

BOSTON UNIVERSITY POLICE
SAFETY ON CAMPUS

Annual Security Report

October 2021

Military

Boston University's Annual Security Report for Metropolitan College Program at Hanscom Air Force Base

October 2021

MESSAGE FROM THE CHIEF OF POLICE AND EXECUTIVE DIRECTOR OF PUBLIC SAFETY

To members of the Boston University community:

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 Report.

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.

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 the Metropolitan College Program at Hanscom Air Force Base.

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 phone;
- 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 Kelly A. Nee
Boston University Police Department

1. Overview of the Military Program

Boston University's Military Program at Hanscom Air Force Base (the "Military Program") provides individuals who are in service in Massachusetts to participate in high quality, intensive, master's degrees and graduate certificates. The programs are available to military personnel, military retirees and their families, as well as employees of Department of Defense contractors.

For the latest updates and information on BU's response to COVID-19, visit Back2BU at www.bu.edu/back2bu

2. Boston University Police Department (Boston Campus)

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. The Boston University Police Department also assists students, faculty and staff who study and work at locations around the world, such as the Military Program, 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

Boston University's Annual Security and Fire Safety Reports, for each of its campuses, can be found at: <http://www.bu.edu/safety>

Due to the fact that this University program occurs on a military base, students, faculty and staff are encouraged to immediately report all emergencies, including criminal incidents, to the military base police or security, for the purpose of issuing timely warnings and emergency notifications and so that the criminal incidents can be included in the crime statistics.

Preparing the Annual Disclosure of Crime Statistics

BUPD prepares this report to comply fully with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation.

Campus crime, arrest and referral statistics include those reported to BUPD, designated campus officials, and the local military police. For purposes of the military sites, crimes are reported that occur on campus and on locations that are contiguous to the campus.

The University encourages every member of the community to report a crime promptly to local military police, BUPD or campus security authorities. Reported crimes are included in the Clery Act's annual statistical disclosure and are evaluated for purposes of issuing timely warnings.

3. Local Law Enforcement at Hanscom Air Force Base

Hanscom Air Force Base has 24-hour patrol by base police or security. Military Police and Security are Federal Law Enforcement officers responsible for the overall security on base. They are armed and have the authority to make arrests, issue citations and enforce traffic laws on the base. Federal Law Enforcement has a good working relationship with local police in the cities and towns nearby the military base and share information regarding safety and criminal conduct.

The following information and telephone numbers will be useful in the event of an emergency when studying at a military site:

Hanscom Air Force Base

Federal Law Enforcement has jurisdiction for the Base. Dial 911
Dial 5-5000 from any base telephone.
Dial (781) 225-5000 from any other phone.

4. Safety and Support Network

There is at least one Boston University administrator assigned to the Military Program, as set forth below.

In addition to reporting criminal incidents to local law enforcement, students should also report any criminal incident to the program administrators, identified below, who can provide assistance with filing a police report or other support.

Hanscom Air Force Base

Carl Sessa, Associate Dean
csessa@bu.edu
(617) 353-2977

The Director of Programs is available for consultation on safety or security-related matters, including emergency services, medical services and access to local law enforcement.

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

Boston University Police: 617-353-2121; 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

Sexual Assault Response & Prevention Center: 617-353-7277; <http://www.bu.edu/sarp/>; sarp@bu.edu

Dean of Students Office: 617-353-4126; dos@bu.edu

Disability & Access Services: 617-353-3658; access@bu.edu

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

Confidential Resources

The Military Program does not currently employ anyone on-site who is authorized to keep reported incidents confidential. If a student wishes to disclose information confidentially, s/he should contact one of the following Boston University offices.

Sexual Assault Response & Prevention Center (SARP)

24-hour hotline 617-353-SARP (7277) By email: sarp@bu.edu 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; 24-hour hotline) 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.

University Chaplains

Marsh Chapel 617-353-3560

www.bu.edu/chapel/staff/chaplains/ By email: chapel@bu.edu

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

617-358-5960 (Charles River Campus) 617-638-7645 (Medical Campus) 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 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 and for overseeing student judicial proceedings. The Dean of Students also sponsors a safety program, "Be Safe @ BU." For additional information, including valuable safety tips, visit the website at www.bu.edu/dos/resources/be-safe.

The Albert & Jessie Danielsen Institute

185 Bay State Road 617-353-3047

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

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 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 and emergency situations as promptly as possible, wherever they may occur. Prompt reporting will help law enforcement at the military sites and the University address emergency situations and provide notice to the community, where appropriate.

Emergency response, including response to crimes, is best handled by local law enforcement who are reached by calling the telephone numbers listed on page 2.

All crimes and other emergencies should also be reported to the following administrator of the Military Program:

Hanscom Air Force Base

Carl Sessa, Associate Dean

csessa@bu.edu

(617) 353-2977

The University has designated certain administrators as campus security authorities (CSAs), who are individuals who have significant responsibility for student and campus activities. 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.

CSAs will report qualifying criminal acts to the Boston University Police for inclusion in BU's annual crime statistics report.

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.

6. Facilities and Access

The program at Hanscom Air Force Base is located within a secured military installations and may only be entered through controlled access points staffed by Federal Law Enforcement Officers. All persons seeking entrance to this installation may be subject to search and inspection by Federal Law Enforcement.

The military site has its own procedures for maintaining the safety and security of the site. The University encourages students to familiarize themselves with their Site's safety features and to inquire of Base personnel regarding how to report facilities' related concerns.

Hanscom Air Force Base

All visitors must obtain approval and a badge from the base's visitor center to access the base.

7. Safety Procedures, Crime Prevention Programs and Wellness Programs

Boston University does not currently maintain any on-site crime prevention programs at Hanscom Air Force Base. However, students are encouraged to contact the base office listed below which can

provide information regarding the crime prevention programs offered on the base. All military personnel and contractors are required to annually participate in sexual misconduct training, which is offered by the military.

Hanscom Air Force Base—Police Services section at (781) 225-5000. Questions may also be emailed to: Hanscom.Police.Services@hanscom.af.mil.

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)

617-353-7277

sarp@bu.eduwww.bu.edu/sarp

Student Health Services/Behavioral Medicine

617-353-3575

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

www.bu.edu/shs

Marsh Chapel

617-353-3560

www.bu.edu/chapel

University Service Center

617-358-1818

www.bu.edu/usc

In addition, attached at Appendix A is a list of Boston University 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 Program Director, 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 the Boston campus.

The University complies with applicable law in recognizing lawfully issued restraining orders, including orders for protection, no-contact orders or other similar lawful orders.

Massachusetts law provides for Abuse Prevention Orders (Massachusetts General Law chapter 209A) and Harassment Prevention Orders (Massachusetts General Law chapter 258E).

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 Warning

A timely warning is a notice issued when a Clery crime that has occurred within the Clery geography is considered to represent – in the judgment of the Chief of Police and Executive Director of Public Safety – an ongoing or continuing threat to the campus community. Timely warnings will be issued via email. The University will, in considering whether to issue a timely warning, assess whether any notice(s) issued by the military satisfy the notice requirements. Timely warnings will include information that promotes safety and that will aid in the prevention of similar crimes. Timely warnings will include a brief description of the incident; the date, time and location of the incident; and precautions the community should take in response to the incident.

Timely Warnings are intended to alert the community about reported crimes that have happened on the campus or that have happened nearby and which are considered to represent a continuing threat to the campus community.

Emergency Notification

Emergency notifications are intended to alert the 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.

The Chief of the Boston University Police Department or a member of the command staff, including Deputy Chief, Captain, Lieutenant or Sergeant is responsible for confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the University. Upon confirmation they will determine the appropriate segment(s) of the BU community to notify, determine the content of the message, and initiate the notification system. In all cases, Boston University Police Control Center is responsible for initiating the BU Alert system and sending the message. The BU Alert system has the ability to send messages to university email accounts, text messages to a mobile phone and make a voice call to an enrolled

phone number. The message will contain a brief description of the emergency and actions to take to remain safe.

However, due to the existing law enforcement presence on the military base and the base's existing notification procedures, the University will, in considering whether to issue an emergency notification, assess whether any notice(s) issued by the military satisfy the notice requirements.

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

In those situations in which the University determines that it would not be appropriate for the Boston University Police Department to determine the content of the message and transmit the notification, the head of the University department with the most relevant expertise related to the immediate threat to the health or safety of the community will, in consultation with the University's Marketing and Communications Department, as applicable, determine the content of the message and transmit the notification through the appropriate notification channels, which may include postings on websites or email messages. For example, in connection with a health emergency, such as a global pandemic, the Director of Student Health Services and/or the Director of Occupational Health would determine whether the situation poses an immediate threat to the health or safety of the Boston University community, they will determine the appropriate segment(s) of the BU community to notify, determine the content of the message, and initiate the notification.

Hanscom Air Force Base has its own systems and processes in place for communicating information quickly to individuals who are participating in the MET Military Program.

Hanscom Air Force Base

Hanscom Air Force Base uses both the "Giant Voice" mass notification system and the "Alert!" system to announce emergencies on the base. "Giant Voice" involves the use of exterior loud speakers and sirens to broadcast messages. The "Alert!" system provides for notification of emergency situations through a variety of methods. Individuals can identify, in the "Alert!" system, those methods by which they want to receive notifications, such as telephone, email or text messaging. "Alert!" replaces the "AtHoc" system for personnel at Hanscom AFB. Send an email message to 66.ABG.CP.CMB@US.AF.MIL to sign up for alerts.

9. Emergency Response and Evacuation Procedures

Hanscom Airforce Base maintains its own emergency response plan, including an emergency communication protocol and an evacuation plan.

The University encourages students to familiarize themselves with the Emergency Planning Operations on their base. The base maintains a website, identified below, dedicated to providing emergency response information.

Hanscom Air Force Base

Hanscom Readiness Emergency Management Flight (781) 225-5919 or (781) 225-5921 or <http://www.BeReady.af.mil>.

10. Alcohol and Drug Policies

Boston University's campuses and activities are not sanctuaries from federal, state, and local laws. Boston University prohibits the unlawful use, possession, sale, distribution, or manufacture of controlled

substances or alcohol on University property or as part of University activities.

However, the University's standards of personal conduct substantially exceed the minimum expectations of civil law and custom. Students found in violation of the University alcohol policy or engaging in misconduct related to the abuse of alcohol, whether on or off campus, will be subject to disciplinary action under the Code of Student Responsibilities as well as to prosecution. Boston University enforces the Massachusetts underage drinking law and state and federal drug laws.

Boston University neither permits nor condones the possession, use, or sale of illegal drugs and narcotics. Violators are subject to University disciplinary procedures, as well as to criminal prosecution under state and federal laws. Dealing in narcotics or illegal drugs anywhere on campus will result in disciplinary action by the University. Conviction for drug-related offenses in any jurisdiction may affect a student's eligibility for federal, state, or University financial aid. For additional information, visit the Financial Assistance website at www.bu.edu/finaid/eligibility/convictions/.

All participants in Boston University programs are required to understand and abide by the Code of Student Responsibilities. Students who violate the Code are subject to disciplinary action as described in the Code: <http://www.bu.edu/dos/policies/student-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.

Violations Not in University Residence Halls

Following are the sanctions and education and counseling programs typically imposed for underage alcohol possession and use violations that do not take place in University residence halls. If other unacceptable behavior—such as fighting, sexual assault, or property damage—occurs in conjunction with the alcohol violation, additional sanctions may be imposed for that behavior. Second violations are uncommon and third violations are rare. Sanctions for a third violation will include, among other things, suspension from the University.

First Incident:

Disciplinary Sanction: Probation and \$100 fine

Education/Counseling: an online self-assessment and education on alcohol use

Second Incident:

Disciplinary Sanction: Deferred suspension

Education/Counseling: Alcohol education class

Financial Assistance

By federal law, students convicted of drug offenses committed while receiving Title IV federal financial aid may be ineligible for federal financial aid for one or more years from the date of conviction. For additional information, visit the Financial Assistance website at www.bu.edu/finaid/eligibility/convictions.

Resources

Boston University requires every incoming first-year and transfer student to take AlcoholEdu for College, an online, non-judgmental, evidence-based alcohol prevention course. The following resources

are available for substance use concerns among BU students: Wellness & Prevention Services offers online education classes for alcohol and cannabis, Brief Alcohol Screening and Intervention for College Students (BASICS) for mandated students, anonymous and personalized online feedback tools for alcohol, cannabis, or prescription drug use, and a Collegiate Recovery Program. Behavioral Medicine offers a range of mental health services for issues such as substance use, including assessment, diagnosis, therapy, and psychiatry

Faculty and staff may contact the Faculty & Staff Assistance office www.bu.edu/fsao; 617-353-5381) for referrals.

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 him or herself, 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.

State and Federal Laws and Sanctions Concerning Drugs and Alcohol

In addition to disciplinary sanctions imposed by the University, all students, faculty, and staff should be aware that federal, state, and some local laws treat illegal use, possession, sale, distribution, or manufacture of drugs or alcohol as serious crimes. Conviction can lead to imprisonment, fines, and assigned community service. Courts do not lift prison sentences in order to allow convicted persons to attend college or continue their jobs. Felony and certain other convictions can prevent you from entering many fields of employment or professions and may have to be listed on applications for employment or admission to graduate or professional schools.

Massachusetts

Many cities and towns in Massachusetts, including Boston, have local ordinances and regulations that prohibit public consumption of alcoholic beverages or consumption of alcoholic beverages on private property without the owner's consent. The Department of Conservation and Recreation also prohibits public consumption of alcohol in its parks. Similar laws and regulations apply in most other states and in many localities.

Massachusetts laws punish sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2,000 and six months imprisonment, or both. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is punishable by a fine of \$300. First conviction of driving under the influence of alcohol has a penalty of a \$500–\$5,000 fine, one-year revocation of driver's license, up to two-and-a-half years in prison, and mandatory alcohol rehabilitation.

The legal drinking age in Massachusetts is twenty-one.

Alcohol Overdose – Immunity from Prosecution in Massachusetts. In Massachusetts, individuals who are under 21 years of age shall not be charged or prosecuted for certain alcohol related offenses such as purchasing or possessing alcohol if they seek, in good faith, medical assistance for themselves or someone else experiencing an alcohol related incapacitation; or if they are themselves subject of such a good faith request for medical assistance.

Massachusetts

Massachusetts has criminal penalties for use of controlled substances, or drugs, with penalties varying with the type of drug. In general, use of narcotic and addictive drugs, and drugs with high potential for abuse, have heavier penalties.

Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws, penalties for possession, manufacture, and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served.

Sale and possession of “drug paraphernalia” is illegal in Massachusetts. Under federal laws and some state laws, participation in drug-related criminal activity can result in seizure or forfeiture of personal property and other assets utilized in conjunction with or stemming from the proceeds of the illegal activity. In addition, conviction of a drug-related offense may entail civil fines and denial or revocation of certain licenses and benefits.

Drug Overdose – Immunity from Prosecution in Massachusetts. In Massachusetts, individuals shall not be charged or prosecuted for possession of a controlled substance if they seek, in good faith, medical assistance for themselves or someone else experiencing a drug-related overdose; or if they are themselves subject of such a good faith request for medical assistance for a drug-related overdose if the evidence for the charge of possession of a controlled substance was gained as a result of the overdose and the need for medical assistance.

Marijuana Laws in Massachusetts

Effective December 15, 2016, Massachusetts passed “The Regulation and Taxation of Marijuana Act.” Contrary to popular belief, marijuana has not been legalized for all purposes in Massachusetts.

It is illegal for any person to possess any amount of marijuana on Boston University property.

In addition, it remains illegal for anyone to possess, use or consume marijuana on the grounds of a public or private K-12 school. There is no exception for medical marijuana.

Off-campus possession - 21 years or older. Massachusetts legalized possession of certain amounts of marijuana for a person 21 years of age or older. Any person 21 years of age or older in possession of more than 1 ounce of marijuana faces civil fines and / or criminal penalties, which may include arrest. Exception: In your “primary residence”, you may legally possess up to ten ounces of marijuana. Landlords have the right to restrict the smoking of marijuana in properties they own.

No person under the age of 21 may possess marijuana in public or in private in Massachusetts.

The penalties range from civil fines and / or criminal penalties, which may include arrest. Persons 18 years and younger face civil fines and mandatory drug education classes. There is an exception for valid medical marijuana registration cardholders.

Selling Marijuana. It remains illegal to for any person to sell marijuana without a valid license from the Massachusetts Department of Public Health or the Cannabis Control Commission. Selling any amount

of marijuana or possessing marijuana with the intent to distribute it are criminal offenses that may result in fines and jail time.

Giving Away Marijuana - “Gifting.” A person 21 years or older may “gift” another person 21 years or older up to 1 ounce or less of marijuana. Gifting more than 1 ounce is a criminal offense. Gifting persons under 21 years is also a criminal offense.

Cultivation of Marijuana Plants. Massachusetts law allows for a person 21 years or older to cultivate up to 6 marijuana plants in their “primary residence,” with a maximum of 12 plants in a home where more than 1 person 21 years or older resides. Landlords have the right to forbid cultivation of marijuana in properties they own.

Manufacture of Marijuana Concentrate is Illegal. The manufacture of marijuana concentrate is illegal and can result in the forfeiture of property or in criminal penalties if manufactured for sale or intended sale.

Local city or town laws may prohibit possession or consumption of marijuana. Cities and Towns may regulate or prohibit the possession or consumption in a public building and may prohibit the smoking of marijuana in public places or where smoking tobacco is prohibited.

Federal Drug Laws and Penalties

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.

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.

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.

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.

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	First Offense: 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. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: 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. Second Offense: Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
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	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

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

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<p>First Offense: 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.</p> <p>Second Offense: 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.</p>
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<p>First Offense: 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.</p> <p>Second Offense: 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.</p>
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<p>First Offense: 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.</p> <p>Second Offense: 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.</p>
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)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>
1 to 49 marijuana plants	
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

11. Sexual Misconduct/ Title IX Policy***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 the two corresponding Complaint Procedures, the [/2016/09/Faculty-Staff-Procedures-Sexual-Misconduct-Title-IX-Policy-up-to-8.13.20.pdf](#) Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates and the [Procedures for the Resolution of Sexual Misconduct Complaints Against Students](#).

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 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** [<https://www.bu.edu/policies/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** [<https://www.bu.edu/policies/resolution-of-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** [<https://www.bu.edu/policies/procedures-faculty-staff-affiliates-non-affiliates-sexual-misconduct/>]

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

///.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 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 and 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 X.

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 Office of Judicial Affairs, 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 X 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 Office of Judicial Affairs ("OJA"), 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 or 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 Title IX Sexual Misconduct or Non-Title IX 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 Title IX 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, 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 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 BU students, faculty, administrators, staff, or visitors.

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 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 <http://www.bu.edu/safety/sexual-misconduct/title-ix-bu-policies/sexual-misconducttitle-ix-policy/title-ix-team/>

The Title IX and/or 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 resolved by 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 at www.bu.edu/safety.

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

930 Commonwealth Ave.

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

By email: 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

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

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.

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 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

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

Sonia Mee, 264 Bay State Rd, 617-353-2245, 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/

Charles River Campus

930 Commonwealth Avenue, 1st 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/ 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

617-353-9286

By email: 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/

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, 2nd Floor 775
Commonwealth Ave.

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

888 Commonwealth Avenue, Suite 303

617-353-9286

By email: eoo@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.

Charles River Campus
25 Buick Street, 2nd Floor
617-353-2380

Medical Campus
609 Albany Street, 1st Floor
617-353-2380

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

Student Financial Assistance

The Student Financial Assistance can help students with financial concerns.

881 Commonwealth Avenue
617-353-2965

By email: 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

617-492-8306

800-841-8371

Victim Rights Law Center (“VRLC”)

VRLC provides legal and advocacy services.

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/

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
www.cityofboston.gov/police/divisions/sau_home.asp

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

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

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/

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
University Chaplains (Clergy)	Confidential	None, if they are operating in their capacity as clergy. If acting in another capacity, see section on other University personnel below.
Behavioral Medicine	Confidential	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). 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).

Sexual Assault Response and Prevention Center ("SARP")	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>
Student Health Services ("SHS")	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>
Faculty & Staff Assistance Office ("FSAO")	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>
University Ombuds	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>
Title IX Coordinator	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>

Deputy Title IX Coordinators	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>
Dean of Students Office ("Dean")	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>
Office of Judicial Affairs ("OJA")	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>
Equal Opportunity Office ("EOO")	Not Confidential	<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>

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	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.
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Additional Resources Regarding This Policy

History

This Sexual Misconduct Policy 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 on or 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 the two corresponding Complaint Procedures.

Policy and Procedures Related to this Policy - *Applying to conduct that occurs on or after August 14, 2020*

- POLICY**

[Sexual Misconduct Policy](#), Available at: <http://www.bu.edu/policies/sexual-misconduct-title-ix-hr/>.

- PROCEDURES**

[Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Students](#)
Available at: <http://www.bu.edu/policies/resolution-of-sexual-misconduct-complaints-against-students/>.

[Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#),
Available at: <http://www.bu.edu/policies/procedures-faculty-staff-affiliates-non-affiliates-sexual-misconduct/>.

[Procedures for the Resolution of Title IX Sexual Misconduct Complaints Against Students, Faculty, Staff, Affiliates, and Non-Affiliates](#),
Available at: <http://www.bu.edu/policies/procedures-for-the-resolution-of-title-ix-sexual-misconduct-complaints-against-students-faculty-staff-affiliates-and-non-affiliates/>.

Policy and Procedures For Past Conduct - *Applying to conduct occurring on or before August 13, 2020*

- **POLICY**

- [Sexual Misconduct/Title IX Policy](http://www.bu.edu/policies/files/2016/09/Sexual-Misconduct-Title-IX-Policy-conduct-up-to-8.13.20-FINAL.pdf), Available at: <http://www.bu.edu/policies/files/2016/09/Sexual-Misconduct-Title-IX-Policy-conduct-up-to-8.13.20-FINAL.pdf>.

- **PROCEDURES**

- [Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](http://www.bu.edu/policies/files/2016/09/Faculty-Staff-Procedures-Sexual-Misconduct-Title-IX-Policy-up-to-8.13.20.pdf) “Faculty Procedures”, Available at: <http://www.bu.edu/policies/files/2016/09/Faculty-Staff-Procedures-Sexual-Misconduct-Title-IX-Policy-up-to-8.13.20.pdf>. Note that this link might need to be copied and pasted into the browser in order to access the PDF file.
- [Procedures for the Resolution of Sexual Misconduct Complaints against Students](http://www.bu.edu/policies/files/2016/09/Student-Procedures-Sexual-Misconduct-Title-IX-Policy-up-to-8.13.20.pdf) “Student Procedures”, Available at: <http://www.bu.edu/policies/files/2016/09/Student-Procedures-Sexual-Misconduct-Title-IX-Policy-up-to-8.13.20.pdf>. Note that this link might need to be copied and pasted into the browser in order to access the PDF file.

Related BU Websites

- Sexual Misconduct Page on Safety Website - site includes [Title IX Information](#) and [Title IX Coordinator and Deputy Coordinators Contact Information](#)
- [Equal Opportunity Office](#)
- [Sexual Misconduct Page on Safety Website](#)
- [Title IX Information](#)
- [Title IX Coordinator and Deputy Coordinators Contact Information](#)
- [Equal Opportunity Office](#)
- [Office of Judicial Affairs](#)
- [Dean of Students Office](#)
- [Office of the Provost](#)
- [Human Resources](#)
- Sexual Assault Response & Prevention Center - [SARP](#)
- Faculty & Staff Assistance Office - [FSAO](#)

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 14, 2020. 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*