

# Student Sexual Misconduct Policy 2024-2025

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## I. INTRODUCTION AND SCOPE OF THE 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:

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### **III. PROHIBITED CONDUCT**

The University prohibits all forms of sexual misconduct, including but not limited to, sexual harassment, sexual assault, stalking, and intimate partner violence, whether perpetrated by a stranger or acquaintance, whether occurring on- or off- campus, and whether directed against a member of the Boston College community or someone outside the University community. Such conduct by a Boston College student is

- ii. **Sexual Harassment** is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment or educational opportunity, (2) submission to or rejection of such conduct by a person is used as the basis for employment or educational decisions affecting the person, or (3) the conduct has the purpose or effect of unreasonably interfering with a person's education or work performance or creating an intimidating, hostile, or offensive educational, work, or living environment. Examples of conduct that may constitute sexual harassment include, but are not limited to, sexual advances, any form of retaliation or threat of retaliation against an individual who rejects such advances, sexual epithets, jokes, or comments, comment or inquiry about an individual's body or sexual experiences, unwelcome leering, whistling, brushing against the body, sexual gestures, and displaying sexually suggestive images. A single incident of serious sexual misconduct may be sufficiently severe to constitute sexual harassment.
  
- iii. **Sexual Assaults** any sexual contact or sexual penetration with another individual without consent.
  - a. **Sexual Contact** includes intentional contact with the intimate parts of another person, causing another person to touch one's intimate parts, or disrobing or exposure of another person without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact includes kissing and attempted sexual penetration.
  
  - b. **Sexual Penetration** includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.
  
- iv. **Consent** is the clear and voluntary agreement to engage in specific acts of sexual contact or activity, communicated through mutually understandable words or actions. Consent is always freely informed and actively given. Silence or lack of resistance cannot be assumed to imply consent. Consent must be ongoing, and it may be withdrawn at any time. Consent for one sexual act does not imply consent for any subsequent sexual activity. If confusion or ambiguity arises during a sexual interaction, it is imperative that the behavior stop and the person initiating the activity has the other person's consent to continue. Consent may never be obtained:
  - a. from an individual who is incapacitated; or
  - b. through the use of coercion or force; from a person who is under the legal age to give consent (16 years of age in Massachusetts);



- v. **Sexual Exploitation** means taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over the person; facilitating the prostitution of another person; non-consensual recording (video or audio) of sexual activity and/or the intimate parts of another person; sharing and/or transmitting images of private sexual activity and/or the intimate parts of another person without consent; observing or allowing third parties to observe private sexual acts



## IV. RETALIATION

It is a violation of University policy to engage, directly or indirectly, in any form of retaliation or intimidation in connection with reports or adjudications of sexual misconduct. This policy and related processes may also be applied to address any allegation that a student has attempted to prevent an individual from reporting sexual misconduct or has engaged in any acts of intimidation or reprisal with respect to any reported sexual misconduct.

Conduct that may be considered retaliatory includes, but is not limited to:

## V. REPORTING SEXUAL MISCONDUCT

Boston College encourages students who have experienced or are experiencing sexual misconduct to talk to someone about what happened so they can get support and the University can respond appropriately. The report may be made by:

- A person who experienced sexual misconduct; and/or

**SANet Hotline** The Sexual Assault Network Hotline is a confidential hotline that is available 24 hours a day, 7 days a week for any Boston College student affected by sexual misconduct speak with a trained advocate to gain support and resources. The SANet number is 617 2211.

**SANet CARE Team** The CARE Team provides available options/next steps to student survivors or friends of survivors and accompanies survivors on their healing journeys. The team is located in Maloney Hall 441 and offers daily walk-in hours on Monday-Friday from 3:00 P.M. – 4:00 P.M. They can be reached at 617 3099 or [sanet@bc.edu](mailto:sanet@bc.edu)

**University Health Services (UHS)** UHS is located at 2150 Commonwealth Avenue (St. Thomas More Road entrance) and is open 24 hours a day for student inpatient care, urgent evaluations, advice, and treatment as needed. Contact UHS at 617 3225.

## b. PRIVILEGED RESOURCES

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

**Professional Counselors** are employees of the University whose official responsibilities include providing psychological counseling to students and who function within the scope of their license or certification. Contact University Counseling Services (UCS) 617 3370 during the day and 617 3227 on nights and weekends.

**Pastoral Counseling** at the University provides students with counseling services in the context of BC's Jesuit, Catholic mission as well as each student's unique spirituality or faith tradition. Rick Rossi is a licensed independent clinical social worker and campus minister offering confidential support to any student in need. Contact Rick Rossi 617 3592 or [richard.rossi@bc.edu](mailto:richard.rossi@bc.edu)

A student reporting to any of the above privileged resources may request complete confidentiality, meaning that the staff in question will not share any identifiable information with anyone without the student's consent. These counselors will provide support and assistance, but will not investigate the complaint.

**NOTE:** While these professional and non-professional counselors and advocates may maintain a student'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~~ orders or other

When weighing a complainant's request for confidentiality or that no conduct process be pursued, the Student Affairs Title IX Coordinator will consider a range of factors, including whether:

The respondent is likely to commit additional acts of sexual or other violence, such as:

- o

If a complainant wants to tell a faculty or staff member what happened but wishes to



**Temporary No Contact Orders and University Stay Away Orders** Students may request that the Office of the Dean of Students issue a nocontact order in connection with a sexual misconduct report. If the Office of the Dean of Students determines that contact between specific persons may cause concern for the safety or emotional well-being of an individual, a Temporary No Contact Order or University Stay Away Order may be issued. The order will typically include a directive that the involved students refrain from having contact with one another, directly or through third parties, whether in person or via electronic means, until further directed.

**Other Administrative Actions** The Dean of Students or designee may take other administrative actions (see Student Code of Conduct section 2.3) 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, when a student has been charged with a serious criminal offense.<sup>1</sup> Interim actions may include summary suspension from the University, removal from University housing, suspension of privileges, and other similar measures.

## **b. ADJUDICATION OF COMP**



The complainant and the respondent are entitled to the same opportunities to have an advisor of the student's choice (who may be a support person, advocate, confidential resource provider, or counselor) present during any meeting related to the conduct proceedings and to consult with the advisor during any meetings, hearings, or other proceedings and to present witnesses, in accordance with Section 3.4 and Section 3.5, respectively, of the Student Code of Conduct;

The complainant and respondent will have equal opportunities to review and present evidence, and will have timely and equal access to relevant evidence 3.5 ( )11.1.7 (e)04-4( )11.1



## VII. SANCTIONS AND REMEDIES

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

### a. SANCTIONING AND RATIONALE

If a respondent is found to have violated this policy, sanctions will be designed to be commensurate with the violation. Consideration will also be given to preventing further misconduct, remedying the misconduct's effects on the complainant and the survivor

## 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 3.8 of the Student Code of Conduct.

Information about submitting an appeal can be found [here](#)

## IX. INFORMAL RESOLUTION PROCESS

At any time after a complainant reports sexual misconduct to the Student Affairs Title IX Coordinator or Office of the Dean of Students, and prior to the conclusion of any conduct process, the complainant, respondent, or the University may seek to pursue an Informal Resolution

(b) (5) - (C)

Once a complaint has been resolved through an informal resolution process, and all terms of any Resolution Agreement have been fulfilled, the matter will be closed. Appeals of any informal resolution process are not permitted. If a party fails to comply with the terms of a Resolution Agreement, the

and what happened. An officer may ask questions about the scene of the crime, any witnesses, and what happened before and after. Call 552-4444 or visit the Boston College Police Department in Maloney Hall (first floor).

**University Title IX Coordinator** The University Title IX Coordinator is responsible for coordinating the University's efforts to comply with Title IX, and oversees the University's response to discrimination complaints. The University Title IX Coordinator is the point of contact for any complaint of sexual harassment under Title IX involving conduct by a faculty or staff member. Contact Patricia Lowe, Office for Institutional Diversity (129 Lake Street, Room 2152) at 617

b.