

BOSTON COLLEGE

Student Sexual Misconduct Policy 2018-2019

BOSTON COLLEGE STUDENT SEXUAL MISCONDUCT

POLICY INDEX

- I. INTRODUCTION
- II. BUILDING AN EDUCATIONAL ENVIRONMENT FREE FROM SEXUAL MISCONDUCT
- III. PROHIBITED BEHAVIOR
 - a. Definitions
 - i. Sexual Misconduct*
 - ii. Sexual Harassment*
 - iii. Sexual Assault*
 - a. Sexual Contact*
 - b. Sexual Penetration*
 - iv. Consent*
 - v. Incapacitation*
 - vi. Coercion*
 - vii. Sexual Exploitation*
 - viii. Intimate Partner Violence*
 - ix. Stalking*
 - x. 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. Guides & Advisers
 - d. Standard of Proof
 - e. Investigation Findings and Outcome Notification
 - f. Alternative Resolution
- 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.

In accordance with Title IX, the University strives to eliminate sexual violence on campus, prevent its occurrence, and address its effects. Title IX is a federal civil rights law that prohibits discrimination on the basis of sex by any federally funded educational institution, including Boston College. Prohibited discrimination includes sexual harassment and sexual violence. This policy describes how the University responds to sexual misconduct in accordance with its obligations to all its students under 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 behavior, options to report misconduct (including confidential options), possible remedies and sanctions, and on- and off-campus resources. This policy explains how the University will proceed once it is made aware of possible student sexual misconduct.

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 behavior that encourages sexual misconduct or discourages reporting;
- Developing the necessary skills to be an effective and supportive ally to survivors 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 BEHAVIOR

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 behavior 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 behavior that it reasonably deems to constitute sexual misconduct or create a discriminatory environment.

a. DEFINITIONS

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

- i. **SEXUAL MISCONDUCT** is a broad term that encompasses a range of behaviors 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 behavior 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 behavior 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 particular sexual 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. Consent may never be obtained through use of coercion, intimidation, force, or threats.

Consent cannot be obtained from an individual who is incapable of giving consent because the person:

- Has a mental, intellectual, or physical disability;
 - Is under the legal age to give consent (16 years of age in Massachusetts);
 - Is asleep, “blacked out,” unconscious, or physically helpless; or
 - Is incapacitated, including through the consumption of alcohol or drugs.
- v. **INCAPACITATION** is the inability to make informed, rational judgments and decisions. If alcohol or drugs are involved, incapacitation may be assessed by evaluating how the substance has affected a person’s decision-making capacity, awareness, and ability to make informed judgments. The impact of alcohol and drugs varies from person to person; however, warning signs of possible incapacitation include slurred speech, unsteady gait, impaired coordination, inability to perform personal tasks such as undressing, inability to maintain eye contact, vomiting, and emotional volatility. The perspective of a reasonable person will be considered in the University’s determination of whether a person knew, or reasonably should have known under the circumstances, whether the other party was incapacitated. Being intoxicated or incapacitated does not diminish one’s responsibility to obtain consent and will not be an excuse for sexual misconduct.
- vi. **COERCION** is to force a person to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force.
- vii. **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; recording, photographing, 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 significant risk of sexually transmitted infection.
- viii. **INTIMATE PARTNER VIOLENCE** (also known as *Relationship Violence, Dating Violence, or Domestic Violence*) Intimate partner violence is any violent or controlling behavior by a person against a current or former intimate partner. The existence of an intimate partner relationship is determined 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. Intimate partner violence may include actual or threatened physical violence, sexual violence, psychological or emotional abuse, and/or progressive social isolation.

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>.

- ix. **STALKING** is engaging in a course of behavior 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. Generally, stalking involves a course of conduct which is defined as 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. Examples include but are not limited to: following a person; appearing at a person's home, class or work; making frequent phone calls, emails, text messages, etc.; continuing to contact a person after receiving requests not to; leaving written messages, objects or unwanted gifts; vandalizing a person's property; and threatening, intimidating, or intrusive behavior.
- x. **COMPLICITY** is when a student, through act or omission, 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 investigations of sexual misconduct. This policy and related processes may also apply to 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.

Behavior 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 the Dean of Students.

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 the support they need 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

SEXUAL ASSAULT NETWORK (SANet)

The Sexual Assault Network is the University's primary confidential resource for students and other members of the Boston College community to report incidents of sexual violence or misconduct for the purpose of getting information, resources, and support. SANet 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. The SANet phone number is 617-552-2211.

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 journeys.

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

Pastoral and Professional Counselors

Pastoral Counselors and Professional Counselors, when acting in their professional capacity as described below, are not required to disclose student reports of sexual misconduct without the student's consent.

- A *Professional Counselor* is an employee of the University whose official responsibilities include providing psychological counseling and who is functioning within the scope of his or her license or certification. Contact University Counseling Services (UCS): 617-552-3310 during the day and 617-552-3227 on nights and weekends.
- A *Pastoral Counselor* is an employee of the University who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a Pastoral Counselor.

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 the Dean of Students

The Office of the Dean of Students, 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 provides trained guides/advisers and support services to students who are complainants and respondents in the conduct system. The Office, 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), deanofstudents@bc.edu

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 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 alleged perpetrator(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 the Dean of Students Office 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 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 the Dean of Students, 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 alleged perpetrator is likely to commit additional acts of sexual or other violence, such as:
 - Whether there have been other sexual violence complaints about the same alleged perpetrator;
 - Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - Whether the sexual violence was committed by multiple perpetrators;
- 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 alleged perpetrator(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 behavior 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 the Dean of Students, in conjunction with the Student Affairs Title IX Coordinator, provides assistance and support to students. For students who report sexual misconduct, the Office of the Dean of Students 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. The Office of the Dean of Students can also provide the complainant and respondent with support and counseling as well as a trained guide/adviser (see section *c* below). *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);
- Assist international students 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 a student with a disciplinary violation, the University will nonetheless take steps to protect and assist the victim.

a. INSTITUTIONAL REMEDIES & RESPONSES

i. *INTERIM MEASURES.*

Upon a victim's request, the University will provide appropriate interim measures designed to prevent further acts of misconduct, harassment, or retaliation and address the victim's safety concerns, as described below. The Student Affairs Title IX Coordinator, in conjunction with Office of the Dean of Students and other University offices, will determine the necessity for and scope of any interim measures pending the completion of the University's investigation. In cases in which the University agrees to honor a victim's request for confidentiality, the University will provide such interim measures to the extent it may do so in light of the victim's requests and the University's obligations to its other students, including the responding student.

Other Interim Measures may include:

- Assistance with emergency rape crisis treatment and emergency medical services, including accompanying the individual to the hospital or University Health Services, to the police, or to the Office of the Dean of Students.
- Guidance and support with filing a complaint through the University's student conduct process and/or through 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 in contacting community resources such as The Boston Area Rape Crisis Center or other support services.
- Assistance in seeking assistance from local law enforcement, including assistance in seeking restraining and/or protective orders.
- Any other remedy which can be tailored to the involved individuals to achieve the goals of this policy.

Even when a complainant or respondent does not specifically request that protective action be taken, the Student Affairs Title IX Coordinator and Office of the Dean of Students may impose interim measures at its discretion to ensure the safety of any individual, the safety of the broader University community, or the integrity of the investigation process.

The range of interim measures includes, but is not limited to:

TEMPORARY NO CONTACT ORDERS AND UNIVERSITY STAYAWAY ORDERS

In instances where it has been determined by a University administrator that contact between specific persons may pose an immediate threat to an individual or 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 parties refrain from having contact with one another, directly or through third parties, whether in person or via electronic means, until further directed.

INTERIM ADMINISTRATIVE ACTION

The Dean of Students or designee may take interim administrative action 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 the Dean of Students or when the University otherwise determines a thorough investigation and/or conduct action is appropriate, the University, under the oversight of the Office of the Dean of Students with consultation from the Student Affairs Title IX Coordinator, will conduct an investigation of the complaint. At the discretion of the Office of the Dean of Students and the Student Affairs Title IX Coordinator, the University may elect to adjudicate Intimate Partner Violence complaints that involve allegations of physical violence through the hearing process described in Section 5.4 of the Student Guide in lieu of the investigation process described below.

The University will conduct investigations through the use of one or more internal and/or external investigators specifically trained in sexual misconduct investigations.

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, 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 the Dean of Students 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. GUIDES & ADVISERS

The Office of the Dean of Students maintains a list of faculty and administrators who are available to help guide the complainant and the respondent through the investigation and conduct process ("Guides"). Guides, who have all received training on the University's student conduct procedures, are available to assist a student throughout the process. Guides are not advocates or liaisons to the Office of the Dean of Students. They are available only to inform students about the process and assist with procedural questions. The complainant and respondent may select a Guide from the list provided by the Office of the Dean of Students, or many decline the assistance of a Guide.

During the investigation, the complainant and respondent may also have an adviser of his or her 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). If the student chooses, a student's Guide may also serve as the student's Adviser.

An Adviser may be present only to provide assistance or consultation to a student, and may not speak on behalf of the student or otherwise be an active participant in any 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.

d. STANDARD OF PROOF

The investigator's findings as to the responsibility of the respondent will be made using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard, determinations of responsibility are based upon what is more likely than not to have 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 five (5) calendar days to review this interview summary and provide any comments to the investigator. The investigator will consider any comments as appropriate.

In most cases, 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, and any witnesses, as well as other evidence gathered during the investigation. The complainant and respondent must submit any comments concerning 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.

Following the receipt of any comments on the evidence, or after the ten (10)-day period has lapsed without comment; the investigator will prepare a final written report that includes a summary of the investigator's findings and the rationale for those findings. The final report will be provided to the Office of the Dean of Students and the Student Affairs Title IX Coordinator for their review and approval. Once finalized, both the complainant and respondent will receive simultaneous notification of the resolution.

f. ALTERNATIVE RESOLUTION

At the discretion of the Office of the Dean of Students and the Student Affairs Title IX Coordinator and with the agreement of the complainant and respondent, the Office of the Dean of Students 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 above. Alternative approaches may be informal or formal, such as the hearing process described in [Section 5 of the Student Guide](#).

VII. SANCTIONS AND REMEDIES

If the respondent is found responsible for sexual misconduct, the Office of the Dean of Students, in conjunction with the Student Affairs Title IX Coordinator, will initiate a sanctioning process (as outlined in [Section 5 of the Student Guide](#)).

a. SANCTIONING RATIONALE

If a Respondent is found to have violated this policy, the University will determine sanctions that will be designed to be commensurate with the violation. In determining the sanction, 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. Serious misconduct may require 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.

b. REMEDIES

As part of the sanctioning process, the Dean of Students, or designee, may require that existing interim remedies or administrative actions stay in place for a prescribed period of time. Working with the Student Affairs Title IX Coordinator, the Dean of Students, or designee, may also institute new remedies or administrative actions such as stay away orders, modified housing placement, or academic accommodations based upon the investigation and adjudication of the matter. The Dean of Students, or

designee, may keep stay away orders in place, even when students are found not responsible through an investigatory process.

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 will result in an administrative review of the decision; only in rare circumstances will an appeal result in a new investigation of the case.

Information with regard to 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 Affairs

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 sexual misconduct in cases in which a Boston College student is the complainant or respondent.

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*](mailto: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 the Campus Ministry is available to help students with private (but not confidential) pastoral counseling and spiritual direction. Some members of the 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*](http://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)

617-742-4911

<http://tnlr.org>

GLBTQ Domestic Violence Project 24-Hour Hotline

800-832-1901

www.glbtqdv.org

Reporting and Legal Support

Greater Boston Legal Services

617-371-1234

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/>