

BOSTON UNIVERSITY POLICE  
SAFETY ON CAMPUS

Annual Security and  
Fire Safety Report

October 2023

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Los Angeles

# Boston University's Annual Security and Fire Safety Report: Study Abroad Los Angeles

October 2023

## **MESSAGE FROM THE CHIEF SAFETY, SECURITY & PREPAREDNESS OFFICER**

To members of the Boston University community:

Boston University is committed to ensuring the safety of students, faculty, staff, and guests to enhance their experience within our community. This commitment to safety extends beyond the borders of our main campus in Boston, Massachusetts. More than ever, Boston University students are engaged in academic pursuits around the country and around the world. It is with our more distant community members in mind that this report is compiled to address issues of crime prevention and personal safety.

I want to assure our community that we will not compromise on safety as we continue our pursuit for greater transparency and inclusivity. The safety and security of every member of our community remains our top priority and is described in more detail in this Annual Security and Fire Safety report.

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") requires that colleges and universities publish an annual report to address campus safety-related policies and procedures as well as campus crime. If there are on-campus student residences, we also include fire safety and fire statistics. This annual security report focuses on the policies, procedures and statistics applicable to Boston University Study Abroad Los Angeles.

I urge you to read the information presented in this report and to take a moment to think about your personal safety.

- Know how to contact the local police at your BU site and store that information in your mobile device.
- Sign up for and pay attention to any emergency alert service that may be offered at your BU site.
- Report any crime or safety concerns you may have to local police and administrators at your site.
- Finally, look out for your fellow students' welfare and remember that we all share a responsibility for creating and maintaining a safe and secure environment for every member of our community.

Chief Safety, Security  
& Preparedness Officer  
Kelly A. Nee

**FROM THE CHIEF OF POLICE**

**TO MEMBERS OF THE BOSTON UNIVERSITY COMMUNITY:**

**SAFETY AND SECURITY AT BOSTON UNIVERSITY**

I'm proud to serve as Police Chief for the Boston University Police Department. Our department is a full-time police agency that embraces a community policing philosophy that involves significant community engagement. We are committed to providing a high level of service to ensure campus safety while partnering with stakeholders on addressing community concerns. The Boston University Police Department strives to maintain a strong relationship with our community; enhance campus safety and community well-being; and support meaningful community engagement.

Before joining this department, I was Superintendent for the Cambridge Police Department. I have over two decades of experience leading teams through organizational change and critical incidents. I provide expertise on various police reform-related topics. I hold a Doctor of Education in Leadership and Innovation and have a strong academic interest in exploring the intersection of implicit bias and policing. My dissertation, titled "Reducing the Influence of Implicit Bias in a Metropolitan Police Department," examined how implicit bias impacts police officer decision-making. My research received a Distinguished Problem of Practice in Leadership and Innovation award from NYU Steinhardt.

I also hold a Juris Doctor and have been a member of the Massachusetts Bar for over a decade. I am a graduate of the National Preparedness Leadership Institute at Harvard University and the Federal Bureau of Investigation National Academy at Quantico, VA.

Robert Lowe, JD, EdD  
Police Chief  
32 Harry Agganis Way  
Boston, MA 02215

## **1. BRIEF OVERVIEW OF PROGRAM, ENROLLMENT AND FACILITIES**

The Boston University Study Abroad Los Angeles programs offer students the opportunity to study and intern in the heart of the world's media and entertainment industries. Programs range from a short-term summer program to a semester-long program combining academic coursework and internships in film, television, and talent management, to post-graduate certificate programs in acting and screenwriting, to a graduate program in Media Ventures. Typical enrollment in the program varies, depending on the time of year, from approximately 30 students to a maximum of 110. The majority of students are Boston University undergraduates, although approximately 10% of the students in Los Angeles are drawn from other American colleges and universities and registered as visiting Boston University students.

The program employs a full-time professional staff along with several adjunct faculty members, and maintains a classroom/office facility and student apartments in west-central Los Angeles, near the Los Angeles County Museum complex and the Farmer's Market. Its central location facilitates travel for students on internships as part of their program.

### **Classroom/Offices:**

Boston University Study Abroad Los Angeles  
5700 Wilshire Blvd., Suite 675  
Los Angeles, CA 90036  
Tel: 323-571-4535  
[www.bu.edu/losangeles](http://www.bu.edu/losangeles)

### **Student Residences:**

Park La Brea  
6200 W 3rd Street  
Los Angeles, CA 90036 Tel: 877-787-3154

All participants in Boston University Study Abroad programs are required to understand and abide by the Boston University Code of Student Responsibilities, as well as the special conditions and expectations of the programs themselves, as conditions of participation. Students who violate the Code are subject to disciplinary action as described here:

<http://www.bu.edu/dos/policies/student-responsibilities>.

## **2. BOSTON UNIVERSITY POLICE DEPARTMENT**

The Boston University Police Department is a full-time, professional law enforcement agency that provides a wide variety of services on the University's campuses in Boston, Massachusetts.

Working with Global Programs, the Boston University Police Department also assists and advises students, faculty and staff who study and work at locations around the world in matters concerning safety, law enforcement, and crime reporting. Although members of the University community who are not located in Boston are encouraged to call local law enforcement to report a crime, the Boston University Police Department welcomes all calls for assistance or inquiries from any member of the BU community, regardless of their location.

Boston University Police Department  
32 Harry Agganis Way  
Boston, Massachusetts 02215  
617-353-2121 (emergencies)  
617-353-2110 (all other calls)  
[www.bu.edu/police](http://www.bu.edu/police)

The Boston University Annual Security and Fire Safety Report can be found at:  
[www.bu.edu/police/safetyoncampus/annual-security-report/](http://www.bu.edu/police/safetyoncampus/annual-security-report/)

### **3. LOCAL LAW ENFORCEMENT/PRIVATE SECURITY**

Boston University Study Abroad Los Angeles works closely with both the private security department of Park La Brea (Universal Protection) and the Los Angeles Police Department to provide a safe living and learning environment for students in this program. In the event of an emergency or to report any crime, members of the BU Study Abroad Los Angeles community should call 911. The Los Angeles Police and Fire Departments will always be the first responders in any emergency situation.

#### *Los Angeles Police Department*

4849 Venice Blvd  
Los Angeles, CA 90019  
(213) 473-0277  
Divisional Webpage:  
[www.lapdwilshire.com](http://www.lapdwilshire.com)  
Smartphone App: lapdwilshire  
X Account: lapdwilshire  
24-Hour Anonymous Tip Line: 877-527-3247

#### *Los Angeles Police Department – West Bureau Community Station – Wilshire Area*

4861 West Venice Blvd.  
Los Angeles, CA 90019  
213-473-0476

Park La Brea/Universal Protection Service team members staff entrances to the student residence complex and patrol the grounds. They work together with the LAPD, as appropriate, to investigate incidents involving residents in the complex.

Universal Protection Service  
3000 S. Robertson Blvd., Suite 150  
Los Angeles, CA 90034  
310-287-3101

Universal Protection Service  
6200 West Third Street  
Los Angeles, CA 90036  
323-549-5508

Universal Protection Service also provides security services at the program's classroom and office spaces located at 5700 Wilshire Boulevard. UPS guards are located at the reception desk and patrol the building.

Universal Protection Service  
5750 Wilshire Blvd., Suite 151  
Los Angeles, CA 90036  
323-692-2445

Universal Protection Service security personnel are empowered to check identification and limit access to the buildings. They have no arrest authority and have no written agreement in place with the Los Angeles Police Department, although as noted above Universal Protection Service will assist the LAPD in investigations.

Consistent with the Clery Act, students should also report any criminal incident to the program administrators, identified below. These individuals can provide assistance with filing a police report or other support.

#### **4. SAFETY AND SUPPORT NETWORK**

The Director and other on-site staff provide 24-hour academic and student life support to all students participating in the Los Angeles programs and serve as a bridge to other community-based resources, including emergency services, medical services, and local law enforcement. They are backed up in Boston by the staff of BU Study Abroad and Global Support. Students can reach on-site staff in Los Angeles 24/7 by calling 323-240-0664.

##### **Emergency Contacts**

On arrival each student receives a sticker for their ID card containing emergency contact protocols. In addition to the 24/7 emergency number above, the following staff 24/7 numbers are listed on the sticker.

##### **Los Angeles**

Program Office: 323-571-4535

Charisse McGhee-Lazarou, Site Director: 617-353-2000, [cmdaz@bu.edu](mailto:cmdaz@bu.edu)

Erika Ljungdahl, Assistant Director – Student Services: 617-755-5479, [elungda@bu.edu](mailto:elungda@bu.edu)

Carrie Topiel, Program Manager [ctopiel@bu.edu](mailto:ctopiel@bu.edu)

Grace deVuono, Program Manager [gadev@bu.edu](mailto:gadev@bu.edu)

Los Angeles students are provided with an ID card listing program contact information and the contact information for other emergency resources. Students are also encouraged to enter an ICE (In Case of Emergency) phone contact number in their personal phone contact lists, since emergency workers are trained to look for identification and such ICE numbers if they find someone unable to communicate for himself or herself.

##### **Boston**

BU Study Abroad staff may be reached during emergencies at any time by calling the following number:

617-353-9888 (Monday-Friday, 9am-5pm ET)

Dedicated staff members in Boston University Global Programs also serve an important function for emergency planning and response:

Kevin Kugel, Associate Director, Health, Safety and Security

617-353-5401 (office)

254-319-4980 (mobile)

Megan DeBolt, Health, Safety and Security Manager

617-358-2815 (office)

Julliet Mayinja, Director of Operations, Study Abroad

617-358-5133 (office)

857-218-8738 (mobile)

All Boston-based campus resources are available to students as well. These include:

- Boston University Police: 617-353-2121; [bupolice@bu.edu](mailto:bupolice@bu.edu) (a licensed psychiatric social worker is on 24-hour on-call through the BU Police)
- Student Health Services: 617-353-3575; [www.bu.edu/shs](http://www.bu.edu/shs)

- Sexual Assault Response & Prevention Center: 617-353-7277; <http://www.bu.edu/sarp/>; [sarp@bu.edu](mailto:sarp@bu.edu)
- Dean of Students Office; 617-353-4126; [dos@bu.edu](mailto:dos@bu.edu)
- Disability & Access Services; 617-353-3658; [access@bu.edu](mailto:access@bu.edu)

The Boston University Global Support Safety Management Team meets as necessary to coordinate response to emergencies off-campus and respond to the community's needs. This team is chaired by the Vice President/Associate Provost for Global Support or their designee.

In addition, students enjoy access to the resources of Boston University's on-campus Safety and Support Network (<https://www.bu.edu/police/>) and service to support students' health and well-being (<http://www.bu.edu/safety/health-and-well-being/>).

On-site Directors of Boston University Study Abroad programs are trained regularly in the breadth of support offices and functions in Boston, so that they and their students may take full advantage of them.

### **Confidential Resources**

Boston University Study Abroad Los Angeles does not currently employ anyone on-site who is authorized to keep reported incidents confidential. If a student wishes to disclose information confidentially, it is important to make it clear that the student should contact one of the following Boston University offices.

#### *Sexual Assault Response & Prevention Center (SARP)*

24-hour hotline: 617-353-SARP (7277)

Email: [sarp@bu.edu](mailto:sarp@bu.edu)

[www.bu.edu/sarp](http://www.bu.edu/sarp)

The Sexual Assault Response & Prevention Center provides rapid, confidential, compassionate, supportive, and free-of-charge advocacy and assistance to BU students who have experienced a traumatic incident, including but not limited to sexual assault, physical assault, interpersonal violence, and other crimes

#### *Student Health Services/Behavioral Medicine*

617-353-3575

617-353-3569 (for urgent mental health-related needs)

[www.bu.edu/shs](http://www.bu.edu/shs)

Student Health Services is designed to help meet BU students' health care needs while at Boston University. SHS provides primary care, sports medicine, and counseling services by appointment and on an emergency basis. SHS also provides wellness and prevention services that address alcohol, drugs, sexual health, and healthy relationships. SHS provides resources for faculty, staff, and students to help students who may be in distress at [www.bu.edu/shs/behavioral/helpinfo](http://www.bu.edu/shs/behavioral/helpinfo).

#### *Marsh Chapel*

617-353-3560

[www.bu.edu/chapel](http://www.bu.edu/chapel)

University chaplains from a variety of religious traditions are available to all students, regardless of religious affiliation. Appointments can be scheduled, or students can visit the chapel office on weekdays between 9 a.m. and 10 p.m. University chaplains provide confidential assistance to BU students.

#### *Office of the Ombuds*

617-358-5890 (Charles River Campus)  
617-638-7645 (Medical Campus)  
[www.bu.edu/ombuds](http://www.bu.edu/ombuds)

Although the above are confidential resources, the University encourages pastoral counselors and professional counselors to inform the individuals they counsel of the procedures to report crimes to law enforcement on a voluntary confidential basis for inclusion in the annual crime statistics.

### **Non-Confidential Resources**

In addition to the confidential resources listed above, there are a number of other non-confidential resources.

#### *Dean of Students*

George Sherman Union  
775 Commonwealth Avenue, Second Floor  
617-353-4126; [dos@bu.edu](mailto:dos@bu.edu)  
[www.bu.edu/dos](http://www.bu.edu/dos)

The Dean of Students office is a service-oriented department operating on behalf of students. If you are a student and have any concern that you think should be addressed, contact this office. The Dean of Students is vested with principal responsibility for implementing and administering the Code of Student Responsibilities ([www.bu.edu/dos/policies/student-responsibilities](http://www.bu.edu/dos/policies/student-responsibilities)) and for overseeing student judicial proceedings. The Dean of Students also supports student safety through a variety of programs and policies. For additional information, including valuable safety tips, visit the website at [www.bu.edu](http://www.bu.edu).

#### *The Albert & Jessie Danielsen Institute*

185 Bay State Road  
617-353-3047  
[www.bu.edu/danielsen](http://www.bu.edu/danielsen)

The mission of the Danielsen Institute is to alleviate suffering and to promote healing, growth, and change in the persons, communities, and institutions that we serve. The institute seeks to accomplish this mission through service, training, teaching, and research that emphasizes depth psychotherapy and is informed by spiritual, religious, and existential perspectives.

#### *The Center for Anxiety & Related Disorders*

900 Commonwealth Avenue  
Second Floor  
617-353-9610  
[www.bu.edu/card](http://www.bu.edu/card)

The Center for Anxiety & Related Disorders (CARD) is an internationally known clinical and research center dedicated to advancing knowledge and providing care for anxiety, mood, eating, sleep, and related disorders.

#### *University Service Center*

881 Commonwealth Avenue, Lower Level  
617-358-1818; [usc@bu.edu](mailto:usc@bu.edu)  
[www.bu.edu/usc](http://www.bu.edu/usc)

The University Service Center is charged with the resolution of problems that are complex, highly

sensitive, or that cross administrative and academic lines—including matters of safety and security. Staff members have broad discretion in identifying issues and resolving problems for students, families, and employees.

## **5. REPORTING CRIMES**

All Boston University students, faculty and staff are urged to report all crimes, allegations of crimes, and emergency situations, wherever they may occur, as promptly as possible. Emergency response, including response to crimes, is best handled by local law enforcement or other emergency responders who are reached by calling 911. All crimes and other emergencies should also be reported to any of the following members of the Boston University Study Abroad Los Angeles staff:

Charisse McGhee-Lazarou, Site Director: 617-353-2000, [cmdaz@bu.edu](mailto:cmdaz@bu.edu)  
Erika Ljungdahl, Assistant Director- Student Services: 617-755-5479, [eljungda@bu.edu](mailto:eljungda@bu.edu)  
Carrie Topiel, Program Manager [ctopiel@bu.edu](mailto:ctopiel@bu.edu)  
Grace deVuono, Program Manager, [gadev@bu.edu](mailto:gadev@bu.edu)

Crimes and emergencies in the Student Residences should also be reported to Park La Brea at 877-787-3154.

The University has designated certain administrators as campus security authorities (CSAs) who are individuals who have significant responsibility for student and campus activities including, but not limited to, student housing, student discipline and campus judicial proceedings. CSAs are mandated to report crimes to BUPD. The University regularly identifies those individuals who fit the definition of CSA and provides training to assist them in fulfilling this important role. All Los Angeles staff members dealing directly with students, including RAs, are CSAs. Crimes may be reported to any of them.

All such incidents should then be reported to Boston University Study Abroad and Global Support using the standard Incident Report Form. The Global Support Associate Director, Health, Safety and Security will then report qualifying criminal acts to the Boston University Police for inclusion in BU's annual crime statistics report. Sites should report all crimes and emergencies that occur in connection with the Boston University Los Angeles program, including related travel outside of Los Angeles, to Boston University Study Abroad.

Boston University encourages all members of the community to report all crimes, including when the victim of the crime elects or is unable to report the crime directly.

As there are no off-campus housing or other facilities utilized by Boston University Study Abroad Los Angeles, the program does not engage in any monitoring or recording of criminal activity through local police agencies at specific off-campus locations. Boston University Study Abroad Los Angeles works closely with the Los Angeles Police Department to provide a safe living and learning environment for students in this program.

## **6. FACILITIES AND ACCESS**

5700 Wilshire Boulevard is an upscale, modern, six-story office building. Boston University's suite includes classrooms as well as offices for program staff. All visitors pass by a 24-hour guarded entrance; from 7 pm to 7 am visitors must be admitted to the building by a security guard. Guards also patrol the building around the clock. There are numerous security cameras throughout and outside the building and parking areas. Between 7 pm and 7 am, key cards are necessary in order to operate the elevators. Faculty members have keys to the general suite classroom; only administrators have keys to the offices.

Park La Brea is a 168-acre apartment complex located approximately two blocks from 5700 Wilshire Boulevard. The surrounding neighborhood is home to the large Grove shopping center and the Farmer's Market, as well as the LA County Museum and the La Brea Tar Pits. Park La Brea is a gated community, with guards at all three entry points and patrolling the grounds. Visitors should be registered with Sky Security by a resident, and will be given a visitor or parking pass at the entrance. All students are housed in 13-story towers within the Park La Brea complex. Apartments are secured with locks and deadbolts. The selection of Park La Brea is based on several factors, including the location, which is close to heavily trafficked areas such as the Wilshire Boulevard "Miracle Mile" and the upscale Grove shopping center; the security, provided by Park La Brea management and their private security contractor; and the responsiveness of Park La Brea management and Los Angeles Police and Fire Departments.

## **7. SAFETY PROCEDURES, CRIME PREVENTION PROGRAMS AND WELLNESS PROGRAMS**

Pre-departure meetings are held on the Boston University campus to discuss administrative and academic aspects of the program, including conditions on site, staff and local resources, situational awareness and other basic health and safety precautions. In addition, a program handbook is updated annually and sent electronically to all students, regardless of their attendance at these sessions.

Students attend an on-site orientation session during the first days of the program itself, where program staff discuss health, safety, security, emergency procedures, emergency contact information and reporting procedures. All students are supplied with the program's 24-hour emergency contact numbers and are encouraged to enter these numbers into their mobile devices.

Because of the unusual risk of earthquakes in Southern California, as well as associated problems including fire and the loss of utilities and other public services, Boston University Study Abroad Los Angeles emphasizes earthquake preparedness and response. Measures include:

- Providing each student apartment with an emergency supply kit and food and water for 3 to 5 days.
- Providing each student a portable emergency kit to keep in their cars.
- Storing emergency supplies in the office to sustain 50 people for 2-3 days, in case an emergency strikes during classes.
- Verbal orientation/tours of the classroom/office facility and student apartment safety features and modes of egress, as well as a group tour of the program's designated assembly areas.
- A classroom/office building safety presentation, including a fire drill, conducted by building security personnel.

Another risk unusual to the Los Angeles programs is road and vehicle safety. Because of the paucity of reliable public transportation in Los Angeles, the majority of students reach their internship locations in private cars. The program has secured a favorable rate for long-term vehicle leases for students in the program. Students in the program are provided with detailed information relating to laws regarding the leasing and operation of vehicles in California, insurance requirements, and basic tips for driving in the city.

In addition, many of Boston University's prevention and wellness programs are available by phone and online and are fully accessible to students. These include: *Sexual Assault Response & Prevention Center (SARP)*

617-353-SARP (7277)

Email: [sarp@bu.edu](mailto:sarp@bu.edu)

[www.bu.edu/sarp](http://www.bu.edu/sarp)

*Student Health Services/Behavioral Medicine*  
617-353-3575  
617-353-3569 (for urgent mental health-related needs; 24-hour hotline)  
[www.bu.edu/shs](http://www.bu.edu/shs)

*Marsh Chapel*  
617-353-3560  
Email: [chapel@bu.edu](mailto:chapel@bu.edu)  
[www.bu.edu/chapel/staff/chaplains](http://www.bu.edu/chapel/staff/chaplains)

*University Service Center*  
617-358-1818  
[www.bu.edu/usc](http://www.bu.edu/usc)

Attached at **Appendix A** is a list of programs related to domestic violence, dating violence, sexual assault and stalking, including but not limited to primary prevention and awareness programs, bystander intervention programs and ongoing prevention and awareness campaigns.

If you are interested in participating in or learning more about any of these programs, please contact the Site Director, Charisse McGhee-Lazarou, who will seek to make arrangements for online or other remote access, to the extent that it is not practicable for you to participate in the programming on Boston University's campus in Boston, Massachusetts.

#### **Fraud Prevention Tips**

1. **Spot imposters.** Scammers often pretend to be someone you trust, like a government official, a family member, a charity, or a company you do business with. Don't send money or give out personal information in response to an unexpected request — whether it comes as a text, a phone call, or an email.
2. **Do online searches.** Type a company or product name into your favorite search engine with words like "review," "complaint" or "scam." Or search for a phrase that describes your situation, like "IRS call." You can even search for phone numbers to see if other people have reported them as scams.
3. **Don't believe your caller ID.** Technology makes it easy for scammers to fake caller ID information, so the name and number you see aren't always real. If someone calls asking for money or personal information, hang up. If you think the caller might be telling the truth, call back to a number you know is genuine.
4. **Don't pay upfront for a promise.** Someone might ask you to pay in advance for things like debt relief, credit and loan offers, mortgage assistance, or a job. They might even say you've won a prize, but first you have to pay taxes or fees. If you do, they will probably take the money and disappear.
5. **Consider how you pay.** Credit cards have significant fraud protection built in, but some payment methods don't. Wiring money through services like Western Union or MoneyGram is risky because it's nearly impossible to get your money back. **That's also true for reloadable cards (like MoneyPak or Reloadit) and gift cards (like iTunes or Google Play). Government offices and honest companies won't require you to use these payment methods.**
6. **Talk to someone.** Before you give up your money or personal information, talk to someone you trust. Con artists want you to make decisions in a hurry. They might even threaten you. Slow down, check out the story, do an online search, consult an expert — or just tell a friend.
7. **Hang up on robocalls.** If you answer the phone and hear a recorded sales pitch, hang up and report it to the FTC. These calls are illegal, and often the products are bogus. Don't press 1 to speak to a person or to be taken off the list. That could lead to more calls.
8. **Be skeptical about free trial offers.** Some companies use free trials to sign you up for products and bill you every month until you cancel. Before you agree to a free trial, research the company and read the cancellation policy. And always review your monthly statements for charges you don't recognize.
9. **Don't deposit a check and wire money back.** By law, banks must make funds from deposited checks available within days, but uncovering a fake check can take weeks. If a check you deposit turns out to be a fake, you're responsible for repaying the bank.

- **Sign up for free scam alerts from the FTC at [gov/scams](https://gov/scams).** Get the latest tips and advice about scams sent right to your inbox.

## **8. TIMELY WARNINGS AND EMERGENCY NOTIFICATION**

### **Timely Warnings**

A timely warning will be issued when a Clery crime that has occurred within the Clery geography is considered to represent an ongoing or continuing threat to the campus community.

Timely warnings are intended to alert our community about reported crimes that have happened on the Boston University Los Angeles Campus or that have happened nearby and which are considered to represent a continuing threat to our student and employees. If such an incident is reported to Boston University Los Angeles, the Site Director, Charisse McGhee-Lazarou, or her designee will decide if a timely warning message will be sent and then issue said warning communication via text message and/or email as soon as information is available. The purpose of issuing a timely warning message is to inform members of the community about criminal activity and help prevent them from becoming a victim of a continuing crime on or near our campus.

### **Emergency Notification**

Emergency notifications are intended to alert our community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The purpose of issuing an Emergency Notification message is to inform members of the community of immediately dangerous situations and help them make informed decisions about their safety.

#### *Process for Issuing Emergency Communications*

All staff members are responsible for communicating news of dangerous or emergency situations to Site Director Charisse McGhee-Lazarou or her designee. It is the responsibility of Site Director Charisse McGhee-Lazarou or her designee to confirm that an actual emergency exists. This may be done by coordinating or relying on information from sources such as local law enforcement, news sources, weather alert services, the U.S. State Department, or other reliable sources. Director McGhee-Lazarou or her designee will determine the content of the message and the segment of the population to receive the message. She or her designee will be responsible for sending the message via text message as soon as information is available. In the interest of safety for the members of our community, Boston University Study Abroad Los Angeles will initiate the Emergency Notification message without delay unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Emergency notifications and timely warnings will withhold as confidential the names and other identifying information of victims.

## **9. EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Boston University Study Abroad Los Angeles maintains a detailed emergency response plan, including an emergency communication protocol and an evacuation plan, in accordance with Boston University Study Abroad policy. Portions of the plan relating to students, faculty and staff are provided during orientation at the beginning of the semester. The entire plan is maintained in the program office.

Emergency plans and procedures, including contact information for local health, safety and security resources, advice on how to avoid becoming a victim of a crime, and instructions on how to report crimes, threats, and other incidents, are provided to students during the on-site

orientation. A segment of the orientation is devoted to local health, safety and security issues. As noted previously, Boston University encourages all students, staff and faculty to report all crimes to onsite staff as well as local law enforcement.

Emergencies are responded to on-site according to a set protocol that will include staff, faculty, facilities managers, LAPD and the buildings' private security, and BU. In Boston, Study Abroad, Global Support, and the BUPD will work with on-site staff to coordinate an institutional response when necessary.

Notification of students, faculty and staff upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff will be executed as described above in "Timely Warnings and Emergency Notification."

Site Director Charisse McGhee-Lazarou or her designee shall be responsible for dissemination of information to the larger Boston University Study Abroad Los Angeles community (students, faculty, and staff in the program).

Director McGhee-Lazarou or her designee is responsible for the maintenance, review, and revision of Boston University Study Abroad Los Angeles' emergency response and evacuation plans and will coordinate regular tests of the emergency response and evacuation procedures on at least an annual basis. These tests will be documented with a description of the exercise, the date and time, and whether the test was announced or unannounced. Director McGhee-Lazarou or her designee will also publicize the University's emergency response and evacuation procedures in conjunction with at least one test per calendar year. Following every declared emergency or following a campus-wide drill, a written critique will be prepared by Director McGhee-Lazarou, or her designee as a means of assessing and evaluating emergency plans and capabilities.

## **10. FIRE SAFETY**

The Higher Education Opportunity Act, enacted in 2008, requires that the University produce an annual fire safety report describing fire safety procedures and providing fire-related statistics for on-campus housing facilities.

Boston University Study Abroad Los Angeles maintains student on-campus residences in the Park La Brea Apartments as described above in Section 6 (Facilities and Access).

**Fire Safety Policies:** Fire safety is taken very seriously at all Boston University locations, including residence halls, instructional facilities, and offices. All students, faculty and staff are expected to cooperate in keeping facilities as safe as possible. For this reason, the following activities are forbidden in Park La Brea apartments, and those engaging in them should expect serious consequences:

- Setting fires of any kind for any reason.
- Tampering with any fire safety equipment, including fire extinguishers, fire alarm boxes, smoke detectors, and sprinkler heads (such as hanging objects from sprinkler heads and so forth).
- Malicious activation of a fire alarm.
- Propping open fire doors for any purpose other than emergency evacuation.
- Use of roofs and fire escapes for any purpose other than for escape from a fire or threat of a fire.
- Accidental activation of a smoke detector or fire alarm resulting from hall sports, water fights, and so on.
- Lighting open flames, and the possession of candles or incense in the residences.
- Using space heaters or other types of portable heaters.
- Careless use of approved items/appliances that creates a fire hazard.

**Fire Safety Training:** All students attend on-site orientation where fire safety systems and emergency procedures are discussed. All students participate in a fire drill under emergency conditions (i.e., with emergency lighting only) to learn their escape routes and assembly points, and must successfully complete the drill within a period of time set for each building. This is explained to students in detail. All students participate in another fire drill when they attend their first class so that they are fully aware of how to evacuate the classroom building. Drills are conducted each semester in each residence building. During this initial orientation students go through a fire drill of the main classroom/office facility at 5700 Wilshire Blvd. All drills are logged.

In addition, each apartment in the Park La Brea apartment complex contains a binder of information including apartment layouts and evaluation routes.

Additional information on fires and fire safety programs is available at [www.bu.edu/ehs/ehs-topics/fire-safety/](http://www.bu.edu/ehs/ehs-topics/fire-safety/)

**Evacuation Procedures:** In the event of fire, students must call 911, test doors for heat, and evacuate via staircases. Evacuation takes priority over the use of the fire extinguisher. Students must not attempt to remove any belongings from their apartments. They should alert other residents as far as they are able. Students must then contact the Director or other program staff at any time of day or night. Students should then assemble at the designated point, specifically the main Park La Brea parking lot at Tower 44, 410 Hauser Blvd. Students may not return to their apartments until the Park La Brea staff and the fire department have given an all-clear.

If the evacuation is from classrooms, faculty will have the attendance register for each class and will check students against this register and make a report to staff/fire department if anyone appears not to have left the building.

As previously noted, the risk of earthquakes in Southern California also elevates the risk of fire. Because of the risk of wildfires, students are also asked to be wary when out in the city or hiking in nearby areas, and to have their mobile devices with them at all times.

## Student Housing Fire Safety Systems—LA Campus

Boston University On Campus Student Housing Fire Safety Systems LA Campus							
Facility Name	Address (if different)	Sprinklered	Fire Alarm	Smoke Detectors Present	Fire Extinguishers Present	Fire Evacuation Plans Posted	Fire Evacuation Drills Annually
Tower 35	351 South Fuller Ave	AS	FA	yes	yes	yes	0
Tower 40	430 South Fuller Ave	AS	FA	yes	yes	yes	0
Tower 34	386 South Burnside Ave	AS	FA	yes	yes	yes	0
Tower 41	431 South Burnside Ave	AS	FA	yes	yes	yes	0
Tower 43	520 South Burnside Ave	AS	FA	yes	yes	yes	0
Tower 33	360 South Burnside Ave	AS	FA	yes	yes	yes	0
Tower 42	510 South Burnside Ave	AS	FA	yes	yes	yes	0
Tower 46	390 South Hauser Ave	AS	FA	yes	yes	yes	0
Tower 45	400 South Hauser Ave	AS	FA	yes	yes	yes	0
Tower 49	533 South Curson Ave	AS	FA	yes	yes	yes	0
Sprinklered Key: AS= Automatic Sprinkled   PS = Partial Sprinkled (common areas)   NS = Not Sprinkled							
Fire Alarm Key: AD = Auto dial to fire dept   FA = Monitored   NA = No Alarm							
All residential locations are located in the Park LaBrea Complex 6200 W 3rd St Los Angeles, CA							

**Fire Statistics**

Boston University Study Abroad Los Angeles maintains a fire log from which the following statistics are derived.

<b>Boston University On Campus Residential Fire Report - LA Campus</b>																
Facility Name	Address (if different)	Fires Reported			Cause			Injuries			Fire Related Deaths			Value Of Property Damage		
		2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Tower 35	351 South Fuller Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 40	430 South Fuller Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 34	386 South Burnside Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 41	431 South Burnside Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 43	520 South Burnside Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 43	360 South Burnside Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 42	510 South Burnside Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 46	390 South Hauser Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 45	400 South Hauser Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
Tower 49	533 South Curson Ave	0	0	0				0	0	0	0	0	0	\$ -	\$ -	\$ -
All residential locations are located in the Park LaBrea Complex - Los Angeles, CA																

## **11. ALCOHOL AND DRUG POLICIES**

### **University Statement on Illegal Drugs and Alcohol**

This statement is provided to students, faculty, and staff as part of Boston University's compliance with the Drug-Free Schools and Communities Act Amendments of 1989. Faculty, staff, and students who receive funding and other support such as grants, contracts, and certain financial assistance from the federal government may be subject to additional restrictions imposed upon them by the Drug-Free Workplace Act of 1988.

### **Policy**

The general policies of Boston University provide that the University campus and University activities are not a sanctuary from federal, state, and local laws. The policies of the University prohibit the unlawful use, possession, sale, distribution, or manufacture of controlled substances or alcohol on University property or as part of University activities.

Boston University recognizes that alcoholism, drug addiction, and substance abuse may represent illnesses or conditions that require professional counseling, assistance, or treatment.

Faculty, students, and staff with problems related to or stemming from alcohol and substance abuse or dependency are encouraged to utilize the services provided through the University or other sources of assistance. However, neither addiction nor abuse excuses any member of the University community for violating the rights of others, or for neglecting or performing inadequately academic or job-related responsibilities.

### **Standards of Conduct**

The unlawful possession, use, or distribution of illegal drugs or alcohol by any student or employee on University property or in conjunction with any University activity is prohibited.

### **Disciplinary Sanctions**

The University will impose disciplinary sanctions on students and employees who violate University standards of conduct. In addition, students or employees who violate public law are subject to criminal prosecution. Conviction may result in fines, imprisonment, and revocation or loss of eligibility to receive federal funding (such as grants and financial assistance) and other privileges. University-imposed discipline may include sanctions up to and including expulsion of a student or termination of employment, in addition to referral for criminal prosecution. Disciplinary sanctions may include required participation in a treatment, counseling, or other approved rehabilitation program.

### **BU Statement on Drug- and Alcohol-Related Medical Emergencies and Judicial Sanctions:**

The illegal use or abuse of alcohol or drugs can be hazardous to students' health and safety as well as an impediment to academic and personal success. The University is, above all else, concerned for the safety and well-being of all members of our community; therefore, the University addresses all reported violations of the University's alcohol and drug policies, including notifying the parents of undergraduate students of alcohol- and drug-related incidents, if necessary.

At Boston University, student health and safety are paramount. The University recognizes that alcohol or drug consumption may create medical or safety emergencies in which the potential for University disciplinary action may deter students from seeking assistance for themselves or others. In these situations, we strongly encourage students to act with their own and others' health and safety as the primary concern.

When the University learns of a student's illegal possession or use of alcohol or drugs as a result of that student's seeking medical assistance for themselves, or another person, that student ordinarily will not be subject to University disciplinary sanctions for possession or use of that substance so long as the student completes all education and counseling programs recommended by the University. We are committed to the use of education and treatment approaches because, in our experience, education and/or treatment for individuals who receive emergency medical attention may reduce the likelihood of future occurrences.

When there is a question of sexual abuse or assault in a situation involving alcohol or drugs, the

student who was sexually abused or assaulted is not subject to discipline under the University's alcohol and drug policies.

The University offers a variety of programs to address alcohol and drug use, including several that are available online at <http://www.bu.edu/shs/wellness/aod>.

The following resources are available at Boston University to address alcohol- and drug-related issues: Health Promotion & Prevention (a department of Student Health Services) offers drug and alcohol groups and interactive education classes; substance abuse assessments, including BASICS (Brief Alcohol Screening and Intervention for College Students); consultation services; and online intervention programs, including 'AlcoholEdu for College' and 'e-Checkup to Go' for both alcohol and marijuana.

For more information about these programs, visit the SHS website ([www.bu.edu/shs/wellness/aod](http://www.bu.edu/shs/wellness/aod)) or call 617-353-4085. The SHS website also provides information about additional resources at [www.bu.edu/shs/wellness/aod/alcohol](http://www.bu.edu/shs/wellness/aod/alcohol).

Faculty and staff may contact the Faculty & Staff Assistance Office ([www.bu.edu/fsao](http://www.bu.edu/fsao); 617-353-5381) for referrals.

Boston University "Alcohol and Drug Policies and Disclosures" outlined in the main Boston University Annual Security and Fire Safety Report (<http://www.bu.edu/safety/alcohol-drugs>) apply to all separate campuses and non-campus locations as well.

### **Local Laws**

California law prohibits the purchase, possession, and/or transportation of alcoholic beverages by individuals under the age of 21. California law also prohibits persons from possessing, transporting, and/or distributing illegal drugs.

Adults aged 21+ may purchase, possess and consume up to 28.5 grams of marijuana and 8 grams of concentrated marijuana in their private residence or in an establishment licensed for marijuana consumption. Smoking and consumption remain illegal while driving a vehicle, anywhere smoking tobacco is prohibited, and in all public places. Possession on the grounds of a school day care center or youth center while children are present remains illegal.

### **Federal Drug Laws**

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

#### **A. Denial of Federal Benefits 21 U.S.C. 862**

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

#### **Federal Drug Possession Penalties B. Forfeiture of Personal Property and Real Estate 21 U.S.C. 853**

Any person convicted of a federal drug offense punishable by more than one year in prison shall

forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

#### C. Federal Drug Trafficking Penalties 21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance that has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

#### D. Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

**Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)**

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. <b>Fine of not more than \$5 million if an individual, \$25 million if not an individual.</b>  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. <b>Fine of not more than \$8 million if an individual, \$50 million if not an individual.</b>	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. <b>Fine of not more than \$10 million if an individual, \$50 million if not an individual.</b>  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. <b>Fine of not more than \$20 million if an individual, \$75 million if not an individual.</b>  <b>2 or More Prior Offenses:</b> Life imprisonment. <b>Fine of not more than \$20 million if an individual, \$75 million if not an individual.</b>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	Methamphetamine 50 grams or more pure or 500 grams or more mixture		
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. <b>Fine \$1 million if an individual, \$5 million if not an individual.</b>
Any Drug Product Containing Gamma Hydroxybutyric Acid	<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. <b>Fine \$2 million if an individual, \$10 million if not an individual.</b>
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount Of Other Schedule III Drugs	<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. <b>Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</b>  <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. <b>Fine not more than \$1 million if an individual, \$5 million if not an individual.</b>
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. <b>Fine not more than \$250,000 if an individual, \$1 million if not an individual.</b>  <b>Second Offense:</b> Not more than 10 yrs. <b>Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</b>
Any Amount Of All Schedule V Drugs	<b>First Offense:</b> Not more than 1 yr. <b>Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</b>  <b>Second Offense:</b> Not more than 4 yrs. <b>Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</b>

<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.  <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

### Description of Health Risks

Serious health and personal risks are associated with the use of illegal drugs and abuse of alcohol. They may include temporary or permanent physical or mental impairment, injury, or death. Use and abuse of such substances may also give rise to conduct which causes injury, death, or damage to the user/abuser or to the person or property of others, resulting in criminal or civil prosecution and liability. Use and abuse of such substances may also lead to unsafe and/or nonconsensual sex, unwanted pregnancy, and may cause defects, injury, or death in unborn children. Consequences also include temporary or permanent loss of educational or employment opportunities.

#### Drugs and the Body

##### **Narcotics (Heroin):**

- Initial euphoria followed by drowsiness and nausea
- Constricted pupils, watery eyes, dazed look
- Overdose may produce slow, shallow breathing, clammy skin, loss of appetite and weight, and possible death

##### **Depressants (Barbiturates, Tranquilizers):**

- Relaxed muscles, calmness, drowsiness
- Confusion, disorientation, slurred speech
- Overdose may produce shallow breathing, clammy skin, weak and rapid pulse, coma, and possible death

**Stimulants (Cocaine, Methamphetamine):**

- Increased heart and respiratory rate, elevated blood pressure, decreased appetite
- Blurred vision, dizziness, insomnia, anxiety
- High doses can cause physical collapse, irregular heartbeat, stroke, and possible death

**Hallucinogens (LSD, PCP, Mushrooms):**

- Illusions and hallucinations
- Confusion, panic, anxiety, depression, and poor perception of time and distance
- Respiratory failure, death due to careless behavior

**Cannabis (Marijuana, Hashish):**

- Increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite
- Interferes with memory, speech, coordination, and perception of time
- Increases risk of lung cancer, weakened immune system, and affects reproductive system

**Alcohol and the Body**

- Impairment of brain function, judgment, alertness, coordination, and reflexes
- Attitude and/or behavioral changes, such as uncharacteristic hostility, or increased risk taking, such as driving recklessly
- Alcohol taken with other drugs can intensify the effects of the drug, alter the desired effect of the drug, cause nausea, sweating, severe headaches, and convulsions
- Addiction or chemical dependency
- Memory blackouts
- Uncharacteristic family, school, work, or legal problems
- Health problems such as cirrhosis of the liver
- If used during pregnancy, birth defects and mental retardation in users' unborn children may occur

**12. MISSING STUDENT NOTIFICATION PROCESS**

Boston University provides students living in University housing on campus, including BU Study Abroad Los Angeles, with the opportunity to provide confidential contact information to the University. Students may identify their confidential contact by visiting the MyBU Student Portal ([www.bu.edu/mybu](http://www.bu.edu/mybu)) and clicking on the "Personal" tab and updating the "Address & Phone" information to identify a "Missing Person" contact. Students may identify someone other than their emergency contact to be notified in the event the student is reported to be missing and, if students designate someone other than an emergency contact, that individual and his or her contact information will be confidential. This person will be notified in the event the student is officially reported as missing.

If a student for whom a missing person report has been filed has been missing for more than 24 hours, then within the next 24 hours the Site Director McGhee-Lazarou or her designee will do all of the following:

- Begin search procedures
- Notify the Los Angeles Police Department
- Notify the individual identified by the student to be contacted in such circumstances
- If the student is under 18 years old and not emancipated, notify a parent or guardian

Students, employees, or other individuals who believe that a student living in on-campus housing has been missing for 24 hours should report it immediately to Director McGhee-, to any staff or faculty member, or directly to Boston University Study Abroad.

## 13. SEXUAL MISCONDUCT

On August 14, 2020, the University implemented a new [Sexual Misconduct Policy](#). The changes were required by new Title IX regulations published in late May by the United States Department of Education (DOE), the federal department charged with oversight and enforcement of Title IX, a federal statute that prohibits discrimination on the basis of sex in any federally funded education program or activity. The new regulations mandate how colleges and universities investigate and adjudicate sexual misconduct cases under Title IX, and requires all colleges and universities to amend their Title IX policies and procedures to reflect those changes by no later than August 14, 2020.

In order to ensure that BU remains a safe and welcoming place for living, learning, and working, the University will continue to adjudicate sexual misconduct complaints that fall outside the narrow scope of the new Title IX regulations. For misconduct that is covered by Title IX, the University's procedures have been updated to comply with the new regulations.

This Sexual Misconduct Policy, which is included below, is effective August 14, 2020, and replaces the [University's Sexual Misconduct/ Title IX Policy](#) in its entirety. The new Sexual Misconduct Policy and its three corresponding Complaint Procedures apply to conduct that occurs after August 14, 2020. Complaints filed on or before August 13, 2020 will be handled under the University's [Sexual Misconduct/ Title IX Policy and Procedures](#)

### Executive Summary

This policy affirms Boston University's (BU's) strong commitment to fostering an environment free from sexual misconduct. Sexual misconduct may take many forms, such as sexual assault (including rape), sexual harassment, dating and domestic violence, and stalking.

Federal and state laws affect how BU defines and addresses sexual misconduct, and the process may seem complex and daunting. This policy contains an extensive list of resources in Sections V and XII to assist the BU community in understanding both this policy and the applicable procedures.

This policy classifies sexual misconduct into two categories: (i) sexual misconduct that is covered by Title IX, a federal law (defined in Section III.A); and (ii) sexual misconduct generally (defined in Section III.B). **If conduct falls under both categories, Title IX and its procedures govern.** The distinction between sexual misconduct governed by Title IX and other sexual misconduct is relevant because the procedures for resolving complaints differ in important ways whether Title IX applies or not.

**This Policy is effective August 14, 2020, and applies to conduct that occurs on or after August 14, 2020.**

Conduct that occurred on or before August 13, 2020, will be addressed under the University's Title IX/Sexual Misconduct Policy and its two accompanying sets of procedures.

The University has included below its comprehensive Sexual Misconduct Policy, which includes information regarding what to do if you have experienced a sexual assault, information regarding resources, as well as the procedures available to file a complaint. I

This policy is organized as follows:

#### Table of Contents

- I. Introduction
- II. Scope of the Policy and Procedures
- III. Prohibited Conduct: Definitions and Examples
- IV. Other Important Concepts and Definitions
- V. Campus and Community Resources
- VI. Reporting Sexual Misconduct

- VII. Other Information Related to Reporting Sexual Misconduct
- VIII. Title IX Review/ Sexual Misconduct Review
- IX. Prevention and Education
- X. Training
- XI. Resources and Support
- XII. Confidentiality Protections and Reporting Obligations

## **I. INTRODUCTION.**

### **A. Statement of University Values.**

Boston University is committed to fostering an environment that is free from all forms of sexual misconduct, including sexual assault and sexual harassment. In support of that commitment, BU takes steps to increase awareness of such misconduct, eliminate its occurrence on campus, provide support for survivors, diligently investigate all reports of sexual misconduct, and deal fairly and firmly with offenders. Creating a safe campus environment and a culture of respect is the shared responsibility of all members of the BU community, individually and collectively.

### **B. Notice of Non-Discrimination**

Boston University is committed to establishing and maintaining an environment free of all forms of discrimination and harassment for all members of the University community. The University prohibits discrimination against any person on the basis of race, color, religion, sex, age, national origin, physical or mental ability, sexual orientation, gender identity or expression, genetic information, military service, or because of marital, parental, veteran status, or any other protected class.

The University does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs, or in the context of employment. Sexual misconduct, including sexual harassment as defined in this Policy, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

### **C. Compliance with Anti-Discrimination Laws**

The University complies with all state and federal discrimination laws, including Title IX of the Higher Education Amendments of 1972, the federal law that prohibits discrimination on the basis of sex in education programs and activities; Title VII, the federal law that prohibits unlawful discrimination in employment, including that based on sex; and Mass. Gen. Laws chapters 151B and 151C, the state laws that prohibit unlawful discrimination in employment and education, including that based on sex, respectively.

The Boston University Sexual Misconduct and Title IX Sexual Misconduct Policy ("Policy") is intended to ensure a safe and non-discriminatory educational and work environment, free from all forms of sex-based discrimination and harassment.

### **D. Coordination with Boston University's Non-Discrimination Policy**

Boston University recognizes that discrimination and harassment related to a person's sex can occur in connection with misconduct related to a person's sexual orientation, gender identity, gender expression, race, color, ethnicity, national origin, religion, age, disability, or other protected class. Targeting a person on the basis of these characteristics is a violation of state and federal law and University policy. Under these circumstances, the University will endeavor to coordinate the investigation and resolution of sexual misconduct complaints with the investigation and resolution of complaints of discrimination or harassment based on other protected classes.

## **II. Scope of the Policy and Procedures.**

This Policy is intended to provide the Boston University community with a clearly articulated set of behavioral standards, definitions of prohibited conduct, and key concepts. The Policy applies to all community members, including students, faculty, staff, affiliates, visitors, applicants for admission or employment, and independent contractors. Vendors and others who conduct business with the University or on BU property are also expected to comply with this Policy. The Policy applies regardless of a person's gender, gender identity, gender expression, sexual orientation, age, race, nationality, class status, religion, or other protected status.

This Policy addresses sexual harassment as defined under Title IX, or other sexual misconduct prohibited by federal or state laws. It sets forth the University's definitions of and approaches to addressing sexual harassment and other sexual misconduct. Separate definitions and procedures are provided for addressing conduct falling under Title IX ("Title IX Sexual Misconduct") and conduct falling under other laws or this Policy prohibiting discrimination and harassment based on sex ("Non-Title IX Sexual Misconduct").

This Policy covers Title IX Sexual Misconduct, as defined below, against a person in the United States, occurring within the context of a University education program or activity. An "education program or activity" includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Boston University. In order to bring a complaint under Title IX, the complaining party must be participating in, or attempting to participate in, the recipient's education program or activity at the time of filing a formal complaint.

This Policy also covers Non-Title IX Sexual Misconduct occurring both on-campus and off-campus, if the conduct was in connection with a University or University-recognized education program or activity, or if the conduct may have the effect of creating a hostile learning, working, or living environment for a member of the BU community.

### **Summary of Policy Sections**

Sections III and IV define prohibited conduct and include scenarios illustrating Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct, and provide additional definitions of important concepts such as consent, incapacitation, and force. Section V identifies on- and off-campus resources for all members of the BU community, including information about where to access resources in a confidential manner.

Sections VI and VII describe how a member of the University community can report Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct and describes available supportive measures. Section VIII explains the role of the Title IX Coordinator and Deputy Title IX Coordinators, and describes the procedures used to review allegations of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. Sections IX and X outline the University's prevention, education, and training efforts.

Because Boston University recognizes that sexual assault, harassment, discrimination and other forms of sexual misconduct can have a profound impact on a person's personal, academic, and work life. Sections XI and XII include a list of on-campus resources available to those affected by sexual misconduct and the extent to which such resources have reporting obligations or may maintain the confidentiality of a report of sexual misconduct. Students who are uncertain of their options or simply need help should call the Sexual Assault Response & Prevention Center ("SARP") at (617) 353-7277. Faculty and staff may contact the Faculty & Staff Assistance Office ("FSAO") at (617) 353-5381 for assistance. These services are free of charge to members of the BU community.

### **Summary of Sexual Misconduct Procedures**

The University has three distinct processes to address Sexual Misconduct. Which process is used depends on the nature of the misconduct that is alleged (Title IX and Non-Title IX Sexual Misconduct) and the status of the person against whom the complaint is asserted (University student, faculty, staff, affiliate, or non-affiliate).

- For complaints involving Title IX Sexual Misconduct against a University student, faculty, staff, affiliate or non-affiliate, the following procedures are used: [Procedures for the Resolution of Title IX Sexual Misconduct Complaints Against Students, Faculty, Staff, Affiliates, and Non-Affiliates](#)
- For complaints involving Non-Title IX Sexual Misconduct against a University student, the following procedures are used: [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Students](#)
- For complaints involving Non-Title IX Sexual Misconduct against a University faculty or staff member, or affiliate or non-affiliate, the following procedures are used: [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#)

All of the University's Sexual Misconduct Procedures provide at a minimum the following rights and process to the parties:

- The parties will receive copies of the Sexual Misconduct Policy and Procedures applicable to their case, which will include information about available supportive measures and the process for submission and consideration of evidence that may be used during a hearing or disciplinary proceeding.
- The parties may be accompanied by and may consult with an advisor or support person of their choice, who may be an advocate or counsel, or a confidential resource advisor throughout the proceedings, although the availability of an advisor may not significantly delay any meeting. The University will have reasonable measures to provide for the involvement of the advisor, which will be applied equally.
- The Respondent will receive notice of an allegation of sexual misconduct that will include the date, time, and location, if known of the alleged incident, including a specific statement of policies allegedly violated.
- The complaint resolution process, including the investigation and any hearing and disciplinary proceedings, will be impartial and conducted by an individual who does not have a conflict of interest or bias and who will have not less than annual training on the University's Sexual Misconduct Policy and Procedures.
- The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made by a preponderance of the evidence at the conclusion of the applicable complaint resolution process.
- The parties will have equal opportunities to inspect and review evidence obtained in an investigation that is directly related to the allegations.
- The parties have an equal opportunity to present evidence and witnesses on their behalf during a hearing or proceeding, and each party will be provided with timely and equal access to relevant evidence that will be used during any disciplinary process conducted under the Sexual Misconduct Policy and Procedures.
- There may be restrictions on evidence considered by the fact finder, including evidence regarding the prior sexual history or character evidence.
- The parties may not personally and directly question each other during an investigation or any complaint resolution process conducted under the Sexual Misconduct Policy and Procedures.
- The parties will receive written notice of the results of a hearing or disciplinary proceeding not later than 7 business days after a final determination of a complaint (not including time for an appeal) unless good cause for additional time is shown, and the parties will be informed of any appeals process.
- If the opportunity is made available to appeal a determination based on a perceived procedural error, previously unavailable evidence that could significantly impact the outcome of the case, or a sanction that is disproportionate to the findings, both parties will be permitted to appeal decisions regarding responsibility or sanctions.
- The University will not disclose the identity of the parties, except as necessary to carry out disciplinary proceedings under its Sexual Misconduct Policy and Procedures or as permitted under state or federal law.

## Disciplinary Process for Violations of University Sexual Misconduct Procedures

The University applies different disciplinary processes for violations of its Sexual Misconduct Policy. Which disciplinary process is applied depends on the nature of the misconduct that is alleged (Title IX or Non-Title IX Sexual Misconduct) and the status of the person against whom the complaint is asserted (University student, faculty, staff, affiliate, or non-affiliate).

- Section XII(D) of the [Title IX Sexual Misconduct Procedures](#) describes in detail the disciplinary processes applied for Title IX Sexual Misconduct Policy violations by a University student, faculty, staff, affiliate or non-affiliate.
- [Section XII\(B\)\(2\) of the Non-Title Sexual Misconduct Procedures applicable to University students](#) describes in detail the disciplinary processes applied for Non-Title IX Sexual Misconduct violations by a University student.
- Section X of the [Non-Title IX Sexual Misconduct Procedures applicable to University faculty, staff, affiliates, and non-affiliates](#) describes in detail the disciplinary processes applied for Non-Title IX Sexual Misconduct violations by a University faculty or staff member, or affiliate or non-affiliate.

In general, the disciplinary processes mentioned above will involve the following:

Where a faculty or staff member is found to have violated the University's Sexual Misconduct Policy, the applicable dean of a school or college or vice president of an administrative unit will determine sanctions and remedies in consultation with appropriate University administrators. Disciplinary sanctions involving the suspension or termination of faculty members will be conducted pursuant to the procedures outlined in the Faculty Handbook. Disciplinary sanctions imposed against staff members will be handled in accordance with the Non-Represented Employees Handbook or applicable collective bargaining agreement.

Where a student is found to have violated the University's Sexual Misconduct Policy, the Dean of Students will determine sanctions and remedies.

For violations of the Sexual Misconduct Policy for faculty and staff, disciplinary sanctions may include (but are not limited to) the following:

- Counseling or other forms of corrective action
- Educational programs
- Demotion
- Administrative leave of absence (without pay)
- Suspension
- Termination

For violation of the Sexual Misconduct Policy by University students, disciplinary sanctions may include (but are not limited to) the following:

- Warning
- Educational programs
- Disciplinary probation
- Denial or deferral of degree
- Suspension
- Expulsion
- Limitations on ability to participate in University program or activities

### III. PROHIBITED CONDUCT AND DEFINITIONS

This section describes prohibited sexual misconduct and definitions under Title IX (Title IX Sexual Misconduct), this Policy, or other laws or regulations (Non-Title IX Sexual Misconduct).

The Title IX regulations issued by the United States Office for Civil Rights provide definitions of specific conduct prohibited under Title IX. The University's commitment to eradicating sexual misconduct extends to other conduct that does not fall within those definitions.

#### A. Title IX Sexual Misconduct

Title IX Sexual Misconduct is conduct on the basis of sex against a person in the United States, occurring within the context of an education program or activity, which satisfies one or more of the following definitions:

1. **Quid Pro Quo Sexual Harassment** – A University employee conditions the provision of an aid, benefit, or service of the University on a person's participation in unwelcome sexual conduct.
2. **Sexual Harassment** - Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
3. **Sexual Assault** – Any sexual act directed against another person, without that person's consent (including instances where the victim is incapable of giving consent), and includes each of the following:
  - a. *Forcible Rape* – (i) sexual intercourse, or (ii) oral or anal sexual intercourse, or (iii) use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, either (A) forcibly and/or against that person's will, or (B) against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity;
  - b. *Fondling* – touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or not against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - c. *Incest* – nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. *Statutory Rape* – nonforcible sexual intercourse with a person who is under the statutory age of consent.\
4. **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.
5. **Domestic Violence** – Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
6. **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his, her or their safety or the safety of others; or (b) suffer substantial emotional distress.

#### B. Non-Title IX Sexual Misconduct

“Non-Title IX Sexual Misconduct” is a broad, non-legal term that encompasses a wide range of behaviors that are prohibited by this Policy or federal and state law, including but not limited to, sexual harassment, sexual assault, rape, acquaintance rape, stalking, and relationship violence (including dating and domestic violence). Non-Title IX Sexual Misconduct includes conduct occurring both on-campus and off-campus, if the conduct was in connection with a University or University-recognized education program or activity, or if the conduct may have the effect of creating a hostile environment for a member of the BU community.

It is a violation of University Policy and/or applicable law to commit or to attempt to commit any of the acts listed below.

**1. Sexual Assault** -- Actual or attempted sexual contact with another person without that person’s consent that includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s consent; or
- Other intentional sexual contact with another person without that person’s consent; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person’s consent.

See Section III for the definitions of consent, incapacitation, and force.

**2. Sexual Harassment** -- Unwelcome conduct of a sexual nature that has the 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 an academic or employment decision affecting an individual. Conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student’s ability to participate in or benefit from the University’s educational program or activity or a faculty or staff member’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

Sexual harassment includes any conduct or incident that is sufficiently serious that it is likely to limit or deny a student’s ability to participate in or benefit from the University’s educational programs or a faculty or staff member’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

Examples of sexual harassment. Sexual harassment can take many forms, and can:

- Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff.
- Occur between persons of unequal power status, such as supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student. Although sexual harassment often occurs in the context of an exploitation of power by the person with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (such as a student harassing a faculty member).
- Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
- Occur by or against a person of any sex, gender identity or expression, or sexual orientation.

The following non-exhaustive list includes examples of behavior that could be considered sexual harassment:

- Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender.
- Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of emails or websites of a sexual nature. (For more information on misconduct using the University's computing facilities, please see the [Conditions of Use and Policy on Computing Ethics.](#))
- Non-academic display or circulation of written materials or pictures degrading to a person(s) or gender group.
- Unwelcome attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity or expression, or sexual orientation.
- Use of a position of power or authority to: (i) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (ii) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

### **Hostile Environment**

A hostile environment exists when sexual or sex-based harassment is sufficiently serious to deny or limit a student's ability to participate in or benefit from the University's programs or activities or has the effect of unreasonably interfering with an employee's work performance or altering the terms and conditions of the employee's employment. A hostile environment can be created by anyone involved in a University program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. The University will also need to find that a reasonable person in the student's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To determine whether a hostile environment exists for a student or employee, the University will consider a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected the student's education or the employee's employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

- 3. Sexual Exploitation** -- occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent.

Examples of behavior that could rise to the level of sexual exploitation include:

- a. Prostituting another person;
- b. Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- c. Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- d. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.

**4. Stalking** -- a course of conduct involving more than one instance of inappropriate and unwanted attention, harassment, threatening or intimidating physical or verbal contact, or any other course of conduct directed at a person that could be reasonably regarded as likely to alarm or place that person in fear of harm or injury, including physical, emotional, or psychological harm. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another or have an intimate or sexual relationship, or may involve people not known to one another.

Stalking is prohibited by Massachusetts law. Stalking can also constitute a violation of this Policy when the conduct involves a Boston University student or employee and is gender-based.

1. Examples of Stalking.

The following persistent, unwanted, and repeated harassing conduct may constitute stalking:

- Every time Natalie went to class, Ben, another student, would sit next to her. Ben kept trying to talk to Natalie even though she told him she was not interested in him. Ben then started showing up everywhere that Natalie went — in the lobby of her residence hall, in the George Sherman Union, and at her work-study job. Ben was persistent and threatened to “make” Natalie go out with him. If Ben continues to pursue this conduct, his action may constitute stalking in violation of this Policy.
- David dated Ellen, a graduate student, a couple of times but eventually stopped seeing her. Then Ellen began sending David several emails a day, messaging him on Instagram, and sending text messages to his cell phone. David changed his email address and cell phone number, but somehow Ellen discovered his new address and cell phone number and began sending even more emails and texts. David really wants Ellen to stop contacting him, but he is not sure what to do. Ellen's conduct toward David may constitute stalking in violation of this Policy.

**5. Relationship Violence (Dating and Domestic)** -- abuse, violence, or intentionally controlling behavior between partners or former partners involving one or more of the following elements: (i) battering that causes bodily injury; (ii) purposely or knowingly causing reasonable apprehension of bodily injury; (iii) emotional abuse creating apprehension of bodily injury or property damage; (iv) repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all type of relationships (e.g., heterosexual, same sex, or any other type of relationship). Relationship violence may constitute a violation of this Policy when it involves a Boston University student, faculty or staff member, and the conduct is gender-based.

1. Examples of Relationship Violence.

- Tracey's boyfriend Mark yelled at her today because she was late meeting him for lunch. Mark grabbed Tracey's arm and pulled her out of the dining hall. Tracey was embarrassed. Later Mark said he was so sorry for humiliating her. Tracey says things are okay now, but she wonders when

it will happen again.

- Zach and James have been dating for a month. Zach, a student, has always been jealous, but now he becomes angry when he does not know where James is. He tells James that he will kill him if he ever cheats on him. Zach also told James that he would kill himself if James ever left him. The other day, Zach slapped James when he was mad at him. James is becoming more and more afraid of Zach, but he feels trapped and does not know what to do.

## 6. Retaliation.

As described below, it is a violation of Massachusetts and federal law, including Title IX, and a violation of this Policy to retaliate against a person for making a report or complaint of Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct or for participating in or declining to participate in an investigation or grievance procedure related to such a report or complaint.

Neither the University nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or this Policy.

**Per se retaliation:** retaliation under Title IX, this Policy, or applicable law includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.

**Per se retaliation exception:** It does not constitute retaliation under Title IX or this policy to charge an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### 1. Examples of Retaliation.

- Katie reported to the Dean of Students that she felt her ex-boyfriend, Nate, was harassing her on the basis of her sex. The Office of Judicial Affairs (OJA) conducted an investigation and held Nate responsible for the behavior reported. Nate was suspended for one semester. A week after the disciplinary decision was issued, Nate's friends excluded Katie from the invitation list of a unique educational conference because she had "ratted out" Nate to the Dean.
- Rachel accused Danielle of stalking. Rachel told Judicial Affairs that she had four witnesses, including Katrina who was Danielle's roommate. Danielle found out that Katrina was a witness in the investigation and had provided information supportive of Rachel. Danielle confronted Katrina in the GSU and told her that because Katrina didn't support Danielle during the investigation, they were no longer friends and Danielle would no longer lend Katrina her car.

## IV. OTHER IMPORTANT CONCEPTS AND DEFINITIONS.

These concepts and definitions are applicable to cases involving Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct.

### A. Consent.

Consent must be informed and voluntary, and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of

influence over another person may be a factor in determining consent.

Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that he or she cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

Effect of drugs and alcohol on consent:

Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the University will examine the issue from the perspective of a reasonable person. Specifically, the University will consider whether the respondent reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.

## **B. Incapacitation.**

Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g. stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason.

It is a violation of this Policy or federal or Massachusetts law to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication.

## **C. Force.**

The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited. Force may include words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this Policy, force includes the use of any of the following:

### **1. Physical Force, Violence, or a Weapon.**

Example: Steve and Melissa return to his room after a party. They consensually begin kissing and touching each other. Steve wants to have sex, but Melissa tells him that she does not want to go that far. When Melissa tries to get off the bed and leave the room, Steve holds her down and they have sex. Steve's use of force renders the sexual intercourse non-consensual and violates this Policy.

### **2. Threats.**

Example: Josh and Lucas meet at a party. Josh confides in Lucas that he has recently "come out" to a few close friends, but most people do not know he is gay. Josh worries how people will react if they knew. As the evening progresses, Lucas and Josh start kissing. Lucas wants to have sex, but Josh tells him he is not ready for that. Lucas threatens to "out" Josh on Instagram and Twitter if he does not have sex with him. Out of fear for his reputation, Josh submits to Lucas even though he really does not want to. Any

sexual activity that then occurs is forced sexual contact and violates this Policy.

### 3. Intimidation and Implied Threats.

Example: Dylan is a popular senior and the captain of a sports team on campus. He has brought Grace, who is a first year female athlete at school, to a fraternity party. Grace would not have been able to get into the party if it was not for Dylan's influence. Later in the evening, Grace wants to leave, but Dylan blocks her way with his body. He is significantly bigger than she is and she cannot get around him. Dylan starts to kiss and touch Grace, but she tells him to stop. Dylan tells Grace he can make sure she gets into all the big parties on campus this year which would help her relationship with her new teammates (implying he could turn the team against her). Grace does not want to be with Dylan, but she is worried about the impact he could have on her social and athletic life if she refuses. If Grace submits to Dylan out of his implied threats and abuse of his status, it may constitute forced sexual contact in violation of this Policy.

### 4. Coercion.

Coercion is to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, or emotional intimidation.

Example: Hannah's parents both died recently and she has been having a hard time focusing this semester. Owen, a friend of Hannah's, comes to her room to watch a movie with her. When Hannah starts crying and becomes upset, Owen hugs and comforts her. Eventually Hannah and Owen start kissing and touching one another. Hannah wants to stop, but Owen tells her "you've made me so hot, how can you stop now?" When Hannah tells Owen she wants to be alone, Owen tells Hannah that it isn't cool to leave him like this, especially when he came over to help her. Hannah is confused and emotionally vulnerable. Owen implies that Hannah "owes him sex" after all he has done to support her. Owen continues to pressure Hannah until she eventually submits to his advances. Owen's conduct constitutes coercion in that he pressured Hannah into additional sexual contact that was not freely chosen, in violation of this Policy.

## **D. Miscellaneous Definitions.**

- Complainant: The person making the allegations of sexual misconduct.
- Respondent: The person against whom a complaint of sexual misconduct has been made.
- Reporter: A person who has information that sexual misconduct may have been committed by a University student or a participant in a University Program and who initiates a complaint.

## **V. CAMPUS AND COMMUNITY RESOURCES.**

As outlined here and in the "Resources and Support" section at the end of this Policy, a variety of support and counseling resources are available to students and employees of the Boston University community affected by Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. Contact information for the resources described here is available in Section X.

### **A. Emergency / Immediate Assistance.**

The University encourages all community members affected by Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct to seek immediate assistance. Doing so promptly may be important to ensure the person's physical safety or to obtain medical care or other support.

It may be helpful to preserve evidence, which can assist the University and/or law enforcement in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order. Confidential assistance is available to BU students free of charge 24 hours a day, 7 days a week (by phone at 617-353-SARP). For

emergency assistance, community members should call the BU Police Department at 617-353-2121.

Students or employees who wish to obtain information or notify law enforcement are encouraged to contact the Boston University Police Department (BUPD). BUPD will assist or provide information to members of the University community about how to obtain a court-issued protective order. BUPD will also provide information on law enforcement investigations, and civil or criminal processes available to students and employees.

BUPD, the University Title IX Coordinator or their designee will advise students and employees on how to obtain a lawful court-issued protective order or an institution-issued no-contact directive or a No Trespass Order against an alleged perpetrator of the sexual misconduct. The institution's process for investigating sexual misconduct complaints and external civil and criminal processes may run concurrently.

Members of the University community who have obtained a court issued protective order are encouraged to inform BUPD of that order at the earliest possible time, by contacting BUPD directly.

## **B. Privacy & Confidentiality.**

Boston University values the privacy of its students or employees. BU wants all students or employees to seek the assistance they need without fear that the information they provide will be shared more broadly than they would like. Federal and state laws, however, impose reporting obligations on certain University employees that require them to disclose information from a report of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct with those University employees responsible for responding to such a report.

However, there are individuals at Boston University who are not subject to these reporting requirements, with whom students, faculty, and staff can speak in complete confidence. The table in Section XI summarizes the confidentiality protections and reporting obligations of various BU employees and offices.

***Even when University employees have an obligation to report to others, which means their office is described as “non-confidential” under this Policy, they will protect and respect an individual’s privacy to the greatest extent possible and share information only on a need-to-know basis. Any of the staff listed as Resources will be able to explain their respective reporting obligations in more detail.***

## **C. Confidential Campus Resources and Support.**

The University encourages all members of the BU community to report any incident of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct. The University recognizes, however, that not every person will choose to make a formal report with the University or with local law enforcement. For those who are not prepared to make a report or pursue a complaint, the University provides confidential advocacy, crisis and pastoral counseling, and medical services on campus. Conversations with these individuals are confidential (except as described in Section XI). They can explain options for obtaining additional support from the University and off-campus resources. They can also arrange for medical care and accompany complainants, or arrange for someone to accompany complainants, to seek such care. Complainants may use these resources to talk to someone about an incident of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct in a confidential manner whether or not they decide to make an official report or to participate in the University complaint resolution process or the criminal justice system. Conferring with these resources will not trigger an investigation by the University or law enforcement. However, these offices are familiar with the University's complaint resolution processes, can explain what to expect, and can provide support while University or criminal processes are pending.

## **D. Non-Confidential Campus Resources.**

In addition to the confidential resources discussed above, all members of the BU community have access to a variety of individuals who are trained to support those affected by Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct and to coordinate with the Title IX Coordinator consistent with the University's commitment to a safe and healthy campus environment. While not bound by confidentiality, these resources will nevertheless maintain the privacy of a person's information within the limited circle of those involved in the Title IX Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct investigation and

resolution process.

#### 1. Title IX Coordinators.

The Title IX Coordinator is responsible for overseeing the University's response to Title IX reports and complaints, and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator's contact information is in Section X.

#### 2. [Deputy Title IX Coordinators](#)

Deputy Title IX Coordinators are individuals located in academic departments, and some administrative departments, who are trained to assist students and employees in their departments with complaints or concerns about sexual misconduct, and direct them to the resources they need. They report all complaints and concerns to the Title IX Coordinator, and work closely with the Title IX Coordinator in promptly responding to a person's concerns. The Deputy Coordinators can help with supportive measures that a complainant or respondent may need during the investigation of a complaint. Contact information for the Deputy Title IX Coordinators is in Section XI.

#### 3. Boston University Police Department.

Complainants may report Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct to the Boston University Police Department ("BUPD"), the Boston Police Department, the Brookline Police Department, and/or the local law enforcement agency or District Attorney's office where the misconduct occurred. The University complaint resolution procedures and the criminal justice system work independently from one another and neither BUPD nor other law enforcement officials determine whether a violation of this Policy has occurred. Confidential resources, the Dean of Students Office, the Judicial Affairs Office (JA), and BUPD can explain how to report sexual assault and other forms of sexual misconduct to law enforcement. Although confidential resources or BUPD personnel may accompany any student requesting support to the appropriate Police Department or District Attorney's Office, they are not able to provide legal advice on these matters.

### **E. Off-Campus Resources .**

Students or employees may also access resources located in the local community. The organizations and agencies listed in Section XI can provide crisis intervention services, counseling, medical attention, and legal assistance. All members of the BU community are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus. In general, off-campus resources can provide assistance to those who wish to make a report to the University, but will not notify the University without the consent of the complainant.

### **VI.REPORTING SEXUAL MISCONDUCT.**

Boston University encourages all students or employees to report incidents of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct as promptly as possible so that the University can respond effectively. Students may report Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct to the Dean of Students, the Judicial Affairs Office("JA"), the Title IX Coordinator, or a Deputy Title IX Coordinator, or BUPD. Faculty and staff may report incidents to the Title IX Coordinator, a Deputy Title IX Coordinator, a supervisor, a Dean, or a department head. All such reports of will be disclosed to the Title IX Coordinator.

The University recognizes that student complainants may be most comfortable disclosing Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct to a University employee they know well, such as a faculty member, coach, or resident adviser ("RA"). Students are welcome to speak with them, but should understand that if they disclose an incident of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct to these individuals, they are required to inform the Title IX Coordinator about the incident. However, employees whose positions legally require confidentiality (e.g., counseling staff and clergy and others who are considered confidential resources in Section XI) are not required to make a disclosure to the Title IX

Coordinator.

Similarly, faculty and staff members may be most comfortable disclosing Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct to a trusted supervisor or manager. Faculty and staff should keep in mind that supervisors and managers must share this information with the Title IX Coordinator.

Before an individual discloses an incident of Title IX Sexual Misconduct Non-Title IX Sexual Misconduct, University faculty and staff will try to ensure that the individual understands their reporting obligations — and, if the individual wishes to maintain confidentiality, direct them to confidential resources. Section X identifies the confidential resources available to students, faculty, and staff who do not wish to file a complaint or trigger an investigation, or who would like to better understand their options.

#### **A. Reports to a Non-Confidential Resource: Requests for Confidentiality.**

The University has designated the Title IX Coordinator and a small number of other University administrators to evaluate requests for confidentiality and oversee the University's response to reports of Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct where the complainant has disclosed an incident of Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct to an employee who must report the incident and also requested that his or her identity not be disclosed or that no action be taken.

In the case of Sexual Misconduct complaints, the Title IX Coordinator, in consultation with a small number of key University administrators, will weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the complainant. When weighing a request that no investigation be pursued or the complainant's identity not be disclosed, the Title IX Coordinator and the appropriate University administrators will consider a range of factors, including whether:

- The respondent is likely to commit additional acts of sexual or other violence, such as:
  - There have been other sexual misconduct complaints about the same respondent;
  - The respondent has a history of arrests or records from a prior school indicating a history of violence;
  - The respondent threatened further sexual misconduct or other violence against the complainant or others;
- The sexual misconduct was committed by multiple respondents.
- The sexual misconduct was perpetrated with a weapon;
- The complainant is a minor;
- The respondent is a Boston University employee;
- The University possesses other means to investigate the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- The complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular person or 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 complainant's request.

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

In some cases the University may not be able to honor a confidentiality request in order to adhere to its obligation to provide a safe, non-discriminatory environment for the BU community. If the Title IX Coordinator determines that the University cannot maintain a complainant's confidentiality, the Title IX Coordinator will inform the complainant prior to starting an investigation.

#### **B. Supportive Measures.**

Boston University provides a range of supportive measures for complainants and respondents for both prior to and after the filing of formal complaint, or when no formal complaint is filed.

Requests for supportive measures can be made by or on behalf of the complainant or respondent to the University Title IX Coordinator or a Deputy Title IX Coordinators. Students may also seek assistance from the Dean of Students Office. The Title IX Coordinator will work with the appropriate office(s) to ensure that any appropriate supportive measures are promptly provided. For more information about supportive measures and support, see *Student Procedures*, Section VII, and Faculty and Staff Procedures, Section V.

Upon the receipt of a report of Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct, and until any investigation into the report has been completed, the University will provide reasonable supportive measures to restore or preserve equal access to provide a safe educational and work environment and to prevent additional acts of Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct, even when there is no specific request for protective action.

The University may impose measures that can be tailored to the parties involved to achieve the goals of this Policy. In addition, the University will maintain as confidential any accommodations or protective measures provided to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures, for example disclosing to a respondent and BUPD the name of the complainant in order to comply with a no-contact order.

The University may remove a respondent from campus on an emergency basis after an individualized safety and risk review. In cases involving Title IX Sexual Misconduct, it may do so only if it determines that there is an immediate threat to the physical health or safety of a student or other person arising from the allegations that justifies removal. In such cases, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

An individual's failure to comply with restrictions imposed by supportive measures is a violation of this Policy and a basis for disciplinary action.

Outside the University, a complainant may also be entitled to obtain remedies under applicable law, such as a judicial restraining order. The University can assist in contacting law enforcement or legal service organizations to learn about these remedies.

### **C. Protections for Students Who Report Sexual Misconduct (“Amnesty”).**

Boston University encourages the reporting of all concerns regarding sexual misconduct. In some instances, students may be hesitant to report Sexual Misconduct because they fear they may be charged with other policy violations, such as underage alcohol consumption or violation of the University's drug policy. Because BU's primary interest is in protecting the well-being of its community and remedying Sexual Misconduct, a person who reports such misconduct, either as a complainant or a third party witness, will not be subject to disciplinary sanction for a violation of the University's [Code of Student Responsibilities](#) to the incident unless the report was not made in good faith or the violation was egregious.

The University recognizes alcohol or drugs may impact consent. Therefore, a student's personal consumption of alcohol or drugs at or near the time of the incident will not subject a student who reports sexual misconduct (either as a complainant or witness) to disciplinary sanction for a violation of the University's Code of Student Responsibilities, including for his or her own personal consumption of alcohol or other drugs at or near the time of the alleged misconduct,, provided that any such violations did not and do not place the health or safety of any other person at risk. However, the use of alcohol or drugs does not excuse conduct prohibited under this Policy and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The University may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

## **VII. OTHER INFORMATION RELATED TO REPORTING SEXUAL MISCONDUCT**

### **A. Time for Reporting.**

Although all members of the Boston University community are encouraged to report Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct immediately in order to maximize the University's ability to respond promptly and equitably, the University does not limit the time frame for reporting. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

### **B. Anonymous Reports and Reports from Third Parties.**

Any person may make an anonymous report concerning an act of Title IX Sexual Misconduct or Non-Title IX Sexual Misconduct. A person may report the incident without disclosing his/her/their name, identifying the respondent, or requesting any action. Depending on the level of information available about the incident and the people involved, however, the University's ability to respond to an anonymous report may be limited. Anonymous reports may be made by submitting the [Incident Report Form](#) to the University Title IX Coordinator or one of the Deputy Title IX Coordinators.

A complainant who wishes to file a formal complaint cannot remain anonymous or prevent their identity from being disclosed to the respondent. Where a complainant wishes to remain anonymous, or does not want to participate in the investigation process, the University Title IX Coordinator may determine that it is necessary to initiate an investigation and adjudication process with the information provided but without the involvement of the complainant in order to protect the educational community or to ensure that the University is not being deliberately indifferent to sexual misconduct of which it has actual knowledge.

In cases in which the report was made anonymously or by a third party (such as a friend, roommate, adviser, or faculty member), this Policy will apply in the same manner as if the complainant had made the initial report. A Title IX Coordinator or member of the OJA staff will make every effort to meet with the complainant to discuss available options, including supportive measures, and on-campus and off-campus resources.

### **C. Reporting of Crime and Disciplinary Statistics.**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") is a federal law that requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy. As described in the chart in Section XI, many BU employees who receive reports of sexual misconduct are required by the Clery Act to notify BUPD about such incidents for statistical reporting purposes, without the inclusion of personally identifiable information, as defined by Violence Against Women Act. These notifications may include the classification and location of the reported crimes, but do not identify the parties involved.

The Clery Act also requires the University to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat to the University community. This warning will not contain any biographical or other identifying information regarding the victim of the crime. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to students or employees.

### **D. Public Awareness Events.**

The University supports public awareness events that further campus-wide education and prevention efforts. A survivor's public disclosure of incidents of sexual misconduct at these events will not be

considered a report to the University for the purpose of triggering an investigation of a particular incident. In addition, the University may, from time-to-time, conduct climate surveys to gauge the BU communities' attitudes about sexual misconduct and awareness of campus resources. These voluntary surveys will contribute to the University's understanding of the campus climate and student safety at BU. The disclosure of incidents of sexual misconduct in responses to survey questions will not be considered a report to the University for the purpose of triggering an investigation of a particular incident.

#### **E. Filing a Criminal Complaint and Coordination with Law Enforcement.**

Boston University encourages complainants to pursue criminal action for incidents of sexual harassment or other sexual misconduct that may also be crimes under Massachusetts law. In general, the University, through the Chief of the BUPD, will notify the Boston, Brookline or other police department of allegations of sexual violence. Boston, Brookline, and other local police departments are also likely to inform BUPD of sexual misconduct that is reported by Boston University students, faculty or staff or that took place on Boston University property. When BUPD learns of sexual misconduct from an outside police department, it will notify the Title IX Coordinator. The University will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. However, a complainant may also choose not to pursue criminal action, and under most circumstances, the Boston, Brookline or other local police department will not force a complainant to pursue criminal charges if he, she or they is not willing to do so.

#### **VIII. TITLE IX / SEXUAL MISCONDUCT REVIEW.**

##### **A. Role of the Title IX Coordinator.**

The Title IX Coordinator oversees the University's centralized review, investigation, and resolution procedures for reports of sexual harassment or other sexual misconduct and coordinates the University's compliance with Title IX. The Title IX Coordinator is supported by a team of University administrators who serve as Deputy Title IX Coordinators. Each Deputy Title IX Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual misconduct, as well as this Policy and the complaint resolution procedures.

A complete list of the Deputy Title IX Coordinators is available [here](#).

The Title IX and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours. They can provide information related to campus and community resources and describe the options available to address concerns related to sexual misconduct.

The duties and responsibilities of the Title IX Coordinator include training, education, climate assessments, and the oversight of procedures that are designed to promptly and equitably end sexual misconduct, prevent its recurrence, and address its effect on persons and the University community as a whole. The Title IX Coordinator, with the assistance of Deputy Title IX Coordinators as appropriate, will:

- Receive and review all reports of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct;
- Oversee the investigation and resolution of all reports of sexual harassment or other sexual misconduct;
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the University's complaint procedures;
- Collaborate with other University officials in conducting climate checks to track and monitor sexual harassment or other sexual misconduct allegations on campus; and,
- Coordinate all training, education, and prevention efforts.

The Title IX Coordinator and the Deputy Title IX Coordinators will meet with any person, including a complainant, respondent, or third party, to discuss supportive measures, resources, and procedural options for on-campus and

off-campus reporting. Any student, faculty, or staff member who has concerns about sexual misconduct, including sexual assault, discrimination, or harassment, is encouraged to seek the assistance of the University's Title IX Coordinator or any of the Deputy Title IX Coordinators.

## **B. Procedures for Responding to Title IX Sexual Misconduct and Non-Title Sexual Misconduct.**

The Title IX Coordinator oversees the response to and assessment of reports of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct through the University's sexual misconduct investigation and resolution procedures. The procedure used will be determined by the status of the respondent and the nature of the complaint:

- Complaints of Title IX Sexual Misconduct against student, faculty, staff or other respondents will be addressed under the [Procedures for the Resolution of Title IX Sexual Misconduct Complaints against Students, Faculty, Staff, Affiliates and Non-Affiliates](#).
- Complaints of Non-Title IX Sexual Misconduct against undergraduate, graduate and professional student respondents will be resolved under the [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints against Students](#).
- Complaints of Non-Title IX Sexual Misconduct against faculty and staff respondents, affiliates and non-affiliates, will be resolved under the [Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff, Affiliates, and Non-Affiliates](#).

Each process is guided by the same principles of fairness and respect for all parties. Resources are available for both students and employees, whether as complainants or respondents, to provide guidance throughout the investigation and resolution of a complaint.

## **IX. PREVENTION AND EDUCATION**

Boston University expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention, calling law enforcement, or seeking assistance from a person in authority. Members of the BU community who intervene to prevent or stop sexual misconduct will be supported by the University and protected from retaliation. Read more about [SARP's education, awareness, and training program](#).

## **X. TRAINING**

In connection with its obligations under Title IX and applicable law, Boston University is committed to ensuring appropriate training for its Title IX Coordinator, Deputy Title IX Coordinators, advisors, hearing officers, decision-makers, all persons who facilitate an informal resolution process, law enforcement personnel, "responsible employees," victim advocates, and others involved in responding to, investigating, or adjudicating sexual misconduct.

In addition, the University has developed an on-line training program for faculty, staff, and students to assist them in recognizing Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct, teach them how to respond to reports of such misconduct, and ensure that they are aware of available on and off campus resources. Training materials will be made publicly available on the University's website.

## **XI. RESOURCES AND SUPPORT.**

The contact information for the resources listed here was confirmed at the time of the Policy's publication in August 2020. Up-to-date contact information can always be found on the University's website [www.bu.edu/shs/files/2017/08/title-IX-brochure.pdf](http://www.bu.edu/shs/files/2017/08/title-IX-brochure.pdf)

CONFIDENTIAL ON-CAMPUS CRISIS INTERVENTION, SUPPORT, ADVOCACY AND HEALTH RESOURCES

## **STUDENT RESOURCES**

**Sexual Assault Response & Prevention Center (“SARP”) (for student complainants)**

SARP provides counseling and advocacy to students who have experienced trauma

[www.bu.edu/sarp](http://www.bu.edu/sarp)

930 Commonwealth Ave.

24-hour hotline: 617-353-SARP (7277)

By email: [sarp@bu.edu](mailto:sarp@bu.edu)

**[Center for Psychiatric Rehabilitation](#) (For student respondents)**

The Center for Psychiatric Rehabilitation is dedicated to improving the lives of persons who have psychiatric disabilities. The Center specializes in wellness, recovery, support, and advocacy for individuals alleged to have caused harm.

940 Commonwealth Avenue West

617-353-3549

By email: [psyrehab@bu.edu](mailto:psyrehab@bu.edu)

**Student Health Services/Behavioral Medicine**

SHS is an integrated health center that leaves a lasting impression on the health and wellness of students. SHS promotes wellness, preserves health, and enables achievement for BU students.

[www.bu.edu/shs](http://www.bu.edu/shs)

881W Commonwealth Ave., 1st Floor Medical Department

617-353-3575

**Behavioral Medicine**

Behavioral Medicine offers a range of mental health services to keep the BU community healthy by providing assessment, diagnosis and therapy, and psychiatry for a variety of mental health issues.

881W Commonwealth Ave.

24-hour hotline: 617-353-3569

**EMPLOYEE RESOURCES****Faculty & Staff Assistance Office (for employees)**

FSAO provides free and confidential support, problem-solving, or coaching to address work and personal challenges for BU employees or their families.

[www.bu.edu/fsao](http://www.bu.edu/fsao) Charles River Campus

888 Commonwealth Avenue, Suite 309

617-353-5381

Medical Campus

Dr. Solomon Carter Fuller Mental Health Ctr. 85 East Newton St., 818B

617-353-5381

By email: [fsao@bu.edu](mailto:fsao@bu.edu)

**Community Resources (students and employees)****Confidential Resource Providers**

Confidential Resource Providers will share information on reporting options and the effects of each option, counseling services available on campus and through local, community-based rape crisis or domestic violence centers, medical and health services available on and off-campus. They will also provide a summary of available supportive measures related to academic and residence life, and employment, explain BU'S disciplinary process or the legal process carried out through local law enforcement agencies, notify the reporting party of their rights and BU's responsibilities in obtaining a criminal protection order (209A/258E), BU No Contact Directive, BU No Trespass Order.

Denita Johnson, 264 Bay State Rd, 617-353-1634, [denita@bu.edu](mailto:denita@bu.edu)  
Sonia Mee, 264 Bay State Rd, 617-353-2245, [smee@bu.edu](mailto:smee@bu.edu)  
881W Commonwealth Ave., 1st Floor

### **Office of the Ombuds**

The Office of the Ombuds is an independent, impartial, informal problem-solving resource serving faculty, staff, and students on the Charles River and Medical Campus.

[www.bu.edu/ombuds/](http://www.bu.edu/ombuds/)

Charles River Campus  
930 Commonwealth Avenue, 1<sup>st</sup> Floor  
617-358-5960

Medical Campus  
Dr. Solomon Carter Fuller Mental Health Ctr.  
85 East Newton St., Suite 818  
617-358-7645

### **University Chaplains**

University Chaplains can provide spiritual counseling. Each of the University Chaplains comes from a particular religious tradition but is available to members of the community from any tradition.

[www.bu.edu/chapel/staff/chaplains/](http://www.bu.edu/chapel/staff/chaplains/) Charles  
River Campus  
735 Commonwealth Ave.  
617-353-3560

## **NON-CONFIDENTIAL CAMPUS RESOURCES**

### **Community Resources (students and employees)**

#### **University Title IX Coordinator**

The Title IX Coordinator is responsible for overseeing the University's response to Title IX reports and complaints as well as identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator manages the formal and informal resolution process and can inform students or employees of their rights and reporting options, as well as provide on-campus and community-based resources.

888 Commonwealth Ave. Suite 303  
617-358-1796  
By email: [titleix@bu.edu](mailto:titleix@bu.edu)

[Deputy Title IX Coordinators](#) and their contact information

BU has designated more than 50 professional staff members as Title IX Deputies. They are strategically placed throughout BU to serve as a local resource to students or employees. Deputies are trained in responding to disclosures of sexual misconduct and can provide the following information: reporting options and the effects of each option, counseling services available on campus and through local, community-based rape crisis or domestic violence centers, medical and health services available on and off-campus, available school or work-based supportive measures related to academic and residence life, and employment, explain BU's disciplinary process and explain that the legal process is carried out through local law enforcement agencies, the right to obtain a lawful protection order, and a BU No Contact Directive and No Trespass Order.

#### **Boston University Police Department**

BUPD is a full time, professional law enforcement agency that provides a wide variety of public services, including emergency medical assistance. They can receive Sexual Misconduct reports, explain reporting options, conduct criminal investigation, assist students or employees obtain supportive measures, parties in

obtaining a protective orders under state or federal law. They can enforce protective orders or No Trespass Orders.

32 Harry Agganis Way

In an emergency: 617-353-2121

Detective Unit: 617-353-3436

[www.bu.edu/police/](http://www.bu.edu/police/)

### **Dean of Students Office (Students)**

The Dean of Students Office and Division of Student Affairs comprises compassionate and experienced professionals who are focused on sustaining a community where all students can thrive and reach their full potential as individuals and as scholars.

George Sherman Union, 2<sup>nd</sup> Floor 775

Commonwealth Ave.

[www.bu.edu/dos/about-us/contact-us/](http://www.bu.edu/dos/about-us/contact-us/)

617-353-4126

### **Office of Judicial Affairs (Students)**

Judicial Affairs adjudicates judicial conduct cases and is the primary administrator of the [Code of Student Responsibilities](#). The Code is a body of principles consisting of the University's expectations of its students, provisions for sanctioning rule violations, and due process mechanisms. It presupposes that students will obey all local, state, and federal laws; comply with all University policies and procedures; and respect the rights of all individuals. Judicial Affairs also investigates potential violations of the Sexual Misconduct Policy by students.

25 Buick Street, Suite 150

617-358-0700

### **Equal Opportunity Office (Faculty & Staff)**

The Equal Opportunity Office works to promote and realize the University's commitment to equal opportunity and affirmative action. They strive to ensure that equal opportunity is a reality at Boston University, that our faculty, staff, and students can work and study in an environment free of unlawful harassment and discrimination, and that the University meets its obligations under federal and state laws. The Equal Opportunity Office investigates potential violations of the Sexual Misconduct Policy by employees.

[www.bu.edu/eoo](http://www.bu.edu/eoo)

888 Commonwealth Avenue, Suite 303

617-358-1796

By email: [ooo@bu.edu](mailto:ooo@bu.edu)

### **Human Resources (Faculty & Staff)**

Human Resources can assist in students or employees by explaining how to file a report, obtain supportive measures, and explain on and off campus resources.

[www.bu.edu/hr/home/contacts/](http://www.bu.edu/hr/home/contacts/)

Charles River Campus

25 Buick Street, 2nd Floor

617-353-2380

Medical Campus

609 Albany Street, 1<sup>st</sup> Floor

617-353-2380

By email: [hr@bu.edu](mailto:hr@bu.edu)

## **STUDENT RESOURCES**

### **University Service Center**

The University Service Center ("USC") is a place to visit or call when you have a problem or concern and aren't sure where to go. USC helps students obtain academic leniency and supportive measures such as extensions or course changes.

881 Commonwealth Avenue

617-358-1818  
By email: [usc@bu.edu](mailto:usc@bu.edu)  
[www.bu.edu/usc/](http://www.bu.edu/usc/)

### **Student Financial Assistance**

The Student Financial Assistance can help students with financial concerns.  
881 Commonwealth Avenue  
617-353-2965  
By email: [finaid@bu.edu](mailto:finaid@bu.edu)  
Website: <http://www.bu.edu/finaid/contact-us/>

OFF-CAMPUS COUNSELING, ADVOCACY, AND LEGAL RESOURCES, including assistance with or referrals for visa and immigration matters

### **Boston Area Rape Crisis Center (“BARCC”)**

BARCC provides information, education, counseling services for students or employees. BARCC provides education and advocacy for social change to prevent sexual violence.  
[www.barcc.org](http://www.barcc.org)  
617-492-8306  
800-841-8371

### **Victim Rights Law Center (“VRLC”)**

VRLC provides legal and advocacy services.  
[www.victimrights.org/](http://www.victimrights.org/)  
115 Broad Street, 3rd Floor  
Boston, MA 02110  
617-399-6720, x19 f

### **Fenway Health Violence Recovery Program**

Free counseling and advocacy, specializing in services to the LGBTQIA+ community.  
[www.fenwayhealth.org/](http://www.fenwayhealth.org/)  
Ansin Building  
1340 Boylston Street  
Boston, MA 02215  
617-927-6250; 800-834-3242  
After 5:00pm or on the weekends, call 877-785-2020

### **[Safelink MA Statewide Domestic Violence Hotline \(Casa Myrna\)](#)**

SafeLink is Massachusetts’ statewide 24/7 toll-free domestic violence hotline and a resource for anyone affected by domestic or dating violence. SafeLink provides referrals and advocate services.  
1-877-785-2020

### **[The National Domestic Violence Hotline](#)**

The National Domestic Violence Hotline provides information, assists with safety planning and referrals for counseling or legal services.

1-800-799-7233  
PO Box 90249  
Austin, TX 78709

### **[The National Sexual Violence Hotline \(RAINN\)](#)**

RAINN provides information, local referrals, and advocacy services.  
1-800-656-4673

### **[Pathways to Safety](#)** (for Americans abroad)

Pathways offers specialized safety planning, advocacy, and long-term case management for American overseas

victims living with an abuser or after the relationship has ended. Case managers have the tools and knowledge to assist survivors abroad and/or after returning to the U.S.  
International Toll-Free: 833-SAFE-833  
crisis@pathwaystosafety.org

### **Off-Campus Law Enforcement Resources**

#### **Boston Police Department**

Law enforcement through the City of Boston or the Commonwealth of Massachusetts can help students or employees file criminal complaints, refer to resources, conduct criminal investigations, assist in obtaining protective orders.

#### **Boston Police Department Sexual Assault Unit**

#### **Boston Police Department**

911 or 617-343-4400

#### **Boston Police Sexual Assault Unit**

617-343-4400

#### **Brookline Police Department**

911

#### **Brookline Police Detective Bureau**

617-730-2244

#### **Massachusetts State Police**

The Massachusetts State Police serves as the statewide law enforcement agency and maintains investigative, tactical, and support units throughout the Commonwealth.

508-820-2300

70 Worcester Road, Framingham, MA 01702

### **OFF-CAMPUS MEDICAL / HEALTH CARE RESOURCES**

A medical provider can provide emergency and/or follow-up medical services as appropriate, and a person can discuss any related health care concerns in a confidential medical setting. The medical examination has two primary goals: (i) to diagnose and treat the full extent of any injury or physical effect (sexually transmitted infection or pregnancy) and (ii) to properly collect and preserve evidence. There is a limited window of time within which to preserve physical and other forms of evidence (usually within 5 days or 120 hours of the sexual assault). Taking the step to gather evidence immediately does not commit a person to any course of action. To locate a SANE nurse, visit the Boston Region Designated Hospitals website at: <https://www.mass.gov/service-details/adultadolescent-sane-services>

#### **Beth Israel Deaconess Medical Center Emergency Department**

1 Deaconess Road

Boston, MA

617-754-2323

Note: Beth Israel Deaconess, along with Boston Medical Center and Brigham & Women's Hospital are SANE designated hospitals that have specially trained Sexual Assault Nurse Examiners ("SANE") on call. SARP can provide information on SANE, assist in coordinating a SANE visit and accompany a student to the hospital for the exam.

### **GOVERNMENT RESOURCES**

The resources listed here may provide additional assistance for those who would like to file an external complaint of sexual misconduct or students with inquiries regarding the application of Title IX and its implementing regulations.

**U.S. Department of Education, Office for Civil Rights**

<http://www.ed.gov/ocr>

Region I – Boston Office  
 5 Post Office Square, 8th Floor Boston, MA 02109-3921  
 617-289-0111

**U.S. Department of Justice, Office on Violence Against Women**

[www.ovw.usdoj.gov/ovw](http://www.ovw.usdoj.gov/ovw)

U. S. Department of Justice  
 Office on Violence Against Women  
 145 N Street, NE, Suite 10W.121  
 Washington, DC 20530  
 Phone: 202-307-6026  
 Fax: (202) 305-2589  
 TTY: (202) 307-2277

**White House Task Force, Protecting Students from Sexual Assault,  
 U.S. Department of Justice**

<https://www.justice.gov/ovw/protecting-students-sexual-assault>

**U.S. Citizenship and Immigration Services**

[www.uscis.gov/about-us/find-a-uscis-office/field-offices](http://www.uscis.gov/about-us/find-a-uscis-office/field-offices)

Boston Field Office  
 John F. Kennedy Federal Bldg. 15 New Sudbury St.  
 Room E-160 Boston, MA 02203  
 800-375-5283

**Massachusetts Commission Against Discrimination (“MCAD”)**

[www.mass.gov/mcad/](http://www.mass.gov/mcad/)

1 Ashburton Place, Sixth Floor Boston, MA 02108  
 617-994-6000

**XII. CONFIDENTIALITY PROTECTIONS & REPORTING OBLIGATIONS.**

As a reminder, confidential resources will not share information with anyone. Non-confidential resources are also required to respect the parties’ privacy to the greatest extent possible. They will disclose identifying information to others only on a need-to-know basis.

Office/Personnel	Status	Reporting Obligation
<a href="#">University Chaplains (Clery)</a> /chaplains/	Confidential	None, if they are operating in their capacity as clergy. If acting in another capacity, see section on other University personnel below.

<a href="#">Behavioral Medicine</a>	Confidential	<p>Behavioral Medicine will report incidents without any identifying information to the Title IX Coordinator to help the University understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime on or near campus, Behavioral Medicine will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p>
<a href="#">Sexual Assault Response and Prevention Center ("SARP")</a>	Confidential	<p>SARP will report incidents without any identifying information to the Title IX Coordinator to help the University understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime on or near campus, SARP may report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act) if the complainant consents to the report.</p>
<a href="#">Student Health Services ("SHS")</a>	Confidential	<p>SHS will report incidents without any identifying information to the Title IX Coordinator to help the University understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime on or near campus, SHS will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually assaulted, SHS will notify law enforcement (Massachusetts Law).</p>
<a href="#">Faculty &amp; Staff Assistance Office ("FSAO")</a>	Confidential	<p>FSAO will report incidents without any identifying information to the Title IX Coordinator to help the University understand the existence and extent of the problem (Title IX).</p> <p>If the incident is a crime on or near campus, FSAO will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p>
<a href="#">University Ombuds</a>	Confidential	<p>The Ombuds may provide anonymous (de-identified) information to the Title IX Coordinator in an effort to address emerging problems or to prevent recurrence, including information on general trends or patterns of concern (Title IX).</p>

<a href="#">Title IX Coordinator</a>	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, the Title IX Coordinator will supervise the investigation and response to reported incidents of sexual misconduct (Title IX).</p> <p>If the incident is a crime on or near campus, the Title IX Coordinator will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>The Title IX Coordinator will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>
<a href="#">Deputy Title IX Coordinators</a>	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, the Deputy Title IX Coordinators will assist the Title IX Coordinator in the investigation and response to reported incidents of Title IX Sexual Misconduct and Non-Title Sexual Misconduct, as appropriate (Title IX).</p>

<a href="#">Dean of Students Office ("Dean")</a>	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, the Dean's designee (the Office of Judicial Affairs) will investigate and respond to reported incidents of sexual misconduct (Title IX).</p> <p>If the incident is a crime on or near campus, the Dean will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>The Dean will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>
<a href="#">Judicial Affairs Office ("JA")</a>	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, OJA will investigate and respond to reported incidents of sexual misconduct (Title IX).</p> <p>If the incident is a crime on or near campus, OJA will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>OJA will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>

<p><a href="#">Equal Opportunity Office</a> ("EOO")</p>	<p>Not Confidential</p>	<p>Unless a complainant requests otherwise and the request is granted, EOO will investigate and respond to reported incidents of sexual misconduct (Title IX).</p> <p>If the incident is a crime on or near campus, EOO will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>EOO will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>
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Boston University Police Department (“BUPD”)	Not Confidential	<p>BUPD will report to the Title IX Coordinator all information received about Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct incidents so the University can investigate and respond (Title IX.)</p> <p>If the incident is a crime, BUPD will include it in a crime log and the annual security report without identifying the victim (Clery Act).</p> <p>If the incident is a crime and poses a serious or continuing threat, BUPD will issue a timely warning or emergency notification (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, BUPD will notify University leadership (MA Law on Protection of Minors).</p> <p>BUPD will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Other University Personnel	Not Confidential	<p>Will report to the Title IX Coordinator all information received about Title IX and Non-Title IX Sexual Misconduct incidents so the University can investigate and respond (Title IX.)</p> <p>If the incident is a crime, a “campus security authority” will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, other University personnel will notify University leadership (MA Law on Protection of Minors).</p> <p>Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Confidential Resource Providers	Confidential	<p>Confidential Resource Providers (CRPs) are trained in awareness and in responding to trauma. CRPs can provide information to members of the community regarding: Reporting options and the effects of each option; counseling services available on campus and through local, community-based rape crisis or domestic violence centers; medical and health services available on and off-campus; available school or work based supportive measures related to academic and residence life, and employment; explain BU’s disciplinary process and the legal process; notify the reporting party of their rights and BU’s responsibilities in obtaining a criminal protection order (209A/258E); and BU No Contact Directive, BU No Trespass Order, and other lawful orders from law enforcement or BU. CRPs may accompany or participate in any meeting as an advisor or support person to any hearing or disciplinary proceeding at the request of the reporting party or the responding party.</p>

Please refer to **Appendix A** which contains information about University programming and initiatives intended to increase the University community's knowledge and to prevent violence and promote safety, including bystander intervention awareness and other prevention programs intended to prevent dating violence, domestic violence, sexual assault and stalking.

## **Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Students**

*Note: These **Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Students** are effective on August 1, 2021. The new [Sexual Misconduct Policy](#) and its three corresponding Complaint Procedures (including this Procedure) apply to conduct that occurs on or after August 14, 2020. Conduct occurring on or before August 13, 2020 will be handled under the University's Sexual Misconduct/Title IX Policy and the two corresponding Complaint Procedures. The procedures to address conduct occurring on or after August 14, 2020 are currently being revised to comply with the Massachusetts [Campus Sexual Violence Act](#). These procedures will include the following requirements and rights for both Respondents and Complainants:*

- The parties will receive copies of the Sexual Misconduct Policy and Procedures applicable to their case, which will include information about available supportive measures and the process for submission and consideration of evidence that may be used during a hearing or disciplinary proceeding.
- The parties may be accompanied by and may consult with an advisor or support person of their choice throughout the proceedings, although the availability of an advisor may not significantly delay any meeting. The University will have reasonable measures to provide for the involvement of the advisor, which will be applied equally.
- The Respondent will receive notice of an allegation of sexual misconduct that will include the date, time, and location, if known of the alleged incident, including a specific statement of policies allegedly violated.
- The complaint resolution process, including the investigation and any hearing and disciplinary proceedings, will be impartial and conducted by an individual who does not have a conflict of interest or bias and who will have not less than annual training on the University's Sexual Misconduct Policy and Procedures.
- The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made by a preponderance of the evidence at the conclusion of the applicable complaint resolution process.
- The parties will have equal opportunities to inspect and review evidence obtained in an investigation that is directly related to the allegations.
- The parties have an equal opportunity to present evidence and witnesses on their behalf during a hearing or proceeding, and each party will be provided with timely and equal access to relevant evidence that will be used during any disciplinary process conducted under the Sexual Misconduct Policy and Procedures.
- There may be restrictions on evidence considered by the fact finder, including evidence regarding the prior sexual history or character evidence.
- The parties may not personally and directly question each other during an investigation or any complaint resolution process conducted under the Sexual Misconduct Policy and Procedures.
- The parties will receive written notice of the results of a hearing or disciplinary proceeding not later than 7 business days after a final determination of a complaint (not including time for an appeal) unless good cause for additional time is shown, and the parties will be informed of any appeals process.
- If the opportunity is made available to appeal a determination based on a perceived

procedural error, previously unavailable evidence that could significantly impact the outcome of the case, or a sanction that is disproportionate to the findings, both parties will be permitted to appeal decisions regarding responsibility or sanctions.

- The University will not disclose the identity of the parties, except as necessary to carry out disciplinary proceedings under its Sexual Misconduct Policy and Procedures or as permitted under state or federal law.

## **Table of Contents**

- I. Applicability and Scope
- II. Rights of the Complainant and Respondent
- III. Preliminary Matters
- IV. Initiating a Complaint
- V. How to file a Complaint
- VI. Information for Complaints
- VII. Supportive
- VIII. Withdrawal of a Complaint
- IX. Complainant Requests for Confidentiality
- X. Responding to a Complaint
- XI. Investigation of a Complaint
- XII. Resolution of a Complaint
- XIII. Appeal to the University Board on Student Conduct
- XIV. Appeals to the University Provost
- XV. Disciplinary Records, Withdrawal and Readmission

## **I. APPLICABILITY AND SCOPE**

These Procedures will be used to investigate and resolve all complaints of sexual misconduct against Boston University students (undergraduate, graduate, full-time, and part-time) if the alleged conduct does not fall within the scope of Title IX Sexual Misconduct under the University's [Sexual Misconduct Policy](#).

Complaints of Title IX Sexual Misconduct against Boston University students, faculty, staff, affiliates, and non-affiliates will be investigated and resolved using the Title IX Sexual Misconduct Procedures, if the alleged conduct falls within the scope of Title IX Sexual Misconduct under the University's [Sexual Misconduct Policy](#)

Complaints of sexual misconduct against Boston University faculty, staff, affiliates, and non-affiliates that do not fall within the scope of Title IX Sexual Misconduct under the University's [Sexual Misconduct Policy](#) will be investigated and resolved using the [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints against Faculty, Staff, Affiliates, and Non-Affiliates](#).

## **II. RIGHTS OF THE COMPLAINANT AND RESPONDENT**

Boston University's Procedures for the investigation, adjudication, and resolution of sexual misconduct complaints brought against students are designed to be accessible, prompt, equitable, and impartial. Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- Privacy to the extent possible, consistent with applicable law and University policy.
- Information about the University's [Sexual Misconduct Policy](#).
- The presence of an Adviser throughout the process.
- To participate or to decline to participate in the investigation or complaint resolution process. However, a decision not to participate in the process either in whole or in part will not prevent the University from proceeding with the information available.

- A prompt and thorough investigation of the allegations.
- Adequate time to review documents in the Office of Judicial Affairs following the investigation.
- To appeal the decision made or any sanctions imposed by the Dean of Students to a Hearing Panel of the University Board on Student Conduct.
- To challenge a Hearing Panel member(s) for a possible conflict of interest.
- To refrain from making self-incriminating statements.
- To appeal the decision by made the Hearing Panel of the University Board on Student Conduct to the University Provost.
- Notification, in writing, of the case resolution, including the outcome of any appeals, and the final determination.
- For the complainant, to report the incident to law enforcement (including the Boston University Police or with the police department in the jurisdiction in which the sexual misconduct occurred) at any time.

Boston University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

### **III. PRELIMINARY MATTERS**

#### **A. Timing of Complaints.**

If the respondent is a current Boston University student (undergraduate or graduate, full-time or part-time), there is no time limit for filing a complaint to initiate these Procedures. However, students are strongly encouraged to report sexual misconduct in a timely manner to maximize the University's ability to gather evidence, and conduct a thorough, impartial, and reliable investigation. If the respondent is a second semester senior (or in the final semester of a graduate program), the University may withhold that student's Boston University degree pending conclusion of the complaint resolution procedures.

#### **B. Effect of Criminal Proceedings.**

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Boston University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a respondent nor the outcome of any criminal prosecution is determinative of whether sexual misconduct occurred under the University's [Sexual Misconduct Policy](#).

#### **C. Effect of a Pending Complaint on the Respondent.**

If the respondent is a current BU student, no notation will be placed on the respondent's transcript of a complaint or pending disciplinary action prior to the conclusion of the complaint resolution process. If the respondent withdraws from Boston University while a sexual misconduct complaint is pending, the respondent's transcript will reflect a withdrawal and a notation of pending disciplinary action subject to modification to reflect the outcome of the disciplinary action.

#### **D. Amnesty.**

A student who files a sexual misconduct complaint, or who serves as a third party witness during the complaint resolution process, will not be subject to disciplinary action by the University for his or her own personal consumption of alcohol or other drugs at or near the time of the alleged

sexual misconduct, provided that such violations did not and do not place the health or safety of any other person at risk.

However, the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The University may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

#### **E. Adviser.**

The complainant and respondent may each choose and be accompanied to any meeting or hearing related to these Procedures by an Adviser, who may provide support during such meeting or hearing. During meetings and interviews, the Adviser may quietly confer or pass notes with the party in a non-disruptive manner. The Adviser may not intervene in a meeting or interview, or address the Investigator. Consistent with the University's obligation to promptly resolve sexual misconduct complaints, the University reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected Adviser.

#### **F. Declining to Participate.**

A complainant and/or respondent may decline to participate in the investigative or complaint resolution process. The University may continue the process without the complainant's and/or respondent's participation. In most cases, a refusal to participate in the investigative process will preclude a complainant or respondent from appealing any determination. The Dean of Students will make this determination.

#### **G. Time Frame for Complaint Resolution.**

The University will seek to resolve every report of sexual misconduct within ninety (90) calendar days after the filing of a complaint, including appeals. Time frames may vary depending on the complexity of a case, the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.

#### **H. Prohibition on Retaliation.**

It is illegal and a violation of the University's [Sexual Misconduct Policy](#) to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person for reporting sexual misconduct, filing a sexual misconduct complaint, or participating in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion from the University.

#### **I. Notice.**

The Office of Judicial Affairs ("OJA") will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available accommodations, as soon as possible after a complaint is reported. OJA and the Dean of Students Office will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either the complainant's or the respondent's presence may be required.

### **IV. INITIATING A COMPLAINT.**

#### **A. Individual.**

Any person who believes he or she has experienced sexual misconduct as defined in the University's [Sexual Misconduct Policy](#), may file a complaint against the Boston University student responsible for that conduct (the person filing a complaint is referred to as a "complainant"). A person who has information that sexual misconduct may have been committed by a University

student or a participant in a University Program may also file a complaint (the person with such information is referred to as a “reporter”). A complainant or reporter may include any member of the Boston University community, including students, faculty, administrators, and staff members, visitors, applicants for employment or admission, participants in a BU program or activity, or a non-affiliate with knowledge of an incident of sexual misconduct.

## **B. Administrative.**

In extraordinary cases, such as situations that threaten the safety of members of the BU community, the University may initiate a complaint through the Dean of Students Office against a Boston University student. As set forth in the [Sexual Misconduct Policy](#), reports of sexual misconduct undergo a Title IX Review to determine the appropriate response and make an initial determination as to whether the conduct alleged in the complaint may violate Title IX.

## **V. HOW TO FILE A COMPLAINT.**

A complainant or reporter may submit a paper (hard copy) or electronic [Incident Report Form](#) to the Title IX Coordinator, the Dean of Students Office, the Office of Judicial Affairs (“OJA”), or one of the University’s Deputy Title IX Coordinators. Although the Incident Report Form should contain sufficient information to permit the respondent to understand and respond adequately to the charges being brought, it may not reflect every detail related to the allegations in the complaint, as additional information may be discovered during the investigation.

A complainant may also call or meet with the Title IX Coordinator, Dean of Students Office, OJA, or a Deputy Title IX Coordinator to initiate a complaint.

University Title IX Coordinator  
888 Commonwealth Avenue, Suite 303, Boston, MA 02115  
(617) 358-1796

[titleix@bu.edu](mailto:titleix@bu.edu)

Deputy Title IX Coordinators Contact information available at [www.bu.edu/eoo/sexual-misconduct-title-ix/title-ix-team/](http://www.bu.edu/eoo/sexual-misconduct-title-ix/title-ix-team/)

Dean of Students Office  
George Sherman Union, Fl. 2  
775 Commonwealth Avenue, Boston, MA 02115  
(617) 353-4126  
[dos@bu.edu](mailto:dos@bu.edu)

Office of Judicial Affairs  
25 Buick Street, 1<sup>st</sup> Floor, Boston, MA 02115  
(617) 358-0700

## **VI. INFORMATION FOR COMPLAINANTS.**

After receiving a report of sexual misconduct, OJA will notify the complainant of the option to have an Adviser accompany him or her to any meeting or interview related to the complaint resolution process. OJA will also:

- Provide the complainant with information regarding the Rights of the Complainant and Respondent.
- Explain the prohibition against retaliation.
- Explain the process for investigating and resolving a sexual misconduct complaint (including the available appeal procedures).
- Instruct the complainant not to destroy any potentially relevant documentation in any format.
- Give the complainant a copy of the relevant policies.

- Explain the availability of interim measures.

## **VII. SUPPORTIVE MEASURES.**

Upon the filing of a sexual misconduct complaint, the Title IX Coordinator, the Dean of Students, OJA, or a Title IX Coordinator will review the allegations and determine the necessity and scope of any supportive measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment.

The range of supportive measures may include, but not be limited to:

- Moving the complainant's or respondent's residence.
- Adjusting the complainant's or respondent's work schedule, assignment, or location for University employment. Changing the complainant's academic schedule, allowing the complainant to take an incomplete in one or more courses, allowing the complainant to drop (or retake) a course without penalty, or attend class via web conference.
- Changing the complainant's transportation arrangements or providing an escort to ensure safe movement between classes and other activities.
- Allowing the complainant to withdraw from or retake a class without penalty, or extending deadlines for examinations or other assignments.
- Reassigning the complainant or the respondent to another section, if the complainant and respondent are enrolled in the same lecture, discussion class, academic team, or project group.
- Providing access to tutoring or other academic support.
- Issuing an administrative "stay-away" (no contact) order.
- Interim suspension of the respondent.

The University will maintain as confidential any accommodations or supportive measures provided to the complainant and respondent to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or supportive measures.

An individual's failure to comply with restrictions imposed by interim measures is a violation of University Policy and a basis for disciplinary action, up to and including expulsion from the University.

## **VIII. WITHDRAWAL OF A COMPLAINT.**

Prior to the conclusion of a sexual misconduct investigation, the complainant may withdraw his or her complaint. Withdrawal of the complaint will ordinarily end the complaint investigation and resolution process. However, the University reserves the right to proceed with the complaint, even after the complainant withdraws it, in order to protect the interests and safety of the BU community.

## **IX. COMPLAINANT REQUESTS FOR CONFIDENTIALITY.**

If the complainant is willing to participate in the review and investigation process, OJA will proceed as described in the Investigation section below.

If the complainant requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will, generally before taking any further investigative steps, evaluate the complainant's request in the manner set forth in Section V.B of the Sexual Misconduct Policy. The evaluation will be conducted by the Title IX Coordinator in consultation with a small number of University administrators as deemed necessary and appropriate under the circumstances.

Even absent a request for confidentiality, every reasonable effort will be made to protect the

privacy of all parties during the investigation. Boston University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or other resources.

## **X. RESPONDING TO A COMPLAINT.**

### **A. Notification of Respondent.**

The person alleged to have committed sexual misconduct is called the respondent. Unless the complainant requests and is granted confidentiality, the respondent will be notified in writing that a complaint alleging sexual misconduct has been filed against him or her. The respondent will be advised that he or she may have an Adviser accompany him or her to any meeting or interview related to the investigation and complaint resolution process.

### **B. Information for Respondent.**

Within seven (7) calendar days of receiving notice of the complaint, the respondent must arrange to meet with OJA. At that meeting, OJA will:

- Provide the respondent with information regarding the Rights of the Complainant and Respondent.
- Provide the respondent with a copy of the complaint.
- Explain the prohibition against retaliation.
- Discuss the nature of the complaint.
- Explain the rights and responsibilities of the complainant and respondent. Explain the process for investigating and resolving the complaint (including the available appeal procedures).
- Instruct the respondent not to destroy any potentially relevant documentation in any format.
- Give the respondent a copy of the relevant policies.
- Provide the respondent with a list of on-campus and off-campus support resources.

If the respondent fails to meet or cooperate with the OJA Investigator, the investigation and resolution of the complaint will proceed without input from the respondent. If interim measures have been imposed, OJA will explain the scope of those measures and the respondent's duty to comply with the interim measures.

### **C. Acceptance of Responsibility.**

After reviewing the complaint and meeting with OJA and the Dean of Students, the respondent may choose to end the complaint resolution process by accepting responsibility for the conduct alleged in the complaint. If the respondent accepts responsibility for the conduct alleged in the complaint, the Dean of Students will determine an appropriate sanction for the respondent. If the respondent disputes the allegations of the complaint, the matter will proceed to an investigation.

At any point in the process, the respondent may accept responsibility for the conduct alleged in the complaint. In such cases, the Dean of Students may impose sanctions for violations of the [Sexual Misconduct Policy](#).

## **XI. INVESTIGATION OF A COMPLAINT.**

### **A. Investigators.**

The Office of Judicial Affairs will designate two Investigators specifically trained in sexual misconduct investigations to conduct a prompt, thorough, and fair investigation.

## **B. Investigation Process.**

The investigation will include one or more interviews with the complainant, the respondent, and any witnesses. The investigation will include the gathering of physical, documentary, or other relevant and available evidence, including law enforcement reports. As part of the investigation, the University will provide an opportunity for all parties to present written statements, identify witnesses, and submit other evidence. The Dean of Students Office may require student-witnesses to cooperate with the investigation regardless of the parties' selection of witnesses.

## **C. Standard of Proof.**

In resolving complaints pursuant to the [Sexual Misconduct Policy](#), the University will use a "preponderance of the evidence," standard, which is whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the respondent violated the [Sexual Misconduct Policy](#).

## **D. Investigation Finding.**

At the conclusion of the investigation, the Investigators will prepare a report (the "Investigative Report") summarizing and analyzing the relevant facts determined through the investigation, with reference to any supporting documentation or statements. Before the Investigative Report is finalized, the complainant and respondent will be given the opportunity to review their own statements and, may also be provided with a written summary of other information collected during the investigation.

A complainant or respondent must submit any comments about their own statement, or on any investigation summary that might be provided, to the Investigators within five (5) calendar days after the statement or summary was provided.

Following the receipt of any comments submitted, or after the 5-day comment period has lapsed without comment, the Investigators will address any identified factual inaccuracies or misunderstandings, as appropriate. The final Investigative Report will provide a summary of the Investigators' impressions, including context for the evidence and a recommendation, but will not make a final determination as to whether a violation of the [Sexual Misconduct Policy](#) occurred, reserving that decision (and any sanctions) for the Dean of Students. The parties will be provided with a copy of the final Investigative Report simultaneously.

## **XII. RESOLUTION OF A COMPLAINT.**

### **A. Informal Resolution.**

A complainant and a respondent may choose to resolve a complaint through an informal. Informal resolution may include conflict mediation or a restorative conference with a University community member. However, informal resolution may only be used:

1. Prior to a decision by Dean of Students being issued;
2. When the Dean of Students determines this is a suitable option for resolving the complaint, and both the complainant and respondent agree to use the process;
3. When the complaint does not involve sexual assault, as defined in Section II.A of the [Sexual Misconduct Policy](#).

Either the complainant or respondent may choose to end the informal resolution process at any time and commence or resume the formal complaint resolution process.

Because the outcome of informal resolution process is mutually developed and agreed upon by

the parties, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution, the matter will be referred by the Dean of Students for investigation by the Office of Judicial Affairs.

## **B. Dean of Students Determination of Responsibility under the University's Sexual Misconduct Policy.**

On behalf of the University, the Dean of Students shall have jurisdiction in cases of alleged misconduct by Boston University students and shall determine if a student has violated the [Sexual Misconduct Policy](#). The Office of Judicial Affairs will provide the Dean of Students with a copy of the Investigative Report within seven (7) calendar days of its completion. Within fourteen (14) calendar days after receiving the Investigative Report, the Dean of Students will make a determination as to whether the respondent(s) violated the [Sexual Misconduct Policy](#), and impose a sanction if a violation has been found.

### 1. Determination & Notice of the Outcome.

The Dean of Students may, in his or her discretion, provide the complainant and the respondent with an opportunity to meet, accompanied by the party's Adviser. If the Dean of Students meets with one party, he or she will offer the other party the chance to meet.

The Dean of Students will provide the complainant and respondent with simultaneous, written notice of the outcome of the University's resolution of the sexual misconduct complaint (the "Letter of Determination"), the sanction, if any, that has been imposed on the respondent, and any additional steps that the University has taken to eliminate the hostile environment (if the Dean found one exists) and prevent any recurrence of any sexual misconduct. The Letter of Determination will include a description of the right to appeal for both the complainant and the respondent.

### 2. Sanctions for Violations of the Sexual Misconduct Policy.

If the respondent is found responsible for violating the [Sexual Misconduct Policy](#), the Dean of Students will impose a sanction designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter students from similar future behavior.

The following, individually or in combination, are potential sanctions for violations of the University's [Sexual Misconduct Policy](#). Where appropriate, the statement of the sanction includes the duration, any conditions to be observed during that period, and the conditions for termination of the sanction.

#### Major Sanctions.

- Expulsion from the University or a program of the University.
  - Suspension from the University or a program of the University for a specific period of time.
  - Deferred suspension from the University or a program of the University.
  - Denial of graduation, diploma, or degree.
  - Deferral of graduation, diploma, or degree for a specific period of time.
  - Revocation or withdrawal of diploma or degree previously credited, awarded, or conferred.
- Other Available Sanctions.
- Expulsion from a University residence.
  - Suspension from a University residence for a specific period of time.
  - Deferred residence expulsion (with or without relocation to a different residence location).
  - Disciplinary probation. Disciplinary probation may involve counseling with faculty or administrative staff; restriction of student privileges; prohibitions against participation in University activities or events, including athletic or non-athletic activities; and prohibitions against holding office or participating in student organizations or residence, school, or college organizations or activities.
  - Residence probation. Residence probation may involve periodic meetings with a member of the

residence staff and/or restriction of specific residence privileges.

- Disciplinary reprimand or warning.
- Restitution. The student will reimburse the University and/or other appropriate party for damage to or loss of property or for costs or expenses incurred by the University or other party. Restitution will be made at full cost of replacement or repair, and other expenses.

Note: If the respondent is a graduate student who also serves as a teaching assistant, sanctioning decisions related to the respondent's teaching responsibilities will be made by the appropriate academic Dean.

Remedies for Complainants.

As part of the sanctioning process, the Dean of Students, or designee, may require that existing supportive remedies stay in place for a prescribed period of time. In consultations with the Title IX Coordinator and the Director of SARP, the Dean of Students may also impose new supportive measures or administrative actions such as stay-away orders, housing placement, or academic accommodations based upon the investigation and resolution of the case.

### **XIII. APPEAL TO THE UNIVERSITY BOARD ON STUDENT CONDUCT.**

#### **A. Grounds for Appeal.**

The complainant and respondent each have the right to appeal the Dean of Students' determination to the University Board on Student Conduct ("UBSC"). The complainant and respondent will be notified of this right and the procedures for appeal in writing. The Dean's determination will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence. Therefore, a party may appeal the Dean's determination only on the following grounds:

1. Insufficient evidence to support OJA's findings.
2. The sanction imposed is disproportionate to the violation of the [Sexual Misconduct Policy](#).
3. The discovery of new, relevant evidence, which was unavailable to the appealing party during the investigation that could reasonably affect the outcome of the case.
4. Prejudicial bias on the part of an OJA Investigator.

To appeal to a Hearing Panel of the UBSC, the appealing party must submit a written appeal petition to the Dean of Students within ten (10) calendar days of the date of receipt of the Letter of Determination. The Dean of Students may accept a late submission under extenuating circumstances.

The Dean of Students will provide the non-appealing party with a copy of the appeal petition. The non-appealing party will have ten (10) days from receipt of the appeal petition to file a response to the appeal petition. The response must be in writing and submitted to the Dean of Students. The Dean of Students will forward the response to the petition to the appealing party upon receipt.

#### **B. Content of Appeal Petition and Response.**

The appeal petition must specify the grounds for the appeal, along with the supporting rationale, including a response to the Investigative Report, if any. The appeal may also include, or make reference to, other relevant information such as the identity of new witnesses who were not reasonably discoverable during the investigation or other evidence that was not considered during OJA's investigation. Any response to the appeal petition must address the issue raised in the appeal.

Each party will have the opportunity to review any written submissions of the other party prior to the Hearing.

### **C. University Board on Student Conduct.**

The membership of the UBSC will be as follows: one-third of the members will be members of the faculty appointed by the Provost. The Provost will make his or her designation from a list of 15 nominations made by the Faculty Council. One-third of the members will be students (undergraduate and graduate) selected by the Dean of Students. One-third of the members will be appointed by the Vice President for Enrollment & Student Affairs and may include students, faculty, or members of the administrative staff of the University. Temporary imbalances in the composition of the Board caused by the absence or withdrawal from the UBSC of any member(s) will not affect the validity of actions taken by a Hearing Panel of the UBSC.

Membership on the UBSC shall be for a term of two years except that the term for student members shall be one year. Members appointed to fill a vacancy on the Board shall serve for the duration of the term.

If, during the summer or during any other period, sufficient members of the UBSC are not available to create a Hearing Panel, the Office of the Provost, at the request of the Dean of Students, may designate individuals to serve as interim members of the UBSC for the purpose of serving on a Hearing Panel.

A member of the Dean of Students' staff will sit in ex officio, and will be responsible for the administrative functions of the UBSC, but will not participate in any Hearing. Each Hearing Panel will consist of three members of the UBSC. At least one member of each Hearing Panel will be a student and at least one member will be a member of the faculty.

#### **1. Training.**

All UBSC members must participate in training. In addition, each year, returning UBSC members must receive refresher training. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

#### **2. Hearing Panel Selection / Conflict Checking.**

The Dean of Students will appoint a Hearing Panel of three members and will appoint one of these members as the Panel Chair. The Hearing Panel will not include any person who has participated in any effort to resolve the same complaint. The Hearing Panel members will receive the names of the complainant, the respondent, and all witnesses, and must withdraw from the proceedings if their relationship to a party or witness, or other circumstances leads them to believe that they cannot judge the matter fairly.

The Dean of Students will send a notice to the complainant and respondent, providing the names of the Hearing Panel members and informing them of their right to object to the participation of a Hearing Panel member. The objection must be in writing to the Dean of Students and received within two (2) calendar days of the date of the notice, and must state the party's reasons for believing the Hearing Panel member is incapable of fairly judging the matter.

The Dean of Students will decide whether an objection is justified, and that decision is final. When necessary, the Dean of Students will select a replacement Hearing Panel member. Parties will have an opportunity to object to any Panel member selected as a replacement.

### **D. Hearing Procedures.**

#### **1. Timing and Notice.**

The Dean of Students will notify the complainant and the respondent of the time and location of the Hearing and will endeavor to convene a Hearing Panel within fourteen calendar (14) days of the written appeal petition. The parties are expected to cooperate in the scheduling of the Hearing.

## 2. Pre-Hearing Procedures.

### a. Pre-Hearing Review.

Prior to the Hearing, the Hearing Panel members will review all the written materials provided to them by the Dean of Students, including OJA's Investigative Report, the Dean of Students' Letter of Determination, the appeal petition and response (if any), and any other documents or evidence submitted by the parties. Based on the appeal petition and response, the Hearing Panel, in its sole discretion, will determine whether third party witnesses will be called at the Hearing and will provide the names of those witnesses to the Dean of Students, who will arrange for those witnesses to appear. The Hearing Panel may also ask to see underlying materials that were relied upon by OJA in its Investigative Report. In the absence of good cause as determined by the Chair in his or her sole discretion, parties may not introduce witnesses, documents, or other evidence at the Hearing that were not included in or referred to by the appeal petition or any response.

### b. Pre-Hearing Meeting.

Prior to the Hearing date, the Dean of Students will schedule individual meetings with the complainant and the respondent and their respective Advisers. At the meeting, the Dean of Students will review the Hearing Panel procedures. In addition, the Dean of Students will provide the complainant and the respondent with a copy of the list of witnesses, and copies of documents or other evidence that the Hearing Panel may consider at the Hearing. The University reserves the right, through the Chair, to add witnesses to the witness lists with reasonable notice prior to the Hearing.

### c. Attendance at Hearing.

If the complainant or the respondent fails to appear at the scheduled Hearing, the Chair may postpone the proceedings or direct that the Hearing proceed and determine the appeal on the basis of the available information, provided the absent party was duly notified of the scheduled Hearing date, as outlined above.

## 3. Conduct of Hearing.

The Chair will preside at the Hearing and may make such rulings as he or she deems necessary for the orderly conduct of the Hearing. No one other than the Hearing Panel members, the complainant and respondent, their respective Advisers, witnesses (when called), and necessary University personnel may be present in the Hearing room or rooms during the proceeding. The Dean of Students Office will work with other University personnel so that any student whose presence is required may participate in the Hearing.

In general, Hearings will proceed as follows:

- Complainant opening statement;
- Respondent opening statement;
- Questions to the complainant by the Hearing Panel;
- Questions to the respondent by the Hearing Panel;
- Witness testimony (if any) and questioning by the Hearing Panel;
- Questions to the Investigators by the Hearing Panel (if any);
- Closing statement by complainant; and
- Closing statement by respondent.

The Hearing Panel will not consider the romantic or sexual history of either the complainant or respondent, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the Hearing Panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of

a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to sexual contact.

The Hearing Panel may set reasonable time limits for any part of the Hearing. In cases where either the complainant or respondent opts not to participate in the Hearing, the Hearing Panel may still hear from the other.

The Hearing will not follow a courtroom model, and the rules of evidence and civil or criminal procedure do not apply. The Chair has the sole discretion to commence, recess, and reconvene the Hearing, and may suspend the Hearing at any time. The Chair will make any procedural decisions during the Hearing that he or she deems necessary to safeguard the integrity and fairness of the Hearing and to avoid undue delay. The Chair will determine the admissibility, relevance, and materiality of the testimony and information offered and may exclude any testimony or evidence that he or she determines to be cumulative or irrelevant. The Hearing Panel may take notice of facts or information within the knowledge of the University community or based on University records.

Upon timely request by the complainant or respondent, the Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant or respondent during the Hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audiotape, written statement or other means, where and as determined in the sole discretion of the Chair to be appropriate.

a. Audio Recording.

The Dean of Students will arrange for the hearing to be audio recorded, and may arrange for the preparation of any transcript of the recording that he or she deems appropriate. The complainant and respondent will have the right to access a copy of the recording without cost, or to obtain a copy of the recording at his or her expense. The Hearing Panel's post-Hearing deliberations will not be recorded. Personal cell phones and recording devices may not be used in the Hearing room(s) to record the Hearing unless approved by the Chair in advance.

b. Preponderance of the Evidence Standard of Review.

All decisions by the Hearing Panel will be made by majority vote and must be supported by a preponderance of evidence.

c. Opening Statements and Questioning by the Parties.

The complainant and respondent will each have the opportunity to present an opening statement. Only the Chair and the Hearing Panel members are permitted question the individual parties and witnesses (if any). However, the complainant and the respondent may ask the Chair to pose additional questions or inquire further into specific matters by submitting these requests to the Chair in writing or orally, at the discretion of the Chair. The Chair may disallow or reframe any questions that are redundant, irrelevant, or disruptive. If, prior to the conclusion of the Hearing, the Hearing Panel determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the Chair may suspend the Hearing and reconvene it in a timely manner to receive such additional information. A suspension of the Hearing may not be based on the proposed introduction of documents or other evidence that could have been presented prior to the Hearing.

d. Respondent Testimony.

The respondent shall have the right not to answer questions during the Hearing; however, the exercise of that right shall not preclude the Hearing Panel from proceeding and evaluating the appeal on the basis of the Investigative Report, Letter of Determination, and other available information.

e. Privacy of the Hearing.

To comply with Title IX and FERPA, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the Hearing is not open to the public. Accordingly, documents prepared in anticipation of the Hearing (including the Investigative Report, the Letter of Determination, the appeal petition and response, documents, testimony, or other information introduced at the Hearing, and any recording or transcripts of the Hearing) may not be disclosed outside of the Hearing procedures, except as may be required or authorized by law.

4. Hearing Panel Decision.

After completion of the Hearing, all persons other than the members of the Hearing Panel will be asked to leave the Hearing room. The Hearing Panel will then deliberate privately. The members of the Hearing Panel are the sole arbiters of the weight of the evidence and the credibility of the witnesses. The specification or description of a violation of the [Sexual Misconduct Policy](#) or the sanction imposed may be modified by the Hearing Panel to conform to the evidence, provided that the modification does not deprive the respondent of his or her right to respond to particular charges.

The Hearing Panel shall consider the merits of an appeal petition only on the basis of the four grounds for appeal set forth in Section XIII.A and supporting information provided in the written appeal petition, any response to the appeal petition, the record of the original decision, and any testimony elicited at the Hearing. Any decision of the Hearing Panel shall be made by majority vote. The vote itself will not be communicated to the parties.

The Hearing Panel may:

1. Affirm, modify, or reverse the Dean of Students' determination.
2. Affirm or modify (either to increase or decrease) the sanctions imposed.
3. Remand the matter to OJA for further investigation. This shall ordinarily be done in the case of new and relevant information, for an assessment of the weight and effect of the new information and a determination after consideration the new facts.

5. Communication of the Hearing Panel's Decision.

Within seven (7) calendar days from the conclusion of the Hearing Panel's deliberations (or such longer time as the Chair may for good cause determine), the Chair will simultaneously communicate the Hearing Panel's decision on the appeal petition to the complainant, the respondent, and the Dean of Students, and will do so in writing.

6. Maintenance of Records.

The Hearing audio recording, together with the documents, information and other evidence presented at the Hearing, will serve as the record of the hearing proceedings and will be maintained by the Dean of Students as part of the respondent's disciplinary record.

The disciplinary files of students who have been suspended or expelled from the University are maintained in the Dean of Students Office for at least seven (7) years after the students' departure from the University.

## **XIV. APPEALS TO THE UNIVERSITY PROVOST.**

### **A. Procedure for Appeal.**

The complainant and the respondent each have the right to appeal the Hearing Panel's decision to the University Provost. An appeal to the University Provost must be in writing and received by

the Provost within ten (10) calendar days of receipt of the Hearing Panel's decision. The only grounds for appeal to the Provost are:

1. Procedural irregularity that affected the outcome of the Hearing.
2. The sanction is disproportionate to the violation of the [Sexual Misconduct Policy](#).
3. The discovery of new, relevant evidence that was unavailable to the appealing party prior to the Hearing Panel that could reasonably affect the outcome of the case.
4. Prejudicial bias on the part of the Hearing Panel.

The Provost will provide a copy of the appeal petition to the other party. If the non-appealing party chooses to respond to the appeal, he or she must do so in writing to the Provost within ten (10) calendar days after receiving the appeal petition.

Upon receipt of a timely appeal petition, the Dean of Students will forward to the Provost the relevant record of the matter. The University Provost will limit his or her review of Hearing Panel decisions to a review of the record of the original Hearing (including the audio recording), supporting documents, and statements made by one or both parties in the appeal petition.

The Provost will review the record and the statements submitted. The decision of the Provost will be in writing, with copies provided to the complainant, respondent, and the Dean of Students, and will be communicated within fourteen (14) calendar days after receiving the appeal petition or any response.

#### **B. Impact of an Appeal Petition on Imposed Sanctions**

The filing of an appeal petition will not operate to stay the effect of sanctions imposed. However, the appeal petition may seek a stay or modification of the sanctions pending the Provost's decision on the appeal. The Dean of Students or the University Provost, in his or her discretion, may suspend, stay, or modify sanctions imposed, subject to such conditions as either may deem appropriate.

#### **C. Provost's Decision on Appeal.**

The University Provost may:

1. Affirm, modify, or reverse the Hearing Panel's decision.
2. Affirm or modify (either to increase or decrease) the sanctions imposed.
3. Remand the matter to the UBSC for a new Hearing. This shall normally be done when there is a procedural irregularity that could be corrected in a rehearing.

If the Provost remands the matter, he or she will specify whether the sanctions are to be maintained, modified, suspended, or reversed pending completion of the matter on remand.

Any act authorized by this procedure to be performed by the Provost may also be done by an authorized designee of the Provost.

The decision of the Provost will be final.

### **XV. DISCIPLINARY RECORDS, WITHDRAWAL, AND READMISSION.**

#### **A. Disciplinary Records.**

A sanction of expulsion or suspension from the University or a program of the University will be entered on the student's permanent record unless this provision is waived by the Dean of Students and the Provost concurs.

The University Registrar will be informed of all sanctions involving suspension or expulsion from the University or from a program of the University, and no student will be permitted to re-enroll

in the University following such sanction unless he or she presents evidence to the Registrar of satisfaction of the sanction and of appropriate permission for re-enrollment.

#### **B. Withdrawal and Readmission.**

If a student voluntarily withdraws from the University or a program of the University while charges against him or her are pending, or as part of a negotiated settlement of such charges, this fact will be communicated to the University Registrar and the student will not be permitted to re-enroll unless he or she presents evidence that appropriate permission for re-enrollment has been obtained. Such permission shall be granted solely at the discretion of the Dean of Students or the Provost. If the student withdrew while charges against him or her were pending, permission for readmission will be granted only after the charges have been resolved.

If permission to re-enroll is not granted, the student may petition the Provost for permission, setting forth in his or her petition the relevant facts and the basis upon which the petition is made. The decision of the Provost will be final.

Failure of a student to comply with a sanction or condition imposed or to obtain permission for re-enrollment in accordance with the above requirements may be a basis for denial of re-enrollment.

## **FACULTY/STAFF NON-TITLE IX SEXUAL MISCONDUCT PROCEDURES**

### **Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Faculty, Staff, Affiliates and Non-Affiliates**

*Note: These Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates are effective on August 1, 2021. The new **Sexual Misconduct Policy** and its three corresponding Complaint Procedures (including this Procedure) apply to conduct that occurs on or after August 14, 2020. Conduct occurring on or before August 13, 2020, will be handled under the University's Sexual Misconduct/Title IX Policy and the two corresponding Complaint Procedures. The procedures to address conduct occurring on or after August 14, 2020 are currently being revised to comply with the Massachusetts **Campus Sexual Violence Act**. These procedures will include the following requirements and rights for both Respondents and Complainants:*

- *The parties will receive copies of the Sexual Misconduct Policy and Procedures applicable to their case, which will include information about available supportive measures and the process for submission and consideration of evidence that may be used during a hearing or disciplinary proceeding.*
- *The parties may be accompanied by and may consult with an advisor or support person of their choice throughout the proceedings, although the availability of an advisor may not significantly delay any meeting. The University will have reasonable measures to provide for the involvement of the advisor, which will be applied equally.*
- *The Respondent will receive notice of an allegation of sexual misconduct that will include the date, time, and location, if known of the alleged incident, including a specific statement of policies allegedly violated.*
- *The complaint resolution process, including the investigation and any hearing and disciplinary proceedings, will be impartial and conducted by an individual who does not have a conflict of interest or bias and who will have not less than annual training on the University's Sexual Misconduct Policy and Procedures.*

- *The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made by a preponderance of the evidence at the conclusion of the applicable complaint resolution process.*
- *The parties will have equal opportunities to inspect and review evidence obtained in an investigation that is directly related to the allegations.*
- *The parties have an equal opportunity to present evidence and witnesses on their behalf during a hearing or proceeding, and each party will be provided with timely and equal access to relevant evidence that will be used during any disciplinary process conducted under the Sexual Misconduct Policy and Procedures.*
- *There may be restrictions on evidence considered by the fact finder, including evidence regarding the prior sexual history or character evidence.*
- *The parties may not personally and directly question each other during an investigation or any complaint resolution process conducted under the Sexual Misconduct Policy and Procedures.*
- *The parties will receive written notice of the results of a hearing or disciplinary proceeding not later than 7 business days after a final determination of a complaint (not including time for an appeal) unless good cause for additional time is shown, and the parties will be informed of any appeals process.*
- *If the opportunity is made available to appeal a determination based on a perceived procedural error, previously unavailable evidence that could significantly impact the outcome of the case, or a sanction that is disproportionate to the findings, both parties will be permitted to appeal decisions regarding responsibility or sanctions.*
- *The University will not disclose the identity of the parties, except as necessary to carry out disciplinary proceedings under its Sexual Misconduct Policy and Procedures or as permitted under state or federal law.*

## **Table of Contents**

- I. Applicability & Scope
- II. Rights of the Complainant and Respondent
- III. Preliminary Matters
- IV. Initiating a Complaint
- V. Supportive Measures
- VI. How to File a Complaint
- VII. Investigation of a Complaint
- VIII. Requests for Confidentiality and Privacy
- IX. Appeal
- X. Imposition of Sanctions

## **I. APPLICABILITY & SCOPE.**

These Procedures will be used to investigate and resolve all other complaints of sexual misconduct against Boston University faculty and staff members, affiliates, and non-affiliates, as appropriate, if the alleged conduct does not fall within the scope of Title IX Sexual Misconduct under the University's [Sexual Misconduct Policy](#). For purposes of the University's [Sexual Misconduct Policy](#) and these Procedures, an "affiliate" includes, but is not limited to, visiting scholars and post-doctoral fellows who are not otherwise classified as Boston University faculty, staff, or students.

Complaints of Title IX Sexual Misconduct against Boston University students, faculty, staff, affiliates and non-affiliates will be investigated and resolved using the Title IX Sexual Misconduct, if the alleged conduct falls within the scope of Title IX Sexual Misconduct under the University's [Sexual Misconduct Policy](#).

All other complaints of sexual misconduct against Boston University students that do not fall within the scope of Title IX Sexual Misconduct under the University's [Sexual Misconduct Policy](#) will be

investigated and resolved using the [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints against Students](#).

All other complaints of discrimination or harassment against faculty and staff members, including but not limited to those based on race, color, creed, religion, ethnic origin, age, sex, disability, and sexual orientation, will be resolved using the University's [Complaint Procedures in Cases of Alleged Unlawful Discrimination and Harassment](#).

## **II. RIGHTS OF THE COMPLAINANT AND RESPONDENT.**

These Procedures for the investigation, adjudication, and resolution of sexual misconduct (including non-Title IX sexual harassment) complaints brought against faculty, staff, affiliates and non-affiliates are designed to be accessible, prompt, fair, and impartial. Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- Privacy to the extent possible, consistent with applicable law and University policy.
- Information about the University's [Sexual Misconduct Policy](#).
- A prompt and thorough investigation of the allegations.
- Notification, in writing, of the case resolution, including the outcome of any appeals.
- To report the incident to law enforcement (including the Boston University Police or the police department in the jurisdiction in which the sexual misconduct occurred) at any time.

## **III. PRELIMINARY MATTERS.**

### **A. Effect of Criminal Proceedings.**

The filing and processing of a complaint of sexual misconduct is separate from and independent of any criminal investigation or proceeding. Boston University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation, although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's decision whether to prosecute a respondent nor the outcome of a criminal prosecution is determinative of whether sexual misconduct occurred under the University's [Sexual Misconduct Policy](#).

### **B. Adviser.**

The complainant and respondent may each choose and be accompanied to any meeting or hearing related to these Procedures by an Adviser, who may provide support during such meeting or hearing. During meetings and interviews, the Adviser may quietly confer or pass notes with the party in a non-disruptive manner. The Adviser may not intervene in a meeting or interview, or address the Investigator. Consistent with the University's obligation to promptly resolve sexual misconduct complaints, the University reserves the right to proceed with any meeting or interview, regardless of the availability of the party's selected Adviser.

### **C. Declining to Participate.**

A complainant may decline to participate in the investigative or complaint resolution process. The University may continue the process without the complainant's participation.

### **D. Time Frame for Complaint Resolution.**

The University will seek to resolve every report of sexual misconduct within ninety calendar days after the filing of a complaint, including appeals. Time frames may vary depending on the complexity

of a case and the availability of witnesses, and at certain times of the academic year (for example, during breaks, study periods or final exams). The University may extend any time frame for good cause, with a written explanation to the complainant and respondent.

#### **E. Prohibition on Retaliation.**

It is illegal and a violation of the University's [Sexual Misconduct Policy](#) to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person for reporting sexual misconduct, filing a sexual misconduct complaint, or participating in a sexual misconduct investigation is subject to disciplinary action up to and including termination by the University.

#### **F. Notice.**

The Title IX Coordinator, or designee, will give the complainant and respondent, respectively, an explanation of their rights and options, and as appropriate, any available supportive measures, as soon as possible after a complaint is reported. The Equal Opportunity Office will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either the complainant's or the respondent's presence may be required. The complainant and respondent will be simultaneously provided with written notice of the results of any investigation including whether there has been a violation of the University's [Sexual Misconduct Policy](#). The Title IX Coordinator or designee will also inform the complainant of any sanctions imposed on the respondent that directly relate to the complainant, and any other steps the University has taken to prevent recurrence of the misconduct.

### **IV. INITIATING A COMPLAINT.**

Any person who believes he or she has experienced sexual misconduct, as defined in the University's [Sexual Misconduct Policy](#), may file a complaint against the Boston University faculty or staff member, affiliate, or non-affiliate responsible for that conduct (the person filing a complaint is referred to as a "complainant"). A person who has information that a University faculty or staff member, affiliate, or non-affiliate may have committed sexual misconduct may also file a complaint (the person filing the complaint is referred to as a "reporter"). A complainant or reporter may include any member of the Boston University community, including students, faculty, administrators, staff members, visitors, applicants for employment or admission, participants in a BU program or activity, or a non-affiliate with knowledge of an incident of sexual misconduct.

### **V. SUPPORTIVE MEASURES.**

Upon the filing of a sexual misconduct complaint, the Title IX Coordinator will review the allegations and determine the necessity and scope of any supportive measures to prevent further acts of harassment, misconduct, or retaliation and to provide a safe educational and work environment. The range of supportive measures may include, but not be limited to:

- Adjusting the complainant's or respondent's work schedule, assignment, or location for University employment.
- Changing the complainant's academic schedule, allowing the complainant to take an incomplete in one or more courses, allowing the complainant to drop (or retake) a course without penalty, or attend class via web conference.
- Providing an escort to ensure safe movement between classes, work sites, and other activities.
- Allowing the complainant to withdraw from or retake a class without penalty, or extending deadlines for examinations or other assignments.
- Providing access to tutoring or other academic support.
- Putting the respondent on paid administrative leave until the conclusion of the

- investigation.
- Issuing an administrative No Contact) Directive.

The University will maintain as confidential any accommodations or supportive measures provided to the complainant and respondent to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or supportive measures.

An individual's failure to comply with restrictions imposed by supportive measures is a violation of University Policy and a basis for disciplinary action, up to and including termination of employment.

## **VI. HOW TO FILE A COMPLAINT.**

A complainant or reporter may submit a paper (hard copy) or electronic [Incident Report Form](#), to the Title IX Coordinator, one of the Deputy Title IX Coordinators, Human Resources, or the Equal Opportunity Office. Although the [Incident Report Form](#) should be as specific as possible regarding the conduct that precipitated the complaint, it need not reflect every detail related to the allegations in the complaint, as additional information may be discovered during the investigation.

A complainant may also call or meet with the Title IX Coordinator, a Deputy Title IX Coordinator, Human Resources, or the Equal Opportunity Office to initiate a complaint.

University Title IX Coordinator  
888 Commonwealth Avenue, Suite 303, Boston, MA 02115  
(617) 358-1796  
[titleix@bu.edu](mailto:titleix@bu.edu)

Deputy Title IX Coordinators  
Contact information available at <https://www.bu.edu/eoo/sexual-misconduct-title-ix/title-ix-team/>

Human Resources Charles River Campus  
25 Buick Street, Boston, MA 02115  
(617) 353-4044  
Medical Campus  
801 Massachusetts Avenue, Suite 400, Boston, MA 02118  
(617) 638-4610  
[www.bu.edu/hr/home/contacts](http://www.bu.edu/hr/home/contacts)

Equal Opportunity Office  
888 Commonwealth Avenue, Suite 303, Boston, MA 02115  
(617) 358-1796  
[eogen@bu.edu](mailto:eogen@bu.edu)

## **VII. INVESTIGATION OF A COMPLAINT.**

### **A. Investigator.**

The Title IX Coordinator will designate an Investigator (ordinarily a member of the University's Equal Opportunity Office) specifically trained in sexual misconduct investigations to conduct a prompt, thorough, and fair investigation of any sexual misconduct complaint against a University faculty or staff member, affiliate, or a non-affiliate.

### **B. Investigation Process.**

The investigation may involve one or more meetings with the complainant and respondent, interviewing witnesses, reviewing other relevant evidence, requesting written statements from the

parties, informing the respondent of the allegations and/or providing to that person a copy of the complainant's statement. Before any adverse determination is made, the respondent will be informed as to the nature of the complaint, and will have the opportunity to respond. The respondent will also be advised of the University's strict prohibition against retaliation.

### **C. Standard of Proof.**

In resolving complaints pursuant to the [Sexual Misconduct Policy](#), the University will use a "preponderance of the evidence" standard, which is whether the evidence gathered and information provided during the investigation supports a finding that it is more likely than not that the respondent violated the [Sexual Misconduct Policy](#).

### **D. Investigation Finding.**

At the conclusion of the investigation, the Investigator will prepare a report (the "Investigative Report") summarizing and analyzing the relevant facts determined through the investigation, with reference to any supporting documentation or statements.

The final Investigative Report will provide a summary of the Investigator's findings and determinations, including context for the evidence, and will make a determination as to whether the respondent's conduct violated the [Sexual Misconduct Policy](#). The Investigative Report will then be provided to the Dean of the respondent's School or College (if a faculty member), the Provost (if the complaint contains allegations against a Dean), or relevant Vice President or Dean (if a staff member).

After review of the Investigative Report, the Dean (with the approval of the Provost), Provost, or relevant Vice President will, if a violation of the [Sexual Misconduct Policy](#) has been found, make a final determination as to the appropriate disciplinary sanction for the respondent's violation of the [Sexual Misconduct Policy](#). Prior to any disciplinary action, the respondent shall be afforded an appeal, as described in Section IX, below.

### **E. Preservation of Records.**

A confidential record of all complaints, including their disposition, will be maintained by the Title IX Coordinator and the Equal Opportunity Office.

## **VIII. REQUESTS FOR CONFIDENTIALITY AND PRIVACY.**

Every reasonable effort will be made to protect the privacy of all parties during the investigation, consistent with and subject to the University's obligation to investigate and resolve the complaint. Complainants who prefer to discuss an incident of sexual misconduct confidentially such that an investigation will not be initiated should contact one of the confidential resources listed in Section X of the [Sexual Misconduct Policy](#).

If the complainant reports an incident of sexual misconduct to any other campus resource and requests confidentiality or asks that the report of sexual misconduct not be pursued, the University will, generally before taking any further investigative steps, evaluate the complainant's request in the manner set forth in Section V.B of the [Sexual Misconduct Policy](#). The evaluation will be conducted by the Title IX Coordinator in consultation with a small number of University administrators as deemed necessary and appropriate under the circumstances.

Even absent a request for confidentiality, every reasonable effort will be made to protect the privacy of all parties during the investigation. Boston University will disclose information about its investigation and resolution of sexual misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a complainant or respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors,

attorneys, or other resources.

## **IX. APPEAL.**

The respondent has the right to appeal the investigative determination and the sanction imposed by the respondent's Dean, Provost, or relevant Vice President.

The University's determination as to whether the respondent's conduct violated the [Sexual Misconduct Policy](#) will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence. Therefore, an appeal is available only on the following grounds:

1. Insufficient evidence to support the Investigator's findings.
2. The disciplinary sanction imposed is disproportionate to the violation of the [Sexual Misconduct Policy](#).
3. The discovery of new, relevant evidence, that was unavailable to the appealing party during the investigation that could reasonably affect the outcome of the case.
4. Prejudicial bias on the part of the Investigator.

Any appeal must be in writing and should be filed with the Title IX Coordinator within ten (10) calendar days of the date of receipt of the Dean, Provost, or relevant Vice President's final decision. The Title IX Coordinator may accept a late submission under extenuating circumstances.

In the case of complaints against staff members and non-affiliates, the Title IX Coordinator will direct the appeal to the appropriate officer of the University for review and disposition. In the case of complaints against faculty, the Title IX Coordinator will consult with the University Provost to determine the appropriate officer of the University to whom the appeal should be directed.

The decision of the University officer charged with hearing the appeal will be final, subject to Section X, below.

## **X. IMPOSITION OF SANCTIONS.**

### **A. Suspension or Termination of Faculty.**

Any disciplinary sanction that involves the suspension or termination of a faculty member will be conducted pursuant to the procedures outlined in the [Faculty Handbook](#).

### **B. Disciplinary Actions against Staff.**

Disciplinary sanctions involving staff will be consistent with any applicable collective bargaining agreement and University policies.

## **TITLE IX SEXUAL MISCONDUCT PROCEDURES**

### **Procedures for the Resolution of Title IX Sexual Misconduct Complaints Against Students, Faculty, Staff, Affiliates and Non-Affiliates**

*Note: These Procedures for the Resolution of Title IX Sexual Misconduct Complaints Against Students, Faculty, Staff, Affiliates, and Non-Affiliates are effective on August 1, 2021. The new [Sexual Misconduct Policy](#) and its three corresponding Complaint Procedures (including this Procedure) apply to conduct that occurs on or after August 14, 2020. Conduct occurring on or before August 13, 2020 will be handled under the University's Sexual Misconduct/Title IX Policy and the two corresponding Complaint Procedures. The procedures to address conduct occurring on or after August 14, 2020 are currently being revised to comply with the Massachusetts [Campus Sexual Violence Act](#). These procedures will include the following requirements and rights for both*

## *Respondents and Complainants:*

- *The parties will receive copies of the Sexual Misconduct Policy and Procedures applicable to their case, which will include information about available supportive measures and the process for submission and consideration of evidence that may be used during a hearing or disciplinary proceeding.*
- *The parties may be accompanied by and may consult with an advisor or support person of their choice throughout the proceedings, although the availability of an advisor may not significantly delay any meeting. The University will have reasonable measures to provide for the involvement of the advisor, which will be applied equally.*
- *The Respondent will receive notice of an allegation of sexual misconduct that will include the date, time, and location, if known of the alleged incident, including a specific statement of policies allegedly violated.*
- *The complaint resolution process, including the investigation and any hearing and disciplinary proceedings, will be impartial and conducted by an individual who does not have a conflict of interest or bias and who will have not less than annual training on the University's Sexual Misconduct Policy and Procedures.*
- *The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made by a preponderance of the evidence at the conclusion of the applicable complaint resolution process.*
- *The parties will have equal opportunities to inspect and review evidence obtained in an investigation that is directly related to the allegations.*
- *The parties have an equal opportunity to present evidence and witnesses on their behalf during a hearing or proceeding, and each party will be provided with timely and equal access to relevant evidence that will be used during any disciplinary process conducted under the Sexual Misconduct Policy and Procedures.*
- *There may be restrictions on evidence considered by the fact finder, including evidence regarding the prior sexual history or character evidence.*
- *The parties may not personally and directly question each other during an investigation or any complaint resolution process conducted under the Sexual Misconduct Policy and Procedures.*
- *The parties will receive written notice of the results of a hearing or disciplinary proceeding not later than 7 business days after a final determination of a complaint (not including time for an appeal) unless good cause for additional time is shown, and the parties will be informed of any appeals process.*
- *If the opportunity is made available to appeal a determination based on a perceived procedural error, previously unavailable evidence that could significantly impact the outcome of the case, or a sanction that is disproportionate to the findings, both parties will be permitted to appeal decisions regarding responsibility or sanctions.*
- *The University will not disclose the identity of the parties, except as necessary to carry out disciplinary proceedings under its Sexual Misconduct Policy and Procedures or as permitted under state or federal law.*

## **Table of Contents**

I. Overview and Applicability

II. Definitions

III. Rights of the Complainant and Respondent During the Complaint Resolution Process

IV. Preliminary Matters

V. Who May File a Report, Complaint, or Formal Complaint of Title IX Sexual Misconduct

VI. How to file a Report, Complaint or Formal Complaint of Title IX Sexual Misconduct

VII. Available Processes, Initial Review, and Dismissal of Formal Complaints

VIII. Supportive Measures

- IX. Complainant Requests for Confidentiality
- X. Responding to a Formal Complaint
- XI. Informal Resolution Process
- XII. Formal Resolution Process
- XIII. Appeal to the University Provost or Vice President of Human Resources
- XIV. Imposition of Sanctions on Faculty/Staff; Re-Enrollment, Withdrawal and Readmission of Students

## **I. Overview and Applicability**

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These Procedures are used to investigate, adjudicate, and resolve allegations of Title IX Sexual Misconduct, as defined in the Sexual Misconduct Policy, brought against Boston University students (undergraduate, graduate, full-time, and part-time), employees (faculty and staff), and affiliates (together, the “BU Community”). These Procedures may be used to resolve allegations of Title IX Sexual Misconduct against non-affiliates.

These Procedures apply only to complaints of Title IX Sexual Misconduct, defined in the Sexual Misconduct Policy, which occurs on or after August 14, 2020. They differ in some important ways from the procedures that are used when other allegations of Sexual Misconduct, also defined in the Sexual Misconduct Policy, are made. Those allegations are resolved using the Procedures for the Resolution of Non-Title IX Sexual Misconduct Against Students, and Procedures for the Resolution of Non-Title IX Sexual Misconduct Against Faculty, Staff, Affiliates, and Non-Affiliates.

## **II. Definitions**

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### Advisor

A person selected by a party to be present at and provide support to the party during any meeting or hearing related to these Procedures. An Advisor may be the same or a different person than the Hearing Advisor utilized by a party during the hearing stage of the Formal Resolution Process.

### Complaint

A report, in writing, of Title IX Sexual Misconduct submitted by a complainant to the Title IX Coordinator, the Dean of Students, the Office of Judicial Affairs (OJA), the Equal Opportunity Office (EOO), or a Deputy Title IX Coordinator. A “Complaint” may be submitted by submitting an [Incident Report Form](#) located at [bu.edu/eoo](http://bu.edu/eoo).

### Complaint Resolution Process

The University’s process of reviewing, investigating, adjudicating (including appeals), and resolving allegations of Title IX Sexual Misconduct. This complaint resolution process includes several steps and resolution options that are explained in detail in these Procedures.

### Complainant

Any person who has reported being or is alleged to be the victim of conduct that would constitute Title IX Sexual Misconduct and, at the time of filing a Complaint or Formal Complaint, is participating or attempting to participate in a University program or activity.

A Complainant may include any member of the Boston University community, including students, faculty, administrators, and staff members, visitors, applicants for employment or admission, or other participant in a University education program or activity.

### Education Program or Activity

Locations, events, or circumstances over which the University exercises substantial control over both the

respondent and the context in which the Title IX Sexual Misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Boston University.

#### Final Investigative Report

The report created by an investigator during the Formal Resolution Process that summarizes the relevant evidence.

#### Formal Complaint

A document filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging Title IX Sexual Misconduct against a respondent about conduct within the University's education program or activity and requesting initiation of the Procedures to investigate the allegation of Title IX Sexual Misconduct.

#### Formal Resolution Process

Resolution of a Formal Complaint alleging Title IX Sexual Misconduct through a process described in Section XII, which includes an investigation, hearing, and appeal.

#### Hearing Advisor

An Advisor who attends the hearing during the Formal Resolution Process and asks questions of the parties and witnesses during the hearing. A Hearing Advisor may be the same or a different person than the Advisor utilized by a party during other stages of the complaint resolution process.

#### Informal Resolution Process

Resolution of a Formal Complaint alleging Title IX Sexual Misconduct through a process described in Section XI, which requires the consent of both the complainant and respondent.

#### Respondent

Any person who has been reported to have engaged in conduct that would constitute Title IX Sexual Misconduct. A Respondent may include any member of the Boston University community, as well as people who do not have an affiliation with Boston University.

#### Supportive Measures

Measures taken by the University upon notice of a sexual misconduct report, or Formal Complaint alleging Title IX Sexual Misconduct to restore or preserve equal access for a complainant or respondent to the University's education and work environments.

#### Third-Party Report

Report by a third party (not the Complainant or Respondent) of conduct that would constitute Title IX Sexual Misconduct to the Title IX Coordinator, Dean of Students, OJA, EOO, or a Deputy Title IX Coordinator.

#### Third-Party Reporter

Any person who files a Third-Party Report. A Third-Party Reporter may include any member of the Boston University community, including students, faculty, administrators, and staff members, visitors, applicants for employment or admission, participants in a BU program or activity, or a non-affiliate with knowledge of an incident of Title IX Sexual Misconduct.

### **III. RIGHTS OF THE COMPLAINANT AND RESPONDENT DURING THE COMPLAINT RESOLUTION PROCESS**

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The Title IX Sexual Misconduct complaint resolution process is designed to be accessible, prompt, equitable, and impartial. Throughout this process, both the Complainant and Respondent have the following rights:

- To be treated with respect, dignity, and sensitivity.
- To receive appropriate support from the University.
- To receive information about the University's Sexual Misconduct Policy.
- To receive information about available supportive measures.
- The presence of an advisor throughout the process.
- To receive notice of allegations of Title IX Sexual Misconduct and information about the University's complaint resolution process.
- With the agreement of the complainant and respondent, to use an informal resolution process instead of a full investigation except in cases involving allegations of Title IX Sexual Misconduct by an employee of a student.
- To participate or to decline to participate in the investigation or complaint resolution process. A decision not to participate in the process either in whole or in part will not prevent the University from proceeding with the information available, but it may impede the University's ability to investigate and resolve complaints.
- A reasonably prompt and thorough complaint resolution process, including appeals.
- The assurance that personnel involved in the complaint resolution process will not have a conflict of interest or bias, and will have appropriate training on all aspects of the Title IX Sexual Misconduct Procedures and relevant definitions.
- To inspect, review, and respond to evidence during the investigation and prior to completion of the investigative report.
- To receive an objective evaluation of all relevant evidence and the assurance that credibility determinations are not based on a person's status as a complainant, respondent, or witness.
- The presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint resolution process.
- The assurance that the burdens of proof and gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not the parties.
- To a live hearing involving the presentation of witnesses and evidence, and questioning by advisors of all parties and witnesses.
- To appeal the decision made or any sanctions imposed to the University's Provost or Vice-President of Human Resources.
- To refrain from making self-incriminating statements.
- Notification, in writing, of the case resolution, including the outcome of any appeals, and the final determination.

For the Complainant, to report the incident to law enforcement (including the Boston University Police or the police department in the jurisdiction in which the sexual misconduct occurred) at any time. In addition, the University will provide privacy to the extent possible, consistent with applicable law and University policy, during the complaint resolution process. Specifically, the University will disclose information about its investigation and resolution of Title IX Sexual Misconduct complaints only to those who need to know the information in order to carry out their duties and responsibilities. It will inform all University personnel participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process.

Neither the Complainant nor the Respondent are prohibited from discussing the allegations under investigation, gathering and presenting relevant evidence, or obtaining the assistance of advisors, family members, counselors, therapists, clergy, doctors, attorneys, or other resources, both prior to and during the complaint resolution process (only advisors are permitted to attend the hearing).

#### **IV. PRELIMINARY MATTERS**

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##### ***A. Timing of Complaints.***

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The Complainant must be participating in or attempting to participate in an education program or activity of the University at the time the complaint is made in order to initiate a Formal Complaint under these

Procedures. Timely reports of Title IX Sexual Misconduct are strongly encouraged to maximize the University's ability to gather evidence, and conduct a thorough, impartial, and reliable investigation. If the Respondent is in the final semester of their program, the University may withhold that student's Boston University degree pending conclusion of the complaint resolution process.

### ***B. Effect of Criminal Proceedings.***

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The filing and processing of a complaint of Title IX Sexual Misconduct under these Procedures is separate from and independent of any criminal investigation or proceeding. Boston University will not wait for the conclusion of any criminal investigation or proceedings to begin its own investigation although the University may delay temporarily the fact-finding component of the investigation while the police are gathering evidence. Neither law enforcement's determination as to whether or not to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether Title IX Sexual Misconduct occurred under the University's [Sexual Misconduct Policy](#).

### ***C. Effect of a Pending Complaint on the Respondent.***

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If the Respondent is a current BU student, no notation will be placed on the Respondent's transcript of a complaint or pending disciplinary action prior to the conclusion of the complaint resolution process. However, if the Respondent withdraws from Boston University while a Title IX Sexual Misconduct complaint is pending, the Respondent's transcript will reflect a withdrawal and a notation of pending disciplinary action subject to modification to reflect the outcome of the disciplinary action.

If the Respondent is a current BU employee, no notation of an ongoing Title IX Sexual Misconduct complaint will be placed in the employee's personnel file prior to the conclusion of the complaint resolution process and any applicable appeals or further internal proceedings arising out of the complaint resolution process. However, if the employee resigns from their position at Boston University prior to the conclusion of the complaint resolution process, the employee's personnel file will reflect their resignation and a notation of a pending complaint resolution process, subject to modification to reflect the outcome of the complaint resolution process if there is an outcome.

### ***D. Protections for Student Parties, Third Party Reporters, and Witnesses ("Amnesty").***

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An individual who files a Complaint or Formal Complaint of Title IX Sexual Misconduct, or who serves as a third party witness during the complaint resolution process, will not be subject to disciplinary action by the University for his or her own personal consumption of alcohol or other drugs at or near the time of the alleged sexual misconduct, provided that such violations did not and do not place the health or safety of any other person at risk. However, the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The University may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### ***E. Advisors***

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1. **Right to Choose Advisor.** The Complainant and Respondent have the right to choose an Advisor and/or Hearing Advisor to be present at and provide support to the party during any meeting or hearing related to these Procedures.
2. **Role of Advisor During Meetings and Interviews.** The Advisor may not speak or ask questions on behalf of a party, otherwise participate in, or in any manner delay, disrupt, or interfere with meetings, interviews, or other events prior to the hearing.
3. **Role of Hearing Advisor During Live Hearing.** During the hearing phase of the Formal Resolution Process described below in Section XII the parties are not permitted to question each other or the witnesses. Each party is required to have a Hearing Advisor during the hearing who will question the other party and witnesses at the hearing. Other than at a live hearing for the sole purpose of

questioning the parties, a Hearing Advisor may not speak on behalf of a party or otherwise participate in, or in any manner delay, disrupt, or interfere with the hearing.

4. **Appointment of Advisor During Hearing.** If a party does not have a Hearing Advisor to serve on their behalf during the hearing, the party should immediately contact the Hearing Facilitator assigned to the matter at [titleix@bu.edu](mailto:titleix@bu.edu) at least 2 days in advance to discuss the appointment of a Hearing Advisor by the University to conduct the questioning at the hearing on behalf of that party. The University reserves the right to provide a party with a different Hearing Advisor to ask questions of the other party and witnesses on behalf of that party if the party's selected Hearing Advisor does not comply with the rules described in this section.

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#### ***F. Declining to Participate.***

A Complainant and/or Respondent may decline to participate in the complaint resolution process. Based on the circumstances, the University may continue the complaint resolution process without the Complainant's and/or Respondent's participation, but doing so may impact the availability of evidence and the University's ability to proceed fairly and effectively.

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#### ***G. Anonymous Reports and Complaints.***

Anonymous reports of Title IX Sexual Misconduct will be investigated by the Title IX Coordinator or their designee, to the extent possible, to assess the underlying allegations and to determine if supportive measures can be provided. However, anonymous reports usually limit the University's ability to investigate, respond and provide remedies, depending on the information that is provided.

If a Complainant initiates the Formal Resolution Process under these Procedures, the University is obligated to notify the Respondent of the Complainant's identity. In cases where the Complainant wishes to remain anonymous, but the Title IX Coordinator determines that it is necessary to file a Formal Complaint to initiate the complaint resolution process, the University is obligated to disclose details about the allegations to the Respondent, including the Complainant's identity if known.

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#### ***H. Time Frame for Complaint Resolution.***

The University will seek to resolve every complaint of Title IX Sexual Misconduct within 90 calendar days after the filing of a Formal Complaint, including appeals. Time frames may be extended for appropriate reasons, including but not limited to the complexity of a case; the availability of the parties, a party's advisor, or witnesses; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; or at certain times of the academic year (for example, during breaks, study periods or final exams).

In the case of significant delay, the University will provide a written explanation to the parties, including an estimate of the anticipated additional time that will be needed as a result of the delay.

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#### ***I. Prohibition on Retaliation.***

It is illegal and a violation of the University's [Sexual Misconduct Policy](#) to retaliate against a person for filing a complaint of Title IX Sexual Misconduct or for cooperating in a Title IX Sexual Misconduct complaint resolution process. Any person who retaliates against a person for reporting, filing a complaint of, participating in the investigation or adjudication of allegations of Title IX Sexual Misconduct is subject to disciplinary action up to and including expulsion from the University or termination of employment at the University.

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#### ***J. Notice.***

The University's Title IX Coordinator, or designee, will give the Complainant and Respondent, respectively, a written explanation of their rights and options, and any available supportive measures, as soon as possible after a complaint is reported. EOO or OJA, as applicable, will also ensure that both the Complainant and Respondent are updated throughout the investigative process, including with timely notice of meetings where either the Complainant's or the Respondent's presence may be required.

### ***K. Training.***

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The University will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process under these Procedures will receive training in at least the following general areas:

- the definition of Title IX Sexual Misconduct as provided in the Sexual Misconduct Policy;
- the scope of the University's education programs and activities, as defined in the Sexual Misconduct Policy;
- how to conduct an investigation and the University's Formal Resolution process, including hearings and appeals, and its Informal Resolution Process, as described in these Procedures; and
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Hearing Panel members will also receive specialized training on the technology that the University will use at the hearings in the complaint resolution process and issues of relevance of questions and particular types of evidence, such as the Complainant's prior sexual behavior.

Investigators will undergo specialized training on issues of relevance to assist them in their preparation of an investigative report that fairly summarizes relevant evidence.

The University's training materials do not rely on sex stereotypes and promote impartial investigations and adjudication of Formal Complaints. The training materials are available on the University's website here: [www.bu.edu/eoo/training/](http://www.bu.edu/eoo/training/)

### ***L. Disability Accommodations.***

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Any party may request reasonable accommodations for a disability at any point prior to or during the complaint resolution process. No disability accommodation will be affirmatively provided that has not been specifically requested by the party, even if the party is receiving accommodations from the University for other programs or activities.

## **V. WHO MAY FILE A REPORT, COMPLAINT, OR FORMAL COMPLAINT OF TITLE IX SEXUAL MISCONDUCT**

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The Title IX Sexual Misconduct complaint resolution process may be initiated by the Complainant, the Title IX Coordinator, or a Third-Party Reporter, upon the filing of a Third-Party Report, Complaint, or Formal Complaint.

While the University will promptly review all Third-Party Reports, Complaints, and Formal Complaints of Title IX Sexual Misconduct to determine the appropriate response, a Formal Complaint must be submitted to the University to initiate an investigation of an alleged policy violation and for the allegations to be resolved through the Informal and Formal Resolution Processes described below in Section XI and Section XII. A Formal Complaint may be filed by a Complainant or the Title IX Coordinator, as explained below.

### ***A. Formal Complaints Initiated by Complainant.***

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Complainant may file a complaint or Formal Complaint against any person they believe responsible for that conduct.

### ***B. Complaints Initiated by Title IX Coordinator.***

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In extraordinary cases, the Title IX Coordinator may, upon receiving a Complaint or Third-Party Report of misconduct that threatens the safety of members of the University community, initiate the complaint resolution process by filing a Formal Complaint. As set forth in the [Sexual Misconduct Policy](#), reports of Sexual Misconduct and Title IX Sexual Misconduct, undergo a Title IX Review to determine the appropriate response.

## **VI. HOW TO FILE A REPORT, COMPLAINT, OR FORMAL COMPLAINT OF TITLE IX SEXUAL MISCONDUCT**

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### ***A. Filing A Third-Party Report or Complaint of Title IX Sexual Misconduct***

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To file a Third-Party Report or Complaint of Title IX Sexual Misconduct, a Complainant or Third-Party reporter may submit an [Incident Report Form](#) to the Dean of Students Office, OJA, EOO, the Title IX Coordinator, Human Resources Office, or one of the University's Deputy Title IX Coordinators. Upon receipt of an [Incident Report Form](#), the Title IX Coordinator, or their designee, will contact the person who filed the Report Form to determine the appropriate next steps, as described below.

A person who wishes to file a Third-Party Report or Complaint of Title IX Sexual Misconduct may also call or meet with the Dean of Students Office, Human Resources Office, OJA, EOO, the Title IX Coordinator, or a Deputy Title IX Coordinator to discuss filing a Formal Complaint. Upon receipt of an [Incident Report Form](#), the Title IX Coordinator, or their designee, will contact the person who filed the [Incident Report Form](#) to determine the appropriate next steps, as described below.

### ***B. Filing a Formal Complaint***

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In order to file a Formal Complaint, a Complainant must submit an [Incident Report Form](#) to the Title IX Coordinator or their designee. This Form is available through the Title IX Coordinator, Dean of Students Office, OJA, or EOO. The Form must include the Complainant's signature or other indicator that the person filing the Form is the Complainant.

As explained above, in extraordinary circumstances, the Title IX Coordinator may sign a Formal Complaint to initiate the Formal Resolution Process. The Title IX Coordinator need not submit a Title IX [Incident Report Form](#) to do so.

Any Formal Complaint must contain sufficient information to permit the Respondent to understand and respond adequately to the charges being brought, it need not reflect every detail related to the allegations, as additional information may be discovered during the investigation.

University Title IX Team

[University Title IX Coordinator](#)

888 Commonwealth Ave., Suite 303  
617-358-1796

[Deputy Title IX Coordinators](#)

[Dean of Students Office](#)

George Sherman Union, Second Floor  
775 Commonwealth Avenue, Boston, MA 02115  
617-353-4126

[Office of Judicial Affairs](#)

25 Buick Street, First Floor  
617-358-0700

[Equal Opportunity Office](#)

888 Commonwealth Ave., Suite 303  
617-358-1796

[Human Resources](#)

Charles River Campus – 25 Buick Street (617-353-2380)  
Medical Campus – 801 Massachusetts Avenue, Suite 400 (617-353-2380)

***C. University Officials With Authority.***

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The University has determined that the following administrators are officials with authority to address and correct Title IX Sexual Misconduct. A University Official with Authority is a person who has the authority to institute corrective measures on the University's behalf, charges the University with actual knowledge of possible Title IX Sexual Misconduct, and triggers the University's obligation to respond to a Third-Party Report, Complaint, or Formal Complaint.

In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept a Third-Party Report, Complaint, or Formal Complaints on behalf of the University:

- Provost
- Deans of Schools/Colleges
- Vice Presidents and Senior Vice Presidents

**VII. AVAILABLE PROCESSES, INITIAL REVIEW, AND DISMISSAL OF FORMAL COMPLAINTS**

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**A. Available Options and Processes.**

Upon filing a report or complaint of alleged Title IX Sexual Misconduct, the following options are available to a Complainant:

- Supportive Measures (see Section VIII below). Supportive Measures are available regardless of whether a Formal Complaint is filed.
- Informal Resolution Process (see Section XI below). A Complainant must file a Formal Complaint to initiate the Informal Resolution Process.

- Formal Resolution Process (see Section XII below). The Formal Resolution Process is used to determine whether or not a Respondent engaged in Title IX Sexual Misconduct in violation of the University's Sexual Misconduct Policy and has three stages – investigation, hearing, and appeal. A Complainant must file a Formal Complaint to initiate the Formal Resolution Process.

### ***B. Initial Assessment of Third Party Report or Complaint.***

---

After receiving a Third Party Report or Complaint of alleged Title IX Sexual Misconduct, the Title IX Coordinator or their designee will contact the Complainant and do the following:

- Explain the availability of Supportive Measures, described below in Section VIII
- Describe the resolution processes available to the Complainant, including Supportive Measures, filing a Formal Complaint, Informal Resolution, and the Formal Resolution Process;
- Assist the Complainant in determining which process they prefer; and
- Explain to the Complainant the process for filing a Formal Complaint.

If the Complainant does not wish to submit a Formal Complaint after a report or complaint is filed, the Title IX Coordinator will determine whether to initiate a Formal Complaint if the allegations identify misconduct that threatens the safety of members of the University community.

A Complainant may also elect to pursue a Formal Complaint at a later date.

### ***C. Assessment & Dismissal of Formal Complaints by Title IX Coordinator.***

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If the Complainant files a Formal Complaint, the Title IX Coordinator will determine whether the alleged misconduct constitutes Title IX Sexual Misconduct and, if so, may proceed to the Informal Resolution Process or Formal Resolution Process. Dismissal of a Formal Complaint by the University at any stage of the complaint resolution procedures is appropriate under the circumstances described below. The University will provide prompt written notice to the parties of a dismissal of a Formal Complaint at any stage, which will include the reasons for the dismissal.

If the Title IX Coordinator determines that some of the allegations in a Formal Complaint, if substantiated, may constitute Title IX Sexual Misconduct and other allegations may constitute Non-Title IX Sexual Misconduct, all of the allegations in the Formal Complaint may be resolved through these Procedures or, at the discretion of the Title IX Coordinator, those allegations that do not constitute Title IX Sexual Misconduct may be referred out of the process set forth in these Procedures and handled through the applicable [Procedures for the Resolution of Complaints of Non-Title IX Sexual Misconduct Against Students](#) or [Complaint Procedures for the Resolution of Complaints of Non-Title IX Sexual Misconduct Against Faculty, Staff, Affiliates, or Non-Affiliates](#).

#### **1. Mandatory Dismissal**

The University must dismiss a Formal Complaint (or any parts of the Formal Complaint) at the assessment stage or at any point prior to or during the investigation and hearing if:

- The alleged misconduct, even if proved, would not constitute Title IX Sexual Misconduct as defined in the Sexual Misconduct Policy;
- The alleged misconduct did not occur in the University's education program or activity;
- The alleged misconduct did not occur against a person in the United States; or,
- The Complainant is not participating in or attempting to participate in an education program or activity at the school at the time the Formal Complaint was filed.

Formal Complaints, or parts thereof, that are dismissed for any of the reasons listed above may also be referred by the Title IX Coordinator to the Procedures available for resolution of Non-Title IX Sexual

Misconduct through the [Complaint Procedures for the Resolution of Complaints of Non-Title IX Sexual Misconduct Against Students](#), [Complaint Procedures for the Resolution of Complaints of Non-Title IX Sexual Misconduct Against Faculty, Staff, Affiliates, or Non-Affiliates](#), or other applicable University processes.

## **2. Discretionary Dismissal**

The University may dismiss a Formal Complaint (or any parts of the Formal Complaint) at any point prior to or during the investigation and hearing if:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint (or any part(s) of the complaint);
- The Respondent is no longer enrolled in or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint (or any part(s) of the complaint).

Withdrawal of the Formal Complaint by the Complainant will ordinarily end the Informal or Formal Resolution Process. However, the University reserves the right to proceed with the Formal Complaint, even after the Complainant withdraws it, in order to protect the interests and safety of the BU community.

## **VIII. SUPPORTIVE MEASURES**

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Upon the filing of a Complaint, Third-Party Report, or Formal Complaint alleging Title IX Sexual Misconduct, the Title IX Coordinator, Dean of Students, OJA, EOO or a Deputy Title IX Coordinator will review the allegations and determine the necessity and scope of any Supportive Measures to restore or preserve equal access for a Complainant or Respondent to the University's education and work environments without unreasonably burdening the other party.

The range of Supportive Measures may include, but not be limited to:

- Providing access to counseling.
- Providing access to tutoring or other academic support.
- Moving the Complainant's or Respondent's residence.
- Adjusting the Complainant's or Respondent's work schedule (including leaves of absence), assignment, or location for University employment.
- In consultation with the Complainant's school or college, changing the Complainant's or Respondent's academic schedule (including leaves of absence) extending deadlines for examinations or other assignments, allowing the Complainant or Respondent to take an incomplete in one or more courses, allowing the Complainant or Respondent to drop (or retake) a course without penalty, allowing the Complainant or Respondent to attend class via web conference, or other course-related adjustments.
- Reassigning the Respondent or Complainant to another section, if the Complainant and Respondent are enrolled in the same lecture, discussion class, academic team, or project group.
- Issuing an administrative No Contact Directive.

In addition to the above, the University may remove a Respondent from its campus(es) if it determines, after an individualized safety and risk analysis, that a Respondent poses an immediate threat to the physical health or safety of any student or other person and that the threat arises from the allegations of Title IX Sexual Misconduct. Such removal may include a temporary suspension or leave of absence. In such cases, the Respondent will be provided with notice and the opportunity to challenge the decision immediately following the removal. Any such removals will be subject to, and do not supersede, existing faculty and staff policies governing administrative suspensions and leaves of absence, such as the faculty handbook and collective bargaining agreements.

The University will maintain as confidential any accommodations or Supportive Measures provided to the parties to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or Supportive Measures.

An individual's failure to comply with restrictions imposed by Supportive Measures is a violation of University Policy and a basis for disciplinary action, up to and including expulsion from the University or termination of employment from the University.

## **IX. COMPLAINANT REQUESTS FOR CONFIDENTIALITY**

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If the Complainant is willing to participate in the Formal Resolution Process, EOO or OJA will proceed as described in the Formal Resolution Process section below.

If the Complainant requests confidentiality or asks that the report or complaint of Title IX Sexual Misconduct not be pursued, the University will, generally before taking any further steps, evaluate the Complainant's request in the manner set forth in [Section V.A of the Sexual Misconduct Policy](#). The evaluation will be conducted by the Title IX Coordinator in consultation with a small number of University administrators as deemed necessary and appropriate under the circumstances.

Nevertheless, the Complainant's identity must be disclosed to the Respondent in order for a Complainant to pursue the Informal Resolution Process or Formal Resolution Process. If the Title IX Coordinator initiates a Formal Complaint, details about the allegations, including the identity of the parties if known, must be disclosed to both parties.

## **X. RESPONDING TO A FORMAL COMPLAINT**

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### **A. Notification of the Parties.**

After the filing of a Formal Complaint by a Complainant or the Title IX Coordinator, the parties will be offered the opportunity to meet with EOO, if the Respondent is an employee, affiliate, or non-affiliate, or OJA, if the respondent is a student. At that meeting, each party will be provided with a Notice containing the following information, in writing:

- An explanation of the process for investigating and adjudicating complaints of Title IX Sexual Misconduct, including appeals.
- A copy of the Sexual Misconduct Policy and these Procedures.
- A copy of the Formal Complaint which must include the following:
  - Identities of the parties involved in the incident (if known to the University);
  - The conduct that forms the basis for the allegations of Title IX Sexual Misconduct; and
  - The date/time of the alleged incident (if known).
- A statement that the Respondent is presumed not responsible and that a determination regarding responsibility will be made at the end of the complaint resolution process.
- A statement that the parties may have an advisor of their choice, who may be an attorney, during the complaint resolution process, including during any meeting, interview, or hearing.
- A statement that the parties may inspect and review evidence during the complaint resolution process.
- A statement identifying any provisions in the University's codes of conduct or policies that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process.
- A statement that the University will identify the date, time, location, participants, and purpose of all hearings, investigative interviews or other meetings with sufficient time for the party to prepare to participate;
- An instruction to the parties that they should not destroy any potentially relevant documentation in any format.
- An explanation of the prohibition against retaliation.

- If Supportive Measures have been imposed, an explanation of the scope of those measures and the parties' respective duties to comply with them.

The University will supplement the above notice if, during the course of the investigation of a Formal Complaint, additional allegations warranting investigation emerge.

### ***B. Consolidation of Formal Complaints.***

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Formal Complaints filed by a Complainant against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, may be consolidated into one Formal Complaint provided the allegations of Title IX Sexual Misconduct arise out of the same facts or circumstances.

## **XI. INFORMAL RESOLUTION PROCESS**

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At any time during the investigation of a Formal Complaint, the Complainant and a Respondent may choose to resolve a Formal Complaint through the Informal Resolution Process. Both parties must agree to participate in the Informal Resolution Process. Informal Resolution may include conflict mediation or a restorative conference with a University student or employee. Informal Resolution may be used in any case, except cases involving allegations of Title IX Sexual Misconduct by a student against a University employee.

Either the Complainant or Respondent may choose to end the Informal Resolution Process at any time and commence or resume the Formal Resolution Process.

Because the outcome of the Informal Resolution Process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted. If the parties are unable to agree on a voluntary resolution during the Informal Resolution Process, the matter will be referred by the Title IX Coordinator for investigation by EOO or OJA, as appropriate.

## **XII. FORMAL RESOLUTION PROCESS**

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The Formal Resolution Process involves two stages: (1) an investigation by a trained investigator, concluding with a summary of the relevant evidence gathered during the investigation; and (2) a live hearing with questioning of both parties, after which a written determination regarding responsibility and sanction will be issued.

### ***A. RELEVANT STANDARDS AND BURDENS***

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In resolving Formal Complaints pursuant to the Sexual Misconduct Policy and the Formal Resolution Process described below, the University will use a "preponderance of the evidence," standard, which is whether the evidence presented at the hearing supports a finding that it is more likely than not that the Respondent engaged in Title IX Sexual Misconduct in violation of the Sexual Misconduct Policy.

In addition, throughout the Formal Resolution Process, the University bears the burden of proof and the burden of gathering sufficient evidence to reach a determination regarding responsibility. In other words, neither party is responsible for proving or disproving the allegation(s) of Title IX Sexual Misconduct in a Formal Complaint.

### ***B. INVESTIGATION OF A FORMAL COMPLAINT***

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**1. Investigators.** An investigator specifically trained in Title IX Sexual Misconduct investigations and these Procedures will be designated to conduct a prompt, thorough, and fair investigation.

- In cases involving allegations of Title IX Sexual Misconduct by a student, OJA will designate the investigator.
- In cases involving allegations of Title IX Sexual Misconduct by a faculty or staff member, or affiliate or non-affiliate, EOO will designate the investigator.

**2. Investigation Process.** The investigation generally will include the following:

- Party and Witness Interviews: One or more interviews with the Complainant, the Respondent, and any witnesses.
- Gathering of Evidence: The gathering of physical, documentary, or other relevant and available evidence, including law enforcement reports.
- Excluded Evidence: Evidence gathered during the investigation process will exclude the types of evidence described in Section XII(C)(9), below.
- Presentation of Evidence: The opportunity to present written statements, identify witnesses, and submit other evidence. The University may encourage University students or employees to cooperate with the investigation as witnesses regardless of the parties' selection of witnesses.
- Advance Notice of Investigation Events: Sufficient advance written notice of interviews, meetings, and hearing for the relevant party or witness to prepare.

**3. Opportunity to Review Evidence Prior to Completion of Investigative Report.** Prior to the completion of the Final Investigative Report, both parties (and Advisor or Hearing Advisor) may inspect and review evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint. This evidence will include (a) evidence that is relevant to the allegations, even if the University does not intend to rely upon the evidence in reaching a determination regarding responsibility, and (b) inculpatory or exculpatory evidence that is directly related to the allegations, whether obtained from a party or other source.

EOO or OJA, as appropriate, will make such evidence available to each party (and their Advisor, if any) in electronic format or a hard copy. The parties will have 10 days from receipt of such evidence to submit to the investigator a written response, which may include a request to review additional evidence. The investigator will provide the other party(ies) with a copy of any response submitted. The investigator will review the parties' respective written responses (if any) and may take additional investigative steps, as needed. The investigator may allow the parties an additional 10 day period to respond, in writing, to the written responses of the other party, including any new evidence provided.

All evidence made available to each party for inspection and review prior to the completion of the Final Investigative Report will be made available for use by the parties at the Hearing, including during questioning of parties and witnesses.

The parties are expected to provide all available relevant evidence to the investigator during the investigation. Any relevant evidence not submitted during the investigation may be excluded from consideration at the Hearing by the Chair if it is determined that such evidence was available to the party prior to the Hearing.

**4. Final Investigative Report.** The investigator will create a Final Investigative report that summarizes the evidence that is relevant to the allegations in the Formal Complaint. The Final Investigative Report will include in appendices all relevant evidence that was made available to the parties for inspection and review. The investigator may redact irrelevant information contained in documents or evidence that are or is otherwise relevant and included in the Final Investigative Report.

In the Final Investigative Report, the investigator will not make a final determination as to whether a violation of the [Sexual Misconduct Policy](#) occurred, or an appropriate sanction, reserving those decisions for the decision-maker during the hearing process.

After completing the Final Investigative Report, the investigator will simultaneously send to each party (and their Advisor(s), if any) a copy of the Final Investigative Report in electronic format or hard copy. A Complainant or Respondent may submit a written response to the Final Investigative Report to the investigator within seven (7) calendar days of the issuance of the Final Investigative Report. A party's written response to the Final Investigative Report may include any objections to the investigator's determinations about relevance of the evidence referenced in the Report, and will be provided with the Final Investigative Report to the Hearing Panel for pre-hearing review.

### ***C. LIVE HEARING PROCESS***

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After the completion of the investigation and the Final Investigative Report by the investigator, the University will conduct a live hearing ("Hearing") to adjudicate the allegations of Title IX Sexual Misconduct in the Formal Complaint. A Hearing Panel will hear the evidence, make a final determination as to whether the conduct alleged in the Formal Complaint constitutes Title IX Sexual Misconduct, and if so, impose sanctions, if any.

#### **1. Hearing Facilitator.**

EOO or OJA will designate a Hearing Facilitator to coordinate all aspects of the Hearing for the parties, their advisors, witnesses, and the Hearing Panel.

#### **2. Hearing Panel Selection / Conflict Checking.**

Each Hearing will be conducted by a three-person Hearing Panel. Hearing Panel members will receive training on all aspects of the Sexual Misconduct Policy and these Procedures. The Hearing Panel members will be appointed by the Dean of Students for student-respondent cases, and the Title IX Coordinator for all other cases. The Hearing Panels will be composed of the following members:

- Student-respondent cases: one student, one faculty member, and one staff member.
- Faculty-respondent cases: two faculty members and one staff member.
- Staff-respondent cases: two staff members and one faculty member.
- All other cases: one staff member, one faculty member, and one faculty or staff member selected at the discretion of the Title IX Coordinator.

Each Hearing Panel will have a chair, selected by the Dean of Students or Title IX Coordinator, as appropriate, who is responsible for ensuring that the Hearing proceeds in accordance with these Procedures and making relevancy determinations with respect to each question that is asked during the Hearing. **The University may, in its discretion, appoint a Hearing Panel Chair who may be a third party and who will serve in the place of a staff member of the Hearing Panel.\***

The Hearing Panel will not include any person who has participated in any effort to resolve the Formal Complaint prior to the Hearing stage of the complaint resolution process. The Hearing Panel members will receive the names of the Complainant, the Respondent, and all witnesses, and must withdraw from the proceedings if their relationship to a party or witness, or other circumstances leads them to believe that they cannot judge the matter fairly, without a conflict of interest, and without a bias for or against Complainants or Respondents, both generally and as to the particular Formal Complaint that is being resolved.

The Dean of Students (for student-respondent cases) and the Title IX Coordinator (for all other cases), or their respective designee(s), will send a notice to the Complainant and Respondent, providing the names of the Hearing Panel members and informing them of their right to object to the participation of a Hearing

Panel member. The objection must be in writing to the Title IX Coordinator or Dean of Students, as applicable, and received within two (2) calendar days of the date of the notice, and must state the party's reasons for believing the Hearing Panel member has a conflict or is otherwise incapable of fairly judging the matter.

The Title IX Coordinator or Dean of Students, as applicable, will decide whether an objection is justified, and that decision is final. When necessary, the Title IX Coordinator or Dean of Students will select a replacement Hearing Panel member. Parties will have an opportunity to object to any Panel member selected as a replacement.

### **3. Location of Hearing.**

A Hearing may be conducted with all parties physically present in the same geographic location or, alternatively, with some or all parties, witnesses, and other participants appearing at the Hearing virtually but in different geographic locations, by using a visual screen, videophone, closed circuit television, videoconferencing, or similar technology allowing the parties to simultaneously see and hear each other.

Upon timely request by the Complainant or Respondent, the Chair may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant or Respondent during the Hearing by providing separate facilities, provided the parties are able to simultaneously see and hear each other as described above.

### **4. Pre-Hearing Procedures**

- *Timing and Notice.* The Hearing Facilitator will notify the Complainant, Respondent, and any witnesses of the time and location of the Hearing and will convene the Hearing Panel within fourteen (14) calendar days of the issuance of the Final Investigative Report. The parties are expected to cooperate in the scheduling of the Hearing.
- *Pre-Hearing Review.* Prior to the Hearing, the Hearing Panel will review all the written materials provided (in electronic format) by the Hearing Facilitator, including the Final Investigative Report and all appendices; the written response(s) (if any) of the Complainant or Respondent to the Final Investigative Report; and any other documents not previously submitted by the parties (except that the parties will not be permitted to submit any new or additional evidence at the Hearing without a showing that such evidence was not previously available to the party prior to the Hearing). All of the materials provided by the Hearing Facilitator to the Hearing Panel will also be shared in electronic format with the parties.
- *Pre-Hearing Meeting.* Prior to the Hearing date, the Hearing Facilitator will schedule individual meetings between the Chair and each of the parties and their respective advisors. At the meeting, the Chair will review the Hearing Panel procedures. In addition, the Complainant and the Respondent (and their advisors) will be provided with a list of witnesses, documents, and other evidence that the Hearing Panel may consider at the Hearing. The University reserves the right, through the Chair, to add witnesses to the witness lists with reasonable notice prior to the Hearing.

### **5. Attendance at Hearing.**

If the Complainant or the Respondent fails to appear at the scheduled Hearing, the Chair may determine whether to postpone the proceedings or to direct that the Hearing proceed and adjudicate the Formal Complaint on the basis of the evidence presented at the Hearing in accordance with these Procedures, provided the absent party was duly notified of the scheduled Hearing date, as outlined above.

### **6. Conduct of Hearing.**

The Chair will preside at the Hearing and will make relevancy rulings with respect to each question asked during the Hearing, and such other rulings as they deem necessary for the orderly conduct of the

Hearing. No one other than the Hearing Panel members, the Complainant and Respondent, their respective advisors, witnesses (when called), and necessary University personnel may be present in the Hearing room or rooms during the proceeding. EOO or Dean of Students Office, as applicable, will work with other University personnel so that any witness or other person whose presence is required may participate in the Hearing.

## **7. Opening Statements.**

The Complainant and Respondent will each have the opportunity to present a brief (10-15 minutes) opening statement.

## **8. Questioning During the Hearing.**

Before a Complainant, Respondent, or witness answers any question at the Hearing, the Chair will first determine whether the question is relevant, and provide an explanation for any decision to exclude a question on the grounds that it is not relevant.

The Hearing Panel is permitted to ask questions of any party or witness participating in the Hearing. A party's advisor is permitted to ask questions of the party they are advising or a witness called by that party. The Chair may disallow or reframe any questions that are redundant, irrelevant, abusive, disrespectful, or unduly harassing.

Neither party may ask questions of the other party or any witness during the Hearing. Only a party's advisor may ask questions of the other party or witnesses. The advisor's questions must be asked directly, orally, and in real time. If a party does not have an advisor present at the live hearing, the University will appoint an advisor who may be – but is not required to be – an attorney, to conduct cross-examination on behalf of that party.

Both parties shall have the right not to answer questions during the Hearing; however, the exercise of that right shall not preclude the Hearing Panel from proceeding and evaluating the Formal Complaint on the basis of the final investigative report and other relevant evidence submitted during the Hearing, subject to the following:

- The Hearing Panel has the discretion to decide how much weight to give to statements or information provided by any party or witness who did not submit to cross-examination at the hearing. The Hearing Panel can consider the reliability of the statements or information, the reason the individual did not participate in cross-examination and any other factors the Hearing Panel considers relevant.
- The University may still proceed with a Hearing in the absence of a party, and may reach a determination of responsibility in their absence.
- The Hearing Panel is not permitted to draw an inference about responsibility for a policy violation based solely on the Respondent's or witness's absence from the Hearing or refusal to answer cross-examination or other questions during the Hearing.

## **9. Evidence Admissible at Hearing.**

The Hearing Panel will not consider the following types of evidence:

- Prior sexual behavior or sexual predisposition of the Complainant, except where the Chair expressly deems relevant testimony offered:
  - by one of the parties about the Complainant's and Respondent's shared sexual history in order to establish consent, provided, however, that the existence of a prior consensual dating or sexual relationship between the Complainant and Respondent by itself does not support an inference of consent to sexual contact; or

- to prove that someone other than Respondent is responsible for the misconduct alleged in the Formal Complaint.

If such information is offered by the Complainant or Respondent, the other has the right to respond.

- Either party's medical, psychological, counseling and similar records without the written consent of the party whose records are being admitted.
- Any information protected under a privilege recognized under common law or statute unless the person holding that privilege has waived the privilege, including (but not limited to)
  - Domestic violence victims' counselor;
  - Sexual assault counselor-victim;
  - Social worker-client;
  - Allied mental health or human services professional;
  - Psychotherapist
  - Attorney-client;
  - Clergy; or
  - Spousal.

#### **10. Applicability of Rules of Evidence and Procedure.**

The Hearing will not follow a courtroom model, and the rules of evidence and civil or criminal procedure do not apply. The Chair has the sole discretion to commence, recess, and reconvene the Hearing, and may suspend the Hearing at any time. The Chair will make any procedural decisions during the Hearing that he or she deems necessary to safeguard the integrity and fairness of the Hearing and to avoid undue delay. The Chair will determine the admissibility, relevance, and materiality of the testimony and information offered and may exclude any testimony or evidence that he or she determines to be cumulative or irrelevant. The Hearing Panel may take notice of facts or information within the knowledge of the University community or based on University records.

#### **11. Time Limits.**

The Hearing Panel may set reasonable time limits for any part of the Hearing. In cases where either the Complainant or Respondent opts not to participate in the Hearing, the Hearing Panel may still hear from the other.

#### **12. Hearing Continuation.**

If, prior to the conclusion of the Hearing, the Hearing Panel determines that unresolved issues exist that would be clarified by the presentation of additional evidence, the Chair may suspend the Hearing and reconvene it in a timely manner to receive such additional information. A suspension of the Hearing may not be based on a party's proposed introduction of documents or other evidence that could have been presented prior to the Hearing.

**13. Preponderance of the Evidence Standard of Review.** All decisions by the Hearing Panel will be made by majority vote and must be supported by a preponderance of the evidence.

**14. Audio Recording.** The Hearing Facilitator will arrange for the Hearing to be audio recorded. The Title IX Coordinator or Dean of Students, as applicable, may arrange for the preparation of any transcript of the recording that they deem appropriate. The Complainant and Respondent will have the right to access a copy of the recording without cost, or to obtain a copy of the recording at their expense. The Hearing Panel's post-Hearing deliberations will not be recorded.

Personal cell phones and recording devices may not be used in the Hearing room to record the Hearing unless approved by the Chair in advance.

**15. Privacy of the Hearing.** To comply with Title IX and FERPA, and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the Hearing is not open to the public. Accordingly, documents prepared in anticipation of the Hearing (including the final investigative report, the parties' respective responses to the final investigative report (if any), documents, testimony, or other information introduced at the Hearing, and any recording or transcripts of the Hearing) may not be disclosed outside of the Hearing procedures, except as may be required or authorized by law.

**16. Maintenance of Records.** The audio recording of the Hearing, together with the documents, information and other evidence presented at the Hearing, will serve as the record of the Hearing proceedings and will be maintained by the Title IX Coordinator (for faculty, staff, affiliate, and non-affiliate cases) and Dean of Students (for student cases) as part of the Respondent's disciplinary record.

#### ***D. COMPLETION OF FORMAL RESOLUTION PROCESS***

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##### **1. Hearing and Sanction Decisions.**

After completion of the Hearing, the Hearing Panel will undertake its deliberations to determine responsibility as to each allegation in the Formal Complaint. The vote of the Hearing Panel itself will not be communicated to the parties. The members of the Hearing Panel are the sole arbiters of the weight of the evidence presented and the credibility of the witnesses who testified at the Hearing. The Hearing Panel will create a written hearing report ("Hearing Report") which will include the following:

- Identification of the allegations of Title IX Sexual Misconduct included in the Formal Complaint;
- Description of the procedural steps taken from the receipt of the Formal Complaint through the Hearing;
- Findings of fact supporting the Hearing Panel's determinations;
- Hearing Panel's credibility determinations concerning admissible relevant evidence;
- Hearing Panel's conclusions regarding Sexual Misconduct Policy violations;
- A statement of, and rationale for, the determination regarding responsibility as to each allegation in the Formal Complaint;
- The specification of remedies designed to restore or preserve equal access for the Complainant to the learning or work environment; and
- Permissible grounds for and procedures available to the parties to appeal.

If the Hearing Panel determines that the Respondent is responsible for violating the [Sexual Misconduct Policy](#), it will provide the following individuals with the Hearing Report to determine the appropriate sanction: the Dean of Students in cases involving a student respondent or the applicable dean of a school or college or vice president of an administrative unit in all other cases. After reviewing the Hearing Report, the Dean of Students or the applicable dean or vice president will determine the appropriate sanction and prepare a sanction report that will include the statement of, rationale for, and duration of the sanction, any conditions to be observed during the sanction period, and the conditions for termination of the sanction (the "Sanction Report").

As part of the sanctioning process, the Hearing Panel may, in consultation with the Dean of Students or the applicable dean or vice president, determine that existing Supportive Measures stay in place for a prescribed period of time. The Hearing Panel may also impose new remedies or administrative actions based upon the investigation and hearing of the case.

##### **2. Possible Sanctions for Violations of the Sexual Misconduct Policy.**

The sanction will be designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting the University's educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter students, employees, affiliates, and non-affiliates from similar future behavior.

The following, individually or in combination, are a non-exhaustive list of potential sanctions for violations by students of the University's [Sexual Misconduct Policy](#).

- Expulsion from the University or program of the University.
- Suspension from the University or a program of the University for a specific period of time
- Deferred suspension from the University or a program of the University.
- Denial of graduation, diploma, or degree.
- Deferral of graduation, diploma, or degree for a specific period of time.
- Revocation or withdrawal of diploma or degree previously credited, awarded, or conferred.
- Withholding of course credit (for non-degree students).
- Withholding honors or awards.
- Separation from a University residence for a specific period of time.
- Disciplinary probation. Disciplinary probation may involve counseling with faculty or administrative staff; restriction of student privileges; prohibitions against participation in University activities or events, including athletic or non-athletic activities; and prohibitions against holding office or participating in student organizations or residence, school, or college organizations or activities.
- Disciplinary reprimand or warning.
- Substance use assessment.
- Restitution. The student will reimburse the University and/or other appropriate party for damage to or loss of property or for costs or expenses incurred by the University or other party. Restitution will be made at full cost of replacement or repair, and other expenses.

The following, individually or in combination, are a non-exhaustive list of potential sanctions for violations by faculty, staff, affiliates, and non-affiliates for violations of the University's [Sexual Misconduct Policy](#) and are subject to existing employment policies and/or contracts governing the specific respondent:

- Counseling or training;
- Written warning/reprimand;
- Administrative leave of absence (without pay);
- Demotion;
- Change of work location or schedule;
- Suspension; or
- Termination of employment.

### **3. Communication of the Written Decision.**

Within fourteen (14) calendar days from the conclusion of the deliberations of the Hearing Panel regarding responsibility and the Dean of Students or applicable dean or vice president regarding the sanction (or such longer time as the Chair may for good cause determine), the Chair of the Hearing Panel will simultaneously communicate the Written Decision on the Formal Complaint to the Complainant, the Respondent, the Title IX Coordinator, and the Dean of Students (in cases involving student respondents) or the applicable dean or vice president (in all other cases).

## **XIII. APPEAL TO THE UNIVERSITY PROVOST OR VICE PRESIDENT OF HUMAN RESOURCES**

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The Complainant and Respondent each have the right to appeal the determination(s) regarding responsibility and disciplinary sanctions set forth in the Written Decision.

### ***A. Grounds for Appeal.***

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The Written Decision will be presumed to have been reached reasonably and appropriately, by a preponderance of the evidence. Therefore, a party may appeal the Written Decision determination only on the following grounds:

- a. Procedural irregularity that affected the outcome of the matter.
- b. New evidence that was not reasonably available at the time of the Hearing Panel's Decision and could affect the outcome of the matter.
- c. The Title IX Coordinator, investigator(s), Hearing Panel members, the Dean of Students, or the relevant dean of a school or college or vice president had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome of the matter.

The filing of an appeal will not operate to stay the effect of sanctions imposed. However, the appeal may seek a stay or modification of the sanctions pending the final decision on the appeal. The Provost, Vice President of Human Resources (as applicable) or their respective Designee, in their discretion, may suspend, stay, or modify sanctions imposed, subject to such conditions as either may deem appropriate.

### ***B. Appeal Process.***

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Any appeal petition must be in writing and filed with the Title IX Coordinator within ten (10) calendar days of the date of receipt by the Complainant and Respondent of the Written Decision. The Title IX Coordinator may accept a late submission under extenuating circumstances.

In the case of complaints against staff members and non-affiliates, the Title IX Coordinator will direct the appeal to the Vice President of Human Resources (or VPHR Designee) for review and disposition. In the case of complaints against faculty, students, and affiliates, the Title IX Coordinator will direct the appeal to the University Provost to determine the appropriate officer of the University to whom the appeal should be directed ("Provost Designee").

The Title IX Coordinator will also forward to the Vice President of Human Resources, the VPHR Designee, or Provost Designee, as appropriate, the relevant record of the matter. The Vice President of Human Resources, VPHR Designee, or Provost Designee will limit their review of Written Decision to the following, which will be referred to as the "appeal record":

- a review of the record of the original Hearing (including the audio recording); and,
- the appeal petition and response (if any).

The Vice President of Human Resources or Provost or their respective Designee, as appropriate, will review the appeal record. The decision of the Vice President of Human Resources, VPHR Designee, or Provost Designee will be in writing, with copies provided to the Complainant and Respondent, as well as the Title IX Coordinator and, in the case of student Respondents, the Dean of Students, and will be communicated simultaneously to both parties within fourteen (14) calendar days after receiving the appeal petition or any response.

### ***C. Decision on Appeal.***

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The Vice President of Human Resources or Provost or their respective Designee may:

- a. Affirm, modify, or reverse the Hearing Panel Decision as to responsibility of the Respondent.
- b. Affirm or modify (either to increase or decrease) the disciplinary sanctions imposed.

c. Remand the matter for further investigation or a new hearing. This shall ordinarily be done in the case of procedural irregularity or new and relevant evidence, for an assessment of the weight and effect of the new evidence and a determination after consideration of the new facts.

If the Vice President of Human Resources or Provost or their respective Designee remands the matter, they will specify whether the sanctions are to be maintained, modified, suspended, or reversed pending completion of the matter on remand.

The decision of the Vice President of Human Resources or Provost or their respective Designee will be final, subject to Section XIV below.

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***D. Disciplinary Records.***

The disciplinary files of students who have been suspended or expelled from the University are maintained in the Dean of Students Office for at least seven (7) years after the students' departure from the University. A sanction of expulsion or suspension from the University or a program of the University will be entered on the student's permanent record unless this provision is waived by the Dean of Students and the Provost concurs.

Faculty member disciplinary records will be stored in the faculty member's file in the Office of the Provost. Staff member disciplinary records will be stored in the staff member's personnel file which will be maintained in accordance with the University's record retention policy.

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**XIV. IMPOSITION OF SANCTIONS ON FACULTY/STAFF; RE-ENROLLMENT, WITHDRAWAL AND READMISSION OF STUDENTS**

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***A. Suspension or Termination of Faculty.***

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Any disciplinary sanction that involves the suspension or termination of a faculty member will be conducted pursuant to the procedures outlined in the Faculty Handbook.

***B. Disciplinary Actions against Staff.***

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Disciplinary sanctions involving staff will be consistent with any applicable collective bargaining agreement and University policies.

***C. Re-Enrollment, Withdrawal and Readmission of Students.***

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- **Re-Enrollment After Completion of Sanctions.**  
The University Registrar will be informed of all sanctions involving suspension or expulsion from the University or from a program of the University, and no student will be permitted to re-enroll in the University following such sanction unless he or she presents evidence to the Dean of Students, or their designee, of satisfaction of the sanction and receives appropriate permission for re-enrollment.
- **Withdrawal and Re-Enrollment.**  
If a student voluntarily withdraws from the University or a program of the University while charges against him or her are pending, or as part of a negotiated settlement of such charges, this fact will be communicated to the University Registrar and the student will not be permitted to re-enroll unless he or she presents evidence that appropriate permission for re-enrollment has been obtained. Such permission shall be granted solely at the discretion of the Dean of Students or the Provost. If the student withdrew while charges against him or

her were pending, permission for readmission will be granted only after the charges have been resolved. If permission to re-enroll is not granted, the student may petition the Provost for permission, setting forth in his or her petition the relevant facts and the basis upon which the petition is made. The decision of the Provost will be final. Failure of a student to comply with a sanction or condition imposed or to obtain permission for re-enrollment in accordance with the above requirements may be a basis for denial of re-enrollment.

Please refer to **Appendix A** which contains information about University programming and initiatives intended to increase the University community's knowledge and to prevent violence and promote safety, including bystander intervention awareness and other prevention programs intended to prevent dating violence, domestic violence, sexual assault and stalking.

#### **14. SEX OFFENDER REGISTRATION**

Information regarding registered sex offenders in California can be found on the website of the California Office of the Attorney General, [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov), or the U.S. Department of Justice, [www.nsopw.gov](http://www.nsopw.gov).

#### **15. CRIME STATISTICS**

The figures listed in the Los Angeles Campus Crime Statistics table reflect crimes reported to have occurred on Boston University's Los Angeles campus as well as in on-campus student housing and public property within or immediately adjacent to and accessible from campus or on-campus student housing. The crime statistics are prepared by the Boston University Police Department Crime Analysis & Statistics Unit in conjunction with Boston University Study Abroad. Crimes are recorded in the year in which they were reported. Crime statistics for the other University campuses are available in the Boston University Annual Safety Reports which are available at [www.bu.edu/police/safetyoncampus/annual-security-report/](http://www.bu.edu/police/safetyoncampus/annual-security-report/). Los Angeles Police Department Crime Mapping website, for most current crime data: [http://www.lapdonline.org/crime\\_mapping\\_and\\_compstat](http://www.lapdonline.org/crime_mapping_and_compstat)

Crimes	Boston University Los Angeles											
	Total			On Campus			On Campus Residential*			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
<b>Murder &amp; Non-negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Forcible Fondling</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Stalking</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>												
<b>Arrest</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Referred</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>												
<b>Arrest</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Referred</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Weapons Law Violations</b>												
<b>Arrest</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Referred</b>	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded crimes: 2020 = 0 | 2021 = 0 | 2022 = 0

Hate Crimes: 2020 = 0 | 2021 = 0 | 2022 = 0

\* On Campus Residential numbers are also included in On Campus numbers.

## Appendix A

Included below is information about University programming and initiatives intended to increase the University community's knowledge and to prevent violence and promote safety, including bystander intervention awareness and other prevention programs intended to prevent dating violence, domestic violence, sexual assault, and stalking.

Program Name/Description	Type	Frequency	Target
<b>Undergraduate Student Orientation</b>			
The University's summer and winter orientation programs for approximately 4,600 incoming undergraduate students emphasize crime prevention, personal responsibility, and safety, health, and well-being. Representatives from Student Health Services, Student Wellbeing, Judicial Affairs, and the Boston University Police discuss strategies for keeping the newest members of the BU community healthy and safe.	Orientation covers a wide array of topics summarized below.	Annually to New Students	Students (incoming first-year and transfer students)
<b>▪ Orientation/Student Well-Being— Student Health Services</b>			
The Student Health Services presentation and online Blackboard course module introduce incoming students to the variety of clinical services and prevention programs available to support students' physical and mental health. In addition, students learn about their incoming health requirements (e.g., insurance, immunizations, and online prevention training), as well as COVID-19 policies and the University's Good Samaritan Policy for substance-related emergencies.	substance misuse prevention, prosocial bystander, recovery support, looking out for one another.	Summer and Winter Orientation	Students (incoming first-year and transfer students)
<b>▪ Orientation/Overview of Policies &amp; Title IX— Judicial Affairs</b>			
The Judicial Affairs' presentation outlines expectations for student behavior, consequences for misconduct, and key University policies (e.g., alcohol, drugs, threats, nonacademic physical violence and interpersonal conflict, hazing, guests, and weapons. Additionally, Judicial Affairs provides a brief review of support services and reporting options for sexual harassment and sexual misconduct, both on and off campus.	primary rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness/ crime prevention/ substance misuse prevention	Annually to New Students	Students (incoming first-year and transfer students)
<b>▪ Orientation/Boston University Police (BUPD)— Crime Prevention Tips</b>			
This presentation by the Deputy Chief provides an overview of various programs, services, and reporting options offered by BUPD, including the Rape Aggression Defense program, blue light phones, the University's emergency notification system, Instagram, and X.	campus security procedures and practices/looking out for one another	Annually to New Students	Students (incoming first-year and transfer students)

<b>Graduate Student Orientations</b>			
Graduate and professional school orientations are held each year. These sessions provide information on crime prevention, health services, recovery support, looking out for their fellow students, and sexual assault prevention. Some of the programs are described below:		Annually	Students (incoming graduate and professional students)
<ul style="list-style-type: none"> <li>▪ <b>Graduate Orientations—Sexual Misconduct Information Sessions</b></li> </ul>			
At each of the graduate and professional school orientations, the University's Title IX Coordinator or designee discusses Title IX, sexual misconduct, and the University's policies and resources.	sexual misconduct/campus security procedures and practices	Annually	Students
<ul style="list-style-type: none"> <li>▪ <b>Graduate Orientation—Crime Prevention Tips</b></li> </ul>			
BUPD or Public Safety personnel presents personal crime prevention strategies to students both on and off campus. Students are encouraged to "see something, say something," to look out for their fellow students, and to pay close attention to BU Alert messages sent to notify them about crime and emergency situations.	campus security procedures and practices/crime prevention	Annually	Students
<b>Student Health Services Health Promotion &amp; Prevention Programs</b>			
<ul style="list-style-type: none"> <li>▪ <b>AlcoholEdu for College Training</b></li> </ul>			
This online training is designed to educate students about the effects of risky alcohol and other drug use for themselves and the BU community. The training is evidence-based, confidential, and non-judgmental. It's also a key part of Boston University's comprehensive substance use prevention program. All incoming undergraduate students are required to complete this training as part of University Compliance.	Alcohol education, substance misuse prevention, prosocial bystander, recovery support, encourage students to look out for one another	Start of fall, spring, and summer semesters; one-time requirement for students	Students (incoming first-year undergraduate students and undergraduate transfer students—mandated)
<ul style="list-style-type: none"> <li>▪ <b>AlcoholEdu for Sanctions Training</b></li> </ul>			
Students who violate campus alcohol policies (as outlined in the Lifebook) may be required to complete this training. This online training is designed to help students evaluate their current choices related to alcohol and make informed decisions.	alcohol education, substance misuse prevention	Ongoing	Students (mandated)
<ul style="list-style-type: none"> <li>▪ <b>Online Cannabis Education Training</b></li> </ul>			
Students who violate campus cannabis policies (as outlined in the Lifebook) may be required to complete this training. This online training focuses on the effects of cannabis and the harms related to use. The training is also available to all BU students via their Kerberos password.	marijuana education, substance misuse prevention, looking out for one another	Ongoing	Students (mandated)

<ul style="list-style-type: none"> <li>▪ <b>Boston University Collegiate Recovery Program</b></li> </ul>			
The mission of the Boston University Collegiate Recovery Program (CRP) is to provide a safe and welcoming community where students in recovery from substance use are empowered to advance their academic, personal, and professional potentials.	recovery support	Ongoing	Students in Recovery
<ul style="list-style-type: none"> <li>▪ <b>Alcohol Prevention Training for Student Organizations</b></li> </ul>			
This customized alcohol education program is offered to student organizations. Topics covered: strategies for safer party hosting; support for students who don't drink; signs of alcohol emergencies and how to get help; and BU policies around helping students who've had too much to drink.	alcohol education, substance misuse prevention, looking out for one another	Upon Request	Students
<ul style="list-style-type: none"> <li>▪ <b>Marathon Monday Watch Party</b></li> </ul>			
A substance-free Boston Marathon "watch party" is sponsored by Health Promotion & Prevention (SHS), Student Activities Office and the Alcohol Task Force. Students are offered free water, snacks, and BU swag as they cheer on the runners.	substance-free programming, substance misuse prevention, looking out for one another	Annually	Students
<ul style="list-style-type: none"> <li>▪ <b>Alcohol Safety Materials</b></li> </ul>			
Health Promotion & Prevention (SHS) provides educational materials for students including blood alcohol concentration (BAC) charts, standard drink measuring cups, and information on the BU Good Samaritan Policy Campaign and campus resources.	alcohol education, substance misuse prevention, looking out for one another	Ongoing	Students/ Resident Assistants
<ul style="list-style-type: none"> <li>▪ <b>Good Samaritan Policy Campaign</b></li> </ul>			
This awareness initiative promotes the BU Good Samaritan Policy, which encourages students to seek help in case of an alcohol or drug emergency. The policy is promoted through in-person and online alcohol education trainings, and digital and print promotion during times of high-risk drinking, such as the start of the school year through Halloween.	looking out for one another	Ongoing	Students
<ul style="list-style-type: none"> <li>▪ <b>Student Ambassadors</b></li> </ul>			
Student Health Services, Health Promotion & Prevention, and SARP each train Student Ambassadors as peer educators. They help develop, deliver, and evaluate outreach programs on campus related to mental health, sleep, substance use, sexual health, interpersonal violence prevention, and healthy relationships. Ambassadors also engage in weekly learning and professional development to deepen their knowledge, and ambassadors also advise on interpersonal violence and learn skills for communicating and preventing interpersonal violence.	substance education, students in distress, sexual violence prevention, looking out for one another	Ongoing	Students

<ul style="list-style-type: none"> <li>▪ <b>Condom Fairy</b></li> </ul>			
<p>This program provides an inclusive menu of safer sex supplies, educational materials on topics such as STI testing and consent, and other free resources to students.</p>	<p>promote positive and healthy behaviors; seek to change behavior and social norms; consent education</p>	<p>Ongoing</p>	<p>Students</p>
<p><b>BASICS</b></p>			
<p>BASICS (Brief Alcohol Screening &amp; Intervention for College Students) is a program provided to students who experience a hospital transport for alcohol or cannabis use. BASICS is a confidential and non-judgmental program where students can talk with an SHS member about their substance use, receive personalized feedback, and discuss strategies to help them achieve their goals.</p>	<p>drug and alcohol education, substance misuse prevention, recovery support</p>	<p>Ongoing</p>	<p>Students (mandated)</p>
<ul style="list-style-type: none"> <li>▪ <b>ScreenU</b></li> </ul>			
<p>ScreenU is an online tool that gives students personalized feedback about their alcohol, cannabis, or prescription drug use.</p>	<p>drug and alcohol education, substance misuse prevention</p>	<p>Ongoing</p>	<p>Students</p>
<p><b>FY (First Year) 101</b></p>			
<p>FY101 is a unique, seminar-style course that provides the opportunity to explore issues relevant to new undergraduate students at Boston University. Students learn to explore and practice strategies involving a wide range of relevant issues to foster campus involvement and personal well-being including substance use and sexual misconduct prevention. Health Promotion &amp; Prevention teaches FY101 Peer Mentors to lead an interactive module &amp; conversation with their FY101 class about alcohol use.</p>	<p>drug and alcohol education, including substance misuse and sexual misconduct prevention modules</p>	<p>Ongoing</p>	<p>Students</p>
<p><b>Resident Assistant Training</b></p>			
<p>Resident Assistants are trained on how to effectively respond to crisis situations they may encounter in their duties. Sessions include how to recognize suicidal ideation and recognize and prevent sexual violence.</p> <p>Resident Assistants are also educated in our alcohol and drug policies and response procedures and how to communicate these community expectations to their peers.</p> <p>Resident Assistants are considered mandated crime reporters, so they are trained as Campus Security Authorities by the Boston University Police Department.</p> <p>Graduate Resident Assistants complete Sexual Misconduct and Title IX training delivered by the University's Equal Opportunity Office and clinicians from the Sexual Assault Response and Prevention Center. This includes trauma-informed techniques and how to refer students to appropriate services.</p> <p>All new staff undergo Protection of Minors training.</p> <p>In addition to these sessions, Resident Assistants learn about our extensive offering of campus resources, while learning and practicing techniques to build and engage their community in all facets of campus life.</p>	<p>substance education, students in distress, sexual violence prevention, looking out for one another, student engagement, policies and procedures, civility</p>	<p>Annually</p>	<p>Students (RAs and GRAs) and ORL Staff</p>

<b>Sexual Misconduct &amp; Gender-Based Harassment Resource Guide</b>			
<p>The University widely distributes an informational brochure entitled “Sexual Misconduct &amp; Gender-Based Harassment Resource Guide” to students and employees throughout campus. It provides awareness of these issues and helpful resources to contact if needed. The brochure is also available online at <a href="http://www.bu.edu/eoo/files/2023/06/VAWA-Brochure.FINAL_6.12.23.pdf">www.bu.edu/eoo/files/2023/06/VAWA-Brochure.FINAL_6.12.23.pdf</a>.</p> <p>The University also widely distributes an informational handout explaining both on- and off-campus resources for student survivors of sexual misconduct. This includes a description of confidential versus non-confidential resources, and how to make both a criminal and University complaint. This informational handout can be found at <a href="http://www.bu.edu/eoo/files/2023/06/Confidential-Resources-Brochure.pdf">www.bu.edu/eoo/files/2023/06/Confidential-Resources-Brochure.pdf</a>.</p>	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Ongoing	Students, Faculty & Staff
<b>Sexual Misconduct Educational Materials</b>			
<p>Equal Opportunity Office prepares and disseminates informational materials regarding how to report sexual misconduct, reporting obligations, consent, sexual harassment, and confidential resources. EEO makes additional materials available online at <a href="http://www.bu.edu/eoo/sexual-misconduct-title-ix/materials-and-guides">www.bu.edu/eoo/sexual-misconduct-title-ix/materials-and-guides</a>.</p>	sexual misconduct response and prevention	Ongoing	Students, Faculty & Staff
<b>New Employee Orientation</b>			
<p>At new employee orientation, new Boston University employees are directed to review the University’s policies and procedures and are required to confirm in writing that they have read the Equal Opportunity and Sexual Misconduct policies.</p>	primary rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness and reporting responsibilities	Upon Hire	Faculty & Staff
<b>Faculty &amp; Staff Assistance Office Programs</b>			
<p>The BU Faculty &amp; Staff Assistance Office offers free, confidential consultation and counseling to Boston University employees who may be experiencing difficulties that affect their personal lives or work. This office helps BU faculty and staff and their families with a range of issues, including alcohol and drug abuse, stress, depression, relationship and family concerns, sexual misconduct, harassment, interpersonal violence, abuse, suicide, work issues, anger management, and referral to community resources. The FSAO offers programs throughout the year that contribute to employee wellness and well-being.</p>	drug or alcohol abuse/domestic violence/stress and depression	Ongoing	Faculty & Staff

<b>Student Health Services Sexual Assault Response &amp; Prevention</b>			
▪ <b>SARP Clinical Services</b>			
SARP offers free, confidential services to students who have experienced trauma, including sexual misconduct. Services include a 24-hour crisis line answered by licensed clinicians to support survivors who are at risk of violence or those who have been a victim of violence. Also offered are advocacy and accompaniment through safety planning, medical care, and reporting. Finally, licensed clinicians also provide individual and group counseling services. Groups include those for survivors of sexual violence, those in unhealthy relationships, and graduate students who have experienced trauma. SARP equips student leaders with the appropriate skills to respond to sexual misconduct internal to their student groups through postvention programs and student-leader specific training.	sexual misconduct	Ongoing	Students
▪ <b>Trauma Response Workshop</b>			
SARP clinicians provide a free workshop for survivors of trauma, including sexual misconduct. Students can learn basic concepts of trauma, including common reactions. Clinicians review the impact trauma has on the brain, particularly the activation of fight, flight, freeze, and fawn. Coping skills are introduced and discussed.	sexual misconduct response and prevention	Annually, Spring and Fall Semesters	Students
▪ <b>Sexual Assault Awareness Month</b>			
The BU community observes Sexual Assault Awareness Month, an annual nationwide campaign that highlights the importance of public awareness of sexual assault and prevention. Campus events have included discussions, student-led survivor vigils, panels, and much more.	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Annually April	Students
▪ <b>Educational Programming Concerning Sexual Health</b>			
A number of educational workshops and programs that are ongoing throughout the year focusing on promoting healthy sexual relationships, understanding consent in a sexual context, interpersonal violence, and sexual health.	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Multiple Events Each Semester/ Online	Students
▪ <b>PhD Mentor Workshop</b>			
A series of activities designed to help BU faculty PhD mentors appropriately use their power as leaders by giving the tools to create an environment that is safer for students and free of harassment.	gender harassment, workplace culture, power dynamics	Spring Semester	Students

<ul style="list-style-type: none"> <li>▪ <b>SUSIBU and SUSIBU II</b></li> </ul>			
<p>Step Up Step In BU (SUSIBU) is an interactive bystander training session to raise awareness about sexual assault and what we as members of the BU community can do to help prevent it. SUSIBU bystander training is a requirement by the Student Activities Office for recognized student organizations accepting funding from the Allocations Board. Each organization must send at least one person with allocation responsibilities to a training session.</p>	<p>ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness / looking out for one another</p>	<p>Multiple Events Each Semester</p>	<p>Students</p>
<ul style="list-style-type: none"> <li>▪ <b>Graduate Assistance and Graduate Student Interns</b></li> </ul>			
<p>Graduate students from all disciplines receive training to help deepen their own knowledge on issues related to health, wellness, and interpersonal violence to prevent negative outcomes and increase community engagement and wellbeing. GAs and interns facilitate training, plan activities, and complete tasks that enhance service delivery.</p>	<p>domestic violence, dating violence, sexual assault, and stalking prevention and awareness</p>	<p>Ongoing</p>	<p>Graduate students</p>
<ul style="list-style-type: none"> <li>▪ <b>This Dating Life</b></li> </ul>			
<p>This Dating Life is a pilot program that educates participants on the key components of a healthy relationship, how to have healthy boundaries and how to identify signs of unhealthy and abusive relationships. Participants will walk away from the program feeling more empowered to be able to identify when a relationship is healthy, unhealthy or abusive. The training also provides the participants with resources and tools on how to get help.</p>	<p>identify and prevent sexual and relationship violence and stalking; promote positive and healthy behaviors; encourage safe bystander intervention; seek to change behavior and social norms; explain Title IX; provide state and federal laws; explain reporting options and resources; provide institutional policies</p>	<p>Ongoing</p>	<p>Students</p>
<ul style="list-style-type: none"> <li>▪ <b>Interrupt!</b></li> </ul>			
<p>Interrupt is an interactive training designed to help graduate students identify opportunities, and build the skills, to interrupt sexual misconduct. In this 75-minute training, participants will:</p> <ul style="list-style-type: none"> <li>▪Develop a shared understanding of sexual misconduct</li> <li>▪Think through a step-by-step framework to help identify interruption opportunities</li> <li>▪Apply interruption strategies to realistic scenarios where sexual misconduct is directed either at yourself or others</li> <li>▪Identify sexual misconduct response and prevention resources</li> </ul>	<p>identify and prevent sexual and relationship violence and stalking; promote positive and healthy behaviors; encourage safe bystander intervention; seek to change behavior and social norms; explain Title IX; provide state and federal laws; explain reporting options and resources; provide institutional policies</p>	<p>Ongoing</p>	<p>Students</p>
<ul style="list-style-type: none"> <li>▪ <b>Yes! Consent &amp; Sex-Positivity</b></li> </ul>			
<p>This program is a sex-positivity and consent training derived from a sexual health educator's, Al Vernacchio, TED Talk and curriculum. This training is an opportunity for college-aged participants to discuss the impact of the messages they have received about sex, challenge the unhealthy ones they have received, and replace them with messages centered on sex-positivity and consent.</p>	<p>identify and prevent sexual and relationship violence and stalking; promote positive and healthy behaviors; encourage safe bystander intervention; seek to change behavior and social norms; explain Title IX; provide state and federal laws; explain reporting options and resources; provide institutional policies</p>	<p>Ongoing</p>	<p>Students</p>

<ul style="list-style-type: none"> <li>▪ <b>Leading for Change</b></li> </ul>			
<p>A training program being piloted by the Boston University Sexual Assault Response &amp; Prevention Center (SARP) and the Office of Health Promotion &amp; Prevention (HPP). This group-level intervention targets student group leaders (e.g., executive board members, team captains, and Greek leadership). The goal is to give leaders tools to foster a healthy internal group culture. A core facet of the program is changing group norms to prevent sexual misconduct and substance misuse.</p>		Ongoing	Students
<ul style="list-style-type: none"> <li>▪ <b>Violence Prevention and Repair: A Program for Close-knit Communities</b></li> </ul>			
<p>A group-level intervention that addresses the impact of sexual misconduct (including sexual harassment) enacted by a member of a close-knit community (e.g., sports team, student-run organization, or research lab).</p>		Ongoing	Students
<ul style="list-style-type: none"> <li>▪ <b>Domestic Violence Awareness Month</b></li> </ul>			
<p>DVAM educates students on the realities of domestic violence through statistics, trainings, and events. Through social media, students can participate in quizzes that test their knowledge about this topic. Events and activities center the experience of generally marginalized survivors, specifically LGBTQIA+ folks, people of color, and male survivors.</p>	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Yearly, October	Students
<b>Rape Aggression Defense (RAD)</b>			
<p>For members of the Boston University community who wish to physically protect themselves against rape and other forms of violence. The 16-hour or the 20-hour course is taught by certified BUPD RAD instructors. The program trains participants in basic self-defense and offers them viable options when confronted with various threats of violence.</p>	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Multiple Classes Each Semester	Students, Faculty & Staff
<b>Domestic and Dating Violence Prevention</b>			
<p>The Boston University Police Department provides a full range of services addressing domestic and dating violence issues, including obtaining restraining orders, safety planning, and criminal prosecution.</p>	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Ongoing/Upon Request	Students, Faculty & Staff

<b>Equal Opportunity Office Training</b>			
The Equal Opportunity Office (EOO) offers customized, personalized training to employees and campus partners. The training provides an overview of the University's Sexual Misconduct Policy and accompanying Procedures. Participants learn how to identify prohibited discriminatory or harassing behavior and respond with care to community members. The EOO explains reporting options and the effects of each option, and how to refer to on- and off-campus providers for counseling, medical, and advocacy services. Participants learn how BU provides school- or work-based supportive measures, BU's disciplinary process, the legal process through local law enforcement agencies, rights to obtain a protection order, a BU No Contact Directive, and No Trespass Order.	primary and awareness	Upon Request	Employees, Student-employees
<b>Trauma Response Workshop</b>			
SHS SARP clinicians provide a free workshop for survivors of trauma, including sexual misconduct. Students can learn basic concepts of trauma, including common reactions. Clinicians review the impact trauma has on the brain, particularly the activation of fight, flight, freeze, and fawn. Coping skills are introduced and discussed.	sexual misconduct response and prevention	Annually, Spring and Fall Semesters	Students
<b>Sexual Misconduct Harassment and Discrimination Prevention Training—Staff</b>			
Staff are required to take an online module. The module they take is determined by their status as Supervisory Staff or Non-Supervisory Staff. During the approximately 1 ½ - 2 ½ hour online training module, Staff learn how to recognize sexual misconduct, have appropriate conversations with anyone who reports sexual misconduct, and learn to recognize, respond, and prevent instances of harassment and discrimination in the workplace. The Supervisor training includes more information and hypotheticals intended to educate Supervisors on how to respond from their position of leadership. (Faculty Supervisors receive the same course).	harassment, discrimination, Title IX and Clery compliance, and sexual and interpersonal violence awareness and prevention in a higher education setting; recognizing, reporting, and preventing sexual misconduct to maintain a safe campus community; and examples on handling workplace situations and developing non-discriminatory practices	Ongoing and New Staff upon hire	All Staff

<b>Sexual Misconduct Harassment and Discrimination Prevention Training—Faculty</b>			
<p>Faculty are required to take two online modules. Which two modules they take is determined by their status as Supervisory Faculty or Non-Supervisory Faculty.</p> <ul style="list-style-type: none"> <li>• Faculty Supervisors receive an approximately 2 ½ hour Supervisor Harassment and Discrimination Prevention training. This training includes more information and hypotheticals intended to educate Supervisors on how to respond from their position of leadership. (Staff Supervisors receive the same course).</li> <li>• Non-Supervisory Faculty receive an approximately 50 minute Sexual Misconduct Prevention module titled “Bridges: Building a Supportive Community.”</li> <li>• All Faculty receive an approximately 20 minute course titled “BU Sexual Misconduct Information for Faculty” that includes additional education on BU’s Sexual Misconduct/Title IX Policy.</li> </ul>	<p>harassment, discrimination, Title IX and Clery compliance, and sexual and interpersonal violence awareness and prevention in a higher education setting; recognizing, reporting, and preventing sexual misconduct to maintain a safe campus community; examples on handling workplace situations and developing non-discriminatory practices; education on BU’s Title IX/sexual misconduct policies and resources; Information on heightened risks for the faculty populations; and examples of sex discrimination.</p>	<p>Ongoing and New Faculty hires</p>	<p>All Faculty</p>
<b>Sexual Misconduct Prevention Training—Students</b>			
<p>All incoming, and second-year returning, students are required to complete Sexual Misconduct Prevention Training as part of their University Compliance. These trainings discuss students’ rights and responsibilities, provide important information and tools to help them safely intervene in situations that may lead to interpersonal violence, and introduce available resources and support services. Students who have concerns about completing training due to its content can request a confidential waiver through Student Health Services.</p>	<p>identify and prevent sexual and relationship violence and stalking; promote positive and healthy behaviors; encourage safe bystander intervention; seek to change behavior and social norms; explain Title IX; provide state and federal laws; explain reporting options and resources; provide institutional policies</p>	<p>Start of fall, spring, and summer semesters; one-time requirement for students</p>	<p>All incoming Students (undergraduate, graduate and non-degree)</p>
<b>Sexual Misconduct Prevention Training—Student-Athletes</b>			
<p>All varsity student-athletes are required to annually complete a leadership-focused Sexual Misconduct Prevention Training as part of NCAA Compliance. This training teaches student-athletes information and skills to help safely intervene in situations that may lead to sexual violence. It also discusses students’ rights, responsibilities, and the Student-Athlete Code of Conduct as it relates to sexual misconduct.</p>	<p>identify and prevent sexual and relationship violence and stalking; promote positive and healthy behaviors; encourage safe bystander intervention; seek to change behavior and social norms; explain Title IX; provide state and federal laws; explain reporting options and resources; provide institutional policies</p>	<p>Start of Fall and Spring semesters; annual requirement for varsity student-athletes</p>	<p>All Varsity student-athletes (mandated)</p>
<b>Sexual Misconduct Training in the Workplace</b>			
<p>In addition to the online training, the University’s Title IX Coordinator and Executive Director of the Equal Opportunity Office, and other members of the University’s Title IX team, provide a variety of training and educational programming concerning sexual misconduct upon request. Participants learn to recognize sexual misconduct in the workplace and how to appropriately report and manage complaints.</p>	<p>sexual misconduct training</p>	<p>Ongoing/Upon Request</p>	<p>Faculty &amp; Staff</p>

<b>Sexual Misconduct Awareness for Graduate Students</b>			
The University's Title IX Coordinator, and other members of the Title IX team, provide a variety of training and educational programming for graduate students upon request. Participants learn about the types of sexual misconduct, their rights to report and address sexual misconduct, and the University's policies, procedures and resources. Graduate students who are also University employees (e.g., TFs, TAs) learn about their reporting responsibilities and how to refer students who report or disclose concerns to them to the appropriate resources.	sexual misconduct training	Ongoing/Upon Request	Graduate Students
<b>Prevention of Sexual Assault and Harassment (DOD)</b>			
At the beginning of each academic year, each ROTC class conducts a session on the prevention of sexual assault and harassment using programming provided by the Department of Defense. In addition, the Army ROTC program requires freshmen cadets to review a two-hour video training session on the prevention of sexual assault and harassment at the beginning of each academic year. Equal Employment Opportunity conducts an in-person Title IX class for cadets at the beginning of every academic year.	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Annually	Students (ROTC)
<b>Non-Trivial Trivia (NTT) Residence Hall Activity</b>			
NTT introduces students to relationships topics such as conflict, breakups, abuse, and healthy relationships. Through participation in trivia, students learn more about SARP as a resource and different ways to address issues that arise in relationships.	Dating violence	Spring Semester	Students
<b>The Common Thread Podcast</b>			
The Thurman Center, a division of the Dean of Students Office, is committed to preserving the legacy of Dr. Howard Thurman by breaking barriers of divisiveness and building community. The <i>Common Thread</i> podcast explores a variety of issues, including sexuality, sexual health, and University resources concerning sexual misconduct.	ongoing rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking prevention and awareness	Online/Ongoing	Students, Faculty & Staff
<b>Town Hall Meetings</b>			
Held periodically, town hall meetings give students an opportunity to meet with the Chief of Police & Executive Director of Public Safety and the Dean of Students to discuss safety and security on campus. Town hall meetings are announced on the Police Department website.	crime prevention programs	Periodically	Students, Faculty & Staff

<b>Safety Week</b>			
BUPD sponsors Safety Week each fall semester. Held at the George Sherman Union, Safety Week includes discussions about RAD, computer and bicycle registration, and information and resources about a number of other safety issues, including alcohol.	crime prevention programs	Annually (Fall)	Students, Faculty & Staff
<b>Group Meetings</b>			
Members of the Boston University Police Department meet regularly with student groups, including fraternities and sororities, to foster good relations and to discuss safety issues or any topics that may come up.	crime prevention programs	Ongoing	Students
<b>Informational and Educational Materials</b>			
The Boston University Police Department prepares and disseminates information about safety and crime prevention, including tips for safety in the dorms and suggestions for steps to take if you are the victim of a crime. The Medical Campus Public Safety Department prepares and disseminates a variety of informational brochures providing general guidance for safety and crime prevention, including bicycle theft, "street sense," and identity theft.	crime prevention programs	Ongoing	Students, Faculty & Staff
<b>Public Safety Meet &amp; Greet: Medical Student Residence</b>			
An evening of pizza and public safety presentations welcoming new and returning medical students to the Medical Student Residence facility. The Department of Public Safety, Boston University Police, Boston Police, and Transit Police are all represented and engage students in conversation about personal safety, campus security procedures, reporting crimes, and the importance of looking out for one another in the busy urban environment of the Medical Campus.	campus security procedures and practices	Annually	Students (MED)
<b>Terriers Connect - Suicide Prevention Training Program</b>			
Terriers Connect, offered through Student Health Services Behavioral Medicine, is an in-person training program that teaches members of the Boston University community to identify signs of distress, develop effective skills for communicating with and supporting students, and provide accurate information about referrals to mental health professionals.	suicide prevention, looking out for one another	Ongoing and Upon Request	Faculty, Staff & Students

## **APPENDIX B –**

In accordance with the Violence Against Women Reauthorization Act of 2013, the University has provided below the definitions under Massachusetts and California law of sexual assault, domestic violence, dating violence, stalking, and consent.

Please note that the definitions may differ from the definitions in the University's Sexual Misconduct Policy, which applies to the University's internal processing of complaints.

### **MASSACHUSETTS**

#### **Domestic Violence / Dating Violence**

Massachusetts does not have one state definition of domestic or dating violence. A person suffering abuse from a family or household member may seek a restraining order. Abuse includes: attempting to cause or causing physical harm; placing another in fear of imminent serious physical harm; or causing another to engage involuntarily in sexual relations by force, threat, or duress. Mass. G. L. ch. 209A.

The term "family or household members" includes 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 district, probate or Boston municipal courts in 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. Mass. G. L. ch. 209A.

#### **Stalking**

Under Massachusetts law, a person who (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, shall be guilty of the crime of stalking. Mass. G. L. ch. 265, Section 43. The conduct may include threats made by electronic communications such as email, text messages Instant message and the like.

Massachusetts also prohibits criminal harassment. Under Massachusetts law, a person who 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 that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment. Mass. G. L. ch. 265, Section 43A. The conduct may include communications by electronic means, including email, text messages, instant messages and the like.

#### **Sexual Assault**

Massachusetts does not specifically define sexual assault, but rather uses the terms rape and indecent assault and battery.

Rape is defined as having sexual intercourse or unnatural sexual intercourse with a person and compelling such person to submit by force and against his or her will or compelling such person to submit by threat of bodily injury. Mass. G. L. ch. 265, Section 22.

Massachusetts law also prohibits indecent assault and battery, which includes the intentionally having physical contact of a sexual nature with another person, such as the indecent touching of another person's private parts. Mass. G. L. ch. Section 13H.

## **Consent**

The term consent is not specifically defined by Massachusetts law. However, Massachusetts law provides that children under 16, persons that are incapacitated or intoxicated, asleep or mentally impaired can never give consent. Mass. G. L. ch. 265, Section 23.

## **CALIFORNIA**

### **Domestic Violence/ Dating Violence**

California law defines domestic violence to include when an individual commits a criminal act within one of the types of relationships specified by the California Penal Code: spouse or former spouse; cohabitant or former cohabitant in a home; a parent with whom the individual has a child; or a partner in a dating relationship.

### **Stalking**

California law defines stalking as one individual willfully, maliciously and repeatedly following or willfully or maliciously harassing another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family. California prohibits online harassment, which includes posting information about another on the internet with the intent to cause harm. California law also defines the misdemeanor crime of making repeated telephone calls or repeated content by means of an electronic communication device with the intent to annoy or harass.

### **Rape**

Rape laws criminalize sexual intercourse that happens without the consent of at least one of the participants. Rape falls under the broader category of sexual assault (which includes offenses such as groping and other unwanted sexual contact). If an individual has sexual intercourse with someone, the crime of rape may occur under the following scenarios described by California state laws:

- The defendant used physical force, intimidation, duress, or threats;
- The victim reacted due to fear of immediate bodily injury or injury to another person;
- The victim lacked capacity to consent (developmental delay, physical disability, intoxication);
- The victim was unconscious, asleep, or otherwise unaware that sexual intercourse was happening;
- The defendant induced sexual intercourse by making a fraudulent representation
- If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death
- If the act is accomplished against the victim's will **by threatening to use the authority of a public official** to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official."

### **Consent**

California defines consent as positive cooperation in an act or attitude pursuant to an exercise of free

will. The age of sexual consent is 18 years. A current or previous dating or marital relationship is not sufficient to constitute consent.