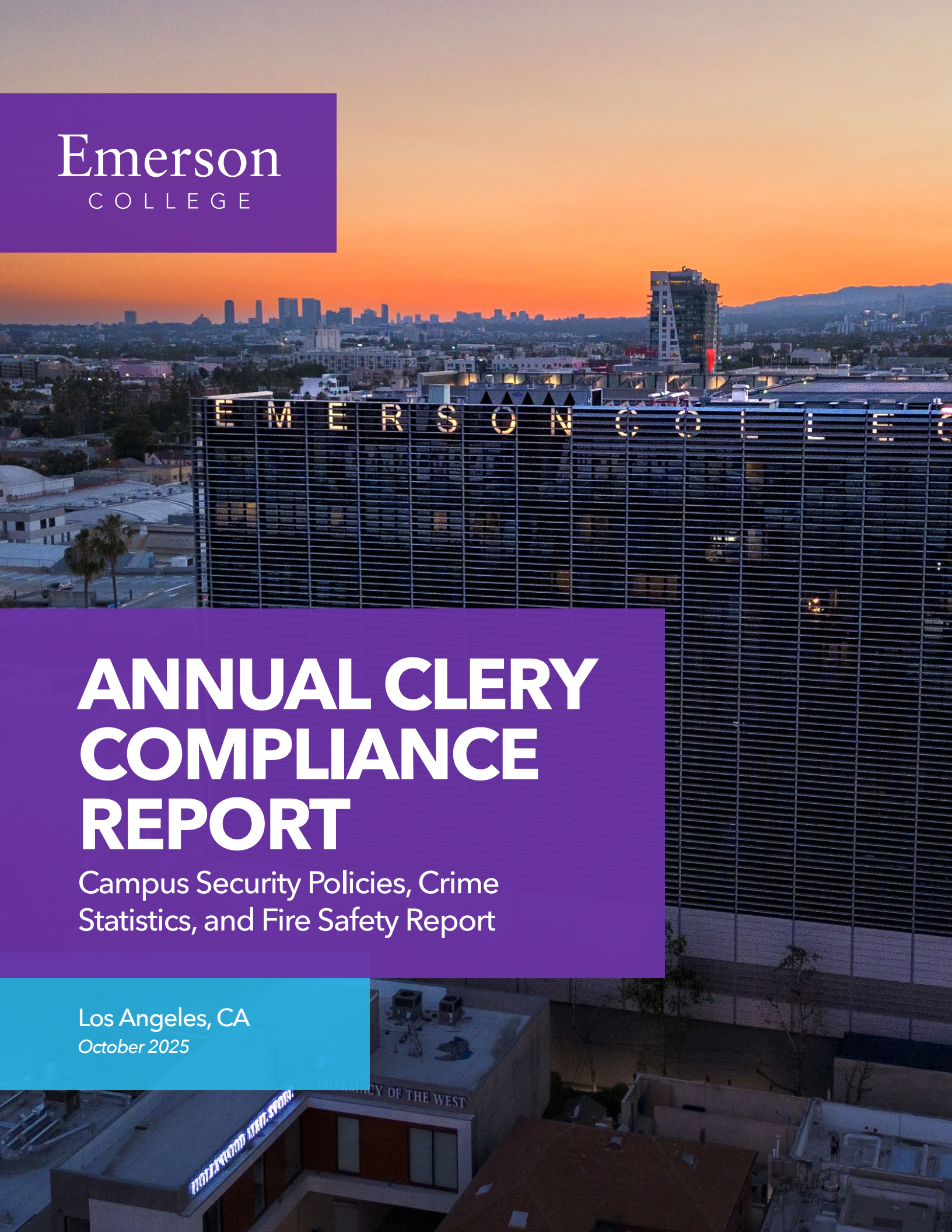


A photograph of the Emerson College building in Los Angeles at sunset. The building is a modern structure with a glass facade and a sign that reads "EMERSON COLLEGE". The sky is a mix of orange and purple, and the city skyline is visible in the background. The building's name is also visible on the top of the building.

Emerson
COLLEGE

ANNUAL CLERY COMPLIANCE REPORT

Campus Security Policies, Crime
Statistics, and Fire Safety Report

Los Angeles, CA
October 2025

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Message from the Chief of Police

As the chief of the Emerson College Police Department (ECPD), I am responsible for the leadership, management, planning, organization, and administration of the Emerson College Police Department. In addition to coordinating all safety and security services provided to the College community, I am the College's liaison with local, state, and federal law enforcement and safety agencies. I also hope to ensure that Emerson students, faculty, and staff view the department as a resource that is available to all members of the Emerson community.

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"), 20 U.S.C. § 1092, requires that certain colleges and universities publish an annual report concerning various campus safety-related policies and procedures, as well as campus crime and fire statistics. Together with the associate vice president, Title IX Office, and Clery Act coordinator, it is our responsibility to oversee the preparation and publication of this report. Each year, the ECPD assembles statistics for this report based on its own records and based on communications with local law enforcement and the various campus security authorities. These communications are directed at acquiring information necessary to the College's effort to disclose annual crime statistics to the Emerson community.

The Clery Act has very specific reporting guidelines and is not intended to represent all reported incidents that occur on campus, residential facilities, non-campus buildings/property, or on public property adjacent to and accessible from the campus, and those guidelines limit the scope of what incidents fall under Clery. The criteria for reporting these crimes are as follows:

- All Clery crimes reported to the ECPD, a Campus Security Authority (CSA), or other law enforcement.
- Crimes occurred in a location within Emerson College's Clery Geographical Area.
- Crimes must be disclosed in the year reported.

The following is the College's Campus Security Policies, Crime Statistics, and Fire Safety Report for the Los Angeles Campus. Paper copies of this report are available upon request via email to Robert_Casagrande@emerson.edu or requests can be made in person at the Emerson Police Department, which is located at 114 (R) Boylston Street, Boston, Massachusetts 02116.

On behalf of Emerson College, I thank you for choosing to study and work with us here at the College, and I encourage you to call upon the Emerson College Police Department whenever necessary. Please remember one fundamental rule of crime prevention: If you see something, say something.

Best wishes for a healthy and successful year at Emerson College.

Robert Casagrande
Chief of Police

Notice of Non-Discrimination

Emerson College ("Emerson" or "the College") is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all College community members.

Emerson does not discriminate on the basis of race, color, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, or age in its programs or activities. The following person was responsible for responding to inquiries regarding the non-discrimination policies during the reporting period:

Sonia Jurado

Associate Vice President, Equal Opportunity & Compliance
Office of Equal Opportunity
Ansin Building
180 Tremont Street, Suite 409
Boston MA 02116
oeo@emerson.edu or sonia_jurado@emerson.edu
[617-824-8999](tel:617-824-8999)

Sexual harassment under Title IX, as defined by Emerson College's Policy Against Discrimination, Harassment, & Sexual Violence, is (1) unwelcome conduct of a sexual nature; (2) that a reasonable person would find to be so severe, pervasive, and objectively offensive; (3) that it effectively denies them equal access to the College's educational programs or activities. A reasonable person is defined as a reasonable person under similar circumstances and with similar identities. To be considered Title IX Sexual Harassment, the conduct must also meet the jurisdictional requirements found in the Title IX Grievance Process. It is prohibited by Title IX of the Education Amendments Act of 1972, a federal law that provides that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. 20 U.S.C §1681

Sexual harassment is also prohibited under Title VII of the Civil Rights Act, Massachusetts General Laws Chapter 151B, the Massachusetts Fair Education Practices Act, Massachusetts General Laws 151 C, Section 2(g), and other applicable state and federal statutes.

The following person has been designated by Emerson to respond to inquiries regarding Title IX and violations of sexual violence:

Sonia Jurado

Associate Vice President, Equal Opportunity & Compliance
Title IX, Title VI, & ADA/Section 504 Coordinator
Office of Equal Opportunity
Ansin Building
180 Tremont Street, Suite 409
Boston MA 02116
oeo@emerson.edu or sonia_jurado@emerson.edu
[617-824-8999](tel:617-824-8999)

For assistance related to civil rights, students may visit the Department of Education, Office for Civil Rights ("OCR") website (<https://www.ed.gov/about/ed-offices/ocr>), which provides information including the address and phone number of the OCR office that serves your area, or call [1-800-421-3481](tel:1-800-421-3481).

Overview of Emerson Los Angeles

Qualified Emerson juniors, seniors, and graduate students may enroll for one semester of study at Emerson Los Angeles ("Emerson LA"), a residential program with a full semester of internship opportunities and coursework, as well as personal and professional development workshops and panel discussions. Emerson students who are accepted and enroll into the program register for an internship course for 4 or 8 college credits. The internship course requires completion of both academic assignments and a specific number of hours at the internship site. With more than 1,000 internships in all aspects of the entertainment industry, including film, television, radio, performance, new media, music, management, journalism, publicity, and public relations, Emerson LA offers Emerson students a broad range of opportunities in a variety of fields.

In January 2014, Emerson College opened its new Los Angeles Center (Emerson's LA Center) at 5960 West Sunset Blvd., where students participating in Emerson's Los Angeles program now reside and take classes. Emerson's LA Center consists of a 10-story, 220,000-square-foot building complete with a three-level parking garage. It contains residential dormitory space sufficient to house 190 students per semester, as well as a state-of-the-art screening room, audio and video editing and mixing labs, performance studios, dressing rooms, study halls, classrooms, and a cafe open to the public.

Emerson College Police Department

Overview

The Emerson College Police Department (“ECPD”) is located on Emerson’s Boston campus and is committed to the safety and well-being of the College’s student body, staff, faculty, and visitors. In furtherance of its mission, the ECPD provides direct law enforcement protection and emergency services to Emerson College’s Boston campus community. The ECPD also assists students and staff who study and work at the College’s external educational program locations in matters concerning safety, law enforcement, and crime reporting¹. Although the College encourages individuals participating in Emerson’s LA program to call the Los Angeles Police Department, by dialing 911, to report a crime, the ECPD welcomes all calls for assistance or inquiries from any member of the Emerson community, regardless of their location.

Local Police

Emerson College’s LA campus falls under the law enforcement jurisdiction of the Los Angeles Police Department (LAPD) Hollywood Division. The nearest station is located at 1538 North Wilcox Ave., Los Angeles, CA 90028.

Security at Emerson’s LA Center

Emerson’s LA Center is staffed 24 hours a day with contract security officers who are employed by Allied Universal (“AU”) and who communicate with the Emerson College Police Department and the Los Angeles Police Department about any safety and security concerns as needed.² AU provides internationally recognized professional uniformed security services. Their staff are trained to recognize and respond to safety hazards and medical needs. While AU officers do not have the authority to make arrests, officers are available to assist students, staff, faculty, visitors, and affiliates at the LA Center with any safety or security concerns, and are trained to follow Emerson College’s emergency procedures and policies. AU security officers occupy a fixed post at the LA Center’s main entrance, where AU performs alarm monitoring and access control functions. AU officers also constantly perform interior and exterior patrols and security checks in all areas of the complex, the parking garage, surrounding walkways, and common areas. Students, staff, and guests are encouraged to reach out to AU officers for general health- and safety-related concerns.

Reporting Crimes and Health Safety Concerns

At Emerson LA, anyone who becomes aware of a criminal incident, fire, or other threat to the health and safety of any member or members of the Emerson LA community should utilize the following phone numbers:

Allied Universal Security: **323-952-6211**
Police Fire and EMS: **911**

-
- 1 ECPD does not investigate cases of rape in which a community member would like law enforcement investigation. The ECPD will notify the jurisdiction where the reported rape had occurred for the survivor and provide the survivor with appropriate care, connect them with resources, and inform the survivor of their rights under Title IX and College Policy.
 - 2 Emerson College Los Angeles has no formal memo of understanding (MOU) with the Los Angeles Police Department (LAPD) concerning the reporting of crime on campus or LAPD’s reporting of serious threats to the safety of the Emerson College Los Angeles community. Allied Universal, the College’s security department, does have a verbal understanding with LAPD to report all serious crimes or serious threats to one another as needed. If a victim of crime at Emerson’s LA Center does not wish to have their crime reported to LAPD, AU will honor their request.

Students, staff, and faculty who work and study at Emerson's LA Center also may always call upon the ECPD for assistance in reporting or documenting any crime or safety concern. To report an incident to the ECPD, one can simply call **617-824-8888**.

Allied Universal Daily Crime Log

Allied Universal (AU) maintains a record of every criminal incident that is reported to AU at Emerson's LA Center. The AU daily crime log summarizes each reported criminal incident and includes, when available, the nature of the crime reported, the date and time the crime occurred, the location of the crime, and the disposition of the complaint if known. Each day's log is available for public inspection for 60 days at the security post inside Emerson's LA Center. Any portion of the log that is older than 60 days is available within two business days of a request for public inspection.

The daily log is updated each business day with information concerning reports made to AU the prior day. Reports received on weekends and College holidays are recorded in the log by AU on the next business day.

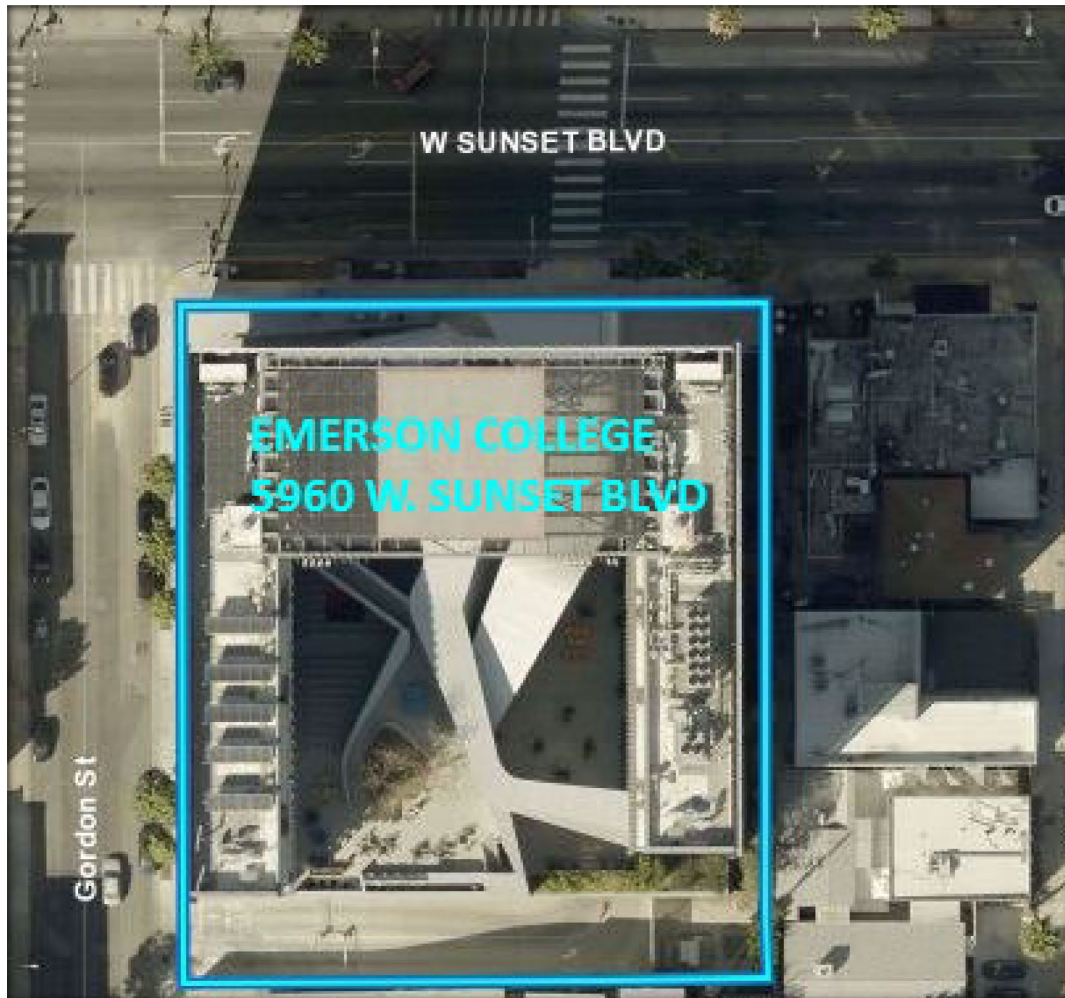
General Crime Prevention and Safety Advice

The following are some general safety precautions that the Emerson College community or visitors can use to stay safe in Los Angeles.

- When walking, especially alone, please keep to well-lit areas.
- Avoid all shortcuts and isolated areas.
- Keep to commonly traveled routes.
- Walk with a purpose.
- Be vigilant while talking on your cell phone.
- Avoid using your phone/media device or any headphones when walking. If you must, keep one ear free from your ear bud.
- Always dress for freedom of movement when walking.
- Always use caution while carrying a backpack; leaving a backpack on your shoulders can give criminals the opportunity to steal your belongings.
- Keep your valuables under your control, especially in public spaces.
- Watch for suspicious persons or activities.
- Be aware of your surroundings, who is near you, and what they are doing.
- Avoid talking to strangers, especially in isolated areas.
- If you feel threatened, cross the street, enter a business establishment, or otherwise seek the safety of having other persons around you.
- If you feel threatened, do anything you can to bring attention to your situation to the best of your ability.
- Most importantly, trust your instincts and use common sense. If something feels wrong, more times than not, your instincts will be correct.

Please report all criminal or suspicious activity to the Allied Universal on campus at **323-952-6211** or the Los Angeles Police Department at **911** off campus.

Emerson Los Angeles Geographical Area



Campus Security Authorities

The College has designated certain individuals as Campus Security Authorities (CSAs), which includes individuals who have significant responsibility for student and campus activities, including, but not limited to, Security staff, Athletics staff, Student Affairs and Student Housing staff, as well as student discipline and campus judicial proceedings staff. CSAs are mandated to report crimes to ECPD.

All CSAs should encourage any person at Emerson LA who reports a crime or other incident involving safety or security to notify local police or AU Security as soon as possible if they wish for law enforcement to investigate the matter since law enforcement's ability to investigate a crime effectively is enhanced by timely reporting of a crime. While CSAs should respect the choice of impacted parties concerning whether they wish for law enforcement to investigate the incident, any CSA who receives a report of an incident involving a crime or campus security matter must immediately inform the ECPD of the incident consistent with the confidentiality considerations discussed below.

Confidentiality and Privacy Considerations

Emerson College is committed to protecting the privacy of individuals who report criminal incidents or abuse to the College, to the extent that doing so is permitted by law and consistent with the College's need to protect the safety of the community. Different Emerson officials and personnel are able to offer varying levels of privacy protections to those who report criminal incidents or violations of College policy.

Any report received by any College employee concerning abuse or neglect of a minor must be reported to California officials in compliance with state law requiring mandatory reporting of child abuse and neglect. All members of the Emerson College community are required by College policy immediately to report any instance of child abuse or neglect to the ECPD, and the ECPD in turn will report such information to the appropriate state authorities.

Unless a reported incident involves allegations of child abuse or neglect, a CSA is not required to disclose to AU or the ECPD any information concerning the incident that would identify a victim of a crime without the victim's consent. If a victim does not consent to the disclosure of their identity to law enforcement, CSAs are required to inform the ECPD of the victim's wish for confidentiality, and report the incident to Emerson College without identifying information about the parties involved, so that such incidents can be recorded as statistics by the ECPD and, where appropriate, included in the College's annual security report.

Emerson has designated the Healing & Advocacy Center, Emerson Wellness Center mental health clinicians, or anyone contracted by the College to perform counseling duties as confidential resources. In addition, individuals with the Center for Spiritual Life who are associated with a religious order or denomination; recognized by that order or denomination as someone who provides confidential counseling; employed or otherwise contracted with the College to perform pastoral counseling duties; and functioning within the scope of the role of pastoral counselor are also confidential resources. Confidential resources are not campus security authorities. Absent the express consent of the person who confided in them; except as necessary to prevent imminent danger to the person making the disclosure or to a third party; or to satisfy the legal obligation to report child abuse, confidential resources will not share information they learn in confidence with others within the institution, (including the College's Office of Equal Opportunity), or with any third party.

Emerson requires all Campus Security Authorities to share with the College's Office of Equal Opportunity all information they learn concerning a report of sexual assault, harassment or abuse, domestic or dating violence, or stalking so that the OEO can investigate the reported incidents, track trends (including possible multiple reports involving the same respondent) and determine whether steps are needed to ensure the safety of the community. It is an impacted party's choice whether they wish to participate in any investigation by the College; however, the College may proceed with an OEO investigation or formal complaint process without the impacted party's participation if there is a concern for the safety of that party, other members of the community, or if there is a repeated pattern of behavior. The College's ability to investigate a report may be limited if the reporting party declines to participate in an investigation.

The College encourages all community members to report any criminal incident they are aware of which occurs on College property or involves a member of the Emerson community to the ECPD so that the ECPD can investigate the incident and be of assistance to those involved in the matter. However, if an individual does not wish to report a crime to the ECPD, the College urges the person to at least disclose the occurrence of the incident to a CSA so it may be counted, as appropriate, in the College's Annual Security Report.

Information about criminal incidents and safety concerns that are reported to any College officials, including, but not limited to, members of the ECPD, will be treated with the greatest degree of respect and privacy possible while still fulfilling Emerson's obligation to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only share information when absolutely necessary.

While federal law requires Emerson College to report certain types of criminal incidents in its annual campus crime statistics, incidents so reported by the College are reported in a statistical manner that does not permit identification of victims or of other individuals who may have been involved in the incident. Likewise, any timely warning notifications or community advisories the ECPD issues to the community will not include the names or identifying information of those impacted parties/victims of the incident.

Campus Facilities (Security Access)³

Classroom and Non-Residential Facilities

The non-residential portions of Emerson's LA Center contain classrooms, a lounge area with large-screen televisions, performance and rehearsal studios with dance floors and professional lighting, a computer lab, study areas, a fitness facility/gym, laundry room, staff offices, three-level underground parking garage, café/restaurant on street level, and an expansive park-like outdoor terrace on Floor 5.

Emerson's LA Center also houses a multi-purpose event space, audio post-production rooms, an executive screening room, editing rooms, a copy center and mailroom, and a long-distance learning center. The entire building is also a media hub; it has the ability to facilitate any kind of media function, including Sony PMWF3 and Sony PMW400 cameras, to help audio and visual media arts students reach their full potential.

Emerson LA Security Policies

The main entrance at Emerson's LA Center is monitored 24 hours a day by AU. All members of the Emerson community must show Emerson identification and tap their identification onto an electronic card reader in order to gain admittance.

Only students, faculty, and staff who are participating in Emerson's LA program have access to park in the LA Center's parking garage. The entrance to the garage can only be opened by people who have been granted access via their Emerson ID. Anyone who is granted access is assigned a designated parking spot by the College. In order to use the elevator inside the parking facility, one must have an active Emerson ID to activate the elevator's electronic card reader, which will activate the elevator's push buttons. The Emerson LA Center has a secure general parking lot that serves as public parking for visitors and guests. The general parking lot is opened by AU security officers at 6:00 am each day and secured at 11:00 pm. This is done by locking the secure gate located at the entrance of the general parking lot. Inside the general parking lot, there is an elevator that will allow visitors to access the main lobby of Emerson's LA Center.

All common areas within Emerson's LA Center are monitored 24/7 by closed-circuit video, and security officers both monitor the video camera and conduct walking patrols of the Center and its grounds. In addition, AU will, upon request, provide a walking escort to any location within the complex. All visitors to Emerson's LA Center must enter the Center through its main entrance and should be either registered prior to their arrival or the hosts must sign in the visitors at the main entrance.

Emerson's LA Center is also equipped with a Blue Light emergency phone system inside the parking garage. The Blue Light emergency phone system, when activated, will alert AU security officers of a person in need of assistance, and AU will respond to provide any assistance needed to the caller.

³ The College reserves the right to make changes to these policies and procedures without notice, especially in the event of emergencies or other unusual situations.

Campus Alarms

Emerson's LA Center is alarmed to detect smoke, heat, and intrusion. Panic alarms are installed in some campus locations in light of the nature of the activities occurring within those spaces. Panic alarms register at the security post that is monitored 24 hours a day.

All fire, smoke, and carbon monoxide alarms register at both the Fire Command Center located near the security post and the security post itself. The security post is equipped with computerized fire alarm systems, which perform central fire system monitoring of smoke detectors, fire alarm pull stations, the sprinkler line water flow, and annunciation of any alarm. The fire life safety systems are also monitored off campus 24 hours per day by a monitoring service.

Access to Academic and Administrative Areas

All students and visitors at Emerson's LA Center must enter the building through the main entrance. All people entering must show valid College identification or be signed into the building as a guest. The elevators from the parking garage require the user to tap their Emerson ID using an electronic card reader to allow access of use. The parking garage elevators will allow students, faculty, or staff with the proper privileges access to the academic or administrative sections of Emerson's LA Center, but not to the residential section of the Center. Those seeking to access the residential section of the Center must show valid College identification, be signed into the buildings as a guest, or be referred to the residence director for admittance. Visitor entry will be denied without current photo identification.

Access to Residential Areas

The College takes seriously the safety of all its community members and limits access to residential areas of Emerson's LA Center in an effort to protect the safety of those who reside on campus.

Members of the Emerson community are required to comply with all established policies and procedures concerning entry into the residential areas of the Emerson's LA Center. The only College employees who may access the residential areas are individuals who require access in performance of their duties, and who have been granted access to the residential portion of the Center by the College after completing a criminal background check.

Students who reside at Emerson's LA Center must show a valid Emerson College photo identification card to access the Center. Further, guests of residents may not stay in the room of their host for more than four nights during any period of seven consecutive days. A guest's privileges may be terminated at any time by any of the Emerson LA Center's staff. Guests may only remain at Emerson's LA Center when the person they are visiting is onsite. In addition, residents must escort their guests at all times and in all locations within the Center.

Residents at Emerson's LA Center may only host personal friends or family. Hosts are responsible for ensuring that all of their guests or visitors follow all applicable Emerson College rules. A guest is not permitted to stay in a room within the Center unless all of the host's roommates agree to host the guest, and residents seeking to host a guest are responsible for coordinating all arrangements for the visit. All faculty, staff, and students found to have violated these policies or procedures may be subject to disciplinary action.

In addition to the policies described above, Emerson residents are required to comply with the same housing conduct policies applicable to the residence halls on the Boston campus. Students who violate Emerson's residential guest policy while participating in the LA program may be subject to dismissal from the program.

Access Policy for Maintenance and Repair

Regular maintenance, alterations, and repairs of the complex are performed by various outside contractors, hired by the College. Services provided by the outside contractors that affect the safety and security of the College community include:

- Electricity and lighting;
- Elevators;
- Custodial services;
- Doors and locks;
- Window and door glass.

Regular maintenance services are done periodically, and these services do not have to be requested by community members. However, if and when unpredictable failures occur or additional maintenance work is required beyond normally scheduled maintenance, community members may report such problems by calling Emerson LA's Facilities Management at 323-952-6214 during business and non-business hours, or placing a work order online at www.myschoolbuilding.com. Emerson community members wishing to report facilities concerns online should enter account number 1491213824, after which they will be prompted to enter their Emerson email address, and then proceed with the self-registration process. Any student or employee who has any emergency safety concerns relating to the condition of the facility should contact their resident assistant on duty or AU.

Crime Prevention and Wellness Programs

Crime Prevention and Health and Wellness Programs at the Boston Campus

With very few exceptions, all Emerson first-year students and sophomores are required to live on campus in Boston. As such, students are exposed to crime prevention as well as health and wellness programming offered at the Boston campus. Programs that are geared toward crime prevention are offered by the ECPD and include, but are not limited to: Active shooter response training (ALiCE), Self-Defense Training, Safety Workshops, Meet and Greets, and Social Media Campaigns.

Subjects of health and wellness education offered by the Division of Student Affairs include alcohol and other drug use and abuse, HIV and AIDS, sexually transmitted diseases, body image, eating disorders, and various other topics. Focusing on responsible decision-making, the Division seeks to increase education and awareness about these issues with the goal of reducing problems associated with them. Moreover, the College offers programs designed toward sexual violence prevention, including, but not limited to, bystander training, harassment training, awareness campaigns, seminars, and other programming. Emerson LA hires outside therapists to assist students with issues concerning overall health and general well-being for continuing support. For a full list of programs offered at the Boston campus, please refer to the Boston Campus Annual Security Report. (<https://emerson.edu/departments/police/staying-informed/clery-reports>)

LA Campus-Specific Programs

In an effort to educate the Emerson LA community about safety, Emerson provides various opportunities for community members to learn about crime prevention, safety, and health and wellness. Emerson LA's residence director; graduate assistants and resident assistants; and representatives of ECPD, AU, and Emerson's Department of Human Resources participate in training the Emerson LA community on a wide variety of subjects including, but not limited to, safety and security procedures, building evacuation procedures, Fire/Life/Safety training, alcohol awareness, and crime prevention.

Safety Escorts

AU provides safety escorts, upon request, to members of the Emerson community 24 hours a day, seven days a week. This service provides Emerson LA's students, faculty, and staff with walking escorts to their motor vehicles or to destinations within the Center.

Fire/Life/Safety Training

Emerson LA community members are required to complete Fire/Life/Safety online training that covers fire safety, earthquake safety, and a host of related topics designed to enhance community members' safety while residing at Emerson's LA Center.

Community Bulletins and Alerts

Both Emerson LA's administration and the ECPD in Boston have the ability to distribute crime bulletins or alerts to inform members of the Emerson LA community about incidents of crime in the area surrounding the College that may pose an immediate threat of harm to members of the Center's community. Bulletins and alerts may also be circulated at times, not in response to a specific incident, but as general reminders to community members about measures that community members can take to enhance personal and property security.

Employee Training

Since the opening of the Emerson LA Center, Emerson's chief human resources officer and Title IX coordinator, in conjunction with AU, have provided trainings for all Emerson LA staff and faculty employees, including resident assistants, concerning the College's prohibition against unlawful discrimination, harassment, retaliation, and sexual misconduct, and employees' obligations to report violations of law and College policies. This employee training includes information explaining which employees are mandatory reporters or campus security authorities who have reporting obligations under the Clery Act, VAWA, Title IX, and/or College policy.

Student Orientation Training

Students attending Emerson's LA program are required to participate in pre-departure orientation on the Boston campus prior to the term that they attend the LA program, as well as orientation in Los Angeles once they arrive. Orientation for students attending Emerson's LA program includes logistical information designed to help students new to Los Angeles safely navigate the Los Angeles area. An advocacy group, Peace Over Violence, also provides materials to students and employees attending Emerson's LA program concerning building healthy relationships, families, and communities free from sexual, domestic, and interpersonal violence.

Residence Hall Staff Training and Education

Emerson LA's resident assistants receive training about responding to power-based interpersonal violence (including dating and domestic violence, sexual assault, stalking) at the start of each semester from the Healing & Advocacy Center. The goals of this workshop are to discuss healthy relationships, raise awareness of power-based violence, practice trauma-informed response, connect survivors with confidential resources, and engage in active bystander intervention skill-building.

In addition, the LA resident assistants and residence directors receive annual training from the College Title IX coordinator. This training is designed to review the policies, review the RA's obligations as responsible employees and Campus Security Authorities and to review the process for reporting incidents to the deputy Title IX coordinator and/or the Title IX coordinator.

Sexual Assault, Domestic Violence, Dating Violence, and Stalking Awareness and Prevention

It is an unfortunate reality that incidents of sexual assault, domestic violence, dating violence, and stalking occur at all colleges and universities, regardless of their location. However, Emerson will not tolerate sexual assault, domestic violence, dating violence, stalking, or any other discriminatory conduct on the basis of sex ("sexual violence").

The College actively endeavors to promote awareness and prevention of sexual violence through coordinated efforts of numerous College departments and employees, including, but not limited to: Emerson College Healing & Advocacy Center, the ECPD, the Emerson Wellness Center, the Division of Student Affairs, Human Resources, and the Office of Equal Opportunity.

The College's Policy Against Discrimination, Harassment, & Sexual Violence, as well as the procedures for reporting sexual misconduct committed by a student or employee, and resources and support can be found via the Office of Equal Opportunity website. (<https://emerson.edu/departments/office-equal-opportunity>)

Healing & Advocacy Center (HAC)

The Emerson College Healing & Advocacy Center (<https://emerson.edu/departments/healing-advocacy>), which was established in May 2014, works with students, employees, and community partners to lead comprehensive and innovative prevention strategies, coordinated community approaches, and trauma-informed advocacy to shape an Emerson community free of sexual assault, stalking, and abusive relationships. The College's HAC education includes training members of the community on our collective responsibility to treat one another with respect, refrain from violent behavior, and be active bystanders to create and foster a safe and violence-free campus in which all students and employees thrive academically, professionally, and socially.

Emerson's HAC is an available resource that offers support to Emerson students, staff, and faculty no matter where in the world they are. The HAC is a confidential resource at Emerson. Therefore, the HAC will not share any information, not even whether or not a person contacted them, with anyone. The HAC can also provide information and answer questions about reporting incidents to law enforcement. Healing & Advocacy Center education is incorporated into trainings that are conducted by various departments across the College, including trainings in residence halls for the College's residential students, trainings for residence assistants and advisors, faculty trainings, and orientations for new students and employees.

Office of Equal Opportunity

The College's Office of Equal Opportunity (OEO) offers College-wide trainings to individuals and departments on issues of discrimination, harassment, and sexual violence. The OEO manages the institution's Title IX and VAWA responsibilities to address sex and gender-based harassment, including sexual harassment; sexual violence; relationship violence; stalking; the prohibition on retaliation; under the College's Policy Against Discrimination, Harassment, & Sexual Violence.

The 2024 training was provided by OEO to students; faculty; staff; faculty leading study abroad programs; Athletics (students, coaches, and staff); and decision-makers in the OEO processes.

The OEO staff also receive annual training related to Title IX and Clery.

Drug and Alcohol Abuse Programs

Emerson College 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 the Emerson community. Therefore, the College offers substance abuse prevention programs for its members and will identify resources and provide assistance for students, faculty, and staff who have or develop problems with alcohol and other drugs ("AOD").

Good Samaritan

The College has instituted a "Good Samaritan" policy. Emerson's Good Samaritan policy is applicable to the student requesting medical assistance for oneself, the student seeking medical assistance for another person, and the student for whom medical assistance was sought. When a report clearly documents that a student sought help for themselves or another student due to excessive alcohol or other drug consumption, the incident will not be referred to the Student Conduct Process.

Support Resources

Emerson College recognizes that the misuse or abuse of any drug can be detrimental to the health, safety, learning, and well-being of individuals, as well as the Emerson community. Therefore, the College offers substance abuse prevention programs for its students and employees and will identify resources and provide assistance and support for those who have, develop, or are in recovery from problems with AODs.

For Students

Emerson Wellness Center

<https://emerson.edu/departments/emerson-wellness-center>

[1-617-824-8666](tel:1-617-824-8666)

Healing and Advocacy Center

<https://www.emerson.edu/departments/healing-advocacy>

[1-617-824-8857](tel:1-617-824-8857)

For Faculty and Staff

Human Resources

<https://emerson.edu/departments/human-resources>

[1-617-824-8580](tel:1-617-824-8580)

Employee Assistance Program

<https://hr.emerson.edu/hc/en-us/articles/360016960673-Employee-Assistance-Program>

[1-800-624-5544](tel:1-800-624-5544)

Alcohol and Other Drugs Policy

It is a goal of Emerson College to provide a safe, productive, and healthy environment in which all members of the Emerson community can learn, work, and grow from a wealth of different 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 Drugs (AOD) abuse. With this goal in mind, the College encourages responsible decision-making regarding the use of legal drugs (alcohol, tobacco, pharmaceuticals, etc.). Emerson College and the members of its community are responsible for observing and complying with federal, state, and local law, together with all College policies concerning the use of AOD. These policies apply to conduct on the Emerson campus, as well as any College-related activities, regardless of whether such conduct occurs on or off campus.

California law prohibits possession, transportation, and/or distribution of illegal drugs by any person. California law also prohibits individuals under the age of twenty-one (21) years from purchasing, possessing, and/or transporting alcoholic beverages. Emerson College policy is consistent with California law and further prohibits students from becoming intoxicated both on and off campus.

The unlawful possession, use, or distribution of illicit or prescription drugs or alcohol by any student or employee on Emerson College property or as part of, or in connection with, any College activity is prohibited. In addition, students, faculty, and staff are responsible for ensuring their guests adhere to the Emerson College AOD policy and, when appropriate, will be held accountable for violations committed by their guests.

Students or student organizations found to have violated alcohol or drug laws, or campus policies relating to AOD, are subject to a variety of disciplinary sanctions, which may include, but are not limited to, one or more of the following: written warnings; fines; required participation in AOD educational programs; parental notification; loss of residence hall and College privileges; referral for substance use evaluation or treatment; probation; suspension or dismissal from College housing, specific College programs, or the College as a whole; and prosecution by the appropriate federal, state, and local authorities. At Emerson LA, some of these sanctions effectively mean disqualification from the program and the student in question being sent back home.

Faculty and staff found to have violated alcohol or drug laws, or campus policies relating to AOD while on Emerson College-owned or leased property or at off-campus, College-sponsored events, are subject to a variety of sanctions, which may include, but are not limited to, one or more of the following: written warnings; referral for substance abuse evaluation or treatment; job suspension; dismissal from the College; and prosecution by the appropriate federal, state, and local authorities.

A complete copy of the Emerson College Alcohol and Other Drug Policy, (<https://emerson.edu/policies/alcohol-and-other-drugs>) including specific College-wide regulations, may be obtained by students from the Office of Student Affairs or by faculty/staff from the Office of Human Resources/Affirmative Action, and is also available online. Faculty and staff may obtain information concerning AOD from the same site.

Emerson Interim Hazing Policy

Emerson College recognizes that student clubs and organizations, including fraternities and sororities, are integral to the campus community. The College places its educational mission at the center of college experience and expects that the actions, programs, and activities of students and student groups reflect and advance that mission. Hazing is antithetical to the College's mission and is therefore strictly prohibited.

Hazing is defined as any action or situation that recklessly or intentionally endangers a student's mental or physical health or safety for the purpose of initiation or admission into or affiliation with any group, including but not limited to any club, organization, co-curricular group, team, interest group, student production, student leadership role operating within the College, whether the group is recognized or not.

The term hazing includes, but is not limited to:

- Any brutality of a physical nature, such as beating, forced calisthenics, exposure to the elements;
- Any forced physical activity that could adversely affect health or mental stress, such as sleep deprivation; forced exclusion from social contact, which could result in extreme embarrassment;
- Any forced consumption of any food, alcohol, or other drug or substance;
- Any other forced activity that could adversely affect the mental health or dignity of an individual;
- Any activity that violates state or federal anti-hazing legislation or guidance.

The policy applies regardless of an individual's willingness to participate. The implied or explicit consent of a participant does not excuse behavior that meets the definition of hazing.

This policy applies to both individual students and student organizations. Students and/or student organizations reported to have potentially engaged in hazing behavior will be referred to the appropriate disciplinary process for investigation and resolution. Any student or group found responsible for a violation of the hazing policy will be subject to disciplinary action, up to and including educational sanctions, loss of privileges or funding, disbanding or suspending the organization, suspension/dismissal from the College, or other sanctions pursuant to College policies.

Student and student organization disciplinary processes are managed by the Office of Community Standards and the Office of Equal Opportunity. Relevant processes are linked below.

- The Office of Community Standards
 - [Student Conduct Process](https://emerson.edu/departments/community-standards/code-community-standards/student-conduct-process) (<https://emerson.edu/departments/community-standards/code-community-standards/student-conduct-process>)
 - [Student Organization Misconduct Process](https://emerson.edu/departments/community-standards/code-community-standards/student-organization-misconduct-process) (<https://emerson.edu/departments/community-standards/code-community-standards/student-organization-misconduct-process>)
- The Office of Equal Opportunity
 - [Complaint Resolution Process](https://emerson.edu/policies/complaint-resolution-process-policy-against-discrimination-harassment-sexual-violence) (<https://emerson.edu/policies/complaint-resolution-process-policy-against-discrimination-harassment-sexual-violence>)

Reporting Hazing Concerns

Concerns about hazing involving a student or group should be submitted in a report using the online reporting form. Reports will be reviewed by the Office of Community Standards. Upon review, this report may be shared with other College offices on an as-needed basis.

All information reported will be treated with sensitivity and shared only when necessary or required.

To Report a Hazing Concern log onto:

https://cm.maxient.com/reportingform.php?EmersonCollege&layout_id=4Anon

Anonymous reports are permitted; however, individuals are encouraged to provide contact information to support effective follow-up. Limited or anonymous information may hinder the College's ability to investigate or resolve the matter fully, but all reports will be reviewed and acted upon to the extent possible. All submitted reports are handled in compliance with the Family Educational Rights and Privacy Act (FERPA).

Reports are not monitored 24/7. In an emergency, please report any concern immediately to an Emerson College staff member or contact campus emergency services. Emergency phone numbers for each campus are below:

- **Boston:** Please call the [Emerson College Police Department](#) at [617-824-8888](#) or 911.
- **Los Angeles:** Please call Security at [323-952-6211](#) or 911.
- **Kasteel Well:** Please call [Student Affairs](#) at [011-31-478-507-117](#) (Monday through Friday 8:30 a.m. to 11:15 p.m.) or [011-31-478-507-119](#) (during non-business hours). For emergency services, please call 112.

Hazing Prevention and Education

The College is committed to creating a safe and welcoming community for all and thus takes a holistic approach to hazing prevention. The College is dedicated to sharing research-informed training and resources available to all students, staff, and faculty. Resources and best practices will be shared periodically through email, educational materials, campus announcements, and updates to this policy. Additionally, research-informed training on hazing education and prevention is regularly offered to all members of our community, virtually and in person.

Examples of the College's training, prevention, and awareness efforts include, but are not limited to:

- Workshops at New Student, International Student, Graduate Student, and Student-Athlete orientations
- On-campus anti-hazing events and programs
- Student Organization Leader and Student Organization Advisor training
- The Fraternity and Sorority Life Summit
- Faculty and staff onboarding materials
- Staff and faculty training sessions
- Annual dissemination of this policy and resources for prevention and education

Upholding a culture of safety and mutual respect is essential to the student experience. All members of the community are expected to take concerns related to hazing seriously and report them immediately. Student involvement across campus should reflect the values of care, inclusion, and shared purpose, creating opportunities for connection, learning, and growth.

Additional Hazing Prevention and Education Resources

- **StopHazing:** A research organization dedicated to hazing research, education, and prevention. <http://stophazing.org/>
- **Hazing Prevention Network:** A nonprofit organization dedicated to hazing education, training, and prevention. <https://hazingpreventionnetwork.org/>
- **Timothy J. Piazza Center for Fraternity and Sorority Research:** A leading research facility organized and managed by Pennsylvania State University, dedicated to addressing hazing through research, education, and prevention. This organization primarily focuses on resources for Greek-letter organizations. <https://studentaffairs.psu.edu/piazza-center/findings-results>
- **The Gordie Center:** Created and managed by the University of Virginia, it aims to prevent hazing and substance misuse through peer education and bystander intervention. <https://gordie.studenthealth.virginia.edu/>

Initial Stop Campus Hazing Act Transparency Report will be posted in December 2025.

Federal Anti-Hazing Law

The Federal Stop Campus Hazing Act was passed in December 2024. The Federal legislation outlines specific requirements for institutions of higher education related to hazing. The law is outlined below, in part; you are welcome to [read the complete language of the bill](https://www.congress.gov/bill/118th-congress/house-bill/5646/text). <https://www.congress.gov/bill/118th-congress/house-bill/5646/text>

The Stop Campus Hazing Act defines “hazing” as:

“Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- I. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- II. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
 1. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
 2. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 3. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 4. causing, coercing, or otherwise inducing another person to perform sexual acts;
 5. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 6. any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
 7. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.”

The Stop Campus Hazing Act defines “student organization” as:

“(vii) The term ‘student organization,’ for purposes of reporting under paragraph (1)(F)(iv) and paragraph (9)(A), means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”

The Stop Campus Hazing Act requires:

- A.** Each institution participating in any program under this subchapter, other than a foreign institution of higher education, shall develop, in accordance with the institution’s statement of policy relating to hazing under paragraph (1)(K), a report (which shall be referred to as the “Campus Hazing Transparency Report”) summarizing findings concerning any student organization (except that this shall only apply to student organizations that are established or recognized by the institution) found to be in violation of an institution’s standards of conduct relating to hazing, as defined by the institution, (hereinafter referred to in this paragraph as a “hazing violation”) that requires the institution to:
 - I.** Beginning July 1, 2025, collect information with respect to hazing incidents at the institution;
 - II.** not later than 12 months after December 23, 2024, make the Campus Hazing Transparency Report publicly available on the public website of the institution; and
 - III.** not less frequently than 2 times each year, update the Campus Hazing Transparency Report to include, for the period beginning on the date on which the Report was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including:
 - i.** the name of such student organization;
 - ii.** a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the institution, and any sanctions placed on the student organization by the institution, as applicable; and
 - iii.** the dates on which:
 - a.** the incident was alleged to have occurred;
 - b.** the investigation into the incident was initiated;
 - c.** the investigation ended with a finding that a hazing violation occurred; and
 - d.** the institution provided notice to the student organization that the incident resulted in a hazing violation.
- B.** The Campus Hazing Transparency Report may include:
 - I.** to satisfy the requirements of this paragraph, information that:
 - i.** is included as part of a report published by the institution; and
 - ii.** meets the requirements of the Campus Hazing Transparency Report; and
 - II.** any additional information:
 - i.** determined by the institution to be necessary; or
 - ii.** reported as required by state law.

- C. The Campus Hazing Transparency Report shall not include any personally identifiable information, including any information that would reveal personally identifiable information, about any individual student in accordance with section 444 of the General Education Provisions Act [20 U.S.C. 1232g] (commonly known as the "Family Educational Rights and Privacy Act of 1974").
- D. The institution shall publish, in a prominent location on the public website of the institution, the Campus Hazing Transparency Report, including:
 - I. a statement notifying the public of the annual availability of statistics on hazing pursuant to the report required under paragraph (1)(F), including a link to such report;
 - II. information about the institution's policies relating to hazing under paragraph (1)(K) and applicable local, state, and tribal laws on hazing; and
 - III. the information included in each update required under subparagraph (A)(iii), which shall be maintained for a period of 5 calendar years from the date of publication of such update.
- E. The institution may include, as part of the publication of the Campus Hazing Transparency Report under subparagraph (D), a description of the purposes of, and differences between:
 - I. the report required under paragraph (1)(F); and
 - II. the Campus Hazing Transparency Report required under this paragraph.
 - III. For purposes of this paragraph, the definition of "campus" under paragraph (6)(A)(ii) shall not apply.
- F. An institution described in subparagraph (A) is not required to:
 - I. develop the Campus Hazing Transparency Report under this subsection until such institution has a finding of a hazing violation; or
 - II. update the Campus Hazing Transparency Report in accordance with clause (iii) of subparagraph (A) for a period described in such clause if such institution does not have a finding of a hazing violation for such period.

The Stop Campus Hazing Act requires:

(F) "Disclosure of campus security policy and campus crime statistics [Beginning in October 2026, including]:

(iv) of hazing incidents that were reported to campus security authorities or local police agencies."

See Emerson College's Clery Reports page (<https://emerson.edu/departments/police/staying-informed/clery-reports>) for more information.

The Stop Campus Hazing Act requires:

- A. A statement of current policies relating to hazing (as defined by the institution); how to report incidents of such hazing, and the process used to investigate such incidents of hazing; and information on applicable local, state, and tribal laws on hazing (as defined by such local, state, and tribal laws).

- B.** A statement of policy regarding prevention and awareness programs related to hazing (as defined by the institution) that includes a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty, which includes:
 - I.** the information referred to in subparagraph (K); and
 - II.** primary prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

California Hazing Law

(Chapter 9, Section 245.6) https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=245.6.&lawCode=PEN

- a.** It shall be unlawful to engage in hazing, as defined in this section.
- b.** "Hazing" means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.
- c.** A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.
- d.** Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- e.** The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.
- f.** Prosecution under this section shall not prohibit prosecution under any other provision of law.

Sex Offender Registry and Access to Related Information

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

Publicly available information concerning registered sex offenders residing in California may be obtained online, free of charge, at <http://www.meganslaw.ca.gov>. Inquiries may also be made to:

California Department of Justice, Sex Offender Tracking Program

P.O. Box 903387
Sacramento, CA 94203-3870
[916-227-4974](tel:916-227-4974)

In addition, the local law enforcement agencies of the cities of Los Angeles and Burbank are authorized to notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community.

At Emerson College (Boston), all publicly available information received from Sex Offender Registry offices will be maintained by the ECPD. Any member of the public who is at least 18 years of age or older may request sex offender information. The information will be provided to any person who is seeking the information for their own protection; for the protection of a child under the age of 18; or for the protection of another person for whom the requesting person has responsibility, care, or custody. Information concerning an individual enrolled in, employed by, or undertaking a vocation at Emerson College (Boston) may appear in person at the ECPD at 114 (R) Boylston Street in Boston, MA 02116, and ask to review the registered sex offender log.

Additional information about persons required to register as sex offenders and how to obtain information concerning such persons may be obtained from the:

Massachusetts Sex Offender Registry Board

P.O. Box 4547
Salem, MA 01970
[1-800-93-MEGAN](tel:1-800-93-MEGAN)
www.mass.gov/sorb

Information from the Sex Offender Registry Board is available concerning those sex offenders who have been finally classified by the Board as Level 2 (Moderate Risk) or Level 3 (High Risk) offenders.

Persons seeking Sex Offender Registry information should be aware that there are criminal penalties for the use of Sex Offender Registry information to commit a crime or to engage in illegal discrimination or harassment of an offender.

Policy Against Discrimination, Harassment, and Sexual Violence

I. Policy Statement

Emerson College is committed to and strives to create an educational and work environment free of discrimination, harassment & sexual violence. Emerson prohibits discrimination and harassment against students, staff, and faculty on the basis of race, color, national origin, ethnicity or ethnic characteristics, shared ancestry, sex, pregnancy and related conditions, sexual orientation, gender identity/expression, including transgender identity, religion, disability, age, genetics, active military or veteran status and any other characteristics protected under applicable federal or state law, known as “Protected Categories.” Emerson also prohibits sexual violence against students, staff and faculty which includes sexual assault, stalking, relationship violence (dating/domestic). Some of the state and federal laws applicable to issues of discrimination, harassment, and sexual violence include Title VI of the 1964 Civil Rights Act, M.G.L. c. 151B; CA SB 493, Title VII of the 1964 Civil Rights Act; Title IX of the 1972 Education Amendments (“Title IX”); the Violence Against Women Act (VAWA); the Americans with Disability Act (ADA), as amended (ADAA); Section 503 and 504 of the Rehabilitation Act; and the Age Discrimination in Employment Act (ADEA). Emerson College affirms its commitment to equal opportunity and does not discriminate in its educational programs or activities, or in employment, based on any of the Protected Categories.

Questions or concerns about possible violations of this Policy should be directed to the [Office of Equal Opportunity \(OEO\)](#) (oeo@emerson.edu, 617-824-8999) which is the office responsible for receiving, reviewing and investigating reports of discrimination, harassment, and sexual violence. OEO can be found in the Ansin Building, room 409. The Associate Vice-President for Equal Opportunity & Compliance, Sonia Jurado, serves as the College’s Title IX and Title VI Coordinator and as the ADA/Section 504 Coordinator (sonia_jurado@emerson.edu, 617-824-8999).⁴

Violations of this Policy are subject to action through the processes outlined in the [Complaint Resolution Process](#) and the [Title IX Grievance Process](#) (as applicable).⁵ Those processes can be found on the Office of Equal Opportunity (OEO) [website](#). Depending on the nature of the violation, disciplinary sanctions for violations of this Policy may include, but are not limited to, loss of privileges, formal warning, disciplinary probation, educational sanctions, suspension, removal from housing, removal from the College and any other sanction noted in the Code of Community Standards for students, and may include warnings (verbal or written), censures, final warnings, reassignment, demotions, suspensions, and termination for employees. Training and other educational responses may also be issued in response to a finding of responsibility.

Employees (faculty and staff) subject to a collective bargaining agreement and/or the Faculty Handbook may have additional rights in terms of the sanctioning after a finding has been made pursuant to the Complaint Resolution Process. Retaliation against anyone who makes a report or complaint regarding a violation of this Policy, or who in any way participates in a report or investigation of an alleged violation of this Policy is strictly prohibited. A person engaging in retaliatory conduct will be subject to disciplinary action by the College. See the section regarding [retaliation](#) below for more information.

⁴ This person also acts as the Coordinator for purposes of California SB 493.

⁵ This Policy is effective as of August 2025. For conduct that may have occurred before that date, please contact the Office of Equal Opportunity for the applicable Policy.

Emerson reserves the right to make changes to this Policy as necessary, and in accordance with the laws noted above. This Policy is maintained, reviewed, and revised by the Office of Equal Opportunity (OEO). The most up-to-date version of this Policy that is currently in effect at the College can be found on the OEO website. If government regulations change in a way that impacts this Policy, this Policy will be construed to comply with government regulations in their most updated form, based on the effective date of the regulations in question.

II. Who Does This Policy Apply To?

This Policy applies to all students⁶, employees (staff and faculty)⁷ and any other individuals who participate in the College's programs or activities. This Policy applies to conduct occurring on-campus and in an off-campus Emerson program, activity, or event (including, but not limited to, any College-sponsored programs or College-led trips).⁸ This Policy may also apply to off-campus conduct that may have an impact on an individual's ability to participate in the College's programs or activities. Conduct that occurs outside of the United States may be governed by different laws and cultural norms that may limit the College's ability to respond. Emerson will review incidents that happened outside the United States to decide whether it can exercise discretionary jurisdiction over the matter (see the Complaint Resolution Process for more information).

The person who experienced the conduct is referred to as the *Impacted Party*. The person who reported the conduct is referred to as the *Reporting Party*, who may or may not be the same person as the Impacted Party. Generally, the Impacted Party will be consulted on what steps might be taken to address any conduct.

On occasion, the person accused of discrimination, harassment, or sexual violence may be someone who is not an Emerson community member, or who formerly was an Emerson community member. Under those circumstances, Emerson can take steps to address the impact of the conduct on the community and can provide information about available supportive measures and resources both on and off campus to the Impacted Party. The College can also provide information regarding any off-campus options that may be available to address the conduct, including referring the matter to law enforcement or to another institution, where applicable. When appropriate, Emerson has the discretion to restrict a non-Emerson community member or a former Emerson community member's access to campus or other Emerson properties.

There may also be occasions where the Impacted Party is not an Emerson community member or is a former Emerson community member, but alleges that the person who engaged in discrimination, harassment, or sexual violence is a current Emerson student or employee. In those situations, the College may exercise discretionary jurisdiction over that incident under certain circumstances. See the Complaint Resolution Process for more information about discretionary jurisdiction. Concerns that are raised by someone who is not an Emerson community member should be referred to the Office Equal Opportunity (OEO) (oeo@emerson.edu; 617-824-8999).

6 The term student includes, but is not limited to, admitted and pre-enrolled individuals, any person enrolled in any (undergraduate or graduate) academic program or course at Emerson College, including Emerson-sponsored distance, international, or internet-based courses, up to and including the student's commencement day or the last day of evaluation for non-degree students. This may include individuals who are participating or attempting to participate in Emerson's education programs or activities at the time of the incident (e.g., visiting student, program participant, applicant).

7 "Employees" refers to applicants for employment and anyone employed by Emerson in any capacity, including faculty and staff. This may include individuals who are participating or attempting to participate in Emerson's education programs or activities (e.g. visiting scholar, program participant, applicant).

8 Emerson College maintains jurisdiction over matters that occur at its Kasteel Well campus in the Netherlands. Students enrolled in the Global BFA program at Paris College of Art (PCA) are subject to the policies and processes of PCA for conduct that occurred while participating in the program at PCA. Emerson College may exercise discretionary jurisdiction over matters that occurred at PCA, as deemed appropriate by OEO.

III. Prohibited Conduct

A. Discrimination Based on a Protected Category

Discrimination Based on a Protected Category ("discrimination") occurs when individuals are excluded from participation, are treated differently, or are otherwise adversely affected in a term or condition of their employment, education, or participation in a College program or activity based on their membership in one (or more) of the Protected Categories. Protected Categories include race, color, national origin, ethnicity or ethnic characteristics, shared ancestry, sex, pregnancy and related conditions, sexual orientation, gender identity/expression, including transgender identity, religion, disability, age, genetics, active military or veteran status and any other characteristics protected under applicable federal or state law. Discrimination can also include failing to provide reasonable accommodations or modifications as required by law or policy for disability, religion, or pregnancy and related conditions.

Some other examples of discrimination include:

- Not providing the same classroom materials to a student based on their religion
- Excluding an employee from meetings based on their race
- Not allowing a student to go on a class field trip because they are pregnant
- Not offering a job to a person based on their age
- Not allowing a person to participate in a club based on their shared ancestry or ethnic characteristics
- Only providing resources and support to people from a certain country

B. Harassment Based on a Protected Category

Harassment Based on a Protected Category ("harassment") occurs when there is conduct that: (1) is unwelcome or unwanted; (2) is based on membership in one or more of the Protected Categories; (3) is objectively offensive to a reasonable person; (4) is severe or pervasive; and (5) has the purpose or effect of creating an intimidating, hostile, offensive, or abusive environment that could interfere with an individual's educational experience or work environment. Protected Categories include race, color, national origin, ethnicity and ethnic characteristics, shared ancestry, sex, pregnancy and related conditions, sexual orientation, gender identity/expression, including transgender identity, religion, disability, age, genetics, active military or veteran status and any other characteristics protected under applicable federal or state law. A reasonable person is defined as a reasonable person under similar circumstances and with similar identities.

Harassment can include verbal, non-verbal, visual and/or physical conduct. Harassment can include, but is not limited to, jokes, slurs, epithets, name-calling, threats, intimidation, ridicule, mockery, insults, put-downs, unwanted touching, or offensive objects or pictures. Sending someone sexually explicit photographs or recordings without their consent can also constitute a form of harassment.

Some examples of conduct that could constitute harassment include:

- Making jokes about the fact that a person is an immigrant, continually mispronouncing their name, gossiping about the food they bring in for lunch, mocking the country that person is from, giving this person extra work during a holiday saying "you probably don't celebrate this anyway."
- Making jokes about the fact that a co-worker is older, asking if they remember "when the dinosaurs were around" and announcing to everyone when they have difficulty with technology, commenting "why is this so hard for you people," making age-related jokes when this employee has a birthday, excluding this person from a work outing because "you probably don't like to hang out with young people."

- Complaining that a class location has been moved to accommodate someone with a disability, making fun of a person because of how they move, complaining about accommodations a person is receiving by saying they are getting an advantage over others, excluding a person from a meeting because it will “take too long for them to get here.”

Please note that Emerson College also has policies regarding Consensual Relations between Faculty, Staff, and Students. This policy prohibits faculty and staff from any romantic or sexual relationships with students. For more information please see the policies on [Consensual Relations: Faculty](#) and [Consensual Relations: Staff](#).

1. Title IX Sexual Harassment

Title IX Sexual Harassment is defined as (1) unwelcome conduct of a sexual nature; (2) that a reasonable person would find to be so severe, pervasive, and objectively offensive; (3) that it effectively denies them equal access to the College’s educational programs or activities. A reasonable person is defined as a reasonable person under similar circumstances and with similar identities. To be considered Title IX Sexual Harassment, the conduct must also meet the jurisdictional requirements found in the Title IX Grievance Process.⁹

The conduct can also be Title IX Sexual Harassment when an Emerson employee makes submission to, or rejection of, unwelcome sexual conduct an explicit or implicit term or condition of one’s education or employment or uses that as the basis to make education or employment decisions. (referred to as “Quid Pro Quo” harassment). In other words, this occurs when an employee of the College conditions the provision of an aid, benefit, or service of Emerson on an individual’s participation in unwelcome sexual conduct. To be considered Title IX Sexual Harassment, the conduct must also meet the jurisdictional requirements in the Title IX Grievance Process. If the conduct does not meet those jurisdictional requirements, the section below on Sex-Based Harassment (Non-Title IX) applies instead.

In some situations, when conduct defined as Sexual Exploitation ([see C. Sexual Exploitation](#)) also meets the definitions above and the jurisdictional requirements, that conduct will be addressed as Title IX Sexual Harassment. If the conduct does not meet the definitions above or the jurisdictional requirements, the section on Sexual Exploitation will apply instead.

2. Sex-Based Harassment (Non-Title IX)

Sex-Based Harassment (Non-Title IX) can include conduct that is directed towards someone based on an individual’s sex or gender, gender identity/expression, sex stereotypes, sex characteristics, pregnancy or related conditions, and/or sexual orientation. It can also include unwelcome or unwanted sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature. Like Harassment Based on a Protected Category, Sex-Based Harassment occurs when there is conduct that: (1) is unwelcome conduct based on one of the sex-based categories listed here; (2) is objectively offensive to a reasonable person; (3) is severe or pervasive; and (5) has the purpose or effect of creating an intimidating, hostile, offensive, or abusive environment that could interfere with an individual’s educational experience or work environment. A reasonable person is defined as a reasonable person under similar circumstances and with similar identities.

⁹ In addition to falling under the definition of Title IX Sexual Harassment and/or Title IX Sexual Violence and occurring after August 14, 2020, the alleged conduct must meet three additional jurisdictional requirements to be subject to the Title IX Grievance Process. The conduct must 1) have occurred in the United States; 2) have occurred in a College program or activity; and 3) the impacted party must be participating in or attempting to participate in a College educational program or activity. For more information about these jurisdictional requirements, please see the Title IX Grievance Process.

Conduct can also constitute Sex-Based Harassment when submission to, or rejection of, unwelcome sexual conduct is made an explicit or implicit term or condition of one's education or employment or uses that as the basis to make education or employment decisions (referred to as "Quid Pro Quo" harassment). Quid Pro Quo Harassment (Non-Title IX) can be committed by anyone (students, staff, faculty) who has real or perceived authority over the impacted individual(s).

C. Sexual Exploitation

Sexual Exploitation occurs when a person(s) takes non-consensual sexual advantage of another for any purpose. Sexual exploitation can take many forms, including those noted below, but is not limited to just these behaviors. Other forms of sexual exploitation can occur beyond the categories listed here, as determined by the Associate Vice-President for Equal Opportunity & Compliance (or their designee) on a case-by-case basis.

1. Non-Consensual Photographing/Recording Sexual Activity/Undress and Sharing Photographs/Recordings of Sexual Activity/Undress

Sexual Exploitation occurs when someone photographs or otherwise records someone (via audio, video, or any other medium) involved in sexual activity, or in any state of undress, without their consent. Even if a person consented to the sexual activity or being in a state of undress, photographing or recording someone without consent goes beyond the boundary of that original consent (see the definition of [Consent](#) below for more information).

The act of sharing or distributing photographs, recordings, or images of someone involved in sexual activity or in a state of undress, without their consent, also constitutes Sexual Exploitation. This occurs when the individual(s) distributing the images or recordings knew or should have known that the person depicted in the images or recordings did not consent to the disclosure. Even if the images were taken with consent, it is a violation of this Policy to share those photographs or recordings without first obtaining consent to show them to others. Anyone in possession of such photographs or recordings and who is sharing those images without consent may be responsible for Sexual Exploitation, regardless of whether that individual was the person who originally took the photographs or recording. It is a violation of the Policy to share those photographs or recordings by digitally forwarding them, posting copies of the images, otherwise sharing them, or by simply showing someone else those images without relinquishing possession.

2. Voyeurism

Voyeurism is the act of intentionally observing, spying on or listening to a person(s) involved in sexual activity or in any state of undress, without their consent, for any purposes. Voyeurism also occurs when an individual allows others to observe sexual activity or someone in a state of undress without the consent of all the person(s) involved.

3. Indecent Exposure

Indecent Exposure is exposing one's intimate body parts, such as genitalia, groin, breasts and/or buttocks to someone without their consent. This behavior is the showing of intimate parts of the body and may, but does not necessarily have to, include a sexual act. Engaging in sexual activity in front of a non-consenting person(s) is also a form of Indecent Exposure.

4. Prostituting or Trafficking

Prostituting another person is a form of Sexual Exploitation. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor or services, through force, fraud, or coercion, is also Sexual Exploitation.

D. Sexual Violence

1. Sexual Assault

Sexual Assault includes any of the following sexual acts when they occur without consent, through the use of force, or when someone is incapacitated (see [Important Definitions](#) below for more information):

- Penetration, no matter how slight, of the vagina or anus with any body part or object;
- Oral sex, or oral penetration by a sex organ of another person or by a sex-related object¹⁰;
- Intentional touching, including kissing, of the clothed or unclothed body parts of an individual, for the purpose of sexual degradation, sexual gratification, or sexual humiliation;
- Forcing an individual to touch another individual's clothed or unclothed body parts, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

Physical resistance is not required on the part of the impacted individual to demonstrate lack of consent.

Conduct is considered Title IX Sexual Assault and subject to the Title IX Grievance Process when it meets the definition above and meets the jurisdictional requirements found in that process.¹¹

If the conduct meets the definition above but does not meet those jurisdictional requirements, then it may be adjudicated through the process found in the Complaint Resolution Process.

2. Relationship Violence (Dating/Domestic)

Relationship Violence (Dating/Domestic) is defined as a pattern of behavior, violence or abuse committed by a former or current intimate or dating partner of the Impacted Party. This pattern of behavior may include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and/or economic control. The existence of an intimate relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.¹² Relationship Violence (Dating/Domestic) can include, but is not limited to, sexual or physical abuse or the threat of such abuse.

Conduct is considered Title IX Dating/Domestic Violence and subject to the Title IX Grievance Process when it meets the definition above *and* meets the jurisdictional requirements found in that process.¹³ If the conduct meets the definition above but does not meet those jurisdictional requirements, then it may be adjudicated through the process found in the Complaint Resolution Process.

3. Stalking

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress. A course of conduct means two or more acts, including, but not limited to, acts in which an individual directly, indirectly, or through third parties, follows, monitors, observes, surveils,

¹⁰ Any object used for a sexual purpose can be considered a sex-related object.

¹¹ The alleged conduct must have occurred after August 14, 2020, and the conduct must 1) have occurred in the United States; 2) have occurred in a College program or activity; and 3) the impacted party must be participating in or attempting to participate in a College educational program or activity in order to be adjudicated under the Title IX Grievance Process.

¹² Domestic violence occurs under this definition when it is committed by a person who has one of the following relationships with the impacted party: current or former spouse or intimate partner, person with whom the impacted party shares a child in common; a person who is cohabitating with or has cohabitated with the impacted party as a spouse or intimate partner (not just a roommate); a person similarly situated to a spouse of the impacted party.

¹³ The alleged conduct must have occurred after August 14, 2020, and the conduct must 1) have occurred in the United States; 2) have occurred in a College program or activity; and 3) the impacted party must be participating in or attempting to participate in a College educational program or activity in order to be adjudicated under the Title IX Grievance Process.

threatens, or communicates to or about a person, or interferes with a person's property, by any method, device, or means. A reasonable person is defined as a reasonable person under similar circumstances and with similar identities. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Conduct is considered Title IX Stalking and subject to the Title IX Grievance Process when it meets the definition above and meets the jurisdictional requirements found in that process.¹⁴ If the conduct meets the definition above but does not meet those jurisdictional requirements, then it may be adjudicated through the process in the Complaint Resolution Process instead.

E. Retaliation

Retaliation is an adverse or negative action taken against an individual for reporting concerns about discrimination, harassment, or sexual violence, for participating in a resolution process or investigation, or for otherwise exercising their rights under this Policy. No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Title VII, Title IX, (or any other applicable federal or state law conferring protections against retaliation) or this Policy because the individual has made a report or complaint, has given a statement, assisted, or participated or refused to participate in any manner in an investigation, proceeding, inquiry, assessment, or hearing. A retaliatory action can include (but is not limited to):

- Aggression
- Intimidation
- Threats or verbal abuse
- Exclusion
- Different treatment
- Harassment or bullying

Retaliation against anyone who files a complaint of discrimination, harassment, or sexual violence and/or who participates in an investigation into those behaviors is strictly prohibited. Any Emerson community member (student, staff, or faculty) who retaliates against an individual for reporting discrimination, harassment, or sexual violence and/or for participating in an inquiry or investigation is subject to disciplinary action up to, and including, dismissal from the College or termination of employment. Retaliation by others (e.g., friends, family members, attorneys, etc.) for the benefit of a party or witness is also prohibited and could subject the party and the person(s) engaging in the conduct to disciplinary action. Emerson has the discretion to address issues of retaliation through any process associated with this Policy, or through a student conduct or employee process. The Office of Equal Opportunity (OEO), in consultation with the Office of Community Standards and/or Human Resources, will have the discretion to decide what process will be utilized to address incidents of retaliation on a case-by-case basis.

¹⁴ The alleged conduct must have occurred after August 14, 2020, and the conduct must 1) have occurred in the United States; 2) have occurred in a College program or activity; and 3) the impacted party must be participating in or attempting to participate in a College educational program or activity in order to be adjudicated under the Title IX Grievance Process.

IV. Important Definitions

A. Consent

Consent is an affirmative, voluntary, knowing agreement to engage in a specific form of sexual activity.¹⁵ Consent must be obtained *before* engaging in any sexual activity. Consent may be communicated verbally, non-verbally, or physically so long as those words or actions create clear, mutually understandable permission regarding the conditions of sexual activity. Consent is an active and affirmative process. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other(s) to engage in the sexual activity. If an individual is not sure if they have received consent, they have an obligation to seek additional clarification. Consent must be received for each individual sexual act that a person wishes to engage in with another person(s). Consent may not be inferred from silence or lack of resistance to sexual advances, or from prior consensual sexual contact. Consent may be withdrawn at any time, and consent to one sexual activity does not imply consent to any subsequent sexual activity. The existence of a relationship between the persons involved, or the fact that they may have had past sexual relations, should never by itself be assumed to be an indicator of consent.

1. What is Consent?

Consent occurs when individuals willingly, unambiguously, and knowingly agree to engage in sexual activity and their agreement is communicated in a clear and affirmative manner that is understood by all of the parties involved. Relying solely on non-verbal communication, which can sometimes be unclear, can lead to misunderstandings. Any lack of clarity regarding consent should be resolved through verbal communication. Individuals should be able to clearly articulate why and how they knew they had received consent and what they considered to be indications of consent before they engaged in sexual activity. Consent is often given with certain explicit or implied boundaries, such as agreeing to have sexual intercourse but only with the use of a condom. Violating the boundaries of consent by engaging in behavior beyond that which was agreed upon is non-consensual conduct.

It is important to remember:

- Consent to one sexual act does not constitute or imply consent to another act
- Prior consent cannot imply consent to future sexual acts
- Consent cannot be assumed based on relationship status or a sexual history together
- Consent can be withdrawn or revoked at any time by either party

2. What is Not Consent?

Consent may not be inferred from silence, passivity, or a lack of objection. Individuals who do not physically oppose or verbally refuse sexual activity are not necessarily giving consent. Silence or failure to resist does not equal consent, as consent is an active and affirmative process. It is the responsibility of the person wanting to engage in or initiating sexual activity to make sure that they have received consent at each stage of sexual activity from all person(s) engaged in the sexual activity. If a person is not sure if they have consent, they have an obligation to seek clarity, preferably verbally. The use of alcohol or other substances does not relieve an individual from their obligation to obtain consent before initiating and/or engaging in sexual activity (see [Consent and the Use of Alcohol or Drugs](#) below for more information).

¹⁵ The concept of consent is applicable outside of the context of sexual activity and can be incorporated into all aspects of interactions with others. For purposes of this Policy, we will be discussing consent as related to issues of discrimination, harassment and sexual violence.

Some behaviors and comments that do not indicate affirmative consent include (but are not limited to):

- Silence
- "I don't know."
- "Maybe"
- "I'm not sure."
- Lack of objection
- Not fighting back or resisting
- Ambiguous responses
- A verbal "no," even if it may sound indecisive or insincere

Individuals who are unconscious or in a state of [incapacity](#) (see below) cannot consent to sexual activity. Consent can never be obtained by [use of force](#) (as defined below), which includes physical force, threats, intimidation, abuse of power and coercion.

3. Incapable of Giving Consent:

a. Someone Who Is Incapacitated

A person can be incapacitated due to the use of drugs, alcohol or any other intoxicating substance, or when they are unconscious, asleep or otherwise unaware the sexual activity is occurring (see the definition of [incapacity](#) below for more information).

b. Someone under the Legal Age of Consent (Statutory Rape)

The legal age of consent in the Commonwealth of Massachusetts is sixteen (16) years of age. The legal age of consent in the State of California is eighteen (18) years of age. Sexual activity with a person who is under the age of consent is always non-consensual, regardless of whether the underage person was a willing participant in the conduct.

c. Someone Who Is Cognitively Disabled or Impaired

Certain cognitive disabilities or impairments (permanent or temporary) can cause a person to be unable to consent to sexual activity. It is a violation of this Policy to engage in sexual activity with a person whose cognitive disability or impairment renders them incapable of giving consent and the disability/impairment is known to or should have been known to the non-disabled sexual partner. Under these circumstances, the conduct is non-consensual regardless of whether the person appeared to be a willing participant.

4. Consent and the Use of Alcohol or Drugs

Engaging in sexual activity while under the influence of alcohol, drugs or other substances can impair an individual's ability to be sure they have received consent. A person who has consumed alcohol, drugs and/or other substances still has a responsibility to obtain ongoing consent for any sexual activity with another person(s). A person's use of alcohol, drugs, or other substances will never be an excuse for failing to obtain consent. A person that was using alcohol, drugs, or other substances is never responsible for being subjected to sexual violence. Once a person has reached the point of incapacitation by alcohol, drugs, or other substances, they can no longer consent to sexual activity under this Policy (see definition of [incapacity](#) below). Because it can be difficult to know when someone has passed from the state of intoxication to a point of incapacitation, there should be no sexual contact with someone if there is **any** doubt about a person's ability to consent.

B. Incapacity

Incapacity is a state in which someone cannot make a decision because they lack the ability to understand what is happening. A person may become incapacitated due to the influence of drugs, alcohol, or medication, to the point that they cannot understand the fact, nature, or extent of the sexual activity. When incapacitated, an individual moves from being simply intoxicated or

under the influence to being physically and/or mentally debilitated due to their drug or alcohol consumption. Individuals can also be incapacitated when they are unconscious or asleep. A person who is incapacitated cannot consent even if they appear to be a willing participant.

Some indications of incapacity include (but are not limited to):

- Slurred speech or other difficulty communicating
- Difficulty walking or standing
- Vomiting
- Trouble keeping eyes open
- Unconsciousness
- Confusion or lack of understanding
- Disorientation to time or place

Sometimes an individual can be incapacitated without displaying any of these signs. For instance, a person in a blackout state may appear to be conscious when they are actually incapacitated and unable to consent.

Knowingly engaging in sexual activity with someone who is incapacitated is a violation of this Policy. An individual is responsible for violating this Policy when: (1) they engage in sexual activity with someone who is incapacitated, and (2) they *knew* or a reasonable person *should have known* that individual was incapacitated. A reasonable person is defined as a reasonable person under similar circumstances, without consideration of that person's intoxication. It is the responsibility of the individual who wants to engage in sexual activity, or the person who is not incapacitated, to make sure that the other individual(s) involved are able to consent.

It is important to remember that it is often difficult to tell when someone has moved from being intoxicated to being incapacitated. A person who is also under the influence of alcohol and/or other substances may have difficulty assessing whether someone else has moved from intoxication to incapacitation. If there is **any** question or doubt about whether an individual has become incapacitated, it's best not to engage in sexual activity with them. When in doubt, don't.

C. Force

The use of force to cause or make someone engage in sexual activity they would not have otherwise agreed to, or did not want to engage in, is by definition non-consensual. Force is not limited to physical violence, but also includes threats, intimidation, abuse of power, coercion, or any combination of these behaviors. The presence of force during sexual activity negates any indications of consent.

1. Physical Force

Physical force is the use of physical power, violence or strength upon another person's body. It can also be using one's physical size, presence or a weapon to restrain another. If an individual uses physical force or violence, or threatens to use physical force or violence to make another person participate in or perform a sexual activity they would not have otherwise agreed to or did not want to engage in, it is a violation of this Policy.

Physical force and violence include (but are not limited to):

- Restraining someone
- Not allowing someone to leave
- Imposing on someone physically
- Using a weapon
- The presence or suggestion of a weapon
- Hitting or pushing someone

2. Threats

A threat occurs when someone says or implies there will be negative consequences from failing to acquiesce to, or comply with, sexual activity or other unwanted sexual conduct. It is a violation of this Policy if an individual uses threats to make another person participate in or perform sexual activity they would not have agreed to engage in otherwise. Threats can be implied, veiled and/or non-verbal.

This can include (but is not limited to) threats to:

- Inflict harm or injury
- Hurt or kill themselves or someone else
- Expose secret or embarrassing information or images
- Hurt someone's reputation
- Inflict negative social consequences
- Inflict negative work or educational consequences (e.g., bad grade or poor performance review)

3. Intimidation or Abuse of Power

Intimidation or abuse of power occurs when individuals use their real or perceived authority to pressure another person to submit to sexual activity or other unwanted sexual conduct. Intimidation happens through a display of wealth, status, or power that someone uses to make another do what they want them to do. Real or perceived power can come from things such as class, social status, a teaching position, supervisory role, mentorship, membership in a team or group or an individual's status within a team or group. It implies a power imbalance between the parties. When an individual uses this power/authority/control to influence another to participate in or perform a sexual activity or other sexual conduct that they might not have agreed to engage in otherwise, they have used force in violation of this Policy.

4. Coercion

Under this Policy, coercion occurs when pressure is used to compel someone to engage in unwanted or unwelcome sexual activity. The use of this pressure violates the free will of another. Coercion can be bullying or pressuring an individual into sexual activity or other sexual conduct that they otherwise did/may not have wanted to participate in. Coercion can be physical or verbal and often involves persistently badgering someone. Coercion can be a process that happens over a period of time, varying from a few minutes, hours, days, or weeks. In assessing whether coercion was used, the frequency, duration and intensity of the pressure applied will be taken into consideration. When an individual uses coercion to influence another to participate in or perform sexual activity or other sexual conduct that they might not have agreed to engage in otherwise, they have used Force in violation of this Policy.

V. Reporting Options

A. Office of Equal Opportunity (OEO)

The Office of Equal Opportunity (OEO) is the primary reporting office for concerns about discrimination, harassment, and sexual violence (including sexual assault, relationship violence, stalking, and sexual exploitation). When OEO receives reports of possible violations of this Policy, it will take steps to review the available information to determine the next steps necessary to stop the conduct, address any effects from the conduct on the community, and prevent the conduct from recurring pursuant to the Complaint Resolution Process. OEO can also provide information regarding supportive/interim measures & resources, including mutual no contact orders,

housing changes and academic support. Reports can be made to OEO in person (email oeo@emerson.edu to schedule), via phone ([617-824-8999](tel:617-824-8999)), by email (oeo@emerson.edu), or through the on-line reporting system (emerson.ethicspoint.com).

Anyone who is not interested in reporting the conduct to the College or working with OEO can work with the confidential resources listed below. Confidential resources can provide supportive measures to those impacted by discrimination, harassment or sexual violence without putting the College on notice of the conduct.

B. Responsible Reporters

All employees of Emerson—including faculty and staff—are considered Responsible Reporters who have a duty to report any incidents of discrimination, harassment, or sexual violence to Office of Equal Opportunity (OEO). Only employees who are part of on-campus confidential resources (including the Wellness Center, the Healing and Advocacy Center, and the Center for Spiritual Life Chaplains) as discussed below are relieved from this duty to report. Student employees are also Responsible Reporters when they receive information while they are working, including students with teaching responsibilities. Residence Advisors (RAs) are considered a resource for students at all times with an obligation to report any information disclosed to them as they are always Responsible Reporters.

A Responsible Reporter who becomes aware of a possible incident of discrimination, harassment, or sexual violence must report all relevant details, including any known names, to the Office of Equal Opportunity (OEO) (oeo@emerson.edu, [617-824-8999](tel:617-824-8999)), as soon as possible. An employee's failure to properly report such incidents may result in disciplinary action up to and including termination. A Responsible Reporter should not share information with others, including their supervisors, chairs, deans, law enforcement (unless there is an immediate threat) or the person accused of the conduct, unless the Impacted Party specifically asks to have others involved. OEO will be responsible for informing any others on campus who may need to be involved in addressing these concerns. All Responsible Reporters should make the extent of their reporting obligations clear to the reporting party and provide that individual with information about supportive measures and resources to the best of their ability. Responsible Reporters should not report anonymously unless they are reporting their own experiences as an impacted party.

All College employees (faculty or staff) are also required to provide any student who shares they are pregnant or have a pregnancy-related condition with the contact information for the Office of Equal Opportunity (OEO) (oeo@emerson.edu, [617-824-8999](tel:617-824-8999)). They should inform the student that OEO can work with them to help ensure they continue to have equal access to Emerson's educational programs and activities by providing resources and information to help support them and to assist with any needed modifications or accommodations.

VI. Supportive/Interim Measures & Resources

The College offers supportive/interim measures and resources to individuals who may have experienced or witnessed discrimination, harassment, or sexual violence or who may be going through the Complaint Resolution Process. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and available (without fee or charge) to an Impacted Party, Reporting Party, Respondent or any other participant in a process regardless of whether a formal complaint has been filed or a process is being pursued. Such measures are designed to restore or preserve access to Emerson's educational programs/activities and employment without unreasonably burdening the other party. When, or if, a person accused of conduct alleged to have violated this Policy is notified that such conduct has been reported to the College, OEO will also promptly make supportive/interim measures and resources available

to that individual (without fee or charge) to restore or preserve access to Emerson's educational programs/activities and employment, without unreasonably burdening the other party. For more information about supportive measures and resources, please visit the OEO website. Privacy surrounding any supportive measure or resource will be maintained unless disclosure is necessary to assist with the effective implementation of the supportive measures.

Supportive/interim measures and resources may include, but are not limited to, health and counseling services, advocacy services, Employee Assistance Program (EAP), referrals to community-based service providers (some of which are noted below), visa and immigration assistance, student financial aid counseling, education to the community or a community subgroup(s), housing changes, adjusting work arrangements for employees (faculty and staff) or student employees, safety planning (including providing campus safety escorts), transportation support, academic support (including extensions of deadlines or other course/program-related adjustments), class schedule modifications, withdrawals or leaves of absence, increased security and monitoring of certain areas of the campus, and any other actions deemed appropriate by the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee), as the Title IX Coordinator for Emerson. The College may also put supportive/interim measures in place as deemed necessary, which may include mutual no-contact orders, no trespass orders, campus restrictions, and emergency removals. The College may also issue timely warnings when appropriate.

A. Confidential On-Campus Resources for Students, Staff, and Faculty

Certain professionals on the Emerson campus and in the community have legally recognized privilege which require them to keep information confidential when it is disclosed to them in the course of their professional role. This means that, except under limited circumstances, they must keep what their clients tell them confidential. These individuals will maintain the confidentiality of those disclosures 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. Confidential resources include, but are not limited to, medical care providers, mental health care providers, domestic violence and rape crisis counselors, ordained clergy and attorneys, all of whom have privileged confidentiality that is recognized by law.

Making a disclosure to a confidential resource means that Emerson College will not be placed on notice of the conduct. Without that information, the College will not be able to address that conduct in any manner. However, confidential on-campus resources can assist individuals in receiving support resources (such as counseling, housing changes and academic support) when requested and provide information about non-confidential reporting options if that person decides they want to notify Emerson of the conduct.

1. [Healing & Advocacy Center](#) - Confidential Resource Provider

[617-824-8857](tel:617-824-8857)
advocate@emerson.edu
240 Piano Row (150 Boylston Street)
(available to students, staff, and faculty)

The [Healing & Advocacy Center](#) is confidential, free, and available to all Emerson students, staff, and faculty who have been impacted by power-based harm, including abusive relationships, bullying, stalking, threats, sexual assault and harassment, identity-based harm, child abuse and neglect, and additional experiences of trauma, no matter where or when the harm occurred. Healing & Advocacy offers confidential trauma-informed support,

including confidential counseling and advocacy. This can include: sharing information about rights, options, and additional resources; support coping with the impacts of trauma; developing safety plans; requesting supportive measures (housing, academic, work, social, financial) or resources (such as No Contact Orders); applying for protective orders (Abuse Prevention Order, Harassment Prevention Order) from civil court; offering information about campus, medical, reporting, and legal processes; going with you to campus, medical, and legal appointments, hearings, and processes; and helping connect you with additional campus and community resources (local, U.S., and international) if needed.

2. [Emerson Wellness Center \(EWC\)](#) – Confidential

[617-824-8666](tel:617-824-8666)

emersonwellnesscenter@emerson.edu

Union Bank Building

Suite 200 (counseling) and 303 (medical services)

(available to students)

The [Emerson Wellness Center](#) offers a variety of services to Emerson students. Counseling Services provides short-term psychotherapy, support and therapy groups, psychiatric consultation, referrals, crisis intervention, and outreach. Health Services provides routine medical care including sick visits, urgent care visits, physical exams, immunizations, contraception counseling, STD testing and counseling, including PrEP, emergency contraception (Plan B), pregnancy testing, pregnancy options counseling, and referral for other support services related to sexual violence and non-consensual contact. All services are confidential.

3. [Employee Assistance Program \(EAP\)](#) – Confidential

[800-624-5544](tel:800-624-5544) (available 24/7)

[New Directions EAP website](#) (username: Emerson College; available to staff and faculty)

The [Employee Assistance Program \(EAP\)](#) is available to all employees (faculty and staff) at no cost through New Directions. The EAP provides an array of services to employees and their dependents and/or household members for personal or work-related issues, including up to three (3) short-term confidential counseling sessions, legal consultation, financial consultation and other services.

4. [Center for Spiritual Life](#) – Confidential

[617-824-8036](tel:617-824-8036)

spiritual_life@emerson.edu

172 Tremont Street, Suite 408

(available to students, staff, and faculty)

The [Center for Spiritual Life](#) is Emerson's inclusive, multifaith hub for religious and spiritual programming, support, and education. The Chaplain(s) work to foster a campus environment where faith traditions and spirituality can be practiced freely and wholly. One-on-one faith-based counseling conversations with a Chaplain will be kept confidential, subject to the exceptions noted above.

B. Off-Campus Support Resources

There are numerous support resources available off campus, a few of which have been included here. For more information regarding additional off-campus resources, please visit the Office of Equal Opportunity (OEO) website.

1. Boston Area Rape Crisis Center (BARCC)

[617-492-8306](tel:617-492-8306)

[800-841-8371](tel:800-841-8371) (24/7 hotline)

BARCC provides confidential counseling, legal advice and advocacy to help individuals who have experienced sexual assault or other trauma. They provide medical advocacy to support individuals through the evidence collection process. All services are free and available to individuals regardless of sex or gender identity.

2. National Sexual Assault Hotline (RAINN)

[800-656-HOPE \(4673\)](tel:800-656-HOPE) (24/7)

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline in partnership with more than 1,000 local sexual assault service providers across the country.

3. Massachusetts General Hospital

[617-726-2000](tel:617-726-2000) (24/7)

The hospital can provide confidential medical treatment for injuries or other medical concerns, including those related to sexual assault. The hospital can also order Evidence Collection Kits if requested. These kits are usually administered by specialized Sexual Assault Nurse Examiner (SANE) nurses. The hospital will also automatically provide a Boston Area Rape Crisis Center Medical Advocate to support an individual through the collection kit, and has in-house programs providing additional services to survivors of sexual/domestic violence. For more information about Evidence Collection Kits, visit www.survivorape.org.

4. LAC + USC Medical Center

[323-409-1000](tel:323-409-1000) (24/7)

The medical center provides confidential medical treatment for injuries or other medical concerns, including those related to sexual assault. The hospital can also order Evidence Collection Kits if requested. For more information about Evidence Collection Kits, visit survivorape.org.

C. International Resources

Emerson community members who are working or studying abroad can find information about resources available internationally through OEO or can connect with [Healing and Advocacy](#) for support.

D. Other On-Campus Resources

There are additional resources available to the Emerson community that are not confidential. This means that choosing to speak with one of these resources will put Emerson on notice regarding this concern and the information disclosed will be shared with the Office of Equal Opportunity (OEO) (oeo@emerson.edu, 617-824-8999). However, any information that is reported will be handled with privacy and discretion by OEO. Information will only be disclosed to administrators within the College who are responsible for addressing this conduct (some of which are listed below), who can assist with supportive measures and resources, or who otherwise have a legitimate need to know. An Emerson employee who does not work for a confidential resource listed above is considered a Responsible Reporter with an obligation to disclose information to OEO. For more information regarding who needs to report to OEO, see the section of this Policy regarding [Responsible Reporters](#).

1. [Emerson College Police Department \(ECPD\)](#)

[617-824-8888](tel:617-824-8888) (on campus) (available 24/7)
911 (off-campus emergency)

Anyone in the Emerson community can call the Emerson College Police Department (ECPD) with safety or well-being concerns 24 hours a day, seven days a week. ECPD conducts investigations into behavior that may be criminal, but simply calling the ECPD does not require you to file or pursue criminal charges. ECPD can provide transportation to the hospital/court (or can provide cab vouchers). ECPD can help students who may need immediate access to safe housing, issue no trespass orders, and provide information about restraining orders and other orders of protections available through the courts. ECPD can also help the College implement any requirements of a court order of protection issued to a student or employee.

2. [Office of Housing and Residential Education](#)

[617-824-8620](tel:617-824-8620)
HRE@emerson.edu

Housing and Residential Education (HRE) coordinates and manages all aspects of the on-campus residential experience. Resident Assistants (RAs), Residence Directors (RDs) and other HRE staff serve on a 24-hour on-call rotation to assist individuals who may have concerns about discrimination, harassment, or sexual violence. HRE staff can help connect students with support resources & supportive/interim measures, including confidential resources. HRE staff can help contact the Emerson College Police Department if there are concerns about safety, a need for ambulatory transportation to the hospital, or if someone wishes to file a police report. HRE can also help students who may need access to temporary or long-term housing changes.

3. [Community, Culture, & Belonging \(CCB\)](#)

[617-824-8528](tel:617-824-8528)
ccb@emerson.edu

The Division of Community, Culture, & Belonging (CCB) leads and supports practices, programs, and initiatives that strengthen the Emerson experience and advance the College's values of creativity, innovation, inclusion, curiosity, equity, expression, and collaboration. The CCB includes four professional offices: the Elma Lewis Center, Healing & Advocacy Center, HIVE (Hub for Inclusive Visionary Engagement), and the Office of the Vice President. The CCB works across Emerson's campuses and with neighborhood partners in support of Emerson's mission to educate and elevate extraordinary artists and communicators for the betterment of humanity.

4. Office of Student Success

[617-824-8650](tel:617-824-8650)

studentsuccess@emerson.edu

The Office of Student Success helps students to explore their options, navigate campus systems, and connect to services, supports, and each other. The Office of Student Success is focused on student retention, satisfaction and success, and provides academic, financial, personal, interpersonal, and/or wellness support to students.

5. Student Care and Support Office

[617-824-8650](tel:617-824-8650)

care@emerson.edu

[Share A Concern](#)

The Student Care and Support Office receives referrals from students, faculty, staff, etc. about students of concern. Care and Support works with key partners on campus to provide support for those students with a goal of helping them succeed academically and personally.

6. Office of Human Resources

[617-824-8580](tel:617-824-8580)

hr@emerson.edu

The Office of Human Resources supports all Emerson employees (faculty and staff) in the performance of their employment responsibilities and in their well-being. Employees with concerns about discrimination, harassment or sexual violence can also reach out to Human Resources for support, keeping in mind those reports will be shared with Office of Equal Opportunity (OEO).

7. Office of Community Standards

[617-824-8620](tel:617-824-8620)

communitystandards@emerson.edu

The Office of Community Standards serves as a centralized resource to support all students at Emerson, providing students with individualized opportunities for reflection and growth so that they may develop into engaged citizens. Concerns regarding any violation of Emerson's Code of Community Standards or other College policies can be reported to the Office of Community Standards. The Office of Community Standards addresses student violations of College policies outside of the Policy Against Discrimination, Harassment & Sexual Violence. Student concerns about discrimination, harassment or sexual violence can be reported to the Office of Community Standards, keeping in mind that those reports will be shared with the Office of Equal Opportunity (OEO).

8. Academic Affairs

brooke_knight@emerson.edu

[617-824-8570](tel:617-824-8570)

The Office of Academic Affairs oversees all academic-related activities. It is responsible for academic policies and procedures, accreditation, strategic planning, assessment of student learning, faculty development, program reviews, academic departments and student support offices. Academic Affairs is available to support faculty within their schools with any questions regarding their position or with any academic support they need. Faculty

members with concerns about discrimination, harassment or sexual violence can reach out to Academic Affairs for support, keeping in mind that those reports will be shared with Office of Equal Opportunity (OEO).

E. Interim Measures

Emerson has the discretion to use interim measures, such as emergency removals, administrative leaves and no contact orders, when alleged violations of this Policy are reported. In determining whether to issue interim measures, Emerson will consider, among other factors, whether the alleged conduct by that individual poses a safety risk to the College community.

1. Emergency Removal/Leave

The College reserves the right to issue an emergency suspension to a student or to put an employee (staff or faculty) on immediate leave or to reassign their duties, prior to the commencement or conclusion of a Complaint Resolution Process to (1) ensure the physical safety or well-being of members of the Emerson community; (2) prevent the disruption of, or interference with, the normal operations of the College or the Investigation; and/or (3) when such a restriction is deemed necessary by the College. Decisions regarding whether to place a student on an emergency suspension will be made by the Office of Equal Opportunity (OEO) and the Office of Community Standards. Decisions regarding whether to place an employee (staff or faculty) on leave will be made by Human Resources, in consultation with OEO, the employee's supervisor or academic dean, Academic Affairs, and/or the Provost (or their designee), as appropriate. These offices may choose to consult with members of the College's threat assessment team or similar resources as needed.

2. No Contact Orders (NCO)

A No Contact Order (NCO) is an administrative tool that restricts contact, interaction, and communication between two or more individuals, either directly or through others (e.g., friends, family members, attorneys, etc.). A student NCO can be put into place as an informal administrative tool used in lieu of a process, in conjunction with the initiation of a process or as a sanction if there is a finding of responsibility through a process. Student NCOs are issued and administered by the Office of Community Standards. An NCO involving staff or faculty may be issued and administered by Human Resources, in consultation with Office of Equal Opportunity (OEO), the employee's supervisor or academic dean, or the Provost (or their designee), as appropriate.

Violations of the terms of an NCO can result in the initiation of a separate conduct process and/or may result in more serious interim measures being put into place. Violations of an NCO may also be resolved through any pending Complaint Resolution Process, or through a separate disciplinary process. Decisions regarding how to address a violation of a student NCO will be made by the Office of Community Standards, which may consult with the Office of Equal Opportunity (OEO). Decisions regarding how to address a violation of an employee NCO will be made by Human Resources, in consultation with OEO, the employee's supervisor or academic dean, or the Provost (or their designee), as appropriate.

For more information about these and other interim measures applicable to students, see the [Code of Community Standards](#).

F. External Reporting Options/Administrative Agencies

1. Boston, Massachusetts

A. [Boston Police Department](#)

Department Headquarters:
One Schroeder Plaza
Roxbury Crossing, MA 02120
911 (emergency)
[617-343-4500](tel:617-343-4500) (non-emergency)

Investigates criminal reports of Boston-based crimes and has concurrent jurisdiction with the Emerson College Police Department for crimes that happened at Emerson College.

B. [Massachusetts State Police](#)

General Headquarters:
470 Worcester Road
Framingham, MA 01702
[508-820-2300](tel:508-820-2300)

Has concurrent jurisdiction of Boston-based crimes with the Boston Police Department and with the Emerson College Police Department for crimes that happened at Emerson College. Licenses and investigates criminal reports against campus police officers.

C. [U.S. Department of Education, Office for Civil Rights \(OCR\)](#)

400 Maryland Avenue, SW
Washington, D.C. 20202-1475
[202-453-6020](tel:202-453-6020)

Works to end discrimination in schools and investigates grievances.

D. [Massachusetts Commission Against Discrimination \(MCAD\)](#)

John McCormack Building
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
[617-994-6000](tel:617-994-6000)

Works to end discrimination in employment in Massachusetts and investigates grievances.

E. [Equal Employment Opportunity Commission \(EEOC\)](#)

JFK Federal Building
475 Government Center
Boston, MA 02203
[800-669-4000](tel:800-669-4000)

Works to end discrimination in employment nationally and investigates grievances.

2. Los Angeles, California

A. [Los Angeles Police Department](#)

Department Headquarters:
100 W 1st Street
Los Angeles, CA 90012
911 (emergency)
[213-486-1000](#) (non-emergency)

Investigates criminal reports of Los Angeles-based crimes and has concurrent jurisdiction with the Emerson College Police Department for crimes that happened on the Emerson College ELA campus.

B. [U.S. Department of Education, Office for Civil Rights \(OCR\)](#)

915 Second Avenue Room 3310
Seattle, WA 98174-1099
[206-607-1600](#)

Works to end discrimination in schools and investigates grievances.

C. [California Department of Fair Employment and Housing](#)

320 West 4th Street, Suite 1000, 10th Floor
Los Angeles, CA 90013
[213-439-6799](#)

Works to investigate and end discrimination in employment in California.

D. [Equal Employment Opportunity Commission \(EEOC\)](#)

Roybal Federal Building
255 East Temple St., 4th Floor
Los Angeles, CA 90012
[213-785-3090](#)

Works to end discrimination in employment nationally and investigates grievances.

VII. Rights

Students, staff and faculty who report incidents of discrimination, harassment, or sexual violence have certain rights under this Policy and applicable laws. All individuals have the right to:

- 1.** Have disclosures of discrimination, harassment, and sexual violence, including sexual assault, relationship violence (dating/domestic), stalking and sexual exploitation, treated seriously by the College.
- 2.** Seek appropriate supportive measures and resources regardless of where the alleged conduct occurred.
- 3.** Notify law enforcement of the incident and seek their involvement, if applicable. They also have the option to decline to notify law enforcement.
- 4.** Request a No Contact Order through the College or an order of protection through the courts.
- 5.** Participate in a Complaint Resolution Process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.

Appendix A: Selected Massachusetts State Definitions

Rape

Rape is defined as: having sexual intercourse or unnatural sexual intercourse with a person and compelling such person to submit by force and against his or her will, or compelling such person to submit by threat of bodily injury. See [Massachusetts General Laws c. 265 §22](#).

Domestic Abuse

Abuse from a family or household member.

Abuse is the occurrence of one or more of the following acts between family or household members:

- attempting to cause or causing physical harm;
- placing another in fear of imminent serious physical harm;
- causing another to engage involuntarily in sexual relations by force, threat or duress.

Family or household members are persons who:

- are or were married to one another;
- are or were residing together in the same household;
- are or were related by blood or marriage;
- have a child in common regardless of whether they have ever married or lived together; or,
- are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts with consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

See [Massachusetts General Laws c. 209A](#).

Stalking

An individual engages in stalking if they:

- willfully and maliciously engage in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress; and
- makes a threat with the intent to place the person in imminent fear of death or bodily injury.

See [Massachusetts General Laws c. 265 § 43](#).

Consent

There is currently no state statutory definition of consent in Massachusetts.

Appendix B: Selected California State Definitions

Rape

Rape is defined as an act of sexual intercourse accomplished under any of the following circumstances:

1. If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
2. If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
3. If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
 - a. Was unconscious or asleep.
 - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
 - c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
 - d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
5. If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
6. If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
7. If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. [See California Penal Code § 261.](#)

Domestic Battery

Domestic Battery is when a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship. [See California Penal Code § 243\(e\)\(1\).](#)

Domestic Violence

Domestic Violence occurs when any person willfully inflicts corporal injury resulting in a traumatic condition upon a victim that is or was one or more of the following: (1) The offender's spouse or former spouse; (2) The offender's cohabitant or former cohabitant; (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship; or (4) The mother or father of the offender's child. [See California Penal Code § 273.5.](#)

Stalking

Stalking occurs when a person willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family. [See California Penal Code § 646.9.](#)

Consent

Consent means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. [See California Penal Code § 261.6.](#)

Crimes That Violate Emerson's Policy Against Discrimination, Harassment, & Sexual Violence Are Reportable in the College's Annual Security Report

Rape¹⁶: 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. This offense includes the rape of both males and females. The definition of "rape" includes forced anal intercourse (sodomy), forced oral sex, and forced penetration of genital or anal openings by any foreign object, including a finger. The definition of rape further includes intercourse with a person who is mentally incapacitated, unconscious, asleep, or physically incapable of consenting due to the consumption of alcohol or other drugs.

Fondling: The touching of the breasts, buttocks, or genitalia of another person, 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: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, the statutory age of consent is 16 years of age.

Domestic Violence¹⁷: includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the survivor;
- A person with whom the survivor shares a child in common;
- A person who is cohabitating with, or has cohabitated with the survivor as a spouse or intimate partner;
- By a person similarly situated to a spouse of the survivor 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 act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

16 Rape: California Penal Code 261. Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act commencing with the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused. (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep. Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress. (c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

17 Domestic Violence: California Penal Code Section 243 (e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

Dating Violence¹⁸: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Stalking¹⁹: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

18 The California jurisdictional definition of "dating violence" is set forth in California Penal Code Section 243 (e) above.

19 Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. Stalking: Penal Code Section 646.9 (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family

Reporting Options for Sexual Assault, Domestic Violence, Dating Violence, or Stalking

The College strongly recommends that people who have experienced rape, sexual assault, relationship violence, stalking, or any other form of abuse seek assistance as soon as possible through one or more of the following options:

Emergency/Immediate Reporting Options

Individuals are strongly encouraged to call **911** from anywhere in the United States if they are feeling unsafe and wish to reach local law enforcement or emergency medical care (including an ambulance).

The ECPD can be reached at [617-824-8888](tel:617-824-8888) (Emergency Line) and AU can be reached at [323-952-6211](tel:323-952-6211). Both ECPD and AU are available 24 hours a day year-round and can assist members of the College community regardless of whether an incident occurred on or off campus. The ECPD or AU will assist individuals who wish to file a police report with local law enforcement by contacting the police department of the local jurisdiction where the crime occurred. However, contacting ECPD or AU does not obligate an individual to file a criminal police report with the local police or a criminal complaint.

Additionally, the following medical facilities in the vicinity of Emerson's LA Center treat victims of sexual assault:

The Rape Treatment Center at UCLA Medical Center is located at 1250 Sixteenth Street, Santa Monica, California; is open 24/7; and can be reached at [310-319-4000](tel:310-319-4000) or at www.uclahealth.org.

Cedars-Sinai Medical Center is located at 8700 Beverly Blvd., Los Angeles, California; is also open 24/7; and can be reached at [310-423-3277](tel:310-423-3277) or at www.cedars-sinai.edu.

The College encourages individuals who have experienced an incident of sexual violence, including rape or sexual assault, to seek assistance from a medical provider and/or law enforcement as soon as possible after the incident. This is the best option to ensure preservation of evidence, effective medical care, and to begin a timely investigation.

A medical provider can provide emergency and/or follow-up medical services, and the ability to discuss any health care concerns related to the incident in a confidential medical setting may bring peace of mind. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and second, to properly collect and preserve evidence for potential future criminal prosecution. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and will preserve the options to seek resolution through the criminal justice system. It should be noted that California law requires medical personnel to report all cases of rape and sexual abuse where the survivor seeks medical treatment. However, such reports do not include the victims' name, address, or other identifying information.

Additional Non-Emergency Reporting Options and Resources

Emerson's Healing and Advocacy Center professional counselors are confidential resources who can be reached at 617-824-8857 during regular business hours in Boston, and can provide members of the Emerson community as well as their family and friends with information about both available resources and reporting options, including services provided by Healing and

Advocacy Center professional counselors, as well as information about confidential resources that are available 24/7 for people impacted by sex, gender, or relationship-based violence.

Please consult the Resources section of Emerson College's Options and Resources for Survivors of Sexual Assault, Stalking and Abusive Relationships brochure (<https://emerson.edu/departments/healing-advocacy/find-support>) for additional information concerning available advocacy and medical resources available in the locations of College programs.

Regardless of whether an individual chooses to report an incident to law enforcement or seek medical attention, individuals can always obtain confidential support and assistance from Emerson's Healing and Advocacy Center (a confidential resource), the Office of Equal Opportunity (OEO), and from other College offices.

All members of the community may report an incident of sexual violence to the Office of Equal Opportunity, located at 180 Tremont Street, Boston, MA 02116 (Suite 409), by phone at 617-824-8999, by email at oeo@emerson.edu, or to any member of the Office of Equal Opportunity.

If any individual reports sexual violence to the Office of Equal Opportunity (OEO), they will assess the report and take necessary measures to ensure the safety of the community. The OEO is responsible for all investigations concerning sexual violence or gender-based violence. Individuals who are reported to have been impacted by sexual violence are never required to communicate with the OEO or participate in a College or law enforcement investigation. However, if the OEO receives information that a member of the community engaged in sexual violence, that information is considered a report, and the OEO will contact the impacted party to provide support resources, to determine if any measures are appropriate for community safety, and determine whether an OEO investigation should be initiated by the College. The procedures by which the College will investigate and resolve reports that any member of the College community has engaged in sexual violence can be found in the College's Complaint Resolution Process and Title IX Grievance Process.

The College recognizes that a student or employee may choose to report non-emergency sexual violence to any trusted employee of the College. For example, a student may choose to confide in a Resident Assistant, Residence Director, or a staff advisor, all of whom are CSAs who must report the incident to the College's OEO. All members of the community are encouraged to report knowledge of sexual violence affecting a community member to the College so that the College can take steps to support that individual's well-being and enhance the safety and security of the community and respond in a prompt manner. However, to enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any incident of sexual violence to the OEO, which includes the following individuals:

Title IX Coordinator

Sonia Jurado

Associate Vice President, Equal Opportunity & Compliance
Title IX, Title VI, and ADA/Section 504 Coordinator
oeo@emerson.edu or sonia_jurado@emerson.edu
[617-824-8999](tel:617-824-8999)

OEO Investigators/Deputy Title IX Coordinators

Meghan Scasserra

oeo@emerson.edu or meghan_scasserra@emerson.edu
[617-824-8999](tel:617-824-8999)

Bannie Dhami

oeo@emerson.edu or bannie.dhami@emerson.edu
[617-824-8999](tel:617-824-8999)

Title IX Liaison for Emerson LA

Chad Hagan Myers

Interim Chief Operating Officer, Emerson Los Angeles
chad_haganmyers@emerson.edu
[323-952-6411](tel:323-952-6411)

Additional College Resources

The College offers resources that can provide crisis intervention services, counseling, academic support, housing support, and medical services to all Emerson community members. Such services include:

1. ECPD and the Healing & Advocacy Center will upon request assist members of the Emerson community through the civil court process of seeking orders of protection. Emerson College is committed to ensuring that orders of protection issued by courts are fully upheld on all College-owned, -used, and -controlled property, as well as properties immediately adjacent to Emerson College. Therefore, if any member of the Emerson community obtains an order of protection or restraining order, they are encouraged to promptly inform ECPD and provide ECPD with a copy of the order, so the College can enforce it. Emerson College is also committed to protecting survivors from any further harm, and if the ECPD determines an individual's presence on campus poses a danger to one or more members of the College community, ECPD can issue a No Trespass Order barring that individual from Emerson property.
2. AU will provide upon request an escort to ensure safe movement between classes and activities.
3. The Emerson Wellness Center (EWC) provides counseling support for students and will also assist any member of the community with referrals for local licensed local therapists upon request. ECW can be reached at 617-824-8595. Emerson LA also provides a list of therapists in the Los Angeles area, which has been approved by ECW, to students upon request. ECW also provides an After-hours Crisis Call Service. Students at LA, Kasteel Well, Washington, or any other study abroad location can access a therapist 24/7 by phone by calling 617-824-8755. Students who are at the Boston campus can call the ECW's main office number at 617-824-8595 and be connected by phone to a therapist for urgent needs.
4. Detailed information about ECW's services and hours of operation can be found online. (<https://emerson.edu/departments/emerson-wellness-center/counseling-services>)
5. Employees (staff and faculty) can access medical, counseling, and other forms of support through a confidential third party-provided Employee Assistance Program, which can be reached at 1-800-624-5544. Detailed information about the Employee Assistance Program can be found on the Human Resources website. (<https://hr.emerson.edu/hc/en-us/articles/360016960673-Employee-Assistance-Program>)

In addition, the College's Office of Equal Opportunity can provide members of the Emerson community who have experienced sexual violence with support resources, regardless of whether they file a formal complaint or participate in an OEO investigation. The College also can issue preventative safety or interim measures such as No Contact Orders and/or No Trespass Orders if the College deems such orders appropriate. Individuals impacted by sexual violence who are uncertain about whether they wish to request support resources or interim measures from the College can consult about the matter with the confidential Healing & Advocacy Center, who can, if desired, assist individuals in obtaining resources and accommodations.

Emerson's Policy Against Discrimination, Harassment, & Sexual Violence includes information regarding on-and off-campus resources and includes a link to the Healing & Advocacy Center's website where additional information regarding on and off-campus resources may be found. On- and off-campus resources include counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services. The Office of Equal Opportunity can also provide information about support resources on and off campus, and options for support or interim measures.

Additional Community Resources

Various community-based organizations can provide crisis intervention services, counseling, medical attention, and assistance in interfacing with the criminal justice system. All individuals are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus. Resources that are available in the Los Angeles area include:

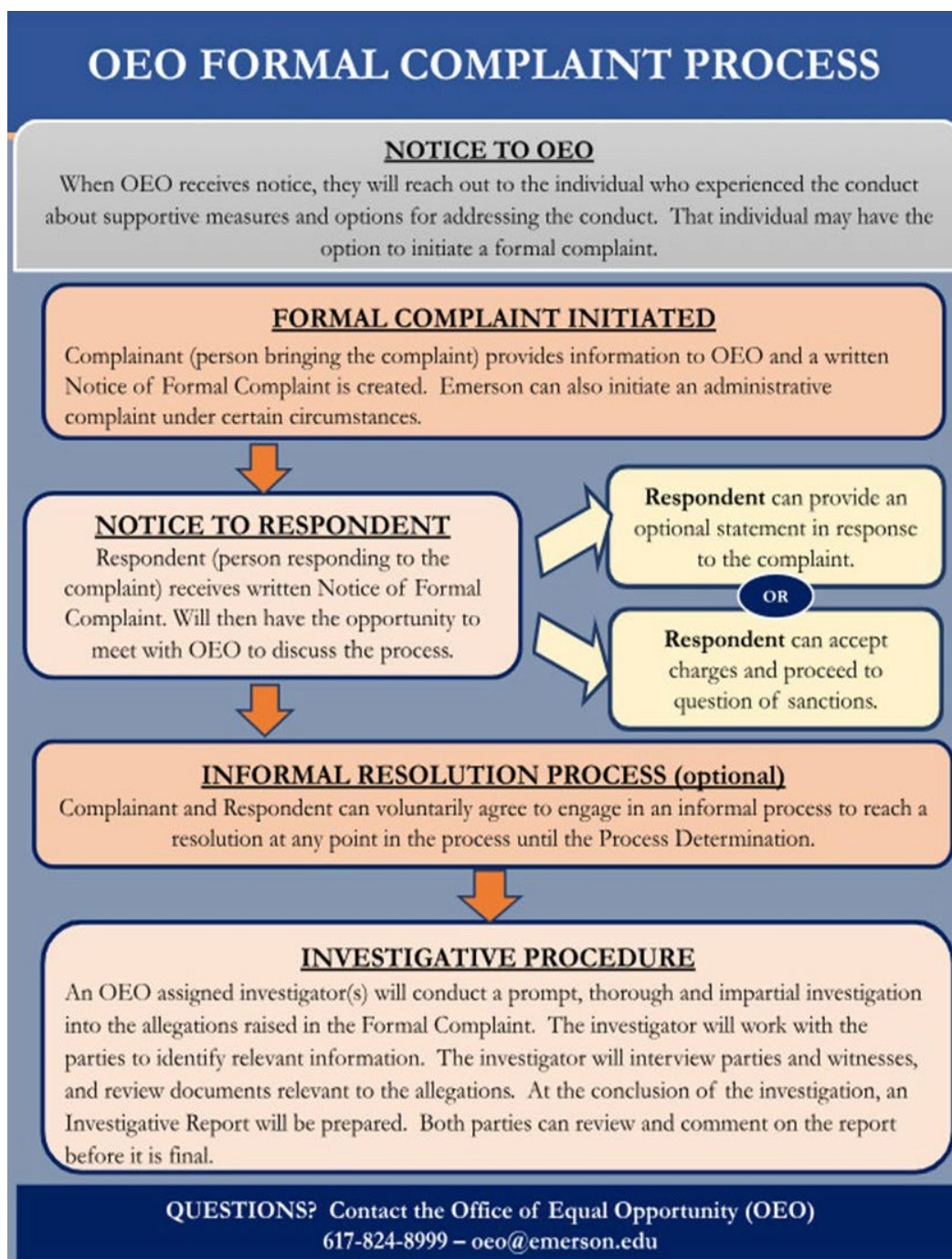
- Peace Over Violence, a 24-Hour Rape and Battering Support Hotline that can be reached at [310-392-8381](tel:310-392-8381) or [626-793-3385](tel:626-793-3385), or at <http://www.peaceoverviolence.org/>. Peace Over Violence offers emergency response services to SART Center hospitals, law enforcement agencies, and medical clinics (24/7), as well as follow-up advocacy and counseling services.
- The U.S. National 24/7 Helpline at [1-800-656-4673](tel:1-800-656-4673) (for Sexual Assault) or [1-800-799-7233](tel:1-800-799-7233) (for Abusive Relationships) can be called from anywhere in the country, and you will be connected to a local support resource.
- The United States National Rape Crisis Center Helpline is available 24 hours a day year-round at [1-800-841-8371](tel:1-800-841-8371).
- The Rape Treatment Center, Santa Monica-UCLA Medical Center can be reached at [424-259-7208](tel:424-259-7208), <https://www.uclahealth.org/santa-monica/rape-treatment>.

College's Notice of Rights

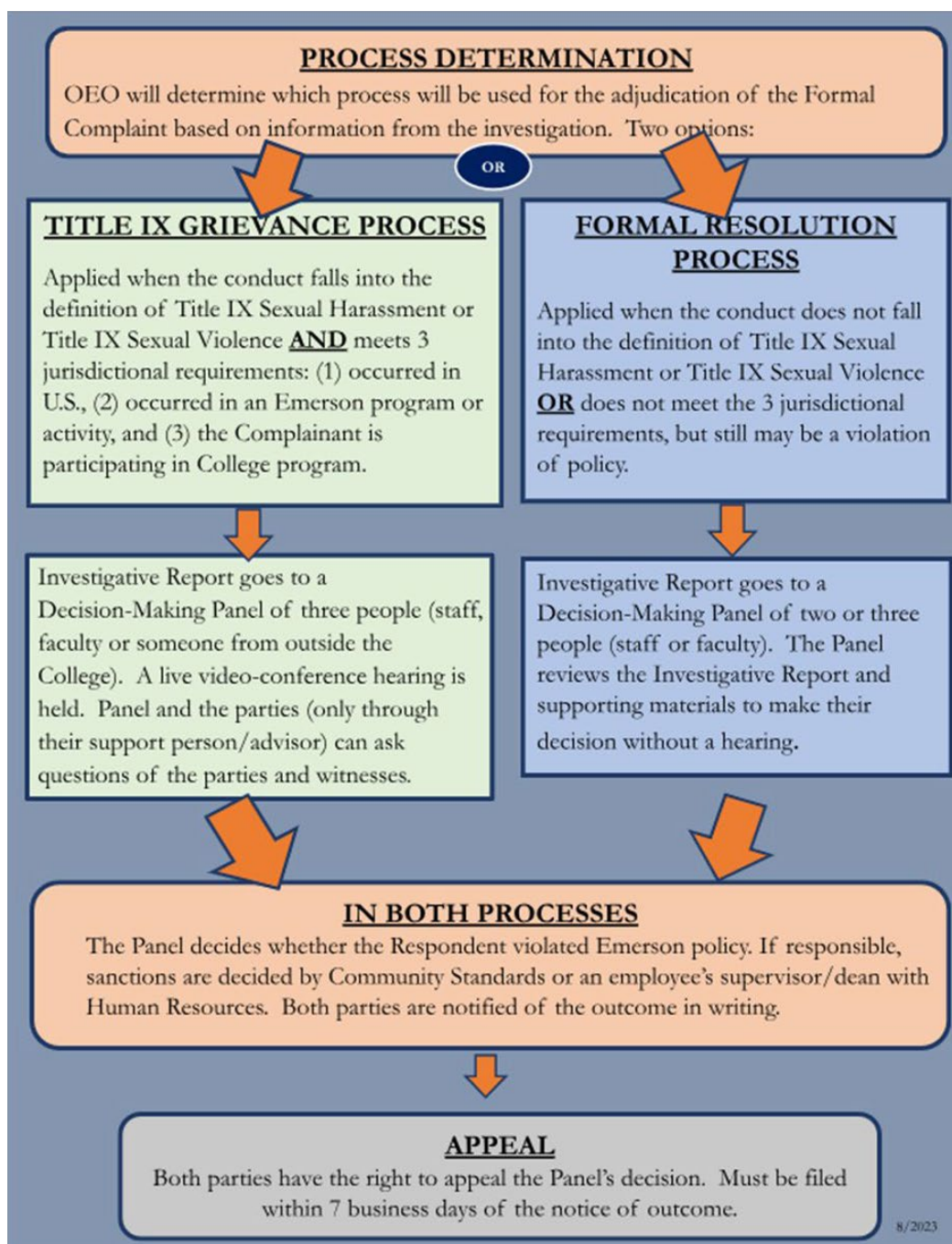
Students, staff, and faculty who report incidents of discrimination, harassment, or sexual violence have certain rights under this Policy and applicable laws. All individuals have the right to:

1. Have concerns of discrimination, harassment, and sexual violence treated seriously by the College.
2. Seek supportive measures and resources, regardless of where the conduct occurred.
3. Notify law enforcement of the incident and seek their involvement, or decline to notify law enforcement.
4. Seek a College-issued No Contact Order or an order of protection through the courts.
5. Participate in a process that is fair and impartial, that provides adequate notice and a meaningful opportunity to be heard.
6. Use the College's resolution processes concurrently with any external civil or criminal processes.
7. Have a support person/advisor present in all meetings with OEO.
8. Receive a written notice of outcome of any Formal Resolution Process or Title IX Grievance Process.

Formal Complaint Process²⁰



²⁰ See Appendix A for the complete text of OEO's Formal Resolution Process; see Appendix B for the complete text of the Title IX Grievance Process.



Notification of Next of Kin

Emerson College will, upon written request, disclose to the reported victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the reported perpetrator of such crime or offense. If the reported victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the reported victim for purposes of this paragraph.

Missing Student Notification Policy for Students Who Reside On Campus²¹

Emerson College takes the safety and well-being of its students very seriously. Students residing in any on-campus housing, including at Emerson's LA Center, may confidentially identify an individual to be notified within 24 hours following an official determination that the student is missing. The Education Abroad & Domestic Programs office collects this information prior to students' departure for Los Angeles, and students may update or change emergency contact information prior to their departure for the Emerson LA program, or at any time thereafter, by contacting Education Abroad & Domestic Programs. In addition, all students are encouraged to provide the College with confidential contact information that may be used to reach the student in the event of an emergency.

All members of the Emerson community are encouraged to notify the ECPD at 617-824-8888 immediately when they believe a student is missing. The College, acting through its various departments, offices, and employees, shall notify the ECPD immediately in all cases of missing persons reported to any employee of the College. In all cases, the ECPD will notify Campus Life, AU Security, and the Deputy Title IX coordinator of any missing student report.

The ECPD will investigate the circumstances of the student's absence. If the ECPD officially determines the student has been missing for more than 24 hours following receipt of a missing persons report, it will notify appropriate external law enforcement agencies and the missing student's emergency contact within 24 hours following its determination. If the missing student is under the age of 18 and is not an emancipated minor, the College will notify the student's custodial parent or legal guardian immediately upon receipt of a report.

Emergency Management and Campus Emergencies

Emergency Response Team

Emerson's LA Emergency Response Team (ERT) is responsible for coordinating the College's response to an emergency affecting the Emerson community. Among other functions, the Emergency Response Team assesses relevant information provided to the College, assesses the nature of the emergency, determines which segment(s) of the Emerson community may be affected by the emergency, assesses the immediate needs of the affected segment(s) of the community, coordinates the deployment of the College's resources, and coordinates the distribution of information to affected community members.

As discussed below, there may be instances in which the nature of an emergency does not allow time for the Emergency Response Team to assemble in advance of distributing notice of the emergency to the Emerson community. In those instances, AU Site Security is authorized to issue a communication without consulting the Emergency Response Team.

²¹ All missing student contact information that has been provided to the College will be maintained confidentially. This information will only be accessible to authorized campus officials, and it may not be disclosed, except to law enforcement in furtherance of a missing person investigation.

Emergency Drills and Exercises

Emerson LA's ERT at a minimum conducts one large-scale emergency drill and/or exercise per year. Drills and/or exercises may entail one or more of the following: tabletop exercises, simulations, and/or drills. Each drill and/or exercise is meant to enhance Emerson's response to emergency situations by challenging participants' problem-solving and communication skills.

Drill and/or exercise scenarios vary each time and cover topics including, but not limited to: weather hazards, hostile intruders, fires, chemical/biological release, structural/industrial accidents, civil unrest, and more.

At a minimum, members of the ERT are involved in each drill and/or exercise. Drills and/or exercises that may include or affect the general community outside of these groups may be notified ahead of time to reduce complications and disruptions. The table below represents the dates, types, and synopsis of each drill and/or exercise:

Date	Type	Synopsis	Announced
01/20/2023	Training	Staff Retreat focusing on Emergency Planning and Response involving earthquakes	Yes to Staff
07/16/24	Tabletop/Drill	Tabletop exercise with Los Angeles Fire Department simulating a Wildfire Event and subsequent evacuation drill.	Yes to Staff

Emergency Communications

Timely Warnings

The Clery Act requires the College to provide the Emerson community with "timely warnings" concerning any Clery Act crime that (a) is reported to campus security authorities or local law enforcement; (b) occurs within the College's Clery geography; and (c) poses a continuing and ongoing threat to the Emerson community. Emerson LA's associate dean of students and chief operations officer, or their designee, determines whether to issue a timely warning on a case-by-case basis, considering all available facts, including, but not limited to, whether the incident is considered to present a serious or continuing threat to the Emerson LA community and whether issuing a warning will pose a risk of compromising law enforcement efforts.

Timely warnings are issued without delay upon the determination of the associate dean of students and chief operations officer (or their designee), in consultation with local police and/or Emerson LA's vice president and executive director and/or the ECPD, where appropriate, that a crime presents a continuing threat to the Emerson LA community. A timely warning will be issued as soon as pertinent information becomes available and will include a brief description of the incident; a brief description of the suspect(s); the date, time, and location of the incident; and precautions the community should take in response to the incident. Timely warnings will never include the name or identifying information concerning the victims/survivors of an incident.

The associate dean of students and chief operations officer will not issue a timely warning if (a) the suspect is apprehended and the threat of imminent danger to the campus community has been mitigated by the apprehension; or (b) a report is not filed with the local police and if campus security authorities are not notified of the incident in a manner that would allow the College to post a "timely" warning to the community.

Emergency Notifications

Federal law also requires the College to provide emergency notification of any other significant emergency or dangerous situation that presents an immediate threat to health and safety on campus. Examples of incidents that may trigger emergency notifications (rather than timely warnings) are the commission of non-Clery crimes, to the extent that they pose an ongoing threat to the Emerson community, and non-criminal incidents such as weather hazards, fires, and outbreaks of illness.

The associate dean of students and chief operations officer or ECPD will issue an emergency notification upon confirmation of an emergency. The associate dean of students and chief operations officer or their designee, or the ECPD, determines whether to issue an emergency notification, on a case-by-case basis, using the best information available at the time of an incident. As a result, information may be limited at the time of the first notification. However, at minimum, an initial notice will include information immediately available, together with recommendations concerning immediately necessary health or safety measures. As information becomes available, updates will be provided to the community.

Timely warnings and emergency notifications are important, and they will be issued to assist Emerson LA's community members in making informed decisions about their personal safety and in preventing similar incidents from occurring. The College urges all of its community members to take any such warning seriously and to pay close attention to the information provided by the College in response to an incident.

Emergency Updates and Final Notifications

The College will communicate updates and revised health and safety guidance, as necessary, throughout the duration of an emergency warranting a timely warning or emergency notification. A final notification will be distributed confirming that emergency conditions have abated. If necessary, additional health or safety instructions will accompany any final notification.

Process for Issuing Emergency Communications

In the event of a serious incident posing an immediate threat to the safety or health of the Emerson LA community, the associate dean of students and chief operations officer will immediately notify local law enforcement, the ECPD, and the College's Emergency Response Team.²²

If the associate dean of students and chief operations officer, ECPD, or the Emergency Response Team confirms that there is an emergency or dangerous situation posing a serious and continuing threat to the health or safety of the Emerson LA community, the associate dean of students and chief operations officer, with the assistance of the Emergency Response Team, will, without delay, and taking into account the safety of the community, collaborate to determine the content of an emergency message to be broadcast to the relevant segment of the Emerson LA community.²³ The message will be communicated using some or all of the systems described below, unless in the judgment of the first responders it will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

²² Emerson's Emergency Response Team is responsible for coordinating the College's response to an emergency affecting the Emerson community. Among other functions, the Emergency Response Team assesses relevant information provided to the College, assesses the nature of the emergency, determines which segment(s) of the Emerson community may be affected by the emergency, assesses the immediate needs of the affected segment(s) of the community, coordinates deployment of the College's resources, and coordinates distribution of information to affected community members.

²³ Emerson LA's associate dean of students and chief operating officer or ECPD may issue a timely warning, without consulting the Emergency Response Team, in the event of an immediate threat to the safety or health of the Emerson LA community.

a. Methods of Communicating Timely Warnings and Emergency Notifications

Timely warnings, emergency notifications, and related updates may be distributed to the campus through any one or more of the following mechanisms:

- Rave Alert – A secure emergency notification service (ENS) that allows the College to send information and instructions simultaneously to individuals through landline phones, cellular phones, text messaging, e-mail, social media, and text to speech emergency speaker system in academic locations on campus.
- Directed communications email – Messages distributed through the Emerson College email system alerting students, faculty, and staff.
- Building specific public announcement capabilities tied to fire alarm or fire notification systems as well as the RAVE Alert text to speech emergency speaker system.
- Information posted on bulletin boards, exterior doors in academic buildings, residence halls, outdoor boards, and administrative buildings.
- Emerson Today website – Information posted on today.emerson.edu.

A copy of any timely warning or emergency notification will be maintained by the ECPD for a period of seven years from the date of the warning.

b. Emergency Communications Network Tests

The College's Rave Alert system is tested three times a year. In the event the ECPD issues a timely warning or emergency notification through Rave Alert in response to an actual incident during the testing year, one fewer network test may be conducted. The ECPD and Information Technology Department review the functioning of the system after each test, and, in the event a test reveals an error or weakness in the system, the ECPD and Information Technology Department will address the error as soon as possible.

c. Emergency Response and Evacuation Procedures

General information about the College's emergency response and evacuation procedures is publicized and revised each year as part of the College's Clery compliance efforts. That information is available on the Emerson's Emergency Management website, <https://emerson.edu/departments/emergency-management>. However, the following information provides a statement of the College's emergency response policies and procedures.

There are many departments within the College that are responsible for developing contingency and continuity of operations plans for their respective staff and areas of responsibility. The College conducts emergency drills each semester, which include building evacuations and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the College's emergency plans and response.²⁴

In addition to AU security personnel, the Los Angeles Police and Fire departments provide primary response services. All responding agencies typically work together to manage an incident. Depending on the nature of an incident, other College departments and other city, state, federal, and private agencies may also provide emergency assistance to manage the situation.

²⁴ As with emergency notifications, the occurrence of an actual alarm or evacuation obviates the need for system test. In the event an alarm or evacuation in response to an actual emergency or a system test reveals an error or weakness in the system, the College undertakes corrective measures as soon as possible.

d. Sheltering in Place/Lockdown During an Emergency: Basic “Shelter in Place” Guidance

If an incident occurs and the building is not damaged, community members should stay inside and seek an interior room until informed by emergency responders that it is safe to exit. If the building is damaged, community members should follow the evacuation procedures for the building (close door, proceed to the nearest exit, and use the stairs instead of the elevators). Once community members have evacuated the building, they should immediately seek shelter in the nearest safe building. If emergency personnel are on scene, follow their directions.

e. How Will Community Members Know to “Shelter in Place”?

A shelter in place notification may come from several sources, including the executive director and/or program staff, the ECPD, the College’s Emergency Response Team, Executive Policy Group, the Los Angeles Police and Fire departments, and other local and state agencies. In addition, notification of a need to shelter in place may come over the radio or television, or by any of the communications methods mentioned above.

f. 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 community members are inside, they should stay where they are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If community members are outdoors, they should 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.

Crime Statistics

The Clery Act requires that crime statistics concerning the occurrence of certain crimes reported to campus security authorities be published for the most recent calendar year and the two preceding calendar years for which data is available in the following geographical categories:

1. On campus;
2. In or on a non-campus building or property;
3. On public property; and
4. In dormitories or other residential facilities for students on campus.

The Clery Act requires that statistics for the following crimes be reported:

- Criminal homicide (including murder/non-negligent manslaughter and manslaughter by negligence)
- Sex offenses (including rape, fondling, incest, and statutory rape);
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;
- Domestic violence;
- Dating violence;
- Stalking;
- Arrests or disciplinary actions/judicial referrals for liquor law, drug-law, and illegal weapons possession violations.

In addition, the College is required to report, by category of prejudice, "hate manifested crimes" ("hate crimes") reported to local police agencies or to a campus security authority to the extent they involve any of the offenses identified above, and to the extent they involve any larceny or theft; simple assault; intimidation; or destruction, damage, or vandalism of property.

In compliance with applicable law, this Clery report identifies hate crimes as those that manifest evidence that the victim was intentionally selected because of the alleged perpetrator's actual or perceived bias against the victim. There are eight categories of hate crime, which are:

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair, facial features, etc.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

Gender identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture, and/or ideology that stresses common ancestry.

National origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Preparation of Crime Statistics

The ECPD prepares the Annual Disclosure of Crime Statistics in conjunction with the Clery Act coordinator and local law enforcement agencies to comply fully with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. All statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation. Campus crime, arrest, and referral statistics include those reported to the AU, ECPD, designated campus officials, and local law enforcement entities. Emerson College encourages every member of the community to report a crime promptly.

Statistics included in this report are taken from a variety of sources, including Emerson LA staff, AU, the ECPD, other campus security authorities, and the Los Angeles Police Department. The ECPD gathers, compiles, and prepares all statistics for this report.

Criminal Definitions

The following crime definitions, taken from the Uniform Crime Reporting Handbook, will be used by the College for purpose of classifying incidents as reportable statistics in Emerson's ASR:

Murder/non-negligent manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by negligence: The killing of another person through gross negligence.

Rape (sex offenses): 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 and/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.

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.

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

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

Motor vehicle theft: the theft or attempted theft of a motor vehicle (this includes “joyriding”).

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, personal property of another, etc.

Criminal Offenses: On Campus

The term “on campus” means:

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in paragraph 1 of this definition, that is owned by the College, but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Part 1 Crimes:	2022	2023	2024
Murder & Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

VAWA Crimes:	2022	2023	2024
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests	2022	2023	2024
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Referrals:	2022	2023	2024
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Hate Crimes: On Campus

No hate-manifested crimes as defined on pages 60-61 of this report were reported to the Emerson College Police Department.

Criminal Offenses: In or on a non-campus building or property

The term “non-campus building or property” means:

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution. (Emerson College does not have any recognized student organizations that have off-campus locations or housing facilities.)
2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Emerson College Los Angeles does not currently have any non-campus buildings or property, so there are no crime statistics to report for this geographical category.

Criminal Offenses: In Dormitories or Other Residential Facilities for Students on Campus

Note: The statistics for this category are also reported in the on-campus statistics.

Part 1 Crimes:	2022	2023	2024
Murder & Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0

Part 1 Crimes:	2022	2023	2024
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

VAWA Crimes:	2022	2023	2024
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests:	2022	2023	2024
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Referrals:	2022	2023	2024
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Hate Crimes: In Dormitories or Other Residential Facilities for Students On Campus

No hate manifested crimes as defined on pages 60-61 of this report were reported to the Emerson College Police Department.

Criminal Offenses: On Public Property

The term “public property” means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Part 1 Crimes:	2022	2023	2024
Murder & Non-Negligent Manslaughter	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	1
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	1	0

VAWA Crimes:	2022	2023	2024
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Arrests:	2022	2023	2024
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Referrals:	2022	2023	2024
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0

Hate Crimes: On Public Property

No hate manifested crimes as defined on pages 60-61 of this report were reported to the Emerson College Police Department.

Hazing Incidents

Referrals:	2022	2023	2024
On Campus	N/A	N/A	N/A
On Campus in Residence Hall	N/A	N/A	N/A
Non-Campus	N/A	N/A	N/A
Public Property	N/A	N/A	N/A

Appendix A: Complaint Resolution Process (Policy Against Discrimination, Harassment, & Sexual Violence)

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The [Office of Equal Opportunity \(OEO\)](#) is responsible for receiving, reviewing and investigating alleged violations of the [Policy Against Discrimination, Harassment, and Sexual Violence](#) (Policy). The Complaint Resolution Process (Process) provides the process through which OEO will conduct a prompt and equitable review and resolution of concerns reported by students, employees (staff and faculty) and, in some cases, third-parties who may have experienced conduct in violation of the Policy. When the College receives notice of a report of conduct that may implicate the Policy, OEO will review the options for resolution, which may include an Informal Resolution, initiation of a Formal Complaint, or other steps to end the conduct, prevent its recurrence and eliminate any effects from the conduct in the community. If the conduct implicates Title IX, the Title IX Grievance Process will be used after the completion of the Investigative Procedure. The Associate Vice-President for Equal Opportunity & Compliance serves as the Title IX, Title VI, and ADA/Section 504 Coordinator for Emerson College (sonia_jurado@emerson.edu; 617-824-8999).²⁵

25 The Title IX Coordinator serves in this role without any conflicts of interest or bias against respondents or complaints.

When Emerson is notified of a possible violation of the Policy, the Office of Equal Opportunity (OEO) will attempt to communicate with the person who experienced the conduct, who is referred to as the *Impacted Party*. This person may be the same or a different person than the *Reporting Party*, who is the individual who brought the matter to the attention of the College. The person against whom the Complaint is brought is the *Respondent*.

OEO will inform the Impacted Party of supportive/interim measures and resources, which are available (without fee or charge) regardless of whether a formal complaint will be filed or a process is being pursued. OEO will also inform the Impacted Party of the available options for addressing the conduct within the College. An Impacted Party may also have the option to concurrently pursue separate legal remedies outside of the College, including filing criminal charges with the police, filing a civil legal action and/or filing an administrative complaint. Under certain circumstances, the College may need to pursue a Formal Complaint even if the Impacted Party is not interested in pursuing action. In that situation, the College will notify an Impacted Party when a Formal Complaint is being initiated and will make sure to offer supportive measures and resources. If a Formal Complaint is initiated under this Complaint Resolution Process, a determination will be made regarding the final adjudication of the complaint (either the Formal Complaint Resolution process or Title IX Grievance Process) after the Investigative Procedure (described below) has closed.

I. Who Does This Process Apply To?

The Policy Against Discrimination, Harassment & Sexual Violence (Policy) applies to all students²⁶, employees (staff and faculty)²⁷ and any other individuals who participate in the College's programs or activities. This Complaint Resolution Process (Process) is applicable to discrimination, harassment and/or sexual violence (sexual assault, relationship violence, stalking, sexual exploitation) that occurred on-campus, occurred off-campus in an Emerson program, activity or event (including, but not limited to, any national College-sponsored programs or College-led trips), or that occurred off-campus but may be impacting an individual's ability to participate in the College's programs or activities on-campus. There is no time limitation for submitting a report alleging a violation of the Policy. However, as time passes, the information available about the incident and the College's options for addressing the conduct of individuals no longer affiliated with Emerson may become limited. Matters will be adjudicated under the Process in effect at the time the complaint is initiated. There also may be circumstances where the alleged conduct occurred outside of the United States, Emerson maintains the option of whether to exercise discretionary jurisdiction over that incident, as discussed below.²⁸

26 The term student includes, but is not limited to, admitted and pre-enrolled individuals, any person enrolled in any (undergraduate or graduate) academic program or course at Emerson College, including Emerson-sponsored distance, international, or internet-based courses, up to and including the student's commencement day or the last day of evaluation for non-degree students. This may include individuals who are participating or attempting to participate in Emerson's education programs or activities at the time of the incident (e.g., visiting students, program participants, applicants).

27 "Employees" refers to applicants for employment and anyone employed by Emerson in any capacity including faculty and staff. This may include individuals who are participating or attempting to participate in Emerson's education programs or activities (e.g. visiting scholars, program participants, applicants).

28 Emerson College maintains jurisdiction over matters that occur at its Kasteel Well campus in the Netherlands. Students enrolled in the Global BFA program at Paris College of Art (PCA) are subject to the policies and processes of PCA for conduct that occurred while participating in the program at PCA. Emerson College may exercise discretionary jurisdiction over matters that occurred at PCA, as deemed appropriate by OEO.

A. Non-Affiliates/Conduct Outside the United States

On occasion, the person accused of discrimination, harassment, or sexual violence may be someone who is not affiliated with, or is no longer affiliated with, Emerson College. Under those circumstances, the College's ability to respond to the incident may be limited. Emerson can provide supportive/interim measures and resources, available both on and off campus, to an Impacted Party who is a member of the Emerson community. The College can also provide information regarding any off-campus options that may be available to address the conduct, including referring the matter to law enforcement or another institution. When appropriate, Emerson has the discretion to restrict a non-affiliated person's access to campus or other Emerson property.

When the person who experienced the conduct is not (or is no longer) a College affiliate or the conduct occurred outside the United States, Emerson maintains the option to exercise discretionary jurisdiction over that incident. Concerns raised by a non-affiliated person or third party, or that happened outside the United States, should be referred to the Office of Equal Opportunity (OEO) (oeo@emerson.edu; 617-824-8999) for a determination regarding whether Emerson will exercise discretionary jurisdiction over that complaint. In determining whether to exercise discretionary jurisdiction over these types of matters, Emerson will consider many factors, including: (1) any impact the conduct may have on the College community, (2) local laws, (3) the ability to conduct an effective investigation, (4) the information that may be available regarding the alleged conduct, and (5) any other other factors deemed to be relevant by the College. The College reserves the right to investigate the allegations to the extent necessary to better understand the conduct before deciding whether to exercise discretionary jurisdiction over the matter.

II. Initial Complaint & Investigation

Concerns about conduct that may violate the Policy Against Discrimination, Harassment and Sexual Violence ([Policy](#)) should be reported to the Office of Equal Opportunity (OEO). These Initial Complaints can be submitted via email (oeo@emerson.edu), through the [online reporting portal](#), or by scheduling a time to meet with someone from OEO (oeo@emerson.edu). When an Initial Complaint of an alleged violation of the Policy is received, OEO (or their designee) will conduct an Initial Investigation of the reported concern and will review any provided and readily available information. This may include meeting with the Impacted Party, the Reporting Party, or anyone else who may be able to provide information about the report²⁹. This Initial Investigation is a means of gathering information to evaluate whether the alleged conduct could constitute a violation of the Policy and what options may be available to address the conduct. When meeting with an Impacted Party, OEO will review these options with them. The decision regarding what resolution option is appropriate in response to the Initial Complaint will be made by OEO, at their discretion, based on the available information, applicable policy/law, and with consideration of the wishes of the Impacted Party where possible. OEO may also refer the matter to another office on campus if the alleged conduct implicates another College policy. If, based on the available information, OEO determines that the conduct as reported does not appear to reasonably constitute a violation of the Policy, the Initial Complaint will be closed³⁰. OEO will strive to complete the Initial Investigation within a reasonably prompt timeframe after receiving the report. Depending on the complexity of the alleged conduct, more or less time may be required to complete this process. OEO will do its best to update the Impacted Party on the

²⁹ OEO does not typically meet with the respondent during the initial investigation.

³⁰ If additional information about the conduct becomes available at a later date, any matter that had been closed may be reopened for a continued initial investigation.

status of the initial investigation. The Impacted Party is always welcome to contact OEO (oeo@emerson.edu; 617-824-8999) at any time for information regarding the status of the matter.

If the Initial Investigation suggests the conduct does not implicate the Policy, but it is still of concern to the College, OEO has the option to utilize an Informal Resolution, including educational conversations, to bring the concerns to the attention of the individual that is the subject of the report. In these situations, it will be made clear that no finding of responsibility has been made regarding the report, but that the conduct warrants being brought to the individual's attention. The purpose of the Informal Resolution is to educate the accused individual about the Policy and to support them in understanding the impact their conduct had on the Impacted Party.

A. Support Person/Advisor

The College recognizes that going through the Complaint Resolution Process can be stressful for all involved (students, staff and faculty). To help support the Impacted Party and the Respondent (individually referred to as a "Party"), each is allowed to have one approved support person or advisor present at any meeting with OEO under this Process. Within two (2) business days prior to any meeting under this Process, a Party must provide the AVP (or their designee) with the identity and contact information (e-mail and telephone) of the requested support person/advisor who will be accompanying them to that meeting. Generally, a Party may select one support person/advisor of their choice. The expectation is that this person will serve as the Party's support person/advisor for the duration of the Process. The support person/advisor need not be affiliated with the College (e.g., a friend, a family member, a person from a support or advocacy agency, legal counsel, etc.), but there are some exceptions regarding who can be a support person/advisor³¹. Witnesses are not allowed to have a support person/advisor, nor can they act as a support person/advisor within this Process. A support person/advisor also cannot be someone who may present a conflict of interest or who may unduly interfere with OEO's ability to conduct its investigation such as: co-workers within a department, individuals in the same reporting chain, or someone who may be in a position of authority over one or both Parties, or for any other potential conflict as determined by the AVP (or their designee), at their discretion. The AVP (or their designee) will let the Party know if there are any concerns regarding their chosen support person/advisor, so they can choose an alternate person to serve in that role.

A support person/advisor will acknowledge and sign the Privacy/Non-Retaliation Requirements document agreeing that any information shared with them in any meetings they attend or information they review in this role will not be disclosed. (See [Privacy/Non-Retaliation Requirements](#) below for more information) The support person/advisor's role in this Process is to observe the proceedings and provide passive support to the Party, but not to participate. That means:

- All conversations under this Process will occur with the Party directly.
- A support person/advisor will only provide support to the Party through their presence.
- A support person/advisor will not speak on behalf of the Party or otherwise participate in any meetings in this Process.
- A support person/advisor can take notes for the Party, request breaks on behalf of the Party or request to meet with the Party in a breakout room, as needed.³²

OEO will not communicate with a support person/advisor directly and will never communicate without the inclusion of the Party. OEO may reach out to the support person/

³¹ For matters pending under the Title IX Grievance Process, a Party may have a support person/advisor of their choice.

³² Employees subject to a collective-bargaining agreement may have additional rights with respect to the role of the support person/advisor.

advisor, copying the Party, to make sure they understand their role in this Process and to have them sign the Privacy/Non-Retaliation document. A support person/advisor must make themselves readily available for any meetings, and cannot delay the process. If at any point a support person/advisor becomes disruptive or is otherwise unable to comport themselves within the support person/advisor role, or unduly interferes with OEO ability to conduct its investigation they will be asked to leave the meeting. Only documentation, statements or comments written and submitted by a Party will be accepted. Submissions prepared or written by support person/advisors, including friends, family, advisors or attorneys, will not be considered in the Process.

III. Initiating a Formal Complaint

A Formal Complaint may be initiated in two ways: (1) through a Party-Initiated Formal Complaint, or (2) through a College-Initiated Formal Complaint. Before initiating a complaint, an Impacted Party will meet with OEO to learn more about the Complaint Resolution Process, supportive measures and resources and to provide information regarding the alleged conduct. The Formal Complaint comes from information provided by the Impacted Party, and memorialized in the Notice of Formal Complaint (discussed below) by OEO. The College can also choose to independently initiate a College-Initiated Formal Complaint. This type of complaint may be initiated in situations where the conduct at issue poses a threat to campus safety, when the conduct is discovered by the College (rather than through a report), when allegations are made against a College employee, when a specific impacted individual cannot be identified, or when, even though the Impacted Party may not want to move forward, the matter is of concern to the College. The Notice of Formal Complaint is a document that is created by OEO from information obtained during the Initial Investigation.

Both the Impacted Party and Respondent (Parties) will be treated equitably throughout this process. As discussed below, at the conclusion of the Investigative Procedure, a determination will be made regarding the final adjudication of the Complaint through either the Formal Complaint Resolution or Title IX Grievance Process.

A. Privacy/Non-Retaliation Requirements

Throughout the Complaint Resolution Process, information shared with the Parties, witnesses, and Support Person/Advisors should not be shared with anyone else. All Parties, witnesses, and Support Person/Advisors participating in the Process will be subject to a Privacy/Non-Retaliation Requirements document agreeing that information obtained through the Process should not be disclosed. While Parties are not restricted in their ability to obtain information in this Process (including by speaking to witnesses), they must also protect the privacy of the other Party and witnesses. Any unauthorized disclosure of information obtained through Process is a violation of this Process and will be addressed through the appropriate conduct process. The Impacted Party, Respondent, any Support Person/Advisor, and all witnesses will also be advised of the prohibition against retaliation, and that they are protected against retaliation.

B. Notice to the Respondent

After a Formal Complaint has been initiated through the Office of Equal Opportunity (OEO), the Respondent (student, staff or faculty) will meet with OEO to receive and review the written Notice of Formal Complaint. In that meeting with OEO, there will be a review of the Notice of Formal Complaint and the process, including the option for an Informal Resolution, the Investigative Procedure, the Formal Complaint Resolution, and the Title IX Grievance Process (as applicable). This initial meeting is only to provide the Respondent with the Notice of Formal Complaint and review the process and not to talk about the substance of the Complaint. The Respondent will have the opportunity to share information about the factual allegations in the Notice of Formal Complaint during the Investigative Procedure (discussed below). At this meeting, the

Respondent will also receive the Privacy/Non-Retaliation document (discussed above). If the Respondent is not responsive to outreach from OEO to schedule this meeting, the Investigative Procedure will still start and may move forward without the benefit of the Respondent's input.

The Notice of Formal Complaint will include the identities of the Parties involved (if known), the specific section(s) of the Policy Against Discrimination, Harassment & Sexual Violence ([Policy](#)) alleged to have been violated, a brief description of the alleged conduct, and the date(s) (or approximate dates) and location(s) of the alleged conduct, if known. If additional possible Policy violations are identified at any point during the Investigative Procedure, the Respondent will be notified of those additional allegations in writing through an Amended Notice of Formal Complaint.

1. *Accepting Responsibility:* At this point, the Respondent has the option to accept responsibility for the conduct outlined in the Notice of Formal Complaint. Such acceptance of responsibility must be submitted to OEO in writing. If the Respondent accepts responsibility, the Investigative Procedure will close and the acceptance would be considered a finding of responsibility and a waiver of the right to final adjudication of the Complaint through either the Formal Complaint Resolution or the Title IX Grievance Process (as applicable). The Formal Complaint would then be referred for sanctioning in accordance with the appropriate sanctioning process. If the Respondent chooses to accept responsibility, such acceptance cannot be withdrawn.
2. *Presumed Not Responsible:* The Respondent is presumed not responsible for the allegations in the Notice of Formal Complaint letter unless and until they either accept responsibility, or a determination has been made by the Decision-maker(s) at the conclusion of the Process. The Investigative Procedure (as discussed below) is meant to gather relevant information about the alleged conduct to assist the Decision-maker(s) in deciding, at the conclusion of the process, whether the Policy was violated by the Respondent.

If, after a Respondent receives the Notice of Formal Complaint, they choose to leave the College as a student or employee, the College has the option to dismiss the Formal Complaint but also has the discretion to bar the Respondent from College property and/or events, and/or to make the Respondent ineligible to re-enroll or for rehire, either temporarily or permanently. The College will also add a notation to the transcript of a student Respondent who leaves before a process has been completed (see below for more information). The College maintains discretion to continue the Complaint Resolution Process even after a Respondent leaves Emerson.

C. Dismissal of Formal Complaint

The Office of Equal Opportunity (OEO) has the option to dismiss a Formal Complaint (1) if the Respondent is no longer affiliated with the College, meaning they are no longer participating or attempting to participate in Emerson's educational programs or activities and/or are no longer employed by Emerson; (2) if the Impacted Party is no longer affiliated; (3) when it becomes apparent the conduct as alleged, even if proven, would not violate the Policy; or (4) for any other reason deemed appropriate by the College. A complaint may also be dismissed when the Impacted Party voluntarily withdraws any or all of the allegations, although the College reserves the right to continue the process or to utilize an Informal Resolution to resolve the matter, as determined by AVP (or designee) at their discretion. If a Party wishes to re-initiate a complaint that has been dismissed, the College has the option to exercise discretionary jurisdiction over the matter or may deny the request to reopen the process, at the AVP's (or designee) discretion. If OEO dismisses the Formal Complaint, the Impacted Party and Respondent will be promptly notified in writing of the basis for the dismissal.

IV. Investigative Procedure

Once a Formal Complaint has been initiated, the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee), will assign one (or more) Investigator(s) who will be responsible for gathering information regarding the allegations raised in the Notice of Formal Complaint. The assigned Investigator may be an employee of the College or someone from outside the College, at the discretion of the AVP. The AVP will assign an Investigator who does not have a conflict of interest or bias for or against impacted parties or respondents generally, who has no conflict or bias against any of the Parties to the Formal Complaint, and who has been trained on how to serve impartially. The assigned Investigator will have annual training and experience on issues of relevance, discrimination, harassment, and sexual violence (sexual assault, relationship violence, stalking, sexual exploitation), and on any laws or regulations that may be applicable to this Process. Emerson reserves the right to assign more than one Investigator or a note taker in addition to the Investigator to a matter as deemed necessary by the AVP, at their discretion. In all cases, the Investigator will conduct a prompt, equitable, fair, thorough and impartial investigation into the allegations raised, under the supervision of the AVP³³.

The Complaint Resolution Process is not an adversarial process, meaning that throughout the Investigative Procedure, the Respondent is not presumed to be responsible and neither Party has the burden to prove or disprove the underlying allegations. Instead, it is the Investigator's role to gather relevant information about the alleged conduct (as discussed [below](#)) to assist the Decision-maker(s) in making a determination as to whether the Policy was violated at the conclusion of the Formal Resolution Process or [Title IX Grievance Process](#), as applicable.

A. Timing

Through this Investigative Procedure, the College strives to provide a process that is prompt, equitable, fair, thorough, trauma-informed, and impartial towards all Parties and witnesses involved (student, staff and faculty). During the academic year, the goal is to complete the Investigative Procedure within a reasonable prompt timeframe after the initiation of the Formal Complaint through the Office of Equal Opportunity (OEO) (and not from the time of when the matter was first reported). Depending on the complexity of the investigation, witness availability, and other factors, more or less time may be required to complete the process. The Parties will be kept informed, in writing, at reasonable intervals throughout the progress of the Investigative Procedure, and at minimum every 30 days³⁴. Parties are always welcome to contact OEO (oeo@emerson.edu; 617-824-8999) at any time for information regarding the status of the complaint. It should be noted that while complaints will be processed to the best of the College's ability during break periods, including the summer and holidays, the availability of witnesses, Parties and/or College officials during these times can often require additional time for the completion of the Investigative Procedure. If a student Respondent is scheduled to graduate prior to the resolution of a Formal Complaint, a hold may be placed on their graduation and/or official transcripts until the complaint is fully resolved (including any appeal) (See the [Code of Community Standards](#) for more information).

B. Cooperation

In order for the Investigation to be conducted in a timely manner, it is important that Parties, any Support Person/Advisor, and witnesses make themselves available to the Investigator, including over holidays and breaks. The Impacted Party, Respondent, and witnesses should know that they are expected to cooperate with the Investigator throughout the Investigative Procedure. The Impacted Party, Respondent and witnesses are prohibited from knowingly making false

³³ Pursuant to 34 CFR Part 106, § 106.8.

³⁴ This written update will usually be done via email, at the discretion of the Investigator.

statements and/or knowingly submitting false information to the Investigator.³⁵ Knowingly providing false information at any point in the Process may result in a separate disciplinary action.

If the Impacted Party or Respondent chose not to meet with OEO or the Investigator, they should understand that the Process will continue without the benefit of their input. The Formal Complaint may still be adjudicated through the Process without the benefit of input from a non-cooperative Party. The Investigator will reach out to the Party to schedule these meetings. If a Party does not respond to the Investigator within ten (10) calendar days after outreach or fails to meet with the Investigator in a timely manner, the Party's opportunity to participate in the Investigation may be waived, as determined by the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee) at their discretion. The Parties should understand that the College cannot compel non-employee witnesses or Parties to participate in this Process.

C. Accommodations

A Party or witness (student or employee) who has a disability that may require an accommodation in the [Complaint Resolution Process](#) should work with the appropriate office to determine what reasonable accommodations may be available. Students should work with [Student Accessibility Services \(SAS\)](#) (sas@emerson.edu; 617-824-8592) to request an accommodation for the Process. Please note that any accommodations for the Complaint Resolution Process must be determined separately from any existing academic or housing disability accommodations. Employees (staff and faculty) should work with [Human Resources](#) (HR) (hr@emerson.edu; 617-824-8580). All approved disability accommodations must be communicated to OEO (oeo@emerson.edu; 617-824-8999) in writing at least two (2) business days in advance of any meetings or hearings where the accommodations will be needed. Only accommodations approved by SAS or HR will be implemented during the Process.

D. Providing Information

In the Investigative Procedure, both the Impacted Party and Respondent have an equal opportunity to present documents, suggest witnesses, and submit all information (inculpatory and exculpatory) they believe is important to the resolution of the pending matter. The Parties should understand that it is best to provide the Investigator with all information as early in the Investigation as possible. While the Parties are encouraged to share information, the Investigator has the discretion to determine what information is relevant to the Complaint. The Investigator may also consider other relevant and available information beyond that provided by the Parties.

The Parties must provide the Investigator with all information relevant to the Formal Complaint that is known and available to them during the Investigative Procedure. When relevant information was known and available to a Party but was shared after the conclusion of the Investigative Procedure, the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee) has the discretion to exclude such information from the Process.

E. Scope of Investigation

The Investigator is responsible for objectively reviewing and evaluating all information submitted and found during the Investigative Procedure, including inculpatory and exculpatory information. The Investigator will determine, at their discretion, what information is relevant for inclusion in the Investigative Report to assist the Decision-maker(s) in deciding, at the conclusion of the process, whether the Policy was violated. The burden of proof always remains with the College. The Investigator will consult with the AVP as needed throughout the Investigative Procedure.³⁶

³⁵ For students, see [Code of Community Standards](#), False Identification or Information. For employees, see the Conduct Standards and Corrective Action Policy.

³⁶ Pursuant to 34 CFR Part 106, § 106.8.

During the Investigative Procedure, the Investigator may utilize some or all of the following information or procedures, at their discretion, and in whatever order the Investigator deems most appropriate.

- 1. Documents:** The Investigator will review any statements provided by the Impacted Party/ Respondent, as well as any relevant documents identified by the Parties or witnesses. Relevant documents may include, but are not limited to, both paper and digital items, such as text messages, journal entries, emails and social media communications. If a Party is not in possession of documents they believe are important to the Complaint, they should identify who may have those materials. It will be the responsibility of the Investigator to try, to the best of their ability, to gather the identified information outside the possession of the Parties. As determined by the Investigator, any documents or information relevant to the Formal Complaint and that will be used in the Investigative Report will be disclosed to both the Impacted Party and Respondent for comment or rebuttal during the course of the Investigation.³⁷
- 2. Impacted Party/Respondent Interviews:** The Investigator will provide an opportunity for the Impacted Party and Respondent to participate in an interview, separately. This meeting is an opportunity for each Party to discuss their recollection of the event(s) in question, supplement any statements previously submitted, voice any concerns, and work with the Investigator to determine what additional information may be helpful to the Investigation. Each Party will receive written notice (usually via email) of the request for an interview. The Investigator may interview the Impacted Party and Respondent more than once, as necessary, at the discretion of the Investigator. During their interview, the Impacted Party/Respondent will have the opportunity to learn about the relevant information gathered in the Investigation to date and the Investigator will provide them with an opportunity to comment or respond to that information.³⁸ As discussed above, the Parties are expected to cooperate and meet with the Investigator in a timely manner. The Investigator will reach out to the Party to schedule these meetings. If a Party does not respond to the Investigator within ten (10) calendar days after outreach or fails to meet with the Investigator in a timely manner, the Party's opportunity to participate in the Investigation may be waived, at the discretion of the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee). The Parties should also understand that, even if they choose not to participate or fail to participate in a timely manner, the Process will still move forward without the benefit of their input (as discussed above).
- 3. Witnesses:** The Investigator will attempt to interview relevant witnesses identified by the Impacted Party and/or Respondent. Please note that character witnesses are not considered relevant to the Process. The Impacted Party and Respondent will both have an equal opportunity to identify witnesses for the Investigator and can tell a person they have identified them as a witness and that they may be contacted by the Investigator. The Investigator will determine which witnesses are relevant to the Formal Complaint, at their discretion. Witnesses should not be intimidated, threatened, or improperly influenced in any way by either the Impacted Party or Respondent or through others (e.g., friends, family members, attorneys, etc.). Any attempt to threaten, intimidate or otherwise improperly influence the testimony of a witness may result in a separate disciplinary action by the College. The Investigator may also interview any other person(s) they believe may have information relevant to

³⁷ In matters pending under the Title IX Grievance Process, the Parties may also be given access to other gathered information from the Investigative Procedure, even if not used in the Investigative Report.

³⁸ In matters pending under the Title IX Grievance Process, the Parties may also be told about other gathered information from the Investigative Procedure, even if not used in the Investigative Report.

this matter, at their discretion. The Investigator will employ best efforts to interview relevant witnesses who are no longer on campus or participating in an Emerson program, attempting to meet with them by phone or internet (i.e. Zoom). Witnesses will be subject to the Privacy/Non-Retaliation Requirements, which will be reviewed with them acknowledging that they have been advised about the prohibition against retaliation and that the unauthorized disclosure of information from this Process is prohibited. The Investigator will make a reasonable attempt to schedule meetings with witnesses, but will not be able to interview witnesses who are not responsive to outreach in a timely manner. The Parties should understand that the Investigator cannot compel non-employee witnesses to participate in an interview.

4. **Expert Witnesses:** The Investigator reserves the right, at their discretion, to consult with any experts which they deem necessary to the determination of the facts at issue in the Formal Complaint. An expert witness may be consulted to review or provide a professional opinion regarding information discovered in the Investigation including, but not limited to, evidence collection kits and toxicology reports. If a Party wants to offer (and pay for) an expert witness they believe is relevant, the Investigator has the option to interview that expert witness if they deem them to be relevant to the resolution of the Formal Complaint, at their discretion.

F. Impermissible Information

The following information will not be considered in this Process except under the circumstances noted below.

1. **Confidential Information** – Information that is protected under a privilege recognized by law or provided to a confidential person, including information shared with a medical professional in connection with the provision of treatment, is presumed impermissible unless the individual who owns the privilege voluntarily chooses to waive confidentiality in writing.
2. **Sexual History** – Generally, the past sexual history (including sexual interests or prior sexual conduct) of the Impacted Party or Respondent will not be considered in the Investigative Procedure. However, there are limited circumstances in which such information might be considered relevant in the Complaint Resolution Process. Those situations include:
 - a. When the prior/subsequent sexual history of the Impacted Party with anyone other than the Respondent is directly relevant to show the injuries alleged to have been inflicted by the Respondent were inflicted by another individual.
 - b. When the existence of a dating relationship or prior/subsequent consensual sexual relations between the Impacted Party and the Respondent are relevant to how the Parties communicated consent in prior/subsequent consensual sexual relations.

If information under this section will be considered in the Process, the Investigator (or designee) shall provide the Parties with an explanation as to why the information is being allowed.

The Investigator will consult with the AVP as needed in determining whether to include this information.

G. Recording Interviews

The Investigator has the option to record and/or transcribe any interviews conducted in the Investigative Procedure by any means deemed appropriate by the AVP. Only the Investigator may record interviews, and the Party or witness will be notified when the recording is happening. Any audio or video recording of any meeting with OEO by any Party, witness or Support Person/Advisor is expressly prohibited at all times during the Complaint Resolution Process and could

result in a separate disciplinary action. Any recording or transcript made of an interview will not be retained after the conclusion of the Investigative Procedure in compliance with the Maintenance of Records section of this Policy (as discussed below).

H. Investigative Report

Once the Investigation has been completed, the Investigator will prepare an Investigative Report summarizing the relevant information obtained through the Investigative Procedure. The Investigator will also identify any undisputed facts from the Investigative Procedure. The Investigator will consult with the Associate Vice-President for Equal Opportunity & Compliance (AVP) in preparing the Investigative Report. The AVP may also review and comment on the draft report before it is finalized.³⁹

- 1. Draft Investigative Report:** The Draft Investigative Report will be shared with the Impacted Party and Respondent for comment and review before the Report is finalized. The Parties will also be given access to any exhibits to the Draft Investigative Report.⁴⁰ Any sharing of documents will be done electronically, in view-only mode, barring exceptional circumstances, as determined by the AVP, and are subject to the Privacy/Non-Retaliation Requirements (see above). At the written request of a Party, the Draft Investigative Report and exhibits may also be shared with their Support Person Advisor. The Draft Investigative Report and any shared materials should not be shared, copied, downloaded, photographed, or circulated in any manner by the Parties and/or their Support Person/Advisor.

The Impacted Party and Respondent will each be given a period of 10 (ten) calendar days to review the Draft Investigative Report and materials.⁴¹ The Parties will have the option (but are not required) to provide written comments to the Draft Investigative Report within that time period. Any comments must be written by the Parties. Submissions written by third parties, such as friends, family, advisors or attorneys will not be considered. The Parties should note that this review period is not an appropriate time for the submission of new, substantive information that was known but not previously shared during the Investigative Procedure (see [Providing Information](#) above). If comments are submitted by the Parties, the Investigator may address those comments as they deem appropriate, at their discretion. The Investigator may include or address comments in the Final Investigative Report, may create an addendum to the report to address any comments, may attach the comments as an exhibit to the Report, or otherwise address the comments at their discretion.

- 2. Final Investigative Report:** Once the Final Investigative Report has been created, the Impacted Party and Respondent will each be given access to review the Report, as well as any exhibits. The Parties will be given electronic view-only access to these materials for ten (10) calendar days. The Investigative Report, and any other materials should not be shared, copied, downloaded, photographed, or circulated in any manner by the Parties or their Support Person/Advisor. Once the Final Investigative Report has been completed and shared with the Parties, the Investigative Procedure will be closed.

The Final Investigative Report will contain the names of the Decision-Maker(s). The Decision-Maker(s) will be chosen at the sole discretion of the AVP. If either the

³⁹ Pursuant to 34 CFR Part 106, § 106.8.

⁴⁰ In matters under the Title IX Grievance Process, the Parties will also be given access to all information gathered through the Investigative Procedure regardless of whether it was included in the draft Investigative Report ("gathered information").

⁴¹ In matters under the Title IX Grievance Process, the Parties will be given ten (10) business days to review the draft and final report.

Impacted Party or Respondent believes there is a possible conflict of interest with any Decision-Maker(s), it must be communicated to the AVP in writing immediately, and no later than three (3) business days after receiving the Final Investigative Report with the names of the Decision-Maker(s). The AVP then has the discretion to assign a different individual to be a Decision-Maker. Once the Final Investigative Report has been submitted to the Decision-Maker(s) for consideration, there will be no further opportunity to raise potential conflicts of interest with any Decision-Maker.

V. Process Determination

At the conclusion of the Investigative Procedure, the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee) will decide on the process for the final adjudication of the Formal Complaint. For allegations of Title IX Sexual Harassment/Title IX Sexual Violence that also meet the jurisdictional requirements under Title IX, the matter will be adjudicated through the Title IX Grievance Process.⁴² If the conduct does not meet the jurisdictional requirements under the Title IX, the allegations of Title IX Sexual Harassment/Title IX Sexual Violence will be dismissed and both Parties will be notified of that dismissal in writing.⁴³ The AVP will then review the Formal Complaint to determine if the allegations fall under the definitions of Sex-Based Harassment (Non-Title IX) or Sexual Violence under the Policy Against Discrimination, Harassment & Sexual Violence ([Policy](#)), and therefore could be addressed through the Formal Complaint Resolution below.

All other matters under the Policy, will proceed under the Formal Complaint Resolution process below for students or employees. In situations where the Respondent is both a student and an employee of the College, the AVP (or their designee), at their discretion, will decide which process will govern based on the role the Respondent was serving in at the time of the alleged incident.

VI. Formal Complaint Resolution

A. Informal Resolution

An Informal Resolution may be used after an Initial Investigation (as discussed above) or after a Formal Complaint has been initiated. Participating in an Informal Resolution is voluntary and only considered at the request of the Parties. An Informal Resolution can be used at any point prior to, instead of, or during, the Investigative Procedure. Informal methods of resolution will be facilitated by the AVP (or their designee). Resolution options may include, but are not limited to, negotiated outcomes, mediation (directly or through others), shuttle diplomacy, restorative justice, facilitated conversations, counseling, training, projects/papers, educational conversations, and/or voluntary leaves of absence. Any Informal Resolution facilitated by the AVP (or their designee) must adequately address the concerns of the Impacted Party and Respondent, as well as the overall interest of the College in stopping, remedying, and preventing further Policy violations. The AVP will make a determination regarding whether an Informal Resolution will be available in a pending matter based on a review and assessment of the allegations, the available information, and the interests of the Parties. An Informal Resolution may not be available for matters involving certain forms of Title IX Sexual Harassment by an employee or for issues of Sexual Violence, as determined by the AVP (or their designee).

⁴² To proceed under the Title IX Grievance Process, the conduct must 1) have occurred in the United States; 2) have occurred in a College program or activity; and 3) the Impacted Party must be participating in or attempting to participate in a College educational program or activity. For more information about these jurisdictional requirements, please see the Title IX Grievance Process.

⁴³ The AVP may dismiss the allegations of Title IX Sexual Harassment/Title IX Sexual Violence at any time in the Process if it becomes clear that they will not meet the jurisdictional requirements under Title IX.

The Office of Equal Opportunity (OEO) (or their designee) will attempt to facilitate a resolution that is agreeable to the Impacted Party, the Respondent, and the College. In a College-Initiated Formal Complaint, the AVP has the option to consult with the Impacted Party as deemed appropriate and at their discretion. The College also has the discretion to terminate the consideration of an Informal Resolution and continue with the Investigative Procedure or Formal Complaint Resolution at the discretion of the AVP.

If the Parties reach an agreement about an Informal Resolution after a Notice of Formal Complaint has been issued, a written Informal Resolution Agreement between the Parties will be created by OEO (or their designee). When an Informal Resolution Agreement is reached, the Parties will acknowledge that the Agreement is the final resolution of the pending matter, that the Formal Complaint will be dismissed, and that the pending matter will be considered closed. The Complaint Resolution Process may not subsequently be initiated with respect to any of the allegations in the Formal Complaint that are the subject of the Informal Resolution Agreement. If the Informal Resolution Agreement is violated or the terms are not followed/completed by one of the Parties, that violation will be addressed for students as a conduct matter through the Office of Community Standards and for employees by Human Resources (or their designee), as appropriate.

B. Student Formal Resolution

In Formal Complaints where the Respondent is a student, the Student Formal Resolution process will be used. Once the Investigative Procedure has closed, the AVP will submit the Investigative Report and exhibits to the Decision-Maker(s) who has been trained on the Process and the resolution of issues of discrimination, harassment and sexual violence. The AVP will select a Decision-Maker(s) that does not have a conflict of interest or bias for or against impacted parties or respondents generally, and who has no conflict or bias against any of the Parties to the Formal Complaint. The Decision-Maker(s) will be chosen at the sole discretion of the AVP and may consist of one to three members. The Decision-Maker(s) may consist of College employees (staff or faculty) or may be someone from outside of the College. The name(s) of the Decision-Maker(s) will have been communicated to the Impacted Party and Respondent in the Final Investigative Report. If either the Impacted Party or Respondent believes there is a possible conflict of interest with any Decision-Maker(s), it must be communicated to the AVP in writing immediately, and no later than three (3) business days after notice of the names of the Decision-Maker(s). The AVP then has the discretion to assign a different individual to be a Decision-Maker. Once the Final Investigative Report has been submitted to the Decision-Maker(s) for consideration, there will be no further opportunity to raise potential conflicts of interest with any Decision-Maker.

The AVP will consult with the Decision-Maker(s) on questions about the Policy Against Discrimination, Harassment & Sexual Violence ([Policy](#)), the Complaint Resolution Process and/or Formal Complaint Resolution as they consider the Investigative Report and exhibits. The Decision-Maker(s) will review the Final Investigative Report and exhibits to determine whether the Respondent is responsible for violating the Policy.⁴⁴ The decision of the Decision-Maker(s) will be made based on the *preponderance of the evidence* standard—that is, whether the facts presented in the Final Investigative Report support a finding that it is more likely than not that the Policy was violated. The Decision-Maker(s) will base the findings solely on the information presented in the Final Investigative Report and exhibits. The finding of the Decision-Maker(s) will be made by a majority, when applicable. While the Decision-Maker(s) is solely responsible for making the finding, the AVP will assist the Decision-Maker(s) in drafting the language of their outcome. The written findings by the Decision-Maker(s) will outline any factual determinations made and the rationale used to reach the finding(s). Once the Decision-Maker(s) has finalized

44 The Decision-Maker(s) will not be given access to any interview transcripts or other gathered information.

their written findings, the AVP will then refer the findings to the Office of Community Standards who will issue the Notice of Outcome in the pending matter.

If the Respondent is found *Not Responsible* for violating the Policy, the Impacted Party and Respondent will both be notified in writing of the Notice of Outcome, which includes the findings from the Decision-Maker(s), the option to appeal, and an explanation of when that outcome becomes final. The Notice of Outcome will be issued to the Parties within seven (7) business days after the findings have been made by the Decision-Maker(s).

If the Respondent is found *Responsible* for a violation of the Policy, the Office of Community Standards will assign the appropriate sanctions or other outcomes based on the findings of the Decision-Maker(s), in consultation with other offices as appropriate and at their discretion. The determination regarding sanctions will include a consideration of the Respondent's disciplinary history with the College, if any, as outlined in the [Code of Community Standards](#). Sanctions for a *Responsible* finding may include, but are not limited to, loss of privileges, formal warning, disciplinary probation, educational sanctions, suspension, removal from the College and any other sanction noted in the [Code of Community Standards](#). Both the Impacted Party and Respondent will be notified in writing of the Notice of Outcome, including the findings from the Decision-Maker(s), the option to appeal, and an explanation of when that outcome becomes final. The Notice of Outcome letter shared with the Respondent will include any assigned sanctions. The Notice of Outcome will be issued to the Parties within seven (7) business days of the assignment of the sanction. Due to privacy considerations, the Impacted Party may not be notified of the assigned sanctions, unless they relate to the Impacted Party (such as a No Contact Order as the sanction). Upon written request, the AVP may again give the Parties access to the Investigative Report and exhibits and/or the interview transcripts after the Notice of Outcome has been issued, at the AVP's discretion.

C. Employee Formal Resolution

In Formal Complaints where the Respondent is an employee (staff or faculty), the Employee Formal Resolution process will be used. Once the Investigative Procedure has closed, the AVP will submit the Final Investigative Report and any exhibits to the Decision-Maker(s). The Decision-Maker(s) will consist of one to three individuals, which will include the Respondent's supervisor (or designee) and/or the Provost (or their designee), and/or a representative from Human Resources, as determined by the AVP, at their discretion. The Decision-Maker(s) will receive training on the process and the resolution of issues of discrimination, harassment and sexual violence. The names of the Decision-Maker(s) will be communicated to the Impacted Party and Respondent in the Final Investigative Report. If either the Impacted Party or Respondent believes there is a possible conflict of interest with the Decision-Maker(s), it must be communicated to the AVP in writing immediately, and no later than three (3) business days after notice of the names of the Decision-Maker(s). The AVP then has the discretion to assign a different Decision-Maker if necessary. Once the Final Investigative Report has been submitted to the Decision-Maker(s) for consideration, there will be no further opportunity to raise potential conflicts of interest with the Decision-Maker(s).

The AVP will consult with the Decision-Maker(s) on questions about the Policy, the Complaint Resolution Process and/or the Formal Complaint Resolution as they consider the Final Investigative Report and exhibits. The Decision-Maker(s) will review the Final Investigative Report and exhibits to determine whether the Respondent is responsible for violating the Policy.⁴⁵ The decision of the Decision-Maker(s) will be made based on the *preponderance of the evidence* standard – that is, whether the facts presented in the Final Investigative Report support a finding that it is more likely than not that the Policy was violated. The Decision-Maker(s)

⁴⁵ The Decision-Maker(s) will not be given access to any interview transcripts or other gathered information.

will base their findings solely on the information presented in the Final Investigative Report and exhibits. While the Decision-Maker(s) is solely responsible for making the finding, the AVP will assist the Decision-Maker(s) in drafting their written findings. The written findings by the Decision-Maker(s) will outline any factual determinations made and the rationale used to reach the finding(s).

If the Respondent is found Not Responsible for violating the Policy, the Respondent will be notified by the Decision-Maker(s), Human Resources, or Academic Affairs in writing of their findings, the option to appeal and an explanation of when that outcome becomes final. The written Notice of Outcome will be issued to the Respondent within seven (7) business days after the finding has been made. The Impacted Party may also be notified by Human Resources or Academic Affairs of the findings, the option to appeal, and an explanation of when the outcome becomes final, at the AVP's discretion.

If the Respondent is found Responsible for a violation of the Policy, the Decision-Maker(s) will also decide the appropriate sanctions or remedies based on that finding. The determination regarding sanctions will include consideration of the Respondent's disciplinary history with the College. Sanctions for a *Responsible* finding may include, but are not limited to, warnings (verbal or written), censures, training or other educational responses, final warnings, reassignment, demotions, suspensions, and termination. The Respondent will be notified by the Decision-Maker(s), Human Resources, or Academic Affairs, in writing, of the Notice of Outcome, which includes their findings, the assigned sanction, the option to appeal, and an explanation of when that outcome becomes final. Upon written request, after the Notice of Outcome has been issued, the AVP may again give the Respondent access to the Investigative Report and exhibits, at the AVP's discretion. The Impacted Party may also be notified by Human Resources or Academic Affairs of the findings, the option to appeal, and an explanation of when the outcome becomes final, at the discretion of the AVP. Due to privacy considerations, the Impacted Party will not be notified of the assigned sanctions unless they relate to the Impacted Party (such as a No Contact Order as the sanction).

For employees (faculty and staff), the College reserves the right to issue disciplinary action with respect to conduct that it deems inappropriate regardless of whether it rises to the level of a violation of the Policy or the law.

VII. Appeals

Both the Impacted Party and Respondent (student, staff or faculty) are entitled to one appeal of the outcome to the Formal Complaint.⁴⁶ The filing of an appeal will not stay imposition of any assigned sanction. If the Impacted Party or Respondent did not participate in the Investigative Procedure, as determined by the Office of Equal Opportunity (OEO), that Party will not have a right to appeal the final outcome. An appeal must be submitted in writing to OEO (oeo@emerson.edu) within five (5) business days of the receipt of the written outcome. The individual who files an appeal is known as the *Appellant*. The Appellant must submit an Appeal Form with their appeal which is available from OEO. If an appeal is not received within five (5) business days, the outcome will be considered final, and the Complaint Resolution Process will be closed.

An appeal can only be submitted by the Impacted Party or Respondent in writing. Appeals submitted by third parties (e.g., friends, family, attorneys) will not be considered.

There are only two grounds on which an appeal can be filed—procedural error or new information. The appeal is not a new fact-finding process. Although an Impacted Party/Respondent may disagree with the finding or the sanction, that alone is not a basis for appeal.

46 An Impacted Party in an College-Initiated Complaint does not have appeal rights under this process.

The written appeal must specifically state under which of the two grounds the appeal is being filed and how the requirements for that basis (noted below) are met. Appeals that are moot or do not otherwise comply with these requirements, including failing to state proper grounds for appeal or being untimely, will not be considered, as determined by the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee) at their discretion. If an appeal will not be considered, and the five (5) business days to appeal have passed, the outcome is considered final, and the Complaint Resolution Process will be closed.

If the appeal is to be heard, the non-appealing Party will be given a copy of the relevant portions of the appeal and will have an opportunity to respond to the assertions made by the Appellant, in writing, within five (5) business days after receipt. The non-appealing Party may also request, in writing, access again to the Investigative Report and exhibits for purposes of responding to the appeal. Submissions after the five (5) business day period will not be considered, as determined by the AVP (or their designee).

The two grounds for appeal are:

- 1. Procedural Error:** The appellant alleges that (i) the procedural requirements of the Complaint Resolution Process were not followed *and* (ii) the deviation from the process had an adverse impact on the outcome of the Formal Complaint against the Appellant.
- 2. New Information:** The Appellant alleges that, subsequent to the issuing of the Investigative Report, new information about the alleged conduct has become available which could have changed the outcome of the Formal Complaint. The Appellant must: (i) present the new information; (ii) show why it was unavailable prior to completion of the Investigative Report; *and* (iii) show how the new information could have altered the outcome of the complaint. If new information is presented, the Appeal Panel has the option to ask the Investigator to reopen the Investigation regarding that information.

Appeals that are timely and state proper grounds for appeal, as determined by the AVP (or their designee), will be decided by an Appeals Panel of one to three employees (staff or faculty) or someone from outside the College, who have been trained regarding the process, the resolution of issues of discrimination, harassment and sexual violence and how to decide appeals. The Appeals Panel will include different individuals from those who served as the Decision-Maker(s). The Appeals Panel will be chosen at the sole discretion of the AVP (or their designee), who will communicate the name(s) to the Appellant and the non-appealing Party (as applicable). If either Party believes there is a possible conflict of interest with the Appeal Panel, they must communicate that to the AVP in writing immediately, and no later than three (3) business days after notice of the name(s) of the Appeal Panel. The AVP then has the discretion to assign a different member to the Appeals Panel. Once the appeal has been submitted to the Appeals Panel for consideration, there will be no further opportunity to raise potential conflicts of interest.

In reviewing an appeal, the Appeals Panel will be given the Investigative Report and exhibits, the written outcome, the appeal submission and any response, and the results of any additional investigation requested, as applicable. The Appeals Panel will make its finding based on its review of these documents. The AVP will consult with the Appeals Panel on questions about the [Policy Against Discrimination, Harassment & Sexual Violence](#), the [Complaint Resolution Process](#), and/or the Appeal process as they consider the appeal.

The Appeals Panel has the option to *Dismiss* the appeal by finding that the requirements for the appeal grounds chosen have not been met. The Appeals Panel also has the option to *grant* the appeal when it finds the requirements of the appeal grounds have been met.

If the Appeals Panel grants the appeal for a matter involving a student Respondent, the matter will be referred to the Office of Community Standards who will decide whether to uphold or

modify the final outcome of the complaint based on the findings of the Appeals Panel, and in consultation with the original Decision-Maker(s), as appropriate. The AVP may consult with the Office of Community Standards and the original Decision-Maker(s) as necessary throughout the appeal process. The Office of Community Standards will then issue a Notice of Outcome of Appeal with the Appeals Panel's finding and the decision on whether to uphold or modify the outcome. If the Appeals Panel dismisses the appeal for a student Appellant, the Office of Community Standards will issue a Notice of Outcome of Appeal with the Appeals Panel's finding.

If the Appeals Panel grants the appeal for a matter involving an employee Respondent, the matter will be referred to the Chief Human Resources Officer (or their designee) and/or the Provost (or their designee) who will decide whether to uphold or modify the final outcome of the complaint based on the findings of the Appeals Panel, and in consultation with the Decision-Maker(s), as appropriate. If the Appeals Panel dismisses the appeal for an employee Appellant, the Chief Human Resources Officer and/or the Provost will issue a Notice of Outcome of Appeal with the Appeals Panel's finding. The Parties will be notified in writing of the Notice of Outcome of Appeal. Certain employees (faculty and staff) may have additional appeal rights outside the Complaint Resolution Process.

VIII. Other Considerations

A. Amnesty/Help Seeking Policy

The College recognizes that a community member may be concerned about reporting discrimination, harassment or sexual violence, believing that other behavior they were engaged in at the time could subject them to disciplinary action. While the College does not condone any type of policy violation, when incidents of discrimination, harassment or sexual violence are reported, witnesses and Parties should be assured that the focus is on the reported behavior and safety, not on other minor infractions. In these situations, to the extent allowed by applicable laws and College policy, the College may seek to make the allegations of discrimination, harassment or sexual violence the focus of any investigation or disciplinary action. The decision regarding how to address other possible policy violations will be made by the Office of Equal Opportunity (OEO), in consultation with the Office of Community Standards, Human Resources, and/or the Provost (or their designee), as applicable. Please see the [Help Seeking Policy](#) for additional information.

B. Right to Investigate and Decide Other Conduct Violations

OEO has the discretion to pursue information regarding any other alleged violations of College Policy that may be identified through the Complaint Resolution Process. The Investigator will not be restricted to only investigating the violations alleged in the Formal Complaint, if other conduct violations are discovered in the course of the Investigative Procedure. When additional conduct concerns have been identified, OEO will consult with the Office of Community Standards, Human Resources, and/or the Provost (or their designee), as applicable, to decide if and how such allegations will be addressed. OEO has the discretion to address the additional conduct that may violate another College policy with any pending Formal Complaint. If this conduct will be addressed through the Complaint Resolution Process, the Parties will be notified through an Amended Notice of Formal Complaint. If the alleged conduct may violate another College policy, that conduct may also be referred to another process for resolution.

C. Criminal Conduct

Some of the behaviors addressed by the [Policy Against Discrimination, Harassment & Sexual Violence \(Policy\)](#) may also constitute violations of criminal law. The College may conduct its own investigation and adjudication of conduct alleged in the Complaint Resolution Process, regardless of whether the alleged conduct is also being pursued through the civil or criminal justice system. The College will comply with any law enforcement requests for cooperation regarding

its Investigative Procedure and Formal Resolution. At times, that cooperation may require the College to temporarily suspend the Process while law enforcement gathers information. The College will promptly resume the Process as soon as it is notified that doing so would not impede or interfere with any law enforcement activities. The College reserves the right to restrict a community member's access to the campus if criminal charges are filed against that individual.

D. Family Notification/Communication

The College views community members of legal age as adults. As such, parent(s), guardian(s) and/or spouse(s) will not typically be notified when a Formal Complaint is filed against or by a student or employee under the Process. Students and employees are encouraged to inform their family if they are involved in a Formal Complaint if that is a source of support. All communication regarding the Process will only be directed to the student or employee involved and not to third parties, including family members, support persons/advisors, or attorneys. Parent(s), guardian(s) and/or spouse(s) of students or employees with questions about a pending complaint should understand any exceptions to these communication guidelines will only be made by the College in compliance with the Family Educational Rights and Privacy Act (FERPA) and applicable employee privacy rules.

E. Transcript Notations

It is the College's Policy to make notations on a student's transcript when certain sanctions are issued as part of any student conduct process. This transcript notation will not describe the violation or incident that resulted in the sanction, just that the sanction was issued. If a student leaves Emerson or withdraws from the College with a Formal Complaint pending under this Complaint Resolution Process, the College will note the following on the student's transcript:

"Voluntarily withdrew dd/mm/yy, with College disciplinary charges pending. This notation does not constitute a finding or admission of responsibility."

This notation will remain on the student's transcript until the pending Formal Complaint is resolved under the Complaint Resolution Process. In situations where a matter is resolved through the Informal Resolution Process, no transcript notation will be made, unless the Parties agree otherwise. For more information, please see the Community Standards [policy on transcript notations](#).

F. Maintenance of Records

After the Parties have been given access to the Final Investigative Report, the Investigative Procedure will be considered closed. At that point, the Office of Equal Opportunity (OEO) will maintain its investigative files which will include, but are not limited to, the Final Investigative Report and any exhibits, the final written Notice of Outcome, any appeal submission and any response, any Informal Resolution Agreements, and any Notice of Outcome of Appeal. Some of this information may also be kept in an individual's student conduct records or personnel file as appropriate and in accordance with the record retention policies or practices of the applicable department. All other documentation regarding the complaint will be destroyed, including investigator notes, any interview recordings and transcripts, and any other documentation that may have been created as part of the Process.

Appendix B: Title IX Grievance Process

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- VI. [Other Considerations](#)

The Title IX Grievance Process (Process) is applicable to student or employee (staff or faculty) conduct that falls under the definition of Title IX Sexual Harassment or Title IX Sexual Violence under the Policy Against Discrimination, Harassment & Sexual Violence (Policy) and which also meets the jurisdictional and timing requirements noted herein. To access this Process, the [Complaint Resolution Process](#) must first be initiated. This Process will only be used after a determination has been made, through the Complaint Resolution Process, that the alleged conduct has met all of the requirements necessary to access this Process (as discussed below). If the requirements for this Process are not met, then the allegations of Title IX Sexual Harassment and/or Title IX Sexual Violence will be dismissed and both parties will be notified of that dismissal in writing. If the alleged conduct in the Formal Complaint could violate another section of the Policy, the matter may still be adjudicated through the process in the [Complaint Resolution Process](#). A determination of which process will be used will be made by the Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee), as the Title IX Coordinator for the College. For more information about the determination process, please see the Complaint Resolution Process.

I. Jurisdictional Requirements

For the conduct alleged in the Formal Complaint to be subject to the Title IX Grievance Process (Process), the following requirements must be met:

A. Within Title IX Definition

Alleged conduct that will be addressed under this Process must fall under the definition of Title IX Sexual Harassment, Title IX Sexual Assault, Title IX Dating/Domestic Violence, and/or Title IX Stalking under the Policy Against Discrimination, Harassment & Sexual Violence (Policy). If the conduct does not fall within one of those definitions, it will not be adjudicated under this Process. If the alleged conduct falls under another definition included in the Policy, the matter may still be adjudicated through the process in the Complaint Resolution Process, as determined by the Associate Vice-President for Equal Opportunity & Compliance (or their designee). For more information about the determination of which process applies to the alleged conduct, please see the Complaint Resolution Process.

B. Timing

Alleged conduct that will be addressed under this Process must have occurred after August 14, 2020. If the conduct occurred prior to August 14, 2020, it will be dismissed from this Process. If the alleged conduct still falls under the Policy, the matter may still be adjudicated through the Formal Complaint Resolution process in the Complaint Resolution Process, as determined by the Associate Vice-President for Equal Opportunity & Compliance (or their designee). For more information about the process for determining which process applies to the alleged conduct, please see the Complaint Resolution Process.

C. Additional Requirements

Alleged conduct that will be addressed under this Process must also meet the three additional jurisdictional requirements outlined in the Title IX Regulations⁴⁷. If the alleged conduct does not meet all three requirements discussed below, it will not be adjudicated under this Process. If the alleged conduct still falls under the Policy, the matter may be adjudicated through the Formal Complaint Process as determined by the Associate Vice-President for Equal Opportunity & Compliance (or their designee). For more information about the determination of which process applies to the alleged conduct, please see the Complaint Resolution Process.

1. United States

Alleged conduct that will be addressed under this Process must have happened against an Emerson community member (student, staff, faculty) while in the United States. If the conduct happened outside of the U.S., it does not meet this jurisdictional requirement and will not be adjudicated under this Process.⁴⁸

2. College Program or Activity

Alleged conduct that will be addressed under this Process must have occurred in an Emerson College program or activity. This means the alleged conduct occurred in a location, event, or circumstance in which Emerson exercised substantial control over both the Respondent and the context in which the alleged conduct occurred. Examples of an Emerson location, program or activity include, but are not limited to, inside an Emerson residence hall or at an off-campus trip

⁴⁷ See 34 CFR Part 106.30 and 106.44.

⁴⁸ If the alleged conduct happened outside the United States but still falls under the Policy, the matter may still be adjudicated through the Formal Resolution Process, under the Complaint Resolution Process, as determined by the Associate Vice-President for Equal Opportunity & Compliance (or their designee)

managed and sponsored by the College. If the conduct happened outside of a College program or activity (i.e. off-campus or in a non-Emerson program or activity), it does not meet this jurisdictional requirements and will not be adjudicated under this Process. The determination regarding whether the conduct occurred in an Emerson College program or activity will be made during the Process Determination under the Complaint Resolution Process.⁴⁹

3. Impacted Party Participating or Attempting to Participate

At the time that the Formal Complaint was filed, the Impacted Party must be participating in or attempting to participate in an educational program or activity of Emerson College. A student who has been admitted but is not yet attending Emerson is attempting to participate in a College educational program or activity. A person who is actively employed by the College is participating in an activity of Emerson. If the Impacted Party is not participating or attempting to participate in a College educational program or activity, their claim does not meet this jurisdictional requirement and will not be adjudicated under this Process. The determination regarding whether the Impacted Party was participating or attempting to participate in an Emerson College program or activity will be made during the Process Determination under the Complaint Resolution Process.⁵⁰

II. Prior to the Grievance Process Hearing

The Title IX Grievance Process (Process) involves a live Grievance Process Hearing (Hearing) for the resolution of a Formal Complaint. After the Investigative Procedure has closed under the Complaint Resolution Process and a determination has been made that the alleged conduct in the Formal Complaint meets the requirements for this Process, preparations for the Hearing will begin.

A. Scheduling

Once a matter is deemed eligible for this Process, the Hearing will be scheduled in a reasonably prompt timeframe. If the Process is started near or after the end of an academic semester or the Hearing cannot be completed prior to the end of the academic year, the Hearing will be held as soon as practical. This will typically be immediately after the end of the term, during a break or over the summer, depending on the availability of the parties, witnesses, and College officials. If the Respondent is scheduled to graduate prior to the resolution of a Formal Complaint under this Process, a hold may be placed on their graduation and/or official transcripts until the complaint is fully resolved (including any appeal) (for more information, see the [Code of Community Standards](#)).

B. Hearing Coordinator

The Office of Equal Opportunity (OEO) will act as the coordinator for the Hearing under the Process. OEO will be responsible for scheduling the Hearing, providing notifications to parties and witnesses, supporting the Hearing Chair, distributing any information from the Investigative Procedure, recording the Hearing, and any other administrative tasks necessary for the implementation of this Process. The Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee), as the Title IX Coordinator, will attend all meetings, conferences and hearings in this Process.

⁴⁹ If the alleged conduct happened outside a College program or activity, but still falls under the Policy, the matter may be adjudicated through the Formal Resolution Process, under the Complaint Resolution Process, as determined by the Associate Vice-President for Equal Opportunity & Compliance (or their designee).

⁵⁰ Alleged conduct reported by an Impacted Party found not to be participating/attempting to participate, but that falls under the Policy, may still be adjudicated through the Formal Resolution Process, under the Complaint Resolution Process, as determined by the Associate Vice-President for Equal Opportunity & Compliance(or their designee).

C. Decision-Makers

The decision of whether the Respondent is *Responsible* or *Not Responsible* for violating the Policy Against Discrimination, Harassment & Sexual Violence (Policy) based on the conduct alleged in the Notice of Formal Complaint (as amended) will be made by the Decision-Makers. The Decision-Makers will consist of one to three individuals who have been trained on the Process, issues of discrimination, harassment, and sexual violence, how to conduct a hearing, issues of relevance, impartiality and any technology that will be used during the Hearing. The Decision-makers may be College employees (staff or faculty), someone from outside of the College, or a combination thereof. The Decision-Makers will be selected at the sole discretion of the Title IX Coordinator (or their designee). The names of the Decision-Maker(s) will be communicated to the Impacted Party and Respondent prior to the Pre-Hearing Conference. If either the Impacted Party or Respondent believes there is a possible conflict of interest with the Decision-Maker(s), it must be communicated to the Title IX Coordinator within three (3) business days after notice of the names of Decision-Maker(s). The Title IX Coordinator then has the discretion to assign a different Decision-Maker. After three (3) business days have passed, the Decision-Maker(s) will become final, and there will be no further opportunity to raise potential conflicts of interest. One Decision-Maker will be named as the Hearing Chair, at the sole discretion of the Title IX Coordinator. The Title IX Coordinator also has the discretion to assign someone to act as the Hearing Chair, who is not one of the Decision-Makers. Throughout this Process, the Decision-Maker(s) and/or the Chair will have the ability to consult with the Title IX Coordinator as necessary.

The Decision-Makers will be given access to the Final Investigative Report and the supporting materials for consideration when making their finding. The Panel will not be given access to the gathered information from the Investigative Procedure that was not used in the Final Investigative Report. The Decision-Maker(s) will also not be given access to any interview transcripts (if created), except that excerpts may be shared as needed to answer any questions the Decision-Maker(s) may submit to the Title IX Coordinator. If a party feels that something in the gathered information was improperly excluded from the Final Investigative Report and should be considered at the Hearing, they will need to present that information to the Hearing Chair for a review as to relevance during the [Pre-Hearing Conference](#) (as discussed below).

D. Notice of Grievance Process Hearing

After the Investigative Procedure has closed under the [Complaint Resolution Process](#) and a determination has been made that this Process applies to the Formal Complaint, the Parties will receive a Notice of Hearing from the Title IX Coordinator (or their designee). This Notice will be provided at least ten (10) business days prior to the proposed date for the Hearing. The Notice will propose a date for the [Pre-Hearing Conference](#) and Hearing. With the Notice, the Parties will again be given access to the Final Investigative Report, supporting documentation, and the gathered information, all of which was previously shared with the Parties in the Investigative Procedure, under the [Complaint Resolution Process](#), for review and written response. Upon written request from the Impacted Party/Respondent, these materials can also be shared with their respective support person/advisor.

E. Support Person/Advisor

To fully participate in the Hearing, the Respondent and Impacted Party *must* each have a support person/advisor. During the Hearing, only through their support person/advisor, the Parties each have the right to submit questions to another Party or to witnesses regarding information relevant to the resolution of the Formal Complaint, as determined by the Hearing Chair. A Party cannot question another Party or witness directly during the Hearing.

If a Party does not have a support person/advisor, the College will provide the Party with a support person/advisor, of the College's choice, at no expense to the Party. The College-provided support person/advisor may be an employee (staff or faculty) or may be someone from outside the College. The Title IX Coordinator (or their designee), at their sole discretion, will make the decision regarding who the College-assigned support person/advisor will be. The expectation is that any support person/advisor will be reasonably available for all meetings, the [Pre-Hearing Conference](#) and the Hearing, and will not cause a delay in the Process based on their lack of availability.

At least two (2) business days prior to any meeting in the Process, the [Pre-Hearing Conference](#) or the Hearing, a Impacted Party/Respondent must provide the Title IX Coordinator with the identity and contact information (e-mail and telephone) of the individual who will be serving as their support person/advisor (if not previously disclosed).

A support person/advisor does not make any presentations, or advocate for or otherwise represent the Party during the Process. The support person/advisor's primary role in the Process is only to provide support to the Party. The support person/advisor only actively participates in the Hearing when they are asking questions, on behalf of the Party, to the other Party and witnesses. The role of the support person/advisor is to read the questions submitted by the Party in the hearing. The support person/advisor can only ask questions of the other Party or witnesses subject to the [Hearing Rules/Rules of Decorum](#) (as discussed below). If at any point a support person/advisor becomes disruptive or is otherwise unable to abide by the requirements of the support person/advisor role or the [Hearing Rules/Rules of Decorum](#), they will be asked to leave the hearing.⁵¹

F. Accommodations

A Party or witness (student or employee) who has a disability that may require an accommodation during the Process should work with the appropriate office to determine what reasonable accommodations may be available. Students should work with Student Accessibility Services (SAS) (sas@emerson.edu or [617-824-8592](tel:617-824-8592)) to request an accommodation for the Process. Employees (staff and faculty) should work with Human Resources (HR) ([617-824-8580](tel:617-824-8580) or hr@emerson.edu). All approved disability accommodations must be communicated to the Title IX Coordinator (or their designee) (oeo@emerson.edu; [617-824-8999](tel:617-824-8999)) in writing at least two (2) business days in advance of any meetings, conference, or hearing where the accommodations will be needed. Only accommodations approved by SAS or HR will be implemented during the Process.

G. Findings of Relevance

The final decision regarding whether information is relevant to a Formal Complaint will be made by the Hearing Chair, at their discretion. Only information that is considered relevant to making the finding, from the perspective of the Hearing Chair and/or the Decision-Maker(s), will be admissible in the Grievance Process Hearing. The Chair may consult with the other Decision-Maker(s) and the Title IX Coordinator (or their designee) prior to making a decision as to relevance. The Chair will document and share their rationale for any finding of non-relevance throughout the Process, and/or in the Hearing.

⁵¹ See the Complaint Resolution Process for more information about what constitutes "gathered information". Under the Complaint Resolution Process, during the Investigative Report and Review stage, the parties were previously given the opportunity to request that something in the gathered information be included in the Final Investigative Report.

The following information is not considered relevant during the Process or Hearing (except as noted):

1. Information about incidents not directly related to alleged conduct in the Formal Complaint, unless it may show a pattern of behavior, as determined by the Chair.
2. Character witnesses.
3. Information about the Impacted Party's sexual predisposition or prior sexual behavior, except where information about the Impacted Party's prior sexual behavior is offered to prove that someone other than the Respondent committed the alleged conduct, or the information concerns specific incidents of the Impacted Party's prior sexual behavior with respect to the Respondent and are offered to prove consent.

H. Witnesses

During the [Pre-Hearing Conference](#), the Chair will confirm the names of those individuals that the Parties and/or the Decision-Maker(s) plan to invite to appear at the Hearing. Any witnesses will be limited to only those individuals who were interviewed as part of the Investigative Procedure. If any Party has an objection to the inclusion or exclusion of any witness at the Hearing, they should present that objection in writing at the Pre-Hearing Conference. These submissions will be addressed by the Chair during the Pre-Hearing Conference. Please note that a Party cannot present new witnesses or information that was previously available for the first time at the Hearing (see below regarding [New Information](#)).

I. Pre-Hearing Conference

Prior to the Hearing, the Hearing Chair will schedule a time to meet with the Respondent and Impacted Party separately, with their respective support person/advisor, for a Pre-Hearing Conference. The Title IX Coordinator (or their designee) will also attend the Pre-Hearing Conference, as the Hearing Coordinator, to answer any procedural questions that may arise. This conference may be conducted in person or virtually, at the discretion of the Chair.

During the Pre-Hearing Conference, the Chair will review the information that will be considered at the Hearing, which generally will be the information contained in the Final Investigative Report. The Chair will also review any submissions by the Parties regarding any witnesses they want to have at the Hearing, as discussed above. At this time, a Party should share with the Chair any concerns they have about whether certain information is relevant or not relevant and any information they believe should be included or excluded from the Hearing. If a Party believes that something in the gathered materials was improperly excluded from the Final Investigative Report, they should present that information to the Chair at the Pre-Hearing Conference for a finding as to relevance.⁵² The Chair has the option to confer with the other Decision-Maker(s) and/or the Title IX Coordinator before making a decision as to relevance. The final decision regarding relevance will be made by the Chair, at their discretion. That decision can be made in the Pre-Hearing Conference or at the Hearing, at the discretion of the Chair.

If there is additional information a Party wishes to include at the Hearing, beyond what has been included in the Final Investigative Report, the Party must present that information to the Chair for consideration during the Pre-Hearing Conference. However, as discussed below, this information will be limited only to the information gathered during the Investigative Procedure (see [New Information](#) below). The Chair will make a finding as to whether the information raised by the Party is relevant to the resolution of the Formal Complaint. The Chair has the discretion to confer with the other Decision-Makers and the Title IX Coordinator, but the final decision regarding relevance will be made by the Chair, at their discretion. The Chair also has the discretion to

⁵² Under the Complaint Resolution Process, during the Investigative Report review stage, the Parties were previously given the opportunity to comment on the Report to request that something in the gathered information be included in the Final Investigative Report.

delay the decision on relevance until the Hearing. During the Hearing, a Party may ask the Chair to reconsider their finding of non-relevance from the Pre-Hearing Conference based on the information offered at the Hearing. Again, the final decision regarding relevance at the Hearing will be made by the Chair, at their discretion. The Chair will document and share their rationale for their finding of non-relevance during the Pre-Hearing Conference and/or at the Hearing.

During the Pre-Hearing Conference, the Parties will have the option to submit questions they would like to pose to a party or witness during the Hearing (See [Questions by Party at the Hearing](#) below). The Chair will then make a finding as to the relevance of any submitted questions and will approve questions in advance of the Hearing that a Party will be allowed to ask. If a Party chooses not to submit questions in advance of the Hearing or has additional questions that arise during the Hearing beyond those presented in the Pre-Hearing Conference, the Chair will make a finding on the relevance of each of those questions at the Hearing pursuant to the Process.

III. Grievance Process Hearing

The Title IX Grievance Process involves a live hearing which includes a review of the Final Investigative Report and any supporting materials and questioning of the Parties and witnesses. All relevant information presented in the Hearing will be considered by the Decision-Maker(s) in determining if the Respondent is *Responsible* or *Not Responsible* for violating the Policy Against Discrimination, Harassment & Sexual Violence (Policy) based on the conduct alleged in the Formal Complaint. The final determination regarding what is relevant to the resolution of the Formal Complaint will be made by the Hearing Chair, at their discretion. The Chair has the discretion to confer with the other Decision-Maker(s) and/or the Title IX Coordinator before making a final decision regarding relevance. Any questions regarding the Process during the Hearing will be addressed by the Hearing Chair or the Associate Vice-President for Equal Opportunity & Compliance (or their designee), as the Title IX Coordinator.

A. Conducted Over Technology

The Hearing will be conducted over video conferencing technology (i.e. Zoom). Every participant in the Hearing is expected to participate with their camera on, from a private location, with no one else present who can hear or see the Hearing. The only exception is that a Party may participate in the Hearing with their support person/advisor present in the same location. The Decision-Maker(s) also will have the option to conduct the Hearing with other Decision-Maker(s) in the same location. Any witnesses participating in the Hearing can either appear on their own (in a private location with no one else able to hear or see the Hearing) or in the same location as the Decision-Maker(s). All participants in the Hearing must identify themselves on the recording and appear at the Hearing over video (barring any technical complications). The presence of anyone not authorized to participate in the Hearing or who has not identified themselves at the Hearing is expressly prohibited at all times and is in violation of College policy. If any of the hearing participants do not have access to a suitably private location, they must inform the Title IX Coordinator (or their designee) at least two (2) business days in advance of the scheduled hearing, who will then make arrangements to provide access to a private location on-campus for the Hearing, as appropriate. The recording of the Hearing or any part of the Process by anyone, outside of the official recording by the Office of Equal Opportunity (OEO), is expressly prohibited, as discussed below. A Party has the option to request, in writing, that the Hearing be conducted in person. A Hearing may be conducted in person at the discretion of the Title IX Coordinator and only if both Parties agree to an in-person hearing.

B. New Information

The Final Investigative Report and supporting documentation will be entered into the record at the start of the Hearing. The expectation is that all of the information relevant to the Formal Complaint and that a Party intends to present at the Hearing was shared and considered in the Investigative Procedure under the [Complaint Resolution Process](#). The Parties will have been given ample opportunity to share all available information with the Investigator during the Investigative Procedure. The Hearing Chair has the discretion to exclude from the Hearing any information that was available, but not previously shared in the Investigative Procedure. The Hearing Chair also has the discretion to confer with the Investigator and/or Title IX Coordinator (or their designee) about the scope of the Investigative Procedure and whether the information was available during the Investigative Procedure. Under rare circumstances, and typically when it appears that the information may not have been available earlier, the Hearing Chair has the discretion, in consultation with the Title IX Coordinator, to either allow the information at the Hearing or to delay the Hearing to re-open the Investigative Procedure so that the Investigator may fully review and consider the new information. If the Investigation is reopened, the Investigator has the option, at their discretion, to create a new Investigative Report and to again offer the Parties the opportunity to review and comment on the new report as outlined in the Investigative Procedure.

C. Access to Report and Information from Investigative Procedure

At least ten (10) business days before the Hearing, the Parties will again be given access to the Final Investigative Report, supporting documentation and the gathered materials previously shared with the Parties during the Investigative Procedure under the Complaint Resolution Process. The Final Investigative Report and supporting documentation will be shared with the Decision-Maker(s) for review prior to the Hearing, except for the gathered materials not included in the Report or otherwise deemed irrelevant during the [Pre-Hearing Conference](#). Upon written request from a Party to the Title IX Coordinator (or their designee), that information can also be shared with their support person/advisor.

D. Presence at Hearing

All Parties and witnesses will be given notice of the Hearing and an opportunity to participate in the Hearing. All Parties and witnesses in the Hearing should appear for questioning by both the Decision-Maker(s) and/or the support person/advisor for one or both Parties. If a Party or witness does not appear at the Hearing or does not agree to be questioned by both the Decision-Maker(s) and/or the support person/advisor of a Party, the Hearing may still be held in their absence. Decision-Maker(s) may still consider any statements given by a Party or witness prior to the Hearing, who then does not participate in questioning at the Hearing, at their discretion. During the Pre-Hearing Conference, the Parties can agree to use a witness or party statement without asking them to appear at the Hearing. The Decision-Maker(s) will draw no inferences from a Party's decision not to participate in the Hearing or questioning. If statements of a Party who does not participate in questioning at the Hearing are the subject of the alleged conduct in the Formal Complaint (for example – verbal harassment), then those statements would still be included at the Hearing and will be fully considered by the Decision-Maker(s) when making their finding.

E. Recording

The Hearing will be recorded, either as an audio or video recording (or both) at the discretion of the Title IX Coordinator (or their designee). The Office of Equal Opportunity (OEO) will be responsible for recording the Hearing. Any audio or video recording of the Hearing by anyone other than OEO (Party, witness, support person/advisor, other individual) is expressly prohibited at all times during the Pre-Hearing Conference, the Hearing, and any other meetings under the Process, and are a violation of College policy. The Pre-Hearing Conference, the deliberations

of the Decision-Maker(s), and any other meetings held under the Process will not be recorded. After the Hearing, OEO will be responsible for maintaining the recording in accordance with the maintenance of records provisions of the Complaint Resolution Process. A Party seeking access to the recording or a transcript of the Hearing (if created at OEO's discretion) should submit a written request to OEO.

F. Questions by Decision-Maker(s)

Prior to the Hearing, the Decision-Maker(s) will have had the opportunity to review and consider the Final Investigative Report and Supporting Materials. Based on that information, the Decision-Maker(s) will have the first opportunity to question any Party or witness regarding the information they deem relevant to the resolution of the Formal Complaint. All questions from the Decision-Maker(s) will be asked only by the Hearing Chair.

G. Questions by a Party at the Hearing

The Parties each have the right to question, through their support person/advisor, the other Party(s) and any witnesses who appear at the Hearing. A Party cannot question another Party or witness directly. The questioning by the support person/advisor will not involve direct examination, but rather will be limited to those questions that are deemed relevant by the Chair to the issue of credibility and/or the facts at issue in the pending complaint, at their discretion.⁵³ A Party has the option to submit questions in advance at the [Pre-Hearing Conference](#) for a finding of relevance by the Chair. Any pre-approved questions may be asked by the support person/advisor for that Party at the Hearing in compliance with the [Hearing Rules/Rules of Decorum](#). If a Party has questions that have not been pre-approved by the Chair or if a Party has additional questions that arise during the Hearing beyond those that have been pre-approved, a finding of relevance must be made for each question by the Chair before the question may be asked at the Hearing.

For questions that have not been pre-approved by the Chair during the [Pre-Hearing Conference](#), a Party's support person/advisor will indicate to the Chair that they have a question for a Party or witness. The Chair will then have the option, at their discretion, to remove the Party or witness to be questioned from the Hearing. If a Party is removed from the Hearing while a question is being considered by the Chair, that Party's support person/advisor has the option to stay in the Hearing to hear the discussion regarding relevance, at the Party's discretion. The support person/advisor will then present the question they wish to ask to the Chair who will make a finding as to whether the proposed question is relevant to the Formal Complaint. Questions that are repetitive of information already presented to the Decision-Maker(s) (in the Hearing or through the Final Investigative Report and supporting materials) or that are abusive or badgering of a party or witness will be deemed irrelevant. The Chair will note on the recording their rationale for their finding of non-relevance for any specific question.

If a question is deemed to be relevant by the Chair, the Party or witness will be brought back into the Hearing, (if they were removed) and the support person/advisor can ask the approved question. This process will be repeated for each question that has not been pre-approved but that a Party wishes to ask of a Party or witness during the Hearing. The questioning process can be expedited by a Party submitting questions to the Chair for pre-approval during the [Pre-Hearing Conference](#) or prior to the Hearing. Pre-approved questions can be asked by a Party's support person/advisor without disruption, subject to the [Hearing Rules/Rules of Decorum](#) (see below). At no time may a Party's support person/advisor ask a question that has been deemed irrelevant and/or that has not been approved by the Chair.

53 This type of questioning is sometimes referred to as cross-examination.

H. Hearing Rules/Rules of Decorum

The Hearing is meant to be a forum for presenting relevant, factual information to the Decision-Maker(s) that will be helpful in making a finding of whether the Respondent is *Responsible* or *Not Responsible* for violating the Policy. The Hearing is an administrative proceeding and is not meant to replicate a courtroom environment. As such, there is no room for what might be considered "courtroom theatrics" in the Hearing. The expectation is that all participants in the Hearing, including the Parties and their support persons/advisors, will remain seated during the Hearing and will maintain a respectful and civilized tone towards all participants in the Process, including the Decision-Maker(s), Title IX Coordinator, other Parties, and witnesses. There is no place in the Hearing for argument, badgering, abusive language, raised voices, or disrespectful treatment of any Hearing participant. There will be no opening or closing statements by the Parties in the Hearing and no direct examination. The Chair will be responsible for letting a Party, support person/advisor, or witness know when it is their turn to speak during the Hearing. The Parties and their support persons/advisors are expected not to speak or comment during the Hearing unless they are told by the Chair that it is their turn to speak. Any participant, including Parties and their support persons/advisors, who cannot comport themselves in a respectful manner and follow these Hearing Rules throughout the Hearing, as determined by the Chair and/or the Title IX Coordinator, at their discretion, may be removed from the Hearing or their participation in the Hearing may be limited (i.e. controlling when they can un-mute). If a support person/advisor is removed from the Hearing for violating these terms, the Hearing may be suspended until the Party in question can be provided with a new support person/advisor, at the discretion of the Title IX Coordinator.

IV. Decision-Maker Finding

After the Hearing has been concluded, the Decision-Maker(s) will review the information submitted through the Complaint Resolution Process and the Hearing to make a finding as to whether the Respondent is responsible or not responsible for violating the Policy Against Discrimination, Harassment & Sexual Violence (Policy). The decision of the Decision-Maker(s) will be made based on the preponderance of the evidence standard -- that is, whether the facts presented in the Complaint Resolution Process and Hearing support a finding that it is more likely than not that the Policy was violated. The Decision-Maker(s) will base their findings solely on the information presented in the Final Investigative Report and supporting materials and at the Hearing, pursuant to this Process. There is no presumption of responsibility for the Respondent. Instead, the question of whether the Respondent has violated the Policy will be made at the conclusion of the Hearing by the Decision-Maker(s) based on the information noted. The finding of the Decision-Maker(s) will be made by a majority, with each having an equal vote (including the Hearing Chair).

The Associate Vice-President for Equal Opportunity & Compliance (AVP) (or their designee), as the Title IX Coordinator, will consult with the Decision-Maker(s) on questions about the Policy, the Complaint Resolution Process, the Title IX Grievance Process and/or the Hearing as they consider the information to make their finding. However, the decision regarding whether the Policy was violated will be made only by the Decision-Maker(s).

While the Decision-Maker(s) are solely responsible for making the finding, the Title IX Coordinator will assist the in drafting their findings. The Decision-Maker(s) will issue their written findings on the Formal Complaint to the Title IX Coordinator. The written findings will outline any factual determinations made, any credibility assessments from the Hearing, and the rationale used to reach the finding.

A. Student Respondent Notice of Outcome

If a student Respondent is found *Not Responsible* by the Decision-Maker(s) for violating the Policy, the Impacted Party and Respondent will both be notified by the Office of Community Standards reasonably simultaneously in writing of the outcome, the option to appeal, an explanation of when that outcome becomes final, and the findings from the Decision-Maker(s). The Notice of Outcome will be issued to the parties within seven (7) business days after the findings have been made by the Decision-Maker(s).

If a student Respondent is found *Responsible* for a violation of the Policy, the matter will be referred to the Office of Community Standards who will determine and assign the appropriate sanctions or remedies, in consultation with other offices as appropriate, based on the findings of the Decision-Maker(s). The determination regarding sanctions will include a consideration of the Respondent's disciplinary history with the College as outlined in the [Code of Community Standards](#). Sanctions for a Responsible finding may include, but are not limited to, loss of privileges, formal warning, disciplinary probation, educational sanctions, suspension, removal from the College and any other sanction noted in the Code of Community Standards. Both the Impacted Party and Respondent will be notified in writing of the Notice of Outcome which includes the findings from the Decision-Maker(s), the option to appeal, and an explanation of when the outcome becomes final. The Notice of Outcome letter to the Respondent will include any assigned sanctions. Due to privacy considerations, the Impacted Party may not be notified of the assigned sanctions, unless they relate to the Impacted Party (such as a No Contact Order as the sanction), at the discretion of the AVP.

The Notice of Outcome will be issued to the Parties within seven (7) business days of the assignment of the sanction. Upon written request, the Title IX Coordinator (or their designee) has the discretion to again give the Respondent/Impacted Party access to the Final Investigative Report, any supporting documentation, gathered information or information from the Hearing after the Notice of Outcome has been issued.

B. Employee Respondent Notice of Outcome

If an employee Respondent is found *Not Responsible* for violating the Policy, the Impacted Party and Respondent will be notified by Human Resources, the Respondent's supervisor, and/or the Provost (or designee), as appropriate, in writing of the outcome, the option to appeal and an explanation of when the outcome becomes final. The written outcome will include the findings from the Decision-Maker(s). The Notice of Outcome will be issued to the parties within seven (7) business days after the findings have been made by the Decision-Maker(s).

If an employee Respondent is found *Responsible* for a violation of the Policy, the matter will be referred to Human Resources who, with the Respondent's supervisor and/or the Provost (or their designee), will decide the appropriate sanctions or remedies based on that finding. The determination regarding sanctions will include a consideration of the Respondent's disciplinary history with the College. Sanctions for a Responsible finding may include, but are not limited to, warnings (verbal or written), censures, training or other educational responses, final warnings, performance improvement plans, reassignment, demotions, suspensions, and termination. The Respondent will be notified by Human Resources, their supervisor, and/or the Provost (or their designee), in writing, of the Notice of Outcome which includes the Decision-Maker(s) findings, the assigned sanction, the option to appeal, and an explanation of when that outcome becomes final.

The written Notice of Outcome will be issued to the Respondent (and Impacted Party as discussed below) within seven (7) business days of the assignment of the sanction. Upon written request, the Title IX Coordinator (or their designee) has the discretion to again give the Respondent/Impacted Party access to the Final Investigative Report, any supporting documentation, gathered information or information from the Hearing after the Notice of

Outcome has been issued. The Impacted Party will also be notified by Human Resources of the outcome in writing, the Decision-Maker(s) findings, the option to appeal, and an explanation of when the outcome becomes final. Due to privacy considerations, the Impacted Party may not be notified of the assigned sanctions, unless they relate to the Impacted Party (such as a No Contact Order as the sanction), at the discretion of the Title IX Coordinator.

For employees (faculty and staff), the College reserves the right to issue disciplinary action with respect to conduct that it deems inappropriate regardless of whether it is a violation of the Policy or the law.

V. Appeal

Both the Impacted Party and Respondent (student, staff or faculty) are entitled to one appeal of the outcome of the Formal Complaint. Any appeal must be submitted in writing to the Office of Equal Opportunity (OEO) (oeo@emerson.edu) within seven (7) business days of the receipt of the written Notice of Outcome. The individual who files an appeal is known as the appellant. The appellant must submit an Appeal Form with their appeal which is available from OEO. If an appeal is not received within seven (7) business days, the parties will be notified that the outcome is considered final, and the Title IX Grievance Process will be closed.

An appeal can only be submitted by the Impacted Party or Respondent in writing. Appeals submitted by third parties (e.g., friends, family, attorneys) will not be considered.

There are only three grounds on which an appeal can be filed – procedural error, new information, and bias. The written appeal must specifically state under which of these three grounds the appeal is being filed and how the requirements for that basis of appeal (noted below) are met.

The appeal is not a new fact-finding process. Although a Impacted Party/Respondent may disagree with the finding or the sanction, that alone is not a basis for appeal. Factual disputes are not a basis for appeal. Instead, the appeal must state under which of the three grounds the appeal is filed. Appeals that do not comply with these requirements, including failing to state proper grounds for appeal or being untimely, will not be considered, as determined by the Title IX Coordinator (or their designee), at their discretion. If an appeal will not be considered, and the seven (7) days to appeal has passed, the outcome is considered final and the Title IX Grievance Process will be closed.

If the appeal is to be heard, the non-appealing party will be given a copy of the appeal and will have an opportunity to respond to the assertions made by the appellant, in writing, within seven (7) business days after receipt. The non-appealing party may also request, in writing, access again to the Final Investigative Report, supporting documentation, gathered information, and/or Hearing information for purposes of responding to the appeal. Submissions after the seven (7) business day period may not be considered, as determined by the Title IX Coordinator.

The three grounds for appeal are:

- 1. Procedural Error:** The appellant alleges that (i) the procedural requirements of the Complaint Resolution Process and/or the Title IX Grievance Process were not followed, *and* (ii) the deviation from the process had an adverse impact on the outcome of the Formal Complaint against the appellant.
- 2. New Information:** The appellant alleges that, subsequent to the issuing of the outcome, new information about the alleged conduct became available which could have impacted the outcome of the Formal Complaint. The appellant must: (i) present the new information; (ii) show why it was unavailable prior to the outcome; *and* (iii) show that the new information could have altered the outcome of the complaint. If new information is presented, the Appeals Panel has the option to ask the Investigator to reopen the Investigative Procedure regarding that information.

- 3. Bias:** The appellant alleges that the Title IX Coordinator, Investigator, or a Decision-Maker had a conflict of interest or bias for or against impacted parties or respondents generally or against the specific Impacted Party or Respondent to the Formal Complaint. The appellant must (i) specifically identify who is alleged to have the conflict of interest or bias; (ii) present specific information regarding the nature of the conflict of interest or bias for each individual identified; *and* (iii) show how the conflict of interest or bias had an adverse impact on the outcome of the Formal Complaint against the appellant.

Appeals that are timely and state proper grounds for appeal, as determined by the Title IX Coordinator (or their designee), will be decided by an Appeals Panel of one to three employees (staff or faculty) who have been trained in the Complaint Resolution Process, the Title IX Grievance Process and the resolution of issues of discrimination, harassment, and sexual violence. The members of the Appeals Panel will include different individuals from those who served as the Decision-Maker(s). The Appeals Panel members will be chosen at the sole discretion of the Title IX Coordinator (or their designee), who will communicate those names to the Impacted Party and Respondent. If there is an allegation of bias against the Title IX Coordinator, they will recuse themselves from the appeal process and the Appeals Panel members will be chosen by a Deputy Title IX Coordinator (or their designee). If either the Impacted Party or Respondent believes there is a possible conflict of interest with any of the Appeal Panel members, it must be communicated to the Title IX Coordinator or Deputy Title IX Coordinator immediately, and no later than three (3) business days after notice. The Title IX Coordinator or Deputy Title IX Coordinator then has the discretion to assign a different member to the Appeals Panel. Once the appeal has been submitted to the Appeals Panel for consideration, there will be no further opportunity to raise potential conflicts of interest with the Appeal Panel members.

In reviewing an appeal, the Appeals Panel will be given the Final Investigative Report and any supporting documentation, the written Notice of Outcome, the appeal submission and any response, and the results of any additional investigation. The Appeals Panel may also be given access to the recording of the Hearing and/or the gathered materials from the Investigative Procedure in the Complaint Resolution Process if the Panel decides such access is necessary to make a finding on the appeal.

The Appeals Panel will make its finding based on their review of these documents. The Title IX Coordinator or Deputy Coordinator (or their designee) will consult with the Appeals Panel on questions about the Policy Against Discrimination, Harassment, & Sexual Violence, the Complaint Resolution Process, the Title IX Grievance Process, and/or the Appeal process as they consider the appeal. The Appeals Panel may also submit questions to or request information from the Investigator or the parties if needed to make their determination on the appeal.

The Appeals Panel has the option to Dismiss the appeal as: (1) untimely, (2) failing to state a proper ground for appeal, or (3) by finding that the requirements for the appeal grounds have not been met. The Appeal Panel also has the option to Grant the appeal.

If the Appeals Panel grants the appeal in a matter involving a student Respondent, the matter will be referred to the Office of Community Standards who will decide whether to uphold or modify the final outcome of the complaint based on the findings of the Appeals Panel, and in consultation with the original Decision-Makers, as appropriate. The Office of Community Standard will then issue a Notice of Outcome of Appeal with the Appeals Panel's finding and the decision on whether to uphold or modify the outcome. If the Appeals Panel dismisses the appeal for a matter involving a student Respondent, the Office of Community Standard will issue a Notice of Outcome of Appeal with the Appeals Panel's finding. The Parties will be notified in writing of the Notice of Outcome of Appeal.

If the Appeals Panel grants the appeal in a matter involving an employee Respondent, the matter will be referred to the Chief Human Resources Officer (or their designee) and/or the Provost (or their designee) who will decide whether to uphold or modify the final outcome of the complaint based on the findings of the Appeals Panel, and in consultation with the Decision-Makers, as appropriate. The Chief Human Resources Officer and/or Provost may also consult with the Respondent's supervisor or other representatives from Human Resources, as necessary. The Chief Human Resources Officer and/or the Provost will then issue a Notice of Outcome of Appeal with the Appeals Panel's finding and the decision on whether to uphold or modify the outcome. If the Appeals Panel dismisses the appeal for an employee appellant, the Chief Human Resources Officer and/or Provost will issue a Notice of Outcome of Appeal with the Appeals Panel's finding. The Parties will be notified in writing of the Notice of Outcome of Appeal. Certain employees may have additional appeal rights outside the Complaint Resolution Process.

VI. Other Considerations

Parties should refer to the Complaint Resolution Process for information regarding the [Amnesty/ Seeking Help Policy](#), the College's right to investigate and decide other conduct violations that may arise during the Process, how criminal conduct may factor into any process, whether there will be any family notification or communication about the Process, [transcript notations](#) and the maintenance of records at the conclusion of this Process. All of those sections are incorporated into this Process by reference.

Campus Fire Safety Annual Compliance Report

Overview

The Higher Education Opportunity Act (Public Law 110-315) requires Emerson College to produce an annual fire safety report outlining fire safety practices, standards, and fire-related statistics for on-campus housing facilities. The following Fire Safety Annual Report contains all required information relating to Emerson's LA Center that opened in January 2014. Emerson's LA program did not operate any on-campus housing facilities before 2014.

Emerson LA Center Student Housing

Emerson's LA Center, which is located at 5960 West Sunset Blvd., and which includes residential housing, has a comprehensive life safety system. Smoke detection systems are located throughout the residential area and the building is fully sprinkled. The life safety system incorporates alarm initiation devices; speakers for alarm sounding and voice instructions; and automated and manual control of fans, pumps, dampers, and

fire-stair doors. The stairwells are pressurized and protected by fire-rated doors and walls. The Fire Command Center monitors 24 hours a day throughout the year the fire life safety systems. The main security post is also equipped with computerized fire alarm systems, which perform central fire system monitoring of smoke detectors, fire alarm pull stations, the sprinkler line water flow, and annunciation of any alarm.

The residential area is equipped with an emergency generator designed to automatically activate whenever there is a loss of power. The generators will operate life safety systems, including all sprinkler systems, hallway lighting, emergency exit doors, and lighting in all emergency exit stairwells. (See below chart for Emerson LA's fire detection, notification, and suppression systems.) The fire life safety systems are also monitored off-site 24 hours per day, seven days per week, by an off-site monitoring company. Emerson LA has no immediate plans to enhance its fire safety system to the complex.

Fire Prevention Systems in Use

Housing Facility	Fire Alarm Monitoring	Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Plans & Placards	Number Fire Drills Each Year
5960 West Sunset Blvd.	Yes	Yes	Yes	Yes	Yes	2

Emergency Evacuations

All resident students, including those with special needs, and residence hall staff, receive instructions on how to respond in emergency alarm situations. Residence Life staff is trained to assist students during an emergency. Some staff members are assigned to serve as a "floor warden" for the purpose of directing residents during an alarm. Each floor warden receives a reflective vest to wear so they are easily recognizable to residents.

Each new incoming resident at Emerson's LA Center receives fire safety guidance and special needs/concerns. During Emerson LA's orientation, each resident receives a safety session that will address the Center's safety and security procedures. Each resident is also required to complete online training in fire/life/safety.

Emerson LA's residential area has floor evacuation diagrams posted. These diagrams show escape routes and direct residents to the stairwell exit nearest the posted diagram. Also, building evacuation procedures are posted on the back of each resident's front door. The Los Angeles Fire Department will conduct yearly inspections of the residential area to make sure all fire safety systems and equipment is in satisfactory working order.

Fire Drills

A fire drill is a supervised practice of a mandatory evacuation of a building. Fire drills will be conducted at Emerson LA once each semester in coordination with AU and the Office of Housing and Residence Life. These drills are unannounced and are performed to test:

- Residents' reaction to the fire alarm signal;
- Residents' knowledge of building emergency evacuation plans;
- Response time of College emergency responders; and
- Systems functioning.

All fire drills are monitored by AU. Emerson LA will begin to publish the results of the fire drills by an email sent to all members of the Emerson LA community. AU may recommend improvement based on the outcome of any given drill.

Specific Fire-Related Policies

Emerson LA's fire-related policies aim to provide students, faculty, staff, and visitors with the information intended to enhance fire prevention and safety. These policies are disseminated at Emerson LA's orientation for students and employees and through this report.

Emerson LA students, faculty, and staff are instructed to report all fire-related emergencies to the Los Angeles Fire Department by first calling 911 and then contacting AU at [323-952-6211](tel:323-952-6211).

Allied Universal Security Department

AU has a Security Protocol for Responding to Fire Emergencies, which sets forth security officers' responsibilities and procedures during an emergency to ensure the safety of the Emerson LA community. AU will respond to all emergencies systematically and in a manner that gives primary consideration to protecting human life.

Emerson College Student Life, Student Handbook

The Emerson College Undergraduate Student Handbook includes the following fire safety policy, which applies to students residing at the LA Center, as well as students residing on the College's Boston campus:

Fire safety equipment is installed on each floor for the protection of the residents. This equipment is for emergency use only, and the misuse of such equipment may result in the lack of protection in the event of an actual emergency. The College will take very strong action against students found in violation of any fire safety policy. Individual students found to have engaged in such behavior will be subject to severe disciplinary action, up to and including expulsion from the residence hall, and/or monetary fines, and may also be exposed to criminal prosecution.

If the particular individuals involved in damage to fire safety equipment cannot be identified, the residence hall or floor will be subject to the monetary charges on a prorated basis.

Students may not:

1. Use or possess unauthorized appliances, including, but not limited to: sun lamps, heating coils, air conditioners, water beds, electric frying pans, hot pots, coffee makers (Keurig-type coffee makers are permitted), toaster ovens, popcorn poppers, and heating elements or cooking elements in any area of the residence hall. Refrigerator/freezer combinations are permitted, provided the total size of the unit is no larger than a 3-cubic-foot capacity. Microwaves are allowed but are limited to 700 watts of cooking power. Clothing irons with an automatic shut-off are permitted.
2. Possess halogen lamps.
3. Store or use highly combustible items (e.g., gasoline, refill containers of cigarette lighter fluid, propane gas).
4. Hang tapestries or other large flammable items from ceilings or walls or near doors or other means of egress, or hang anything from ceilings or pipes.
5. Cover walls or doors more than 50 percent.
6. Intentionally, negligently, or recklessly misuse, disable, or damage fire safety-related equipment (e.g., fire extinguishers, alarmed doors, exit signs, sprinkler systems, smoke detectors).
7. Possess or use items capable of producing an open flame (e.g., all candles, torches, incense, Sternos, refill containers of cigarette lighter fluid).
8. Tamper with electrical wiring, circuit panels, or related equipment.
9. Build lofts/platforms in student rooms.
10. Obstruct any entrance, exit, corridor, or stairwell by placing any furnishings, property, or electrical wiring in these areas. This includes student rooms.
11. Students may not possess light strings without a label indicating the product has undergone independent testing by a nationally recognized testing laboratory such as Underwriters Laboratories (UL).
12. Fail to evacuate the building and follow directions by College officials during the sounding of a fire alarm.
13. Intentionally, recklessly, or negligently cause the sounding of the fire alarm without evidence of fire.
14. Possess non-College-issued upholstered furniture or window treatments. (In accordance with the Los Angeles fire code regulations, upholstered furniture and window treatments, such as curtains, are not permitted in College residence halls.) Area rugs not exceeding 20 square feet are permitted on non-carpeted floors.
15. Violate other fire safety policies as noted in the Student Handbook or other official College publications or postings.

Fire Log

AU maintains a fire incident log, which summarizes reports of all fires involving Emerson's LA Center residential area that have been reported to the AU. This log is available for inspection by the public for 60 days at either the security post inside the main entrance of the Emerson's LA Center or at the ECPD in Boston. Members of the Emerson community should promptly report any fires that occur at Emerson's LA Center to the Los Angeles Fire Department, by dialing 911, and thereafter inform as of the matter both so AU can maintain accurate fire statistics, and so AU is prepared to assist any LA firefighters who may respond to the Center.

Fire Safety Tips

Emerson's LA Center is equipped with a variety of features designed to detect, stop, and/or suppress the spread of fire. However, below are some fire safety tips that can minimize the risk of harm to persons and property that can be caused by fires:

- A door can be the first line of defense against the spread of smoke or fire. It is important all doors be closed in order for them to serve as protective barriers. When evacuating a facility during a fire alarm, if it is safe to do so, please remember to close all doors behind you.
- Sprinklers are effective in preventing the spread of fire. Do not obstruct the sprinkler heads with materials such as clothing.
- Smoke detectors will not work if they are disabled or covered. Do not disable or cover a smoke detector at any time. If a smoke detector does not appear to be functioning properly, promptly notify ECPD and/or AU.
- Almost 75 percent of all fires caused by smoking materials are the result of cigarettes being abandoned or disposed of carelessly. Smoking is not permitted within Emerson's LA Center. The Center is a smoke-free zone. There is absolutely no smoking, including the use of electronic smoking devices, inside the Center, on any of the terraces or outdoor gathering spaces near the building, or within 25 feet of any entrance or air intake of the building.

More fire safety tips are available at <https://emerson.edu/departments/police/staying-safe/fire-safety>.

Statistical Report

Emerson LA's 2022-2024 Campus Fire Safety Statistical Report is for fire-related statistics reported to Emerson LA's Security or the Emerson College Police Department.

5960 West Sunset Blvd./Emerson LA Center

	2022	2023	2024
Actual Fires	0	0	0
Arson (including attempted)	0	0	0
Damages	0	0	0
Injuries	0	0	0
Fatalities	0	0	0
Monetary Damages	0	0	0