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Student Sexual Misconduct Policy 2024-2025

BOSTON COLLEGE STUDENT SEXUAL MISCONDUCT POLICY INDEX

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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

II □ BUILDING AN EDUCATIONAL ENVIRONMENT FREE FROM SEXUAL MISCONDUCT

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.

- 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

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

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

VII REPORTING SEXUAL MISCONDUCT

Boston College encourages students who have experienced or are experiencing sexual misconduct to talk

C. UNIVERSITY SUPPORT AND REPORTING OPTIONS

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.

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

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

- 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

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

VIII SANCTIONS AND REMEDIES

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

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

and what happened. An officer may ask questions about the

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