to report should be made by a sworn law enforcement officer. For purposes of this report, in the event of such an incident, statistics will be recorded according to the following order: (1) weapons, (2) drugs, and (3) alcohol, unless circumstances suggest alternative reporting is more appropriate. (For example, if a student arrested for serving a large volume of liquor to underage students one night, and at the time of the arrest police discover a very small amount of marijuana on the student’s person, then the incident is reported as one statistic reflecting an arrest for violation of liquor laws because the relative severity of the liquor offense outweighs that of the drug offense).

- Stalking is counted uniquely under VAWA.

  - When recording a stalking report, an institution is required to record a crime statistic only once for the calendar year in which the course of conduct was reported to a local police agency or campus security authority.
If the course of conduct involves the same parties and continues in a subsequent year, then the stalking must also be recorded for the subsequent year as well.

An institution must record each report of stalking as occurring at only the first location within the institution’s Clery geography in which the perpetrator engages in the stalking or a victim first becomes aware of the stalking. Therefore, a report of stalking must be reported in an institution’s ASR if it meets the definition of stalking even though the stalking course of conduct does not occur on the institution’s campus or in or on any of its other Clery geography.
### Annual Security and Fire Safety Report 2015

#### Valencia

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
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*Note: Berklee Valencia requested crime statistics from Spain’s Police Authorities; the response from these authorities was that they do not provide reports on these matters in English or for specific areas, such as Berklee Valencia’s reportable areas for Clery Act purposes. They directed Berklee Valencia to consult general crime reports on their crime statistics webpage: [http://www.interior.gob.es/web/interior/prensa/balances-e-informes/2014](http://www.interior.gob.es/web/interior/prensa/balances-e-informes/2014). This report provides general information about Valencia and Spain generally.

**Note: There is no student housing at the Valencia campus.