

Boston College
Campus Sexual Violence and Misconduct 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, stalking, and all other forms of sexual misconduct. 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 policy, provided in accordance with the Clery Act and Massachusetts law, is to summarize some of the University's efforts with respect to preventing sexual misconduct, to direct members of the University community to the University's policies and resources regarding sexual misconduct, and to inform students and employees who experience sexual violence about procedures to follow after a sex offense has occurred. In this notice, the term "sexual misconduct" defined below, includes sexual harassment and sexual violence and the term "sexual violence" (or "sex offenses") is deemed to include sexual assault, domestic and dating violence, and stalking. The University's detailed policies with respect to sexual misconduct can be found in the [Title IX Harassment Policy](#), which addresses conduct that falls within the scope of Title IX of the Education Amendments of 1972, and for non-Title IX conduct, the University's [Discriminatory Harassment Policy](#) (addressing sexual harassment complaints against faculty and staff, primarily) and the [Student Sexual Misconduct Policy](#) (addressing sexual misconduct complaints against Boston College students). The Boston College Sexual Assault Network (SANet) is a primary, confidential resource for students who have been affected by sexual misconduct; employees may seek confidential assistance from the Faculty/Staff Assistance Program, which includes the services of a confidential resource provider, reachable at (617) 552-3340. For more information on the services and resources provided by SANet and the Boston College Police Department, please visit the following websites: [SANet](#) and [BCPD-Crime Prevention](#). In addition, the University Title IX Coordinator, reachable at 617-552-3334, and the Student Affairs Title IX Coordinator, reachable at 617-552-3482, oversee the University's response to reports of sexual misconduct.

Definitions

In accordance with the Clery Act, the definitions of certain sexual violence terms under Massachusetts law are included below. The [Title IX Harassment Policy](#), the [Discriminatory Harassment Policy](#), and the [Student Sexual Misconduct Policy](#) include definitions of conduct prohibited under those policies, 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.

Sexual Misconduct. Under Massachusetts law (M.G.L. ch. 6 section 168D), sexual misconduct is defined as an incident of sexual violence, dating violence, domestic violence, gender-based violence, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, or stalking.

Prevention and Education Programs

Boston College provides a variety of education programs to the University community to promote awareness of sexual misconduct, 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.

Sexual Misconduct Response and Reporting

The first priority of a person who experiences sexual violence should be to get to a place of safety and obtain any necessary medical treatment. Students and employees 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 University’s [Student Sexual Misconduct Policy](#) describes a student’s options for reporting sexual violence

and other misconduct, including a description of confidential and privileged University resources and an anonymous reporting option. The [Discriminatory Harassment Policy](#) describes reporting options, including an anonymous reporting, for employees, as well as students to report sexual misconduct on the part of faculty or staff.

The University strongly encourages, but does not require, students and employees to report sex offenses and to do so promptly. To report an incident, a student or employee may contact the Boston College Police (“BCPD”) at 617-552-4444. For more information about the BCPD, which has the authority to make arrests, see the [Campus Law Enforcement](#) policy. A student may also contact the Student Affairs Title IX Coordinator at 617-552-3482, the 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 confidential resource provider at 617-552-2735. An employee may contact the University Title IX Coordinator at 617-552-3334, the University Harassment Counsellor at 617-552-0486, or the employee confidential resource provider at (617) 552-3340. For sex offenses that occur off campus, the University will provide assistance upon request in notifying the appropriate local law enforcement agency for the jurisdiction in which the reported crime occurred.

If a student or employee chooses to report a sex offense to the Boston College Police, a specially trained officer will conduct an investigation which involves asking the student or employee 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 complainant to a hospital to have a sexual assault evidence collection kit performed if the complainant chooses, and will assist the complainant in meeting with a Victim Witness Advocate and the District Attorney’s Office if the victim so chooses. If the complainant is a student, the officer will also be available to provide assistance to the student in connection with reporting the incident to the Office of Student Conduct.

The Boston College Police Department will also notify the student or employee about his or her legal options. In addition to pursuing a criminal complaint or pursuing a complaint under applicable University policy, students or employees who experience 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 students and employees in pursuing these orders. Any student or employee may inform the Boston College Police of the issuance of any protective order related to domestic violence or harassment. BCPD will notify University administrators as appropriate to help ensure that the order is enforced on campus.

Boston College strongly encourages students and employees who experience sexual misconduct to report it to the University. The University will provide the complainant 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 as 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 in the [Student Sexual Misconduct Policy](#).

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.

Adjudication Processes

The University's processes for adjudicating complaints of alleged sexual misconduct are described in the [Title IX Harassment Policy](#), [Student Sexual Misconduct Policy](#), and the [Discriminatory Harassment Policy](#). The University's processes are designed to be prompt, fair and impartial and are conducted by investigators and decision makers who are trained on an annual basis. A responding party will receive notice of an allegation of sexual misconduct that will include the date, time, and location, if known, of the alleged incident and a statement identifying the specific policy or policies violated. The standard of proof in the adjudication of complaints is the preponderance of the evidence. The responding party is presumed not responsible for the alleged conduct until a determination is made. The complainant and the respondent are entitled to the same opportunities to have an advisor of the party's choice present during any meeting related to the complaint and to present witnesses. The parties will have equal opportunities to review and inspect evidence obtained in the investigation that is directly related to the allegations. There may be restrictions on evidence considered by the investigators and/or decision makers, including evidence regarding prior sexual history or character evidence. In no event will the parties directly question each other at any time during the adjudication process. Both the complainant and the respondent are simultaneously informed in writing of the outcome. These policies also describe the procedures for appeal; parties will be informed of any changes to the results that occur prior to the results becoming final and when the results become final. These policies also describe the sanctions that may be imposed following a finding of responsibility for sexual misconduct, which include suspension or dismissal from the University.

Changes to Academic, Living, and Working Situations

Boston College recognizes the importance of offering support and assistance to students and employees who experience sexual misconduct. Upon request, the University will provide reasonable and appropriate interim measures to help assure the safety and wellbeing of the complainant. These measures may include a University no-contact or stay-away order.

For students, interim measures will be offered through the Office of Student Conduct, the Student Affairs Title IX Coordinator, and the confidential resource provider for students. For students, these measures may include reasonable academic, housing, and other adjustments as appropriate in the circumstances.

Employees who have experienced sexual misconduct or sexual violence may seek assistance from the BCPD, the University Title IX Coordinator, or the Harassment Coordinator, or the confidential resource provider of the Faculty/Staff Assistance Program. The confidential resource provider and/or the Harassment Coordinator can help facilitate interim supportive measures for an employee complainant, as reasonable and appropriate in the circumstances. 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 misconduct 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 students and employees who report incidents of sexual misconduct, and will protect the confidentiality of the individuals involved to the fullest extent possible. In responding to an affected student or employee's requests for academic, living, or working adjustments, the University will limit disclosures to the minimum necessary to make reasonable adjustments. The University does not include the names or other identifying information of sexual misconduct complainants 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, 2017 rev (to update department names/telephone numbers)

August 27, 2019 rev (to update department names)

August 24, 2020 rev (to update for Title IX regulations)

August 12, 2021 rev (to update for M.G.L. ch. 6 section 168D)

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. Incoming transfer and 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:

Sexual Assault and Prevention is an interactive on-line prevention program designed for undergraduate 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-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 Adjudicators: The University ensures that any employees responsible for investigating or adjudicating 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 and sexual misconduct, 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.