

BOSTON COLLEGE

Student Sexual Misconduct Policy 2019-2020

BOSTON COLLEGE STUDENT SEXUAL MISCONDUCT

POLICY INDEX

- I. INTRODUCTION
- II. BUILDING AN EDUCATIONAL ENVIRONMENT FREE FROM SEXUAL MISCONDUCT
- III. PROHIBITED CONDUCT
 - a. 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. Institutional Remedies & Responses
 - b. Investigation
 - c. Advisers
 - d. Standard of Proof
 - e. Investigation Findings and Outcome Notification
- VII. SANCTIONS AND REMEDIES
 - a. Sanctioning Rationale
 - b. Remedies
- VIII. APPEALS
- IX. UNIVERSITY AND OFF-CAMPUS RESOURCES
 - a. University On-Campus Resources
 - b. Off-Campus Resources

I. INTRODUCTION

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 and 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 eliminate sexual violence and harassment on campus, prevent its occurrence, and address its effects. This policy describes how the University responds to sexual misconduct and how the University seeks to provide a prompt, fair and equitable response to complaints in accordance with Title IX.

This policy provides information regarding the University's education, prevention, and response efforts related to sexual misconduct by students, including descriptions of prohibited conduct, options to report misconduct (including confidential options), the process for resolving complaints, possible remedies and sanctions, and on- and off-campus resources.

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.

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 and related misbehavior (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 Prevention Program](#) and visiting the [Sexual Misconduct Policy and Resources](#) page.

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.

Sexual misconduct complaints against faculty or staff will be addressed in accordance with Boston College's [Discriminatory Harassment Policy](#).

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 that are prohibited by this policy will be treated as instances of sexual misconduct under this policy.

a. DEFINITIONS

Some of these terms may have different meanings in other contexts, such as criminal statutes, and they are not mutually exclusive of each other. For the purposes of this policy, the following terms have the meanings given to them below. The [Campus Sexual Violence Response and Prevention Program](#) includes definitions of relevant terms under Massachusetts criminal law.

- i. **SEXUAL MISCONDUCT** is a broad term that encompasses a range of conduct including all forms of sexual harassment, including sexual assault, as well as other forms of misconduct or violence of a sexual nature, including, without limitation, intimate partner violence, stalking, and sexual exploitation. 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 unwanted or offensive sexual conduct that has the purpose or effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for a personnel or academic decision affecting an individual. 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 sexual assault or other 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;
 - 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. If alcohol or drugs are involved, incapacitation 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. The impact of alcohol and drugs varies from person to person; 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. 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 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 express 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:

<https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209A>.

- 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
- Intentionally causing negative consequences for a participant in an investigation 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 Student Conduct.

V. REPORTING SEXUAL MISCONDUCT

Boston College encourages students who are victims of 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 sponsored program.

[The Sexual Misconduct Policy and Resource](#) website describes the first steps a student should take to ensure personal safety, preserve evidence, understand reporting options, and seek support and care, including medical care.

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

While Boston College employees have differing obligations or duties with respect to maintaining a victim's confidentiality, the privacy of student information is respected at all times. Even when a victim's complete confidentiality cannot be maintained, information is shared among a small number of University administrators solely 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 investigate and take action against an accused student, information may be shared as necessary in connection with the investigation. Boston College encourages victims to talk to someone identified below.

a. CONFIDENTIAL RESOURCES

Women's Center, Associate Director

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 meets with students seeking resources and serves as a guide to explain to the student all of their options.

- Contact: *Claire Johnson Allen, LICSW*, johnsovj@bc.edu or 617-552-2735.

SANet Hotline

The Sexual Assault Network Hotline is a private, confidential hotline that is available 24 hours a day, 7 days a week for anyone affected by sexual violence in the student community to speak with a trained advocate to gain support and resources. The SANet phone number is 617-552-2211.

SANet CARE Team

The CARE Team provides available options/next steps to 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 P.M. – 4 P.M. It can be reached at 617-552-8099 or sanet@bc.edu.

University Health Services (UHS)

University Health Services is located at 2150 Commonwealth Avenue (St. Thomas More Road Entrance) and is open 24 hours a day for 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 victim's report of sexual misconduct without the student's consent.

- *Professional Counselors* are employees of the University whose official responsibilities include providing psychological counseling and who is functioning within the scope of their license or certification.
 - Contact University Counseling Services (UCS): 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 social worker and campus minister offering confidential, clinical support to any student in need.
 - Contact Rick Rossi: 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 victim'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 Student Conduct

The Office of Student Conduct, 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 Student Conduct, working with the Title IX Coordinator, also oversees the investigation and adjudication of sexual assault complaints against students.

- Contact: 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: Melinda Stoops, 617-552-3482, melinda.stoops@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.

- Contact: 617-552-4444 (*emergency*); 617-552-4440 (*non-emergency*).

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 victim and respondent(s), any witnesses, and any other relevant facts, including the date, time, and location of the alleged incident.

If a victim wants to tell a faculty or staff member what happened but also wishes to maintain confidentiality, a victim 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 victim's request for confidentiality.

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

d. REQUESTING CONFIDENTIALITY

HOW BOSTON COLLEGE WILL WEIGH THE REQUEST AND RESPOND

The University has designated the Student Affairs Title IX Coordinator to evaluate requests for confidentiality and oversee the University's response to reports of alleged sexual violence or other misconduct involving Boston College students.

If a victim discloses an incident to a non-confidential or non-privileged resource, but requests confidentiality or that no investigation or 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 Student Conduct, 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 victim.

When weighing a victim's request for confidentiality or that no investigation or 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 victim 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 victim 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 victim'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 victim's request.

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

In some cases, usually rare, the University may not be able to honor a victim's confidentiality request in order to adhere to its obligation to provide a safe, non-discriminatory environment for all students. If the Student Affairs Title IX Coordinator determines that the University cannot maintain a victim's confidentiality, the Student Affairs Title IX Coordinator will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

e. TIMELINESS

To promote timely and effective review, the University strongly encourages students to report sexual misconduct within 180 calendar days following the last occurrence of the conduct giving rise to the concern. Although the University may pursue a report made after 180 days, the lapse of time may limit the University's ability to investigate and respond.

VI. THE UNIVERSITY RESPONSE

The Office of Student Conduct, in conjunction with the Student Affairs Title IX Coordinator, provides assistance and support to students. For students who report sexual misconduct, the Office of Student Conduct and the Student Affairs Title IX Coordinator 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 Code of Student Conduct violations (e.g. possession of alcohol) will generally not be charged for these ancillary violations.

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

The Student Affairs Title IX Coordinator coordinates the University's efforts to:

- Assist the victim 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 IX 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 victim of the right to report a crime to campus or local law enforcement and provide the victim with assistance if the victim wishes to do so.

A report of sexual violence (including non-identifying reports) may also prompt the University to consider broader remedial action – 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 victim's request for confidentiality and not pursue an investigation or charge an accused student with a conduct violation, the University will nonetheless take steps to protect and assist the victim.

a. INSTITUTIONAL REMEDIES & RESPONSES

INTERIM MEASURES

Upon the request of a student who reports sexual misconduct or who is the respondent in a sexual misconduct case, the University will provide appropriate and individualized interim measures designed to support the student on an interim basis. The Student Affairs Title IX Coordinator, in conjunction with the Office of Student Conduct and other University offices, will determine the necessity for and availability of any interim measures. In cases in which the University agrees to honor a complainant's request for confidentiality, the University will provide interim measures to the extent it may do so in light of the complainant's requests and the University's obligations to its other students, including the responding student.

Interim measures may include, but are not limited to:

- Guidance regarding the University's student conduct process and/or the criminal justice process.
- 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 may impose administrative interim measures to promote the safety and well-being of individuals and the broader University community and to protect the integrity of the investigation process. These interim measures include, but are not limited to:

TEMPORARY NO CONTACT ORDERS AND UNIVERSITY STAY AWAY ORDERS

Students may request that the Office of Student Conduct issue a no-contact order in connection with a sexual misconduct report. If the Office of Student Conduct 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 INTERIM ADMINISTRATIVE ACTIONS

The Director of Student Conduct or designee may take other interim administrative action (see Student Guide section 5.7.7) 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. INVESTIGATION

For sexual misconduct complaints reported to the Office of Student Conduct or when the University otherwise determines a thorough investigation and/or conduct action is appropriate, the University, under the oversight of the Office of Student Conduct, in consultation with the Student Affairs Title IX Coordinator, will conduct an adjudication of the complaint. At the discretion of the Office of Student Conduct and the Student Affairs Title IX Coordinator, the University may supplement the investigation procedures described below with additional or more detailed procedures, and may utilize one or more alternative approaches to resolving a complaint under this policy in lieu of or in conjunction with the investigation process described below. Alternative approaches may be informal or formal, such as the hearing process described in Section 5.4 of the Student Guide. The complainant and respondent will be notified if the University elects to supplement the procedures or utilize an alternative resolution process.

Investigations under this policy will be conducted by one or more internal and/or external investigators specifically trained in conducting sexual misconduct investigations. In this policy, the term “investigator” will be deemed to include all the investigators charged by the University to investigate the complaint.

The investigation will include one or more interviews with the complainant, the respondent, and any witnesses. The investigation will include the gathering of any physical, documentary, or other relevant and available evidence. As part of the investigation, the University will provide an opportunity for all parties to present written statements, identify witnesses, and submit other relevant evidence and lines of inquiry, as well as the opportunity to review and respond to available evidence. At any time during the process, the investigators may determine that they need additional information from the parties or another source. The investigators also have the discretion to reasonably determine the relevance of submitted evidence. The Office of Student Conduct may require student-witnesses to cooperate with the investigation regardless of the complainant's or respondent's selection of witnesses.

The University will endeavor to complete the investigation within 60 University working days of the investigation's commencement, but this timeframe may be extended to ensure the integrity and completeness of the investigation. Circumstances that may extend an investigation include, but are not limited to, the complexity and scope of the allegations and the investigation, the number of witnesses, the availability and cooperation of the parties and witnesses, the effect of a criminal investigation, extensions reasonably granted to the parties, and any intervening University exam periods, breaks or holidays. The University will keep the parties informed of the progress of the investigation. The University may grant the parties extensions to any time periods in this policy for good cause, with written notice to both parties about the extension.

c. ADVISERS

During the investigation, the complainant and respondent may each have an adviser of choice present at any meeting related to the reported sexual misconduct ("adviser"). The selection of an adviser is up to the individual student, provided that the adviser may not be directly involved in the investigation (as a complainant, respondent, or witness, for example).

The role of the adviser at any meeting is limited. Advisers may not ask questions, interject, coach, advocate for, or otherwise speak on a student's behalf during a meeting. The student and adviser can confer at any point during the meeting, but the adviser may not formulate specific questions, responses, or statements for the student. Violations of the guidelines may result in a warning being issued to the adviser by the investigator(s). Repeated violations may result in the adviser being asked to leave the meeting room. If a student plans to have an adviser present, the student must notify the investigator at least two (2) business days before the meeting.

The University reserves the right to have legal counsel present at any meeting to serve as an adviser to the investigator. The investigator and legal counsel may consult anytime during the meeting.

In keeping with the University's desire to resolve sexual misconduct complaints in a timely manner, the University reserves the right to proceed with any meeting regardless of the availability of the student's adviser.

Boston College officials involved in the Student Conduct System will address only general procedural matters with attorneys serving as advisers; all other matters will be referred to the Office of the General Counsel. The students involved are expected to communicate directly with the University on their own behalf and in their own words with respect to any substantive questions, concerns, responses, documents, or other matters related to the resolution of a complaint.

d. STANDARD OF PROOF

The University uses a "preponderance of the evidence" standard, meaning that the investigator determines whether the information gathered during the investigation supports a finding that the conduct more likely than not occurred.

e. INVESTIGATION FINDINGS AND OUTCOME NOTIFICATION

In most cases, after a complainant or respondent has been interviewed by the investigator, each will be provided a written summary of the student's own interview. The complainant and respondent will then have three (3) calendar days to review this interview summary and provide any corrections or clarifying comments to the investigator. The investigator will consider any comments as appropriate.

After the investigator has concluded gathering evidence, the complainant and respondent will have an opportunity to review the evidence that the investigator believes may be relevant to making a finding. The evidence may include information provided by the complainant, respondent, any witnesses, and any documentary or other evidence gathered during the investigation. The complainant and respondent must submit any response to or comments on the evidence to the investigator within ten (10) calendar days of the date that the evidence was first made available for review. The investigator will consider any comments provided as appropriate. If the investigator gathers any additional relevant evidence after this review, the parties will have an opportunity to review and respond to it.

Following the evidence review, the investigator will prepare a written report that includes a summary of the investigator's findings and the rationale for those findings. This report will be provided to the Office of Student Conduct and the Student Affairs Title IX Coordinator, who will review the report to verify that the investigation was conducted in accordance with this policy and that the report adequately outlines the basis for the investigator's findings. Once the report is finalized, the Office of Student Conduct and the Student Affairs Title IX Coordinator will then decide on any sanctions and remedies as described in Section VII of this policy, if applicable, and the Office of Student Conduct will provide both the complainant and respondent with simultaneous written notification of the resolution.

VII. SANCTIONS AND REMEDIES

If the respondent is found responsible for sexual misconduct, the Office of Student Conduct, in conjunction with the Student Affairs Title IX Coordinator, will review and assess the findings and determine appropriate sanctions, as outlined in Section 5 of the Student Guide and below.

a. SANCTIONING 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 sexual assault are suspended or dismissed from the University.

When determining sanctions, the Office of Student Conduct and the 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;
- the presence of any relevant aggravating or mitigating circumstances.

b. REMEDIES

Whether or not the respondent is found responsible for sexual misconduct, the Director of Student Conduct, or designee, may require that existing interim 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 5 of the Student Guide. If accepted, an appeal may result in an administrative review of the decision; an appeal will not generally result in a new investigation of the case.

Information about the appeals process can be found [HERE](#).

IX. 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 - 617-552-2211

The Boston College Sexual Assault Network (SANet) is a private, confidential 24/7 hotline for anyone 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 Care Team

The SANet Care Team advocates for survivors and is located in Maloney Hall 441. They have daily walk-in hours on Monday-Friday from 3 P.M. – 4 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

Melinda Stoops, Associate Vice President for Student Health and Wellness

Maloney Hall 412

617-552-3482

melinda.stoops@bc.edu

The Student Affairs Title IX Coordinator, acting as deputy to the University Title IX Coordinator (*Patricia Lowe; patricia.lowe@bc.edu*), oversees the University's response to complaints of student sexual misconduct.

Boston College Police Department

Maloney Hall, 1st Floor, 617-552-4444

Officers are trained and available 24/7 to respond to victims 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.

Boston College Harassment Counselor

Linda Riley

129 Lake Street, 340A 617-552-0486

linda.riley@bc.edu

The University Harassment Counselor is responsible for responding to complaints of harassment brought against faculty and staff in accordance with the Discriminatory Harassment Policy.

Campus Ministry
McElroy Hall, 215
617-552-3475

The 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 at 617-552-4444.

University Health Services

2150 Commonwealth Ave, St. Thomas More Apartments, Ground Level
Outpatient Unit - 617-552-3225 (9-5, M-F)
Inpatient Unit - 617-552-3225 (24 hours a day during the academic year)

Medical personnel are available 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 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.

University Counseling Services

Gasson Hall 001, 617-552-3310 (8:45-4:45, M-F)

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 at 617-552-3310. 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)
617-754-2323

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

Fenway Community Health Violence Recovery Program
617-927-6250
www.fenwayhealth.org

Domestic Violence/Sexual Assault Program at Newton Wellesley Hospital
617-243-6521

Intimate Partner Violence Support and Advocacy

Jane Doe, Inc.

<http://www.janedoe.org>

REACH Beyond Domestic Violence 24-Hour Hotline

800-899-4000

www.reachma.org

The Network La Red (partner abuse hotline)

800-832-1901

<http://tnlr.org>

Reporting and Legal Support

Greater Boston Legal Services

617-371-1234

www.gbls.org

Victim Rights Law Center

617-399-6720

www.victimrights.org

Boston Police Domestic Violence Unit and Sexual Assault Unit

617-343-4400

<http://bpdnews.com/fjc/>