

Effective Date: October 15, 2024

POLICY

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ACADEMICS, EMPLOYMENT, SAFETY

# Interim Equal Opportunity and Title IX Policy

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RESPONSIBLE OFFICE

Equal Opportunity Office

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*\* Note: This Interim Equal Opportunity and Title IX Policy and corresponding Interim Equal Opportunity and Title IX Procedures are effective October 15, 2024 and apply to conduct that occurs on or after October 15, 2024. Reports of discrimination, harassment, sexual misconduct and retaliation alleged to have occurred under a University Program or Activity prior to October 15, 2024 are addressed under prior policies and procedures identified in Section VI of the Procedures. Allegations of disability discrimination brought by students are reviewed under a different process, Student Grievance Procedure in Cases of Alleged Disability Discrimination, administered by BU's Disability & Access Services.*

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## I. Introduction

Boston University (“BU” or “University”) is committed to establishing and maintaining an environment for all members of the BU community free from all forms of discrimination and harassment. A number of policies and practices, including this Equal Opportunity and Title IX Policy (“Policy”), help BU realize this commitment. This Policy addresses discrimination, harassment, and retaliation as described below. Much of this Policy uses language from relevant laws which have changed over time. To help make the Policy readable and enhance its utility to the community, BU has simplified some language and placed much of the legal wording in [Appendix A](#) which contains definitions of capitalized terms. Please refer to [Appendix A](#) to better understand terms the Policy uses, and also contact the Equal Opportunity Office (“EOO”) if you have any questions.

The coordination and implementation of this Policy is the responsibility of EOO. University Administrators are responsible for the proper implementation of equal opportunity in their respective areas and are expected to exercise leadership toward achieving the University’s equal opportunity objectives. BU expects every Employee to share its commitment to equal opportunity and to cooperate fully in helping BU meet that commitment.

## Prohibited Behavior

BU prohibits discrimination and harassment against any individual on the basis of race, color, natural or protective hairstyle, religion, sex (including that based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity or expression and marital or parental status), age, national origin (including shared ancestry and ethnic characteristics and citizenship/residency in a country with a dominant religion or distinct religious identity), ethnicity, physical or mental disability, genetic information, or because of military service or veteran status, in accordance with all Applicable Laws (“Prohibited Behavior”). This protection from discrimination and harassment extends to all behavior occurring under a University Education Program or Activity, admissions (including application for admission), and employment (including application for employment). Retaliation under a University Education Program or Activity is also prohibited.

## II. Scope of the Policy

This Policy and the corresponding [Interim Equal Opportunity and Title IX Procedures](#) (“Procedures”) apply to reports of Prohibited Behavior alleged to have occurred under a

University Education Program or Activity on or after October 15, 2024.<sup>[1]</sup> The Policy and Procedures are applicable to BU Community Members, consisting of Students, Employees, and/or Third Parties. If you have any questions about the Policy's applicability, please contact EOO.

BU Community Members impacted by alleged Prohibited Behavior may receive Supportive Measures, resources, and related information from EOO whether or not: (i) they file a complaint; or (ii) this Policy applies. (For example, if conduct occurs outside the United States, it does not fall under this Policy because it does not fit the definition of "University Education Program or Activity." Community Members may nevertheless receive support from EOO.)

<sup>[1]</sup> Reports of discrimination, harassment, sexual misconduct and retaliation alleged to have occurred under a University Program or Activity prior to October 15, 2024 are addressed under prior policies and procedures identified in [Section VI](#) of the Procedures. Allegations of disability discrimination brought by students are reviewed under a different process, [Student Grievance Procedure in Cases of Alleged Disability Discrimination](#), administered by BU's Disability & Access Services.

## How This Policy Applies to Sexual Misconduct

While this Policy covers all Prohibited Behavior, it classifies Sexual Misconduct into two categories: (i) sexual misconduct that is covered by Title IX of the Education Amendments of 1972 and its corresponding 2020 regulations ("2020 Sexual Misconduct"); and (ii) sexual misconduct not so covered ("General Sexual Misconduct"). The distinction between 2020 Sexual Misconduct and General Sexual Misconduct is relevant because some definitions and the procedures for resolving complaints differ in important ways.

### *2020 Sexual Misconduct and General Sexual Misconduct Requirements*

This Policy covers 2020 Sexual Misconduct and General Sexual Misconduct:

- (i) against a person in the United States; and
- (ii) occurring on or after October 15, 2024; and
- (iii) under a University Education Program or Activity; and
- (iv) in the case of 2020 Sexual Misconduct, the complaining party must be participating in, or attempting to participate in, the University's Education Program or Activity ***at the time of filing a Formal Complaint.***

*(There is no such requirement in the case of complaints regarding General Sexual Misconduct.)*

The most notable procedural differences applicable to reports alleging 2020 Sexual Misconduct and those alleging General Sexual Misconduct are the requirements of a Formal Complaint, the types of evidence that may be considered during the investigation of alleged Prohibited Conduct, and the requirement for a hearing to determine whether or not a violation of the Policy has occurred. The applicable distinctions are specifically noted in the Procedures.

If conduct falls under both categories, meaning 2020 Sexual Misconduct and General Sexual Misconduct, the procedures applicable to 2020 Sexual Misconduct govern.

## Protected Speech or Conduct

Speech or conduct protected by [BU's Statement of Free Speech and Expression](#) or [BU's Academic Freedom Policy](#) in the Faculty Handbook will not be considered a violation of the Policy. However, if protected speech or conduct creates a Hostile Environment for a BU Community Member based on their protected status(es) under this Policy, BU will provide, on request from the affected Community Member, Responsive Measures designed to eliminate the Hostile Environment and its effects, and prevent it from recurring. BU will not suppress the protected speech or conduct absent exceptional circumstances.

## III. Prohibited Behavior

Described below are the general forms of discrimination, harassment, and other behaviors prohibited by this Policy. See [Appendix A](#) for specific definitions.

### Discrimination (Disparate Treatment) or Harassment (Hostile Environment)

The Policy prohibits conduct occurring under a University Education Program or Activity and based on the Complainant's actual or perceived protected status(es) as set forth in Section I of the Policy, that constitutes either, (i) Disparate Treatment resulting from a discrete, adverse educational or employment action; or (ii) unwelcome conduct (Harassment – Hostile Environment, Not Including Sex, and Sex-Based Harassment). An adverse action in the

context of a report of disparate treatment discrimination is one that has a substantial and material adverse effect on the Complainant's ability to participate in the living, learning, or working environment. Different provisions within Title IX may apply in the context of athletics.

Conduct is considered "unwelcome" for purposes of an allegation of Hostile Environment Harassment if the Complainant did not request or invite it and perceived the conduct to be undesirable or offensive. Unwelcome conduct may include verbal, non-verbal, physical, or non-physical conduct. Conduct constitutes harassment when it is so severe or pervasive as to create a hostile living, learning, or working environment, such that it effectively denies or substantially limits an individual's ability to participate in or benefit from a University Education Program or Activity. The University considers the conduct in question from both a subjective and objective perspective. It is necessary, but not enough, that the conduct was offensive to the individual who was harassed. To violate the Policy, the University must also find that a reasonable person in the Complainant's position would have perceived the conduct as undesirable or offensive.

## Sexual Misconduct

Sexual Misconduct is an umbrella term comprised of 2020 Sexual Misconduct and General Sexual Misconduct, and includes the following:

- Quid Pro Quo Harassment
- Sexual Harassment (2020 Sexual Harassment and General Sexual Harassment)
- Sexual Assault Offenses:
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
- Dating Violence
- Domestic Violence
- Stalking

Please see [Appendix A](#) for complete definitions of terms.

# Retaliation

The Policy is violated when Adverse Action is taken against a person because the person has or is believed to have:

1. Exercised their rights under the Policy;
2. Reported or opposed conduct which was reasonably and in good faith believed to be in violation of the Policy;
3. Assisted or participated in an investigation/proceeding under the Policy, regardless of whether the complaint was substantiated; and/or
4. Assisted someone in reporting or opposing a violation of the Policy.

*Adverse Action* in the context of Retaliation consists of intimidation, threats, coercion, or discriminatory conduct that has a substantial and material adverse effect on the individual's ability to participate in the living, learning, and working environment. An adverse action is typically something more than a mere annoyance or discomfort that is short in duration. However, each case is viewed in the totality of the circumstances and BU considers whether there is a legitimate non-discriminatory justification for the alleged retaliatory behavior.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved. EOO may provide Supportive Measures and any other appropriate and available support to protect individuals who fear they may be subjected to retaliation.

## Deliberately False and/or Malicious Accusations

Reporting deliberately false and/or malicious accusations under the Policy is a serious offense and is subject to disciplinary action under the applicable code of conduct. This does not include allegations of Prohibited Behavior that are made in good faith but ultimately are shown to be erroneous or do not result in a Policy violation determination.

## IV. Reporting

While all Community Members are encouraged to report actual or suspected Prohibited Behavior to appropriate officials immediately, all Employees are considered Mandated Reporters, as defined below, and **must** report actual or suspected Prohibited Behavior.

## Mandated Reporters

Employees, except those who are designated as Confidential Resources (see [Appendix B](#)) and are acting within the scope of their confidential duties, are Mandated Reporters of disclosures of incidents that reasonably may constitute Prohibited Behavior under this Policy. A Mandated Reporter must promptly share with the EOO all known details of a disclosure that reasonably may constitute Prohibited Behavior made to them in the course of their employment. Mandated Reporters must also promptly share with EOO all details of potential Prohibited Behavior that they observe or have knowledge of, even if not reported to them by a Community Member. A Mandated Reporter includes a student-employee who, while operating within their role as an Employee, receives information that may reasonably constitute Prohibited Behavior.

While not Mandated Reporters, all Confidential Resources must, upon a disclosure of Prohibited Behavior from a Complainant, provide the following information:

1. Information about their confidential status;
2. Contact Information for the Title IX Coordinator, and information about the Title IX Coordinator's role in Supportive Measures and ability to initiate Administrative Resolution; and
3. Information about how to report Prohibited Behavior.

Please see [Appendix B](#) for a list of Confidential Resources at BU. Please see [Appendix C](#) for a list of on- and off-campus counseling, advocacy, and legal resources.

The Policy and the Procedures will be applied in the same manner to reports made by a Complainant, anonymously, or by a person to whom a disclosure of potential Prohibited Behavior has been made, such as a Mandated Reporter.

## How to Report

An alleged violation of the Policy can be reported online, in person, by email, or by phone,

except for reports of 2020 Sexual Misconduct which must be in writing. Information provided to a Mandated Reporter that reasonably may constitute Prohibited Behavior is considered a report to the University.

The Online Reporting form is available here: [Incident Report Form](#)

## Office Contact Information:

Complaints of Prohibited Behavior should be reported to the EOO and/or the University's Executive Director of Equal Opportunity and Title IX Coordinator, Jean Pryor Estevez.

### Equal Opportunity Office

888 Commonwealth Ave., Suite 303

Boston, MA 02215

617-358-1796

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

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

Student complaints of alleged disability discrimination should be reported to the Director of Disability & Access Services in accordance with the [Student Grievance Procedure in Cases of Alleged Discrimination](#).

Disability & Access Services

25 Buick Street, Suite 300

Boston, Massachusetts 02215

617-353-3658

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

## Amnesty



Community Members may be hesitant to report Prohibited Behavior they experienced for fear they may be charged with other policy violations, such as underage alcohol consumption or violation of BU's drug policy. In consultation with the appropriate offices, EOO may, at its discretion and on a case-by-case basis, offer parties and witnesses amnesty from minor policy violations related to the incident.

## **Public Disclosures of Prohibited Behavior**

### ***Public Awareness Events***

BU supports and values public awareness events conducted on a BU campus or online platform sponsored by BU, where Community Members may disclose experiences with Prohibited Behavior. In these spaces, a Community Member's public disclosure of information that reasonably may constitute Prohibited Behavior will not be considered a report to BU that will need to be reported to EOO.

In addition, BU may use information learned at such public awareness events and any conducted climate surveys to inform its efforts to prevent Prohibited Behavior and to gauge the community's attitudes regarding misconduct and awareness of campus resources. These voluntary surveys will contribute to BU's understanding of the campus climate and community safety. The disclosure of incidents of misconduct in responses to survey questions will not be considered a report to BU for the purpose of initiating an investigation.

However, there is a limited exception: BU will respond to notifications of Prohibited Behavior that may indicate an imminent and serious threat to the health or safety of a Complainant or Community Member. This exception also does not apply to disclosures of information that reasonably may constitute Prohibited Behavior which is made outside of an event on the BU campus or a BU-sponsored online platform, such as, for example, at off-campus events, in a community space, in the context of an academic assignment, or via social media.

## **Federal Statistical Reporting Obligations**

Some BU officials – those deemed Campus Security Authorities – have a duty to report certain crimes for federal statistical reporting purposes under the Clery Act. All personally identifiable information is kept private, but statistical information must be shared with the BU Police

Department (“BUPD”) regarding the type of incident and its general location (on or off campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Additional information regarding this requirement can be found at [www.bu.edu/safety/network/security](http://www.bu.edu/safety/network/security).

## V. Pregnancy, Pregnancy-Related Conditions, Childbirth, and Parental Status

BU is committed to supporting and meeting the needs of Students and Employees (including applicants), in their living, learning, and working environments based on their pregnancy, pregnancy-related conditions, or parental or marital status. BU has an obligation to provide reasonable accommodations to Employees<sup>[2]</sup> and Reasonable Modifications to Students based on limitations related to pregnancy, childbirth, or related medical conditions, prevent discrimination on the basis of sex, and ensure equal access to the University’s Education Programs or Activities.

[2] Reasonable accommodations are provided to Employees through EOO as outlined in this policy process: [Reasonable Accommodations For Individuals With Disabilities, Or Individuals Who Are Pregnant Or Have A Pregnancy Related Condition.](#)

The University will make Reasonable Modifications for Students, based on each Student’s individualized needs and in consultation with the Student. Reasonable Modifications may include academic, physical space, and attendance adjustments, including voluntary leaves of absences. However, a modification that fundamentally alters the nature of the Student’s University Education Program or Activity is not considered reasonable. Depending on the nature of the Student’s request, the University may require a Student to provide documentation that is reasonable and necessary to support the Student’s need for Reasonable Modifications.

BU uses an interactive dialogue to discuss a request for Reasonable Modifications and explore potential modifications or adjustments.

The University also provides lactation spaces which are functional, appropriate, and safe for

Employees and Students. More information about lactation spaces is available at this website: <https://www.bu.edu/eoo/pregnancy/lactation-support/>.

All Employees are required to share the Title IX Coordinator's contact information when a Student or Employee discloses their pregnancy. Resources and options for Students and Employees (including applicants) regarding pregnancy may be obtained by contacting the Title IX Coordinator/EOO.

Email: [titleix@bu.edu](mailto:titleix@bu.edu) or [eoo@bu.edu](mailto:eoo@bu.edu)

University Title IX Coordinator: Jean Pryor Estevez, Executive Director of Equal Opportunity

Phone Number: (617) 358-1796

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

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END OF POLICY TEXT

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## Additional Resources Regarding This Policy

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THIS POLICY IS PART OF THE [EMPLOYEE HANDBOOK](#), AND SHOULD BE READ IN CONJUNCTION WITH ALL OF THE POLICIES THAT COMPRISE THE HANDBOOK. THE PROVISIONS OF THE EMPLOYEE HANDBOOK DO NOT CONSTITUTE AN EMPLOYMENT CONTRACT AND DO NOT ALTER THE AT-WILL STATUS OF AN EMPLOYEE.

### History

This [Interim Equal Opportunity and Title IX Policy](#) and corresponding [Interim Equal Opportunity and Title IX Procedures](#) are effective October 15, 2024 and apply to conduct

that occurs on or after October 15, 2024.

## Appendices To This Policy

- [Interim Equal Opportunity and Title IX Policy Appendices](#)

## Policy and Procedures Related to this Policy

- [Equal Opportunity/Affirmative Action Policy](#) - This Policy was replaced on October 15, 2024 by the [Interim Equal Opportunity and Title IX Policy](#) and corresponding [Interim Equal Opportunity and Title IX Procedures](#), which are effective October 15, 2024 and apply to conduct that occurs on or after October 15, 2024.
- **Sexual Misconduct Policy and Procedures that applies to conduct that occurred on or after August 14, 2020 through to October 14, 2024**
  - Policy: [Sexual Misconduct Policy](#)
  - Procedures:
    - [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Students](#)
    - [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#)
    - [Procedures for the Resolution of Title IX Sexual Misconduct Complaints Against Students, Faculty, Staff, Affiliates, and Non-Affiliates](#)
- **Sexual Misconduct Policy and Procedures that applies to past conduct that occurred on or before August 13, 2020**
  - [Sexual Misconduct/Title IX Policy and Procedures](#) - Applying to conduct occurring on or before August 13, 2020

## Other Related Policies

- [Boston University Notice of Nondiscrimination](#)
- [Policy on Consensual Relationships with Students](#)
- [Sexual Misconduct Hiring Disclosure Policy](#)
- [Code of Ethical Conduct](#)
- [Policy on Responding to Employer Inquiries Regarding Sexual Misconduct](#)

## Forms

### [Incident Report Form](#)

## Resources

- [Title IX Flow Chart](#)
- [Non-Title IX Flow Chart](#)
- [Sexual Misconduct Gender Based Misconduct Resource Guide](#)
- [BU Free Confidential Resources On and Off Campus](#)

## Related BU Websites

- [Equal Opportunity Office](#)
- Training on Sexual Misconduct
  - Employees: [University-wide Online Sexual Misconduct Prevention and Harassment and Discrimination Prevention Training for Employees](#). This webpage contains information, updates, and instructions for the Sexual Misconduct/Harassment and Discrimination Prevention trainings for faculty and staff. The Equal Opportunity Office offers in-person departmental training for faculty and staff on a variety of topics, including Sexual Misconduct and Title IX; discrimination and harassment; and accommodation of employees with disabilities. [Please request a training using the form](#) on their website.
  - Students: [Sexual Misconduct Prevention Training for Students](#). This webpage contains information and frequently asked questions about the Sexual Misconduct Prevention Training.
- [Judicial Affairs Office](#)
- [Dean of Students Office](#)
- [Office of the Provost](#)
- [Human Resources](#)
- Sexual Assault Response & Prevention Center - [SARP](#)
- Faculty & Staff Assistance Office - [FSAO](#)

## BU Memorandums and Information

- Provost & Senior Vice President for Operations Memorandum, [Important Information about Sexual Misconduct Prevention Training Requirements at BU](#)

, October 28, 2024

- Provost Memorandum, [Important Updates to BU's Nondiscrimination and Harassment Policies and Procedures](#), October 17, 2024
- Provost Memorandum, [Formation of the Bias Review Team at Boston University](#), October 4, 2024
- Provost Memorandum, [BU Sexual Misconduct Policy](#), August 20, 2024

Categories: Academics, Employment, Harassment and Discrimination, Safety, Sexual Misconduct, University Policies Affecting Student Life  
Keywords: amnesty, Childbirth, conduct, Disability & Access Services, discrimination, Disparate Treatment, eoo, equal opportunity, equal opportunity office, harassment, hostile environment, mandated reporter, mandated reporters, Parental Status, pregnancy, Pregnancy-Related Conditions, prohibited behavior, protected speech, reporting, retaliation, sexual harassment, sexual misconduct, Title IX