BOSTON COLLEGE

# Student Sexual Misconduct Policy 2024-2025

BOSTON COLLEGE STUDENT SEXUAL MISCONDUCT: POLICY INDEX


I. Introduction and Scope of the Policy

II. Building an Educational Environment Free from Sexual Misconduct

III. Prohibited Conduct
- Definitions
  - i. Sexual Misconduct
  - ii. Sexual Harassment
  - iii. Sexual Assault
    - a. Sexual Contact
    - b. Sexual Penetration
  - iv. Consent
    - a. Incapacitation
    - b. Coercion
    - c. Force
  - v. Sexual Exploitation
  - vi. Intimate Partner Violence
  - vii. Stalking
  - viii. Complicity

IV. Retaliation

V. Reporting Sexual Misconduct
- a. Confidential Resources
- b. Privileged Resources
- c. University Support and Reporting Options
- d. Requesting Confidentiality: How Boston College Will Weigh the Request and Respond
- e. Timeliness

VI. The University Response
- a. Remedies and Responses
- b. Adjudication of Complaints

VII. Sanctions and Remedies
- a. Sanctioning and Rationale
- b. Remedies

VIII. Appeals

IX. Informal Resolution Process

X. University and Off-Campus Resources
- a. University On-Campus Resources
- b. Off-Campus Resources

## I. INTRODUCTION AND SCOPE OF THE POLICY

Boston College seeks to foster a campus environment that supports its educational mission and is free from exploitation and intimidation, as well as discrimination based upon gender. Sexual misconduct of any kind, including sexual harassment, sexual violence, intimate partner violence, and stalking, is antithetical to the mission of Boston College and the values it espouses and will be responded to accordingly.

The University strives to comply with all civil rights laws, including, without limitation Title IX of the Education Amendments of 1972 ("Title IX"), and has established a policy to address sexual harassment in accordance with regulations promulgated under Title IX.

This policy addresses the University's response to student sexual misconduct to the extent the misconduct does not fall within the scope of Title IX as described in the University's Title IX Harassment Policy. In addition, this policy provides information regarding the University's education, prevention, and response efforts related to sexual misconduct by students, as well as on- and off-campus resources available to students, whether or not the misconduct falls within the definitions of prohibited conduct under this policy or the Title IX Harassment Policy.

The University strongly encourages any student who has been harassed or subjected to sexual misconduct to seek prompt assistance from the resources described in this policy.

A printed copy of this policy may be requested through the Office of the Dean of Students, 448 Maloney Hall, 140 Commonwealth Avenue, Chestnut Hill, MA 02467 or by calling 617-552-3470.

## II. BUILDING AN EDUCATIONAL ENVIRONMENT FREE FROM SEXUAL MISCONDUCT

All members of the Boston College community play a role in building a safe and just educational environment by:

- Modeling healthy and respectful behavior in personal and professional relationships;
- Increasing personal awareness of what constitutes sexual misconduct;
- Speaking out against conduct that encourages sexual misconduct or discourages reporting;
- Developing the necessary skills to be an effective and supportive ally to victims of sexual misconduct;
- Intervening in situations that can lead to sexual misconduct (see Bystander Intervention Education Program); and
- Interrupting an incident of sexual misconduct, if it is safe to do so.

The University has created and identified resources, both across campus and in the Boston community, to reduce, eliminate, and address the effects of sexual misconduct involving students. Many programs and departments serve to:

- Help ensure a safe campus;
- Provide education about sexual misconduct prevention;
- Assist and advocate for anyone affected by sexual violence; and
- Ensure a fair process for all parties when sexual misconduct is reported.

Learn more about the education, prevention, and response resources by reading the Campus Sexual Violence and Misconduct Response and Prevention Program.

## III. PROHIBITED CONDUCT

The University prohibits all forms of sexual misconduct, including but not limited to, sexual harassment, sexual assault, stalking, and intimate partner violence, whether perpetrated by a stranger or acquaintance, whether occurring on- or off- campus, and whether directed against a member of the Boston College community or someone outside the University community. Such conduct by a Boston College student is a violation of University policy, and in certain cases, may also be a criminal violation.

As noted above, the University maintains a Title IX Harassment policy that addresses sexual harassment complaints that fall within the scope of Title IX. In addition, the University maintains a Discriminatory Harassment Policy to address other discriminatory harassment complaints against faculty and staff.

The University does not limit its ability to respond to inappropriate sexual behavior and forms of sexual misconduct that may not be specifically described in this policy or that does not constitute criminal behavior. None of the definitions below may be read to inhibit the University's ability to address any incident or conduct that it reasonably deems to constitute sexual misconduct or create a discriminatory environment.

In most cases, attempted acts of conduct defined as misconduct under this policy will be treated as instances of sexual misconduct under this policy.

### DEFINITIONS

The following terms are defined for the purposes of this policy only. Some of these terms may have different meanings in other contexts, including conduct defined in the Title IX Harassment Policy and in the Campus Sexual Violence and Misconduct Response and Prevention Program, which includes definitions of relevant terms under Massachusetts criminal law. In addition, conduct may fit within more than one definition in this policy and may implicate other University policies.

i. Sexual Misconduct is a broad term that encompasses all the conduct prohibited under this policy, including sexual harassment, sexual assault, and other forms of misconduct or violence of a sexual nature, including, in accordance with Massachusetts law (M.G.L. ch. 6 section 168D), gender based violence and violence based on sexual orientation or gender identity or expression. Sexual misconduct can occur between individuals who know each other, have an established relationship, have previously engaged in consensual sexual activity, and between individuals who do not know each other. Sexual misconduct can be committed by persons of any gender identity, and it can occur between people of the same or different gender.

ii. Sexual Harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment or education, (2) submission to or rejection of such conduct by a person is used as the basis for employment or educational decisions affecting the person, or (3) the conduct has the purpose or effect of unreasonably interfering with a person's education or work performance or creating an intimidating, hostile, or offensive educational, work, or living environment. Examples of conduct that may constitute sexual harassment include, but are not limited to, sexual advances, any form of retaliation or threat of retaliation against an individual who rejects such advances, sexual epithets, jokes, or comments, comment or inquiry about an individual's body or sexual experiences, unwelcome leering, whistling, brushing against the body, sexual gestures, and displaying sexually suggestive images. A single incident of serious sexual misconduct may be sufficiently severe to constitute sexual harassment.

iii. Sexual Assault is any sexual contact or sexual penetration with another individual without consent.

a. Sexual Contact includes intentional contact with the intimate parts of another person, causing another person to touch one's intimate parts, or disrobing or exposure of another person without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact includes kissing and attempted sexual penetration.

b. Sexual Penetration includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

iv. Consent is the clear and voluntary agreement to engage in specific acts of sexual contact or activity, communicated through mutually understandable words or actions. Consent is always freely informed and actively given. Silence or lack of resistance cannot be assumed to imply consent. Consent must be ongoing, and it may be withdrawn at any time. Consent for one sexual act does not imply consent for any subsequent sexual activity. If confusion or ambiguity arises during a sexual interaction, it is imperative that the behavior stop and the person initiating the activity has the other person's consent to continue. Consent may never be obtained:

a. from an individual who is incapacitated; or
b. through the use of coercion or force; from a person who is under the legal age to give consent (16 years of age in Massachusetts);

Definitions of incapacitation, coercion and force include:

a. Incapacitation is the inability to make informed, rational judgments and decisions. Without exception, a person who is asleep or unconscious is incapacitated. A person can also become incapacitated through the use of alcohol or drugs. Incapacitation due to alcohol or drug use is a state beyond intoxication, impairment, or drunkenness and may be assessed by evaluating how the substance has affected a person's decision-making capacity, awareness, ability to make informed judgments, capacity to appreciate the nature and quality of the act, and the person's level of consciousness. An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. Because the impact of alcohol and other drugs varies from person to person, the amount of alcohol and/or drugs a person consumes may not be sufficient, without other evidence, to prove that they were incapacitated under this policy ; however, warning signs of possible incapacitation include slurred speech or word confusion, unsteady gait, impaired coordination, inability to perform personal tasks such as undressing, inability to maintain eye contact, disorientation or confusion about time and place, combativeness, vomiting, and emotional volatility. Another effect of alcohol or drug consumption can be memory loss or impairment, including forgetting partial or entire events (sometimes referred to as a "black-out" or "brown-out"). A person may experience these symptoms while appearing to be functioning "normally," including communicating through actions or words that can reasonably be said to express an interest in engaging in sexual conduct. Whether sexual conduct with a person who is "blacked-out" or "browned-out" constitutes prohibited conduct depends on the presence or absence of the observable factors indicating that a person is also incapacitated, as described above. Total or partial loss of memory alone, may not be sufficient, without other evidence, to demonstrate incapacitation. A person who is incapacitated may not be able to understand some or all of the following questions: Do you know where you are? Do you know how you got here? Do you know what is happening? Do you know whom you are with? If incapacitation of the complainant is in question, the University will consider whether the respondent knew, or whether a sober person in the respondent's position reasonably should have known under the circumstances, that the complainant was incapacitated. A respondent's intoxication or incapacitation will not excuse the respondent from the obligation to obtain consent as described in this policy.

b. Coercion is verbal or physical conduct, including manipulation, intimidation, isolation, confinement, undue pressure, and expressed or implied threats of physical, emotional or other harm, that would reasonably place an individual in fear of harm and that is used to compel someone to engage in sexual activity.

c. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether to engage in sexual activity.

v. Sexual Exploitation means taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over the person; facilitating the prostitution of another person; non-consensual recording (video or audio) of sexual activity and/or the intimate parts of another person; sharing and/or transmitting images of private sexual activity and/or the intimate parts of another person without consent; observing or allowing third parties to observe private sexual acts or otherwise violating a person's sexual privacy without consent; and knowingly or recklessly exposing another person to a risk of sexually transmitted infection or virus.

vi. Intimate Partner Violence (also known as Relationship Violence, Dating Violence, or Domestic Violence). Intimate partner violence is any act of violence or a pattern of abusive behavior in an intimate relationship. Intimate partner violence may include actual or threatened physical violence, sexual violence, psychological or emotional abuse, and progressive social isolation. The determination of the existence of an intimate partner relationship is based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Individuals who are victims of domestic abuse in Massachusetts may seek an abuse prevention order, also known as a "restraining order" or "209A order," in addition to pursuing criminal charges and charges through the student conduct system, if the offender is a Boston College student. For more information on Massachusetts law, please go here.

vii. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for personal safety or the safety of others or suffer substantial emotional distress. "Course of conduct:" means two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

viii. Complicity is when a student assists, facilitates, or encourages a violation of this policy.

## IV. RETALIATION

It is a violation of University policy to engage, directly or indirectly, in any form of retaliation or intimidation in connection with reports or adjudications of sexual misconduct. This policy and related processes may also be applied to address any allegation that a student has attempted to prevent an individual from reporting sexual misconduct or has engaged in any acts of intimidation or reprisal with respect to any reported sexual misconduct.

Conduct that may be considered retaliatory includes, but is not limited to:

- Discouraging an individual from reporting an incident of alleged sexual misconduct;
- Discouraging witness participation;
- Threatening or intimidating a participant in an investigation or conduct process; or
- Intentionally causing negative consequences for a participant in an investigation or conduct process or for a participant's personal relationships or social circles.

Any such acts of retaliation or intimidation by a Boston College student should be promptly reported to the Office of the Dean of Students.

## V. REPORTING SEXUAL MISCONDUCT

Boston College encourages students who have experienced or are experiencing sexual misconduct to talk to someone about what happened so they can get support and the University can respond appropriately. The report may be made by:

- A person who experienced sexual misconduct; and/or
- A person who has information that sexual misconduct may have been committed by a Boston College student or a participant in a University program or activity.

This policy describes the various reporting and disclosure options available to students so they can make informed choices about where to turn should they experience sexual misconduct.

While Boston College employees have differing obligations or duties with respect to maintaining a complainant's confidentiality, the privacy of student information is respected at all times. Information is shared among a small number of University administrators to the extent required to help ensure that the University responds appropriately to a report of sexual misconduct. In those limited situations (discussed below) in which the University concludes that it must pursue a complaint against an accused student, information will be shared as necessary in connection with the adjudication process. Boston College encourages complainants to talk to someone identified below.

Students are encouraged to report any safety concern to the Boston College Police Department at 617-552–4444 (emergency) or 617-552–4440 (non-emergency). In the event of an emergency, students can also call 911. The Campus Sexual Violence and Misconduct Prevention Program describes the immediate steps a student should take in the event of a crime of violence, and how the Boston College Police respond to reports of sexual misconduct.

Students may report sexual misconduct anonymously using the Student Conduct online reporting form.

### a. CONFIDENTIAL RESOURCES

Women's Center, Associate Director/Confidential Resource Provider: The Associate Director is a licensed clinical social worker who oversees the Sexual Assault Network (SANet), which includes both the hotline and the CARE team. The Associate Director, who serves as Boston College's confidential resource provider for students, meets with students seeking resources and serves as a guide to explain the student's options. The Associate Director also assists students with supportive measures and other available University resources regardless of whether a formal complaint is made. Information provided to the confidential resource provider will not be released to a campus official or law enforcement or any agency without the written consent of the reporting party. Contact Claire Johnson Allen, LICSW, at johnsovj@bc.edu or 617-552-2735.

SANet Hotline: The Sexual Assault Network Hotline is a confidential hotline that is available 24 hours a day, 7 days a week for any Boston College student affected by sexual misconduct to speak with a trained advocate to gain support and resources. The SANet number is 617-552-2211.

SANet CARE Team: The CARE Team provides available options/next steps to student survivors or friends of survivors, and accompanies survivors on their healing journeys. The team is located in Maloney Hall 441 and offers daily walk-in hours on Monday-Friday from 3:00 P.M. – 4:00 P.M. They can be reached at 617-552-8099 or sanet@bc.edu.

University Health Services (UHS): UHS is located at 2150 Commonwealth Avenue (St. Thomas More Road entrance) and is open 24 hours a day for student inpatient care, urgent evaluations, advice, and treatment as needed. Contact UHS at 617-552-3225.

b. PRIVILEGED RESOURCES

Professional and Pastoral Counselors: Professional Counselors and Pastoral Counselors, when acting in their professional capacity as described below, are not required to disclose a complainant's report of sexual misconduct without the student's consent.

Professional Counselors are employees of the University whose official responsibilities include providing psychological counseling to students and who function within the scope of their license or certification. Contact University Counseling Services (UCS) at 617-552-3310 during the day and 617-552-3227 on nights and weekends.

Pastoral Counseling at the University provides students with counseling services in the context of BC's Jesuit, Catholic mission as well as each student's unique spirituality or faith tradition. Rick Rossi is a licensed independent clinical social worker and campus minister offering confidential support to any student in need. Contact Rick Rossi at 617-552-6592 or richard.rossi@bc.edu.

A student reporting to any of the above privileged resources may request complete confidentiality, meaning that the staff in question will not share any identifiable information with anyone without the student's consent. These counselors will provide support and assistance, but will not investigate the complaint.

NOTE: While these professional and non-professional counselors and advocates may maintain a student's confidentiality with regard to Boston College, they may have reporting or other obligations under state law such as mandatory reporting to the Department of Youth Services in case of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case.

## c. UNIVERSITY SUPPORT AND REPORTING OPTIONS

Office of the Dean of Students: The Office of the Dean of Students, working in conjunction with the Student Affairs Title IX Coordinator, can assist students in understanding their options in the conduct system, implement interim measures including stay-away orders or other interim administrative actions, and provide guidance and support regarding remedies including academic and housing concerns. The Office of the Dean of Students, working with the Student Affairs Title IX Coordinator, also oversees the adjudication of sexual misconduct complaints against students. Call 617-552-3470 during normal business hours or the Administrator On-Call (outside of normal business hours) through Boston College Police 617-552–4444 (emergency); 617-552–4440 (non-emergency).

Student Affairs Title IX Coordinator: The Student Affairs Title IX Coordinator oversees the University's efforts related to the prevention, education, and response to incidents of sexual misconduct by Boston College students, and can help an individual student in accessing resources and/or pursuing a complaint. The Student Affairs Title IX Coordinator also tracks and monitors incidents of student sexual misconduct in the University community. Contact Tracy Kennedy at 617-552-3482 or StudentTitleIX@bc.edu.

Boston College Police Department (BCPD): BCPD provides assistance to victims including addressing immediate safety concerns, investigating incidents of sexual misconduct, filing a criminal complaint both on-campus and off-campus, and assisting victims with medical attention and care. BCPD will take a report from a student and a specially trained officer will conduct an investigation which involves asking the student to describe the respondent and what happened. An officer may ask questions about the scene of the crime, any witnesses, and what happened before and after. Call 617-552–4444 (emergency) or 617-552–4440 (non-emergency).

## d. REQUESTING CONFIDENTIALITY:

### HOW BOSTON COLLEGE WILL WEIGH THE REQUEST AND RESPOND

If a complainant discloses an incident to a non-confidential or non-privileged resource, but requests confidentiality or that no conduct action be pursued, the Student Affairs Title IX Coordinator, in consultation with a small number of key University administrators, which may include representatives of the Office of the Dean of Students, the Boston College Police Department, and the Office of the General Counsel, will weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

When weighing a complainant's request for confidentiality or that no conduct process be pursued, the Student Affairs Title IX Coordinator will consider a range of factors, including whether:

- The respondent is likely to commit additional acts of sexual or other violence, such as:
    - Whether there have been other sexual violence complaints about the same respondent;
    - Whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
    - Whether the respondent threatened further sexual violence or other violence against the complainant or others;
    - Whether the sexual violence was committed by multiple respondents;
    - Whether the sexual violence was severe, repeated, and/or ongoing in nature;
- The sexual violence was perpetrated with a weapon or with force;
- The complainant is a minor;
- Boston College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence); or
- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue conduct action against the respondent. If none of these factors are present, the University will likely respect the complainant's request. If conduct action will be pursued, the complainant will be informed before the respondent is notified of the conduct charges.

If Boston College honors a complainant's request for confidentiality or decision not to participate in the disciplinary process, the University's ability to meaningfully investigate the incident or pursue conduct action against the respondent(s) may be limited.

The University will not disclose the identity of reporting parties or respondents, except as necessary to carry out the disciplinary process, provide supportive measures, or as otherwise permitted under state or federal law.

A Note about the Role and Responsibility of Faculty and Staff: A student may choose to disclose sexual misconduct to a faculty or staff member. Faculty and staff are required to report to the Student Affairs Title IX Coordinator when a student discloses sexual misconduct so that the University can respond appropriately. The report would include any information that the student decides to disclose, including the names of the complainant and respondent(s), any witnesses, and any other relevant facts, including the date, time, and location of the alleged incident.

If a complainant wants to tell a faculty or staff member what happened but also wishes to maintain confidentiality, a complainant should understand that the University will consider the request, but cannot guarantee confidentiality in all cases. In reporting the details of the incident to the Student Affairs Title IX Coordinator, the employee will inform the Coordinator of the complainant's request for confidentiality.

While students should expect that faculty and staff will inform the Student Affairs Title IX Coordinator, students who want the University to pursue a complaint or who wish to pursue institutional remedies and/or adjudication are strongly encouraged to contact the Office of the Dean of Students and/or the Student Affairs Title IX Coordinator directly to ensure a more immediate response.

### e. TIMELINESS

There is no time limit on reporting violations of this policy, however, the lapse of time may limit the University's ability to effectively investigate and fully respond to the complaint.

## VI. THE UNIVERSITY RESPONSE

The Office of the Dean of Students, in conjunction with the Student Affairs Title IX Coordinator, provides assistance and support to students. For students who report sexual misconduct, the Office of the Dean of Students, the Student Affairs Title IX Coordinator, and the confidential resource provider for students can connect a student with support and counseling and will focus on the response and interim remedies needed to help the student. Students who report sexual misconduct violations in situations where they may also be responsible for Student Code of Conduct violations (e.g. possession of alcohol) will generally not be charged for these ancillary violations.

Note: Students do not need to participate in the conduct process to receive resources and support.

The Student Affairs Title IX Coordinator and the confidential resource provider coordinate the University's efforts to:

- Assist the complainant in accessing other available victim advocacy, academic support, financial aid, counseling, disability, health or mental health services, and legal assistance both on and off campus (See resources in Section X below);
- Help international students in obtaining assistance with immigration and/or visa related issues;
- Provide other security and support, which could include issuing a no-contact or stay away order, helping arrange for a change in living or working arrangements, and for course adjustments and other academic support; and
- Inform the complainant of the right to report a crime to campus or local law enforcement and provide the complainant with assistance if the complainant wishes to do so.

A report of sexual violence may prompt the University to consider other remedial efforts – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting policies and practices.

If the Student Affairs Title IX Coordinator determines that the University can respect a complainant's request for confidentiality and not pursue a conduct violation, the University will nonetheless take steps to protect and assist the complainant.

a. REMEDIES AND RESPONSES

Supportive Measures: Upon the request of a complainant or respondent in a sexual misconduct case under this policy, the University will provide appropriate and individualized supportive measures designed to support the student. The Student Affairs Title IX Coordinator, in conjunction with the Office of the Dean of Students and other University offices, will determine the necessity for and availability of any supportive measures. The confidential resource provider may also coordinate supportive measures, consulting the Student Affairs Title IX Coordinator and Office of the Dean of Students as appropriate.

Supportive measures may include, but are not limited to:

- Guidance regarding the University's student conduct process and/or the criminal justice process.
- Guidance regarding obtaining civil harassment prevention orders or restraining orders.
- Assistance in addressing academic concerns and making reasonable academic adjustments.
- Assistance in changing living arrangements.
- Assistance in arranging other forms of support as appropriate, including on-campus counseling through University Counseling Services, medical assistance through University Health Services, and pastoral care and support through Campus Ministry.
- Assistance with emergency rape crisis treatment and emergency medical services, including accompanying the complainant to the hospital or University Health Services.
- Assistance in contacting community support resources.
- Assistance in seeking assistance from local law enforcement, including assistance in seeking restraining and/or protective orders.

In addition, the Office of the Dean of Students may impose administrative measures on students to promote the safety and well-being of individuals and the broader University community and to protect the integrity of the conduct process. These measures include, but are not limited to:

Temporary No Contact Orders and University Stay Away Orders: Students may request that the Office of the Dean of Students issue a no-contact order in connection with a sexual misconduct report. If the Office of the Dean of Students determines that contact between specific persons may cause concern for the safety or emotional well-being of an individual, a Temporary No Contact Order or University Stay Away Order may be issued. The order will typically include a directive that the involved students refrain from having contact with one another, directly or through third parties, whether in person or via electronic means, until further directed.

Other Administrative Actions: The Dean of Students, or designee may take other administrative actions (see Student Code of Conduct section 2.3) when a student is deemed to threaten the health, safety, or well-being of the University community, threaten or impair the effective functioning of the University, or when a student has been charged with a serious criminal offense. Interim actions may include summary suspension from the University, removal from University housing, suspension of privileges, and other similar measures.

## b. ADJUDICATION OF COMPLAINTS

If a complainant informs the Office of the Dean of Students that the complainant wishes to pursue a conduct complaint of sexual misconduct under this policy, or the University otherwise determines that an adjudication of the complaint is appropriate, the complaint will be adjudicated through a prompt, fair, and impartial hearing process in accordance with Section 4.0 of the Student Code of Conduct, as further described and modified below:

- Notice will be provided to both parties that includes, without limitation, a description of the alleged misconduct and policy violations, the date, time, and location of the misconduct, to the extent known;
- The respondent will be presumed not responsible for the alleged misconduct until a determination about responsibility, based on the preponderance of the evidence standards, in accordance with Section 1.5 of the Student Code of Conduct, is made at the conclusion of the conduct process;
- The hearing will consist of an Administrative Hearing Board or an Administrative Hearing;
- The members of the Administrative Hearing Board panel or the hearing officer will have received training annually on investigating and adjudicating sexual misconduct complaints impartially and in accordance with applicable law;
- The complainant and the respondent will not be permitted to directly question each other at any point during a hearing or disciplinary proceeding;

- The complainant and the respondent are entitled to the same opportunities to have an advisor of the student's choice (who may be a support person, advocate, confidential resource provider, or counsel) present during any meeting related to the conduct proceedings and to consult with the advisor during any meetings, hearings, or other proceedings and to present witnesses, in accordance with Section 3.4 and Section 3.5, respectively, of the Student Code of Conduct;
- The complainant and respondent will have equal opportunities to review and present evidence, and will have timely and equal access to relevant evidence that will be used to make a determination about responsibility for the alleged misconduct;
- There may be limitations on evidence considered by the hearing panel or officer, including, but not limited to, restrictions on the use of evidence of prior sexual activity or character witnesses;
- The University, at its sole discretion, may conduct a preliminary investigation prior to a hearing, as described below;
- If a respondent is found responsible for sexual misconduct under this policy, the Associate Dean, Student Conduct, or designee and the Student Affairs Title IX Coordinator, rather than the hearing panel or hearing officer, will determine appropriate sanctions in accordance with this policy;
- The University will endeavor to provide the written determination within ten (10) business days of the hearing, and will notify the parties if more time will be required;
- The complainant and respondent will be notified of the outcome simultaneously, and will be notified of any changes to the outcome and when It becomes final; and
- All other relevant provisions of the Student Code of Conduct will apply, including, without limitation, the Authority of the Administration (Section 1.2), Student Rights (Section 1.3), the Standard of Proof (Section 1.5), Advisors (Section 3.4), Witnesses (Section 3.5), Privacy (Section 3.6), and Appeals (Section 3.8).

Preliminary Investigations: If the Office of the Dean of Students elects to conduct a preliminary investigation prior to a hearing, the Office will conduct the investigation through one or more internal or external investigators who are trained at least annually in conducting sexual misconduct investigations. A preliminary investigation may, but is not required to, include interviews with the parties and witnesses and the gathering of documentary and other relevant evidence available to the University at the time. The investigator(s) will not make a finding of responsibility. The University will strive to complete any preliminary investigation within sixty (60) business days of the parties being notified of the conduct charges, and will notify the parties if the investigation will take longer.

The investigators will request all relevant evidence be submitted by all parties before the end of the preliminary investigation, if applicable. The parties and their advisors will be provided with an opportunity to review any relevant evidence (which may consist of interview summaries, other

documentary evidence, and/or an evidence report prepared by the investigators) gathered during the preliminary investigation at least ten (10) business days prior to the hearing, and this evidence will also be provided to the hearing panel members or hearing officer prior to the hearing. Parties may submit a written response to shared evidence to the Investigator. The investigators will consider the parties' responses and determine whether any additional relevant information in a party's written response should be shared with the other party and/or the Hearing Panel, or require any other follow-up prior to or during the hearing. Any written response to the investigative report must be submitted to the University at least two (2) business days before the hearing. The investigators or the Hearing Panel, may, but are not required to, delay the hearing to address the parties' written responses.

A party may not introduce new evidence after the completion of the preliminary investigation, including witness testimony, unless the evidence or testimony was not reasonably available to the party during the preliminary investigation. Any such previously unavailable evidence must be brought to the attention of the hearing panel chair or hearing officer prior to the hearing. The hearing panel or hearing officer may also request the introduction of additional evidence at the hearing. Upon the introduction of any new evidence, the hearing panel members or hearing officer will either provide the parties with an opportunity to respond to the new evidence prior to or during the hearing, or ask the Investigator to re-open the investigation for the limited purpose of addressing the new evidence, which each party shall have the opportunity to review.

### c. Consolidation of complaints

The University may consolidate complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

The University shall promptly notify the Parties if, in its sole discretion, it determines that matters should be consolidated.

## VII. SANCTIONS AND REMEDIES

If the respondent is found responsible for sexual misconduct, the Office of the Dean of Students, in conjunction with the Student Affairs Title IX Coordinator, will review and assess the findings and determine appropriate sanctions, as outlined in Student Code of Conduct and below.

### a. SANCTIONING AND RATIONALE

If a respondent is found to have violated this policy, sanctions will be designed to be commensurate with the violation. Consideration will also be given to preventing further misconduct, remedying the misconduct's effects on the complainant and the University community, deterring students from similar misconduct, and promoting the safety and well-being of the University community.

The sanctioning process will include a consideration of the severity of misconduct. Less serious misconduct will generally result in less severe sanctions, such as disciplinary probation or University probation. More serious misconduct will generally result in more serious sanctions, such as removal from University housing, removal from specific courses or activities, suspension from the University, dismissal from the University, or withholding or delaying a degree. Typically, students found responsible for serious incidents of sexual assault are suspended or dismissed from the University.

When determining sanctions, the Office of the Dean of Students and the Student Affairs Title IX Coordinator will consider a number of factors, including the following:

- the nature, severity, and circumstances of the misconduct;
- whether the respondent engaged in coercion or force;
- whether the respondent placed the complainant at risk of physical harm;
- whether the respondent engaged in retaliation;
- the respondent's previous conduct record;
- sanctions given for similar misconduct in the past; and
- the presence of any relevant aggravating or mitigating circumstances.

### b. REMEDIES

Whether or not the respondent is found responsible for sexual misconduct, the Associate Dean, Student Conduct, or designee, may require that existing remedies or administrative actions stay in place for a prescribed period of time, and may also, in consultation with the Student Affairs Title IX Coordinator, institute new remedies or administrative actions such as stay away orders, modified housing placement, or academic accommodations. The Student Affairs Title IX Coordinator may also determine that institutional remedies are appropriate, such as additional training.

## VIII. APPEALS

Both the respondent and the complainant may submit an appeal of a finding in a sexual misconduct matter in accordance with the appeal process set forth in Section 3.8 the Student Code of Conduct.

Information about submitting an appeal can be found here.

## IX. INFORMAL RESOLUTION PROCESS

At any time after a complainant reports sexual misconduct to the Student Affairs Title IX Coordinator or Office of the Dean of Students, and prior to the conclusion of any conduct process, the complainant, respondent, or the University may seek to pursue an Informal Resolution Process. The Student Affairs Title IX Coordinator retains discretion to determine if Informal Resolution Process is appropriate, and both parties must provide voluntary and written consent to engage in an informal resolution process.

At any time prior to the conclusion of an informal resolution process, the complainant or respondent may request to end the informal resolution process and participate in the conduct process. If an Informal Resolution Process is ended, any statements made or conduct by the parties during the Informal Resolution Process will not be disclosed to persons who are not participants in the Informal Resolution Process and may not be used, offered, or admitted in the conduct process.

The informal resolution process may involve one or more of the following:

- Direct or indirect dialogue between parties, facilitated by a neutral mediator
- Agreement to institutional remedies including but not limited to disciplinary, academic, housing, and co-curricular remedies
- Agreement to abide by University Stay Away Orders
- Agreement to participate in educational or training programs
- Referral to supportive services or resources
- Submission and/or receipt of an impact statement
- Other, as determined by the University

The University will endeavor to complete the Informal Resolution Process in a timely manner. The length of the Informal Resolution Process depends upon the complexity of the complaint, which resolution process the parties choose, and the active engagement of the parties. Any resolution developed and agreed upon by the parties through the informal resolution process will be reflected in an agreement signed by the parties (a "Resolution Agreement"). Resolution Agreements will be maintained and enforced by the Office of the Dean of Students.

Once a complaint has been resolved through an informal resolution process, and all terms of any Resolution Agreement have been fulfilled, the matter will be closed. Appeals of any informal resolution process are not permitted. If a party fails to comply with the terms of a Resolution Agreement, the University may proceed to resolve the complaint through the conduct process, and/or enforce the terms of the Resolution Agreement. Students who fail to comply with the terms of a Resolution Agreement may be subject to the University's student conduct process for failure to comply.

## X. UNIVERSITY AND OFF-CAMPUS RESOURCES

Boston College is committed to providing support and assistance to all students affected by sexual misconduct or a report of sexual misconduct.

### a. UNIVERSITY ON-CAMPUS RESOURCES

Sexual Assault Network: The Boston College Sexual Assault Network (SANet) is a private, confidential 24/7 hotline for any student affected by sexual violence, even if the caller is not a victim. The hotline is staffed by trained advocates who can assist callers with information about options available for professional support and counseling, medical evaluation and treatment, evidence collection, and reporting options. SANet can be reached at 617-552-2211.

SANet Care Team: The SANet Care Team advocates for student survivors and is located in Maloney Hall 441. They have daily walk-in hours on Monday-Friday from 3:00 P.M. – 4:00 P.M. and can be reached at 617-552-8099 or sanet@bc.edu. Care Team members provide available options/next steps to survivors or friends of survivors, and accompany survivors on their healing journey.

Student Affairs Title IX Coordinator: The Student Affairs Title IX Coordinator, acting as deputy to the University Title IX Coordinator, oversees the University's response to complaints of student sexual misconduct. Contact Tracy Kennedy, Interim Title IX Coordinator (Maloney Hall 412) at 617-552-3482 or StudentTitleIX@bc.edu.

Confidential Resource Provider: The student confidential resource provider is a trained, confidential resource for students reporting or responding to an allegation of sexual misconduct. Information provided to the confidential resource provider will not be released to a campus official or law enforcement or any agency without the written consent of the reporting party. Contact Claire Johnson Allen, LICSW, at johnsovj@bc.edu or 617-552-2735.

Boston College Police Department: Officers are trained and available 24/7 to respond to students and to provide assistance with medical treatment and in pursuing complaints both on and off campus. If a student chooses to report the incident to the Boston College Police, a specially trained officer will conduct an investigation, which involves asking the student to describe the respondent

and what happened. An officer may ask questions about the scene of the crime, any witnesses, and what happened before and after. Call 617-552-4444 or visit the Boston College Police Department in Maloney Hall (first floor).

University Title IX Coordinator: The University Title IX Coordinator is responsible for coordinating the University's efforts to comply with Title IX, and oversees the University's response to discrimination complaints. The University Title IX Coordinator is the point of contact for any complaint of sexual harassment under Title IX involving conduct by a faculty or staff member. Contact Patricia Lowe, Office for Institutional Diversity (129 Lake Street, Room 217) at 617-552-3334 or patricia.lowe@bc.edu.

Boston College Harassment Counselor: The University Harassment Counselor is responsible for responding to complaints of non-Title IX harassment brought against faculty and staff in accordance with the Discriminatory Harassment Policy. Contact Marie Elena Gioiella (129 Lake Street, 240D) at 617-552-3340 or marie.elena.gioiella@bc.edu.

Campus Ministry: Staff in Campus Ministry is available to help students with pastoral counseling and spiritual direction. Some members of the Campus Ministry staff reside in the residence halls. A resident minister is also available twenty-four hours a day by contacting the Boston College Police Department at 617-552-4444. Contact Campus Ministry at 617-552-3475 or visit Maloney Hall 233.

University Health Services (UHS): Medical personnel are available to students on campus 24 hours a day. In addition, the University has developed a relationship with the Beth Israel Hospital and the Brigham and Women's Hospital, both in Boston, for the treatment of sexual assault and rape survivors. The UHS inpatient unit is also available 24 hours a day to provide a safe haven or a meeting place for students to access campus support services. UHS is located at 2150 Commonwealth Ave, St. Thomas More Apartments, Ground Level. Outpatient Unit - 617-552-3225 (9:00 A.M. – 5:00 PM, M-F), Inpatient Unit - 617-552-3225 (24 hours a day during the academic year).

University Counseling Services ("UCS"): University Counseling Services (UCS) is available twenty-four hours a day during the academic year to assist students affected by sexual misconduct or a report of sexual misconduct. UCS is available during normal business hours (8:45 A.M. – 4:45 P.M., M-F) at 617-552-3310 or by visiting Gasson 001. During nights, weekends and holidays, a University clinician is available on call by contacting either Boston College Health Services (617-552-3225) or the Boston College Police (617-552-4444).

## b. OFF-CAMPUS RESOURCES

Evidence Collection and Medical Treatment: Sexual Assault Nurse Examiners (SANEs) are specially trained nurses who provide immediate, compassionate, and comprehensive medical-legal evaluation and treatment.

- Beth Israel Deaconess Medical Center ER (preferred hospital), 617-754-2400
- Brigham and Women's Hospital ER, 617-732-5636

Counseling and Support:

- Boston Area Rape Crisis Center 24-hour hotline
  800-841-8371, www.barcc.org (online webchat available 9:00 AM - 11:00 PM)
- Fenway Community Health Violence Recovery Program
  617-927-6250, www.fenwayhealth.org
- Domestic Violence/Sexual Assault Program at Newton Wellesley Hospital
  617-243-6521, www.nwh.org

Intimate Partner Violence Support and Advocacy:

- REACH Beyond Domestic Violence 24-Hour Hotline
  800-899-4000, www.reachma.org
- Jane Doe, Inc. Hotline
  877-785-2020, http://www.janedoe.org
- The Network La Red (partner abuse hotline)
  800-832-1901, https://www.tnlr.org/en/

Reporting and Legal Support:

- Victim Rights Law Center
  617-399-6720 ext. 19, www.victimrights.org
- Volunteer Lawyers Project
  617-603-1700, www.vlpnet.org
- Greater Boston Legal Services
  617-371-1234, www.gbls.org
- Boston Police Domestic Violence Unit and Sexual Assault Unit
  617-343-4400, http://bpdnews.com/fjc/