

Boston College
Campus Sexual Violence Response and Prevention Program

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 misconduct 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 Misconduct Policy and Resources](#) website that includes detailed descriptions of the University's policy, resources, and reporting options for students. The Boston College Sexual Assault Network (SANet) is a primary, confidential resource for students 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 reports of sexual misconduct committed by students.

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 as the University's definitions of consent and incapacitation, and these definitions may differ from those below.

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, 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 committed when a person (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress; and (2) makes 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 a variety of education programs to the University community to promote awareness of sexual violence, and is enhancing its training and education efforts on an ongoing basis. A description of the University’s current prevention and awareness programs and campaigns is included on Exhibit A to this policy.

Reporting Sexual Violence

The first priority of a victim 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, which may assist in proving that the offense occurred and may also be helpful in seeking a protective order. (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 Misconduct Policy and Resources](#) website describes in more detail the steps a victim may take after an incident of sexual violence, and the University’s [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. A student victim may also contact the University’s Sexual Assault Network at 617-552-2211, the SANet Care Team at 617-552-8099, the Office of Student Conduct 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 sex offense to the Boston College Police, a specially trained officer will conduct an investigation which involves asking the victim to describe the accused and what happened. The officer may ask questions about the scene of the alleged 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 and the District Attorney's Office if the victim so chooses. If the victim is a student, the officer will also be available to provide assistance to the victim in connection with reporting the incident to the Office of Student Conduct.

Victims of domestic or dating violence or stalking are also encouraged, but not required, 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 applicable 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 support, counseling, and assistance to victims of sexual violence. Appropriate interim measures to help assure the safety and wellbeing of a student victim will be offered through the Office of Student Conduct 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 information on how to seek reasonably available changes to academic, living, transportation and working situations, as well a listing of resources and supportive services available on-and off-campus, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services. A list of available on- and off- campus resources, many of which are available to students and employees, is included on the University's [Sexual Misconduct Policy and Resources](#) website.

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.

Student Conduct Process

Adjudicating alleged violations of the Student Code of Conduct is the responsibility of the Office of Student Conduct. The University's investigatory adjudication 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 adviser of the student's choice present during any meeting related to 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. The [Student Sexual Misconduct Policy](#) 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, Living, and Working Situations

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

Under certain circumstances, an employee who is a victim of domestic violence may be entitled to take time off under the University’s [Domestic Violence Leave Policy](#) or under another available leave policy (such as a paid or unpaid medical or personal leave). Employees who need time off to address issues related to domestic violence or other sexual violence are encouraged to consult with their supervisor or the Benefits Director to determine what, if any, leave may be available to them.

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. In responding to a victim’s requests for academic, living, or working adjustments, the University will limit disclosures to the minimum necessary to make reasonable adjustments. 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 violence in any publicly available documents, including any publicly available police reports, logs, or safety notices.

Approved: William P. Leahy, S.J.

Date: September 30, 2016

September 25, 2017rev (to update department names/telephone numbers)

August 27, 2019rev (to update department names)

Exhibit A

SEXUAL MISCONDUCT PREVENTION, TRAINING, AND EDUCATION PROGRAMS

The University's multifaceted education and prevention efforts include programming, initiatives, strategies, and campaigns intended to help prevent sexual misconduct at Boston College and help ensure an appropriate University response when it does occur. These programs include primary programs (for new students and employees) and ongoing programs, and will continue to evolve and develop as the University assesses them for value, effectiveness, and outcome.

I. STUDENTS

All incoming first-year students participate in primary prevention and awareness programming as part of their orientation and welcome week activities, and returning students participate in ongoing training and related programs. Graduate students are also provided with an on-line sexual assault prevention course.

Each academic year, every student is sent an email that includes a prominent link to the Student Sexual Misconduct Policy, which includes the definitions of prohibited conduct and consent under University policy, a link to the applicable definitions under Massachusetts criminal law, a description of the University's response to reports of sexual misconduct, and a description of resources available to students.

The following *primary* prevention and awareness programs are provided to all first-year students:

"Speak About It" is a performance-based, developmentally-appropriate presentation about sexual assault, consent, boundaries and healthy relationships that engages students using a combination of interactive dialogue and audience participation.

Sexual Assault and Prevention is an interactive on-line prevention program designed for first-year students. The program defines and establishes community standards and addresses issues of sexual violence. The program also outlines all resources and links to the Student Sexual Misconduct Policy, as well as key definitions under the policy and resources on- and off-campus.

"Stand Up BC:" Bystander Intervention Education is an interactive, peer-led sexual assault prevention program that seeks to empower Boston College students to be pro-social bystanders to prevent instances of sexual violence when appropriate and safe to do so. Emphasis is placed on an individual's ability and motivation to intervene in specific instances of misconduct, as well as on risk reduction and recognizing warning signs of misconduct, particularly within the cultural context and social norms of the student community at the University. All first year students complete this program.

The following *ongoing* prevention and awareness programs are provided to students:

"Speak Up BC" Bystander Intervention Education for Student Leaders is a presentation and discussion tailored to student leadership. The program is designed to engage upper-class student leaders to enable them to better understand and make use of their capacity as role models to effect

cultural change among their peers and mentees. This program is provided to students who hold registered parties, student leaders in the undergraduate government, resident assistants, orientation leaders, athletes, and facilitators of BC's emerging leaders program.

Alcohol and Drug Education is an educational program that helps students better understand the relationship between alcohol and drug use and sexual assault perpetration and victimization. The program uses evidence-based research to decrease abuse during periods of peak activity throughout the academic year.

Health Coaching Initiative is an effort by the Office of Health Promotion that includes student-led presentations on promoting skill-building and values to foster healthy interpersonal and romantic relationships. These presentations are provided upon request to any students or groups in the Boston College undergraduate community.

You Are Not Alone is a comprehensive guide to the University's sexual misconduct reporting options, policies, and resources on and off campus, made available to students in print and on-line.

II. EMPLOYEES

The University offers a variety of training and education programs to employees intended to help them create and maintain an education and employment environment free from sexual misconduct, harassment and discrimination, and ensure that they have an understanding of applicable law and University policy concerning these issues.

On-line Training: The University, through the Human Resources Department, offers all employees comprehensive on-line training programs that address discriminatory harassment and sexual misconduct. The programs provide an overview of Title IX, the Violence Against Women Act, the Clery Act and University policy. The programs include: (i) an explanation of and definitions of prohibited behavior under University policy and Massachusetts law; (ii) a description of "safe and positive options" for bystander intervention; (iii) information on risk reduction; and (iv) information regarding the University's policies and procedures for prevention and response, including the University's Discriminatory Harassment Policy, the Clery Sexual Violence Response and Prevention Policy, and the Student Sexual Misconduct Policy. Human Resources also provides in-person training on these topics on request.

Education Sessions: The University, through the University Title IX Coordinator, provides regular and ongoing in-person education and awareness programs for departments, deans, faculty and staff regarding student sexual misconduct. These programs are directed to faculty and staff who regularly interact with students and are tailored to the specific audience. They include an explanation of Title IX and its application to sexual misconduct and foster an understanding of the audience's role in helping the University meet its obligation to respond appropriately to a student disclosure of sexual misconduct, including discussions regarding how to discuss the issue of confidentiality and the limits on confidentiality, how to refer a student to appropriate University resources, and the obligation to inform the Student Affairs Title IX Coordinator about any disclosure of sexual misconduct by or against any student.

Faculty and Staff "Step-by-Step" Guide: The Student Affairs Title IX Coordinator distributes a one-page resource and information sheet to faculty and staff to assist them in responding to student

disclosures of sexual misconduct. The one-pager includes suggestions on how to handle a disclosure, information on how to support students, student options for filing a complaint, directions for contacting the Student Affairs Title IX Coordinator, and a list of on- and off-campus resources.

In addition to the above, the University also provides education programs that are targeted to specific faculty and staff who have key roles in the University's sexual misconduct prevention and response efforts. These programs include:

Sexual Misconduct Investigators: The University ensures that any employees responsible for investigating sexual misconduct complaints against students are trained annually on sexual misconduct, trauma and victimology, relevant University policies and law, appropriate interviewing techniques, assessing evidence and credibility, and the importance of impartiality and promoting accountability.

Residence Life Staff: All Residence Life staff members receive enhanced training regarding alcohol, emotional wellbeing, and recognizing signs of sexual misconduct and other forms of sexual, gender-based, and interpersonal violence. Residence Life staff is also provided in-depth training on the Student Sexual Misconduct Policy, how to report sexual misconduct, and how to support a student reporting sexual misconduct, including informing students about available University resources and assisting students in seeking interim measures, such as no contact and university stay away orders, housing adjustments, and academic support.

Boston College Police: All Boston College police officers and staff receive annual in-service training on the Clery Act and Title IX, and all detectives and sexual assault investigators periodically attend additional specialized sex crime investigations courses.

III. COMMUNITY PREVENTION & AWARENESS PROGRAMMING

The University provides a variety of additional sexual misconduct prevention and awareness programming, initiatives, and campaigns to members of the University community, including:

Concerned About Rape Education ("CARE") Week: CARE Week is an annual program overseen by the Boston College Women's Center that is focused on educating the University community about sexual violence and rape on college campuses, including its prevalence, the definition of consent, ways to navigate unhealthy relationships, how to help a friend who has been affected by sexual violence, and available resources on- and off- campus. The Women's Center works with departments and student groups across campus to offer a variety of programs, including Take Back the Night, dialogues on intersectionality, theatrical performances, trauma-informed art therapy, and a speaker series that includes well-known outside speakers.

Rape Aggression Defense Courses: The Boston College Police Department offers numerous 12-hour Rape Aggression Defense (R.A.D.) courses which include lecture, discussion and self-defense techniques for men and women.

Prevention and Response Awareness Poster Campaign: Residence Life, in partnership with the Women's Center, provides informational posters in first year residence hall community bathrooms to inform students of the University's resources and responses to sexual misconduct.

Sophomore Bystander Intervention Campaign: This social marketing campaign for sophomore students promotes active pro-social bystander behavior. The campaign features many well-known Boston College students who are confronted with situations that may lead to sexual violence in familiar spaces in the University community. Campaign postings will appear in all sophomore on-campus living spaces, including lounges, bathrooms, bulletin boards, resident assistant and resident director doors, and are embedded in electronic communications from Residential Life staff to sophomore students.

Parent Orientation Initiative: A one-page information sheet for parents of first year students is distributed at all orientation sessions. This guide provides an overview of Title IX, describes the University's education and prevention programs for first year students, lists on- and off-campus resources, and provides contact information for the Student Affairs Title IX Coordinator.