Introduction

Boston College attempts at all times to maintain a safe environment that supports its educational mission and is free from exploitation and intimidation, as well as discrimination based upon gender, including sexual assault, domestic and dating violence, and stalking. Sexual violence or sexual misconduct of any kind is antithetical to the mission of Boston College and the values it espouses and will be responded to accordingly. The University strives to eliminate sexual violence on campus, prevent its occurrence, and address its effects.

Purpose

The purpose of this notice, provided in accordance with the Clery Act, is to summarize some of the University’s efforts with respect to preventing sex offenses, to direct members of the University community to the University’s policies and resources regarding sexual violence, and to inform victims of sexual violence about procedures to follow after a sex offense has occurred. In this notice, the terms “sex offenses” and “sexual violence” are deemed to include sexual assault, domestic and dating violence, and stalking. The University’s policies with respect to sexual harassment and sexual misconduct can be found in the Discriminatory Harassment Policy (addressing sexual harassment complaints against faculty and staff) and the Student Sexual Misconduct Policy (addressing sexual misconduct complaints against Boston College students) in the Student Guide. The University also maintains a comprehensive Sexual Assault Policy and Resources website that includes detailed descriptions of the University’s policy, resources, and reporting options for students. The BC Sexual Assault Network (SANet) is a primary resource for members of the Boston College community who have been affected by sexual violence. For more information on the services and resources provided by SANet and Boston College Police Department, please visit the following websites: SANet and BCPD-Crime Prevention. In addition, the Student Affairs Title IX Coordinator, reachable at 617-552-3482, oversees the University’s response to student complaints of sexual misconduct.

Definitions

In accordance with the Clery Act, the definitions of certain sexual violence terms under Massachusetts law are included below. The Student Sexual Misconduct Policy includes more expansive definitions of behavior prohibited under the Student Code of Conduct, as well the University’s definitions of consent and incapacitation.

Sexual Assault. Sexual Assault is defined by the Massachusetts Office of Public Safety as any sexual activity that is forced or coerced or unwanted. Under Massachusetts criminal law, sexual assault includes both indecent assault and battery and rape. Indecent assault is the intentional physical contact of a sexual nature with a person without the person’s consent. Massachusetts law defines rape as having sexual intercourse with a person and compelling such person to submit by force and against his/her will, or compelling such person to submit by threat of bodily injury.

Consent. Under Massachusetts law, consent for sexual activity cannot be obtained from an individual who is incapable of giving consent because the person: has a mental, intellectual, or physical disability; or is
under the legal age to give consent (16 in Massachusetts); or is asleep, “blackened out,” unconscious, physically helpless; or otherwise incapacitated, including through the consumption of alcohol or drugs.

**Domestic and Dating Violence.** Under Massachusetts law, the definition of “domestic abuse” includes domestic violence and dating violence. Domestic abuse is defined as the occurrence of one or more of the following acts between family or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; or (c) causing another to engage involuntarily in sexual relations by force, threat or duress. “Family or household members” are persons who: (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) having a child in common regardless of whether they have ever married or lived together; or (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by courts through 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.

**Stalking.** Under Massachusetts criminal law, stalking is (a) willfully and maliciously engaging 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; or (b) making a threat with the intent to place the person in imminent fear of death or bodily injury. The conduct, acts or threats includes those conducted by mail, telephone, or electronic communication device.

**Prevention and Education Programs**

Boston College provides numerous training and education programs to the University community on sexual violence prevention and response, including those described in this notice, and is actively expanding training and education efforts on an ongoing basis.

**Students.** All incoming first-year students are required to participate in “Haven – Understanding Sexual Assault,” an interactive on-line program that addresses the issues of sexual assault, relationship violence, and stalking. The University also requires first year students to attend “Are You Getting the Signal?,” a sexual assault prevention and awareness program geared to college students that incorporates audience participation. The University distributes the Student Sexual Misconduct Policy to all students, posts information in first year residence hall community bathrooms to inform students of the University’s resources and responses to sexual violence, and distributes similar information to parents and guardians at first-year orientation. Additional training on sexual violence issues are provided to student groups and athletic teams throughout each academic year. The Boston College Police Department offers periodic RAD (Rape, Aggression, Defense) classes for students.

Boston College is committed to preventing sexual violence by engaging the University community to become prosocial bystanders. The University offers Bystander Intervention Education, a peer-led sexual assault prevention program that empowers students to take action to help prevent instances of sexual assault, relationship violence, and stalking. All first-year students will be required to participate in bystander training during the 2014-2015 academic year.

**Faculty and Staff.** The University provides administrators and faculty with training and educational materials about Title IX, sexual violence and harassment, how to respond to disclosures by students, and
applicable University policies and resources. The University ensures that any individuals responsible for investigating sexual violence and misconduct complaints against students are trained annually on sexual violence and trauma, relevant University policies and law, appropriate interviewing techniques, assessing evidence and credibility, and the importance of impartiality and promoting accountability.

Police. All Boston College police officers, dispatchers, and security staff receive annual training on the Clery Act and Title IX. The department participates in domestic violence, sexual assault and stalking educational programs conducted by the Massachusetts State Police, and all detectives and sexual assault investigators attend additional sex crime investigations courses. Additional training regarding sexual violence is provided by the Middlesex County District Attorney, the Boston Area Rape Crisis Center, sexual assault nurse examiners, the Massachusetts State Police Crime Lab, the Student Affairs Title IX Coordinator, and the Boston College Women’s Center.

Reporting Sexual Violence

The first priority of a survivor of sexual violence should be to get to a place of safety and obtain any necessary medical treatment. Victims are encouraged to preserve any physical evidence. (Ideally, after a sexual assault, a victim should not take a shower, wash, or change clothing prior to a medical exam.) If possible, the crime scene should remain undisturbed. The Sexual Assault Policy and Resources website describes the steps a victim may take after an incident of sexual violence, and the Student Sexual Misconduct Policy describes a student’s options for reporting sexual violence, including a description of confidential and privileged University resources.

The University strongly encourages, but does not require, victims to report sex offenses and to do so promptly. To report an incident, a victim may contact the Boston College Police at 617-552-4444, SANet at 617-552-2211, the Assistant Director for Violence Prevention and Response at 617-552-3489, the Office of the Dean of Students at 617-552-3470, and/or the Student Affairs Title IX Coordinator at 617-552-3482. For sex offenses that occur off campus, the University will assist the victim in notifying the appropriate local law enforcement agency for the jurisdiction in which the crime occurred if the victim wishes to do so.

If a victim chooses to report a sexual assault to the Boston College Police, a specially trained officer will conduct an investigation which involves asking the victim to describe the respondent and what happened. The officer may ask questions about the scene of the crime, any witnesses, and what happened before and after. The officer will collect any evidence, including assisting the victim to a hospital to have a sexual assault evidence collection kit performed if the victim chooses, and will assist the victim in meeting with a Victim Witness Advocate. If the victim chooses to speak with the District Attorney’s Office or the Office of the Dean of Students, the officer will assist the victim in meeting with them if requested. The officer will be available to support the victim through the investigation process.

Victims of domestic or dating violence or stalking are also encouraged to report these crimes to the Boston College Police Department, who will assist the victim as described above and notify the victim about his or her legal options. In addition to pursuing a criminal complaint or pursuing a complaint under University policy, victims of sexual violence may seek a restraining order under civil law to prevent further abuse. Under Massachusetts law, victims of dating or domestic violence may be entitled to obtain an abuse prevention order under Chapter 209A of the Massachusetts General Laws, and victims of stalking or harassment may be entitled to obtain a harassment prevention order under Chapter 258E
of the Massachusetts General Laws. These orders require the abuse or harassment to cease and can include no contact and stay-away requirements. They may be issued without prior notice to the abuser or harasser if there is a substantial likelihood of immediate danger of abuse or harassment. The Boston College Police will assist victims in pursuing these orders.

Boston College recognizes the importance of offering victims of sexual violence immediate treatment, counseling support, and assistance. In addition, appropriate interim measures to help assure the safety and well being of the victim on campus will be offered through the Office of the Dean of Students and the Student Affairs Title IX Coordinator. These measures may include a University no-contact or stay-away order. The University will provide the victim with written notification of his or her options, including information about pursuing a complaint within the University, information about filing a criminal complaint, information about filing for a restraining order, and information about pursuing these options at the same time. This notification will also include a listing of resources and supportive services available to the victim both on and off campus.

If a crime is considered to represent a serious danger or ongoing threat to members of the Boston College community, the Boston College Police will disseminate a timely warning.

Counseling/Mental Health/Student Services

Anyone who reports an incident of sexual violence to the University will be provided with information about the counseling, mental health, and support services that are available on campus and in the community. Among the services available are the following:

- Access to the services of University Counseling;
- Emergency psychological services available 24 hours per day;
- Referral to counseling and mental health services outside the University; and
- Assistance provided by the District Attorney’s Victim/Witness Advocate Program.

A fuller list of available resources is included on the University’s Sexual Assault Policy and Resources website.

Student Conduct Process

Adjudicating alleged violations of the Student Code of Conduct is the responsibility of the Office of the Dean of Students. The University’s investigatory adjudication and resolution process in cases of alleged sexual misconduct by students is described in the Student Sexual Misconduct Policy. The University’s process is designed to be prompt, fair and impartial and is conducted by one or more trained investigators. The standard of proof in the adjudication of complaints against students is the preponderance of the evidence. The complainant and the respondent are entitled to the same opportunities to have an advisor of the student’s choice present during the investigation and to present witnesses. Both the complainant and the respondent are simultaneously informed in writing of the outcome. The Student Guide describes the procedures for appeal and provides that students will be informed of any changes to the results that occur prior to the results becoming final and when the results become final. This section of the Student Guide also describes the sanctions that may be imposed following a finding of “responsible” for sexual misconduct, which include suspension or dismissal from the University.
Changes to Academic and Living Situations

Following an alleged sex offense, a victim may request assistance in addressing academic concerns through the Office of the Dean of Students, who, in consultation with the Student Affairs Title IX Coordinator, will work with the survivor’s academic dean and faculty to provide the student with reasonable support services and adjustments. The student may also request assistance from the Office in making adjustments to living arrangements, which will be provided through by the Office of Residential Life when reasonably available. In situations in which an individual is considered a threat to persons or property or has criminal charges pending or filed, the Dean of Students or designee may impose interim measures such as suspension, removal from housing, and/or other loss of privileges.

Confidentiality

The University respects the privacy interests of victims of sexual violence, and will protect the confidentiality of the individuals involved to the fullest extent possible. The University has designated the Student Affairs Title IX Coordinator to evaluate student requests for confidentiality in connection with reporting sexual misconduct. As described more fully in the Student Sexual Misconduct Policy, the Coordinator will weigh a student’s request for confidentiality against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the victim. The University does not include the names or other identifying information of victims of alleged sexual assault in any publicly available documents, including any publicly available police reports, logs, or safety notices.

Interim Revision September 22, 2014