

# V. Disciplinary Regulations Governing All Students in the School of Law

**NOTE:** School of Law students also are subject to the Boston University Code of Student Responsibilities, available at [www.bu.edu/lifebook/university-policies/policies-code.html](http://www.bu.edu/lifebook/university-policies/policies-code.html).

## Article I. School of Law Disciplinary Action

1. **Jurisdiction over disciplinary cases.** Students at the School of Law are subject both to these Disciplinary Regulations and to the Code of Student Responsibilities of Boston University. The School of Law and the University may agree under which rules and regulations any disciplinary case is to be brought. The School of Law ordinarily will not bring any separate action with respect to a charge that is the subject of disciplinary proceedings initiated by the University.
2. **Scope of disciplinary action by the School of Law.** Disciplinary action by the School of Law is governed by these Regulations. Such action extends to the following conduct:
  - a. Conduct in violation of School of Law rules or regulations. Such conduct is defined in Article II, below.
  - b. Other conduct, including but not limited to conduct in violation of Boston University rules or public law, when such conduct is not commensurate with professional standards of conduct required of lawyers. Such conduct is defined in Article III, below. An individual shall assume student status, for purposes of these Regulations, on his/her/their official enrollment in the School, and such status shall continue until his or her permanent separation from the School by graduation, expulsion, completed withdrawal, or other like event. Misconduct in connection with an application for admission, however, shall be deemed to continue in effect through enrollment. An individual whose student status has terminated for any reason other than graduation shall remain subject to discipline under these Regulations with respect to his or her conduct while in student status. In any case, the disciplinary sanctions of expulsion and suspension shall be deemed respectively to effect permanent or temporary disqualification for readmission to the School. The Faculty retains its inherent power to take appropriate action, after such reasonable process as it may prescribe, with respect to a graduate's conduct while in student status.

## Article II. Violations of School of Law Rules and Regulations

1. **General rule.** Any student who violates the School's rules may be subject to disciplinary action. The examples contained in section 2 below are not intended to be exhaustive.
2. **Specific examples.** The following are examples of School rules, the violation of which may be subject to disciplinary action.
  - a. *School of Law Academic Regulations and rules and procedures of the Law Library.* Students are expected to comply with the School of Law Academic Regulations, with any academic regulations adopted by an applicable School of Law program, and with the rules and procedures established for the use of the Law Library. Willful or repeated failure to comply with such regulations, rules or procedures may subject a student to disciplinary action.
  - b. *Classroom rules.* Students are required to comply with the rules established by members of the Faculty and other instructors at the School of Law for the conduct of their classes. An example of a rule that has been adopted and promulgated by some Faculty members for the conduct of their classes is the exclusion from class of students who arrive late or are

unprepared. Should an instructor announce such a rule to students in the instructor's classes, willful or repeated failure by a student in such a class to comply with the instructor's rule may subject a student to disciplinary action.

c. *Disruption of School of Law activities or operations.* Conduct that disrupts or impairs School of Law activities or operations may be subject to disciplinary action. The kind of conduct referred to is conduct that by itself or in conjunction with the conduct of others disrupts or impairs the effective carrying on of the activity, a result that the student knew or reasonably should have known would occur.

d. *Damage to or abuse of School of Law property, facilities or services.* Students are expected to make responsible and appropriate use of School of Law property and facilities, and of the services provided by the School of Law. Conduct that damages or abuses School of Law property, facilities, or services, including, for example willful damage to Law Library materials, or to furniture, classrooms, or offices, and unauthorized use of photo-copying or secretarial services, may subject a student to disciplinary action.

e. *Plagiarism.* Plagiarism is the use, without adequate attribution, of the ideas, expressions, or work, of another. All written work, whether in preliminary or final form, submitted by a student in the course of law study, in the course of employment, or in the course of other activities, including but not limited to moot court and law journal work, whether or not related to the study or profession of law, is assumed to be the student's own work. Anything copied or paraphrased from another author or source must be appropriately identified, acknowledged, and attributed. The use of the exact language of another without identification as a direct quotation by quotation marks or otherwise is plagiarism even though the source is cited in the student's work. Violation of the rules stated in this paragraph may subject a student to disciplinary action, including suspension or expulsion. Use of the work of another without proper attribution constitutes plagiarism whether or not the writer acts with an intent to mislead or deceive. However, such intent, or the lack of it, may be considered in determining the proper sanction if a violation is established.

f. *Multiple submission of written work without prior permission.* Students may not submit the same paper, or a substantial part of any paper, to more than one BU Law course without prior written permission from each instructor and the Associate Dean for Academic Affairs. Further, students must obtain the instructor's permission, after full disclosure, to submit written work if a substantial part of that work was produced either at another academic unit or in the course of employment.

g. *Examinations.* Students must comply with all rules established for examinations, whether established by the School of Law or by the instructor giving the examination. School of Law rules for the conduct of JD students' examinations are set out in Article VII, section 5, of the Academic Regulations. Violation of the rules set for any examination, including "take-home" examinations, may subject a student to disciplinary action.

h. *Sales or purchase of class notes.* The sale, offering for sale, or purchase, directly or indirectly, of lecture notes, class notes, case abstracts, or similar material, acquired through attendance at the School of Law, by any student or group of students or their agents, is prohibited and may subject a student to disciplinary action.

i. *Recording devices.* Recording devices are prohibited in the classroom except with the permission of the Dean and of the instructor. The use of such devices in the classroom without such permission may subject a student to disciplinary action.

j. *Rules of the Career Development Office.* Students who use the services of the School of Law Career Development Office are required to comply with all rules established by that

office. In particular, no student who has accepted an offer of employment shall use the facilities of the office to secure interviews for employment to a conflicting position, and no student who has accepted an offer of employment in a law-related position shall rescind that acceptance or accept an offer for employment to a conflicting position without first notifying the Office and discussing the matter with a representative of that Office. "Employment" refers to any position for which a student is hired, whether paid or unpaid, full-time or part-time, summer, permanent or during the school year. Generally, only extraordinary or unforeseen circumstances will merit renegeing on a previously accepted offer. Willful or repeated violation of the requirements of this paragraph may subject a student to disciplinary action.

### **Article III. Unprofessional Conduct**

1. **General rule.** Any student who engages in unprofessional conduct with regard to any matter, whether or not related to the School of Law or to Boston University, may be subject to disciplinary action pursuant to these Regulations.

2. **Definition.** Unprofessional conduct consists of:

- a. illegal conduct involving moral turpitude;
- b. conduct that involves dishonesty, fraud, or deceit; or
- c. conduct that violates the standards of professional ethics established for lawyers or otherwise adversely reflects on the fitness of the student for admission to the bar.

3. **Specific examples.** Subject to the standard defined in section 2 above, the following are examples of conduct that may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations:

- a. *Failure to comply with University rules relating to student conduct and discipline.* Students are required to comply with the rules established by Boston University relating to student conduct and discipline. For example, students are expected to comply with the University Sexual Misconduct/Title IX Policy. Willful or repeated failure to comply with such rules may be determined to be unprofessional conduct and subject a student to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to disciplinary action pursuant to University rules.
- b. *Violations of public law.* Conduct in violation of public law may be determined to be unprofessional conduct subject to disciplinary action pursuant to these Regulations whether or not such conduct is also subject to criminal or other sanctions.
- c. *False statement.* Making a false statement in any document or record related to the study or practice of law may be the basis for disciplinary action, whether the statement is made on a document submitted to the School of Law, Boston University, or to a third party. Included within this category would be any false statement on an application for admission to the School of Law or other academic institution, on an application or other document submitted for financial aid, or on a resume submitted to a potential employer or agent for a potential employer.
- d. *Other conduct.* Conduct defined as unprofessional conduct under section 2, above, may be subject to disciplinary action pursuant to these Regulations whether or not such conduct is related to the academic process at Boston University, and whether or not such conduct is also subject to other sanctions. These examples of unprofessional conduct are not intended to be exhaustive.

## Article IV. Investigation and Presentation of Charges

1. **Preliminary investigation of reported student misconduct.** All complaints of student misconduct, including complaints involving LL.M. or other non-JD students, shall be referred to the Office of the Dean, which shall promptly conduct an investigation of the matter. At the direction of the Dean, an Associate Dean or other delegate of the Dean (hereinafter, “the Dean’s Designate”) shall conduct the investigation. If, after a preliminary investigation, the Dean decides that there is no current basis to proceed with the matter, no action shall be taken and no record shall be made of the matter in the student’s permanent record or upon the student’s transcript. Ordinarily, in such a case, the student will not be notified of the existence of a complaint.

2. **Further investigation.** If the Dean wishes to proceed with the matter, the Dean shall notify the student of the complaint, including a brief description of the nature of the complaint, the possible charges, and the applicable Disciplinary Rules, and shall request that the student schedule a meeting with the Dean’s Designate within a specified time period to review the matter. This notification shall also provide that the student may bring any person as an advisor to attend and provide support during the meeting, that the advisor may consult with the student during the meeting but is not permitted to directly address the Dean’s Designate during the meeting itself, and that the student must inform the Dean’s Designate at the earliest possible opportunity that the student will be accompanied by an advisor, including the identity of the advisor. The notice shall also include the following information: (1) the student may consult with the Associate Dean for Student Affairs or the Director of an appropriate LL.M. or other non-JD program director for information concerning the Disciplinary Regulations and the disciplinary process prior to meeting with the Dean’s Designate and that such Dean or Director can refer the student to persons with whom they may speak on a confidential basis; (2) if the student fails to respond or to attend such a meeting, the Dean’s Designate shall proceed with the investigation; and (3) at the discretion of the Dean’s Designate, this meeting may be recorded.

3. **Informal disposition.** If, in the judgment of the Dean, the report or complaint is unfounded or warrants no formal action, no action shall be taken and no record shall be made of the matter in the student’s permanent record or upon the student’s transcript. The student shall be informed promptly of the Dean’s determination and the matter shall be considered closed.

4. **Disposition by Stipulation.** If in the judgment of the Dean, the complaint appears to warrant disciplinary action, the Dean’s Designate may, with approval of the Dean, enter into an agreement with the student to resolve the matter by a Stipulation. Any such Stipulation shall be approved by the Dean and shall clearly indicate the specific charge or charges and the sanction that the student agrees to accept. If the student proposes a Stipulation or otherwise indicates an intention to agree to a Stipulation, but the Stipulation is not signed by either the Dean’s Designate or the student, evidence of such offer or initial agreement is not admissible in any Judicial Committee hearing that follows.

5. **Disposition by presentation of charges.** If, in the judgment of the Dean, the complaint appears to warrant disciplinary action, and the matter has not been resolved by Stipulation, the Dean shall direct that charges against the student be drawn and the entire matter be referred to a Judicial Committee. The Dean’s Designate shall promptly prepare charges against the student and transmit such charges in writing both to the student and to the Chair of the Faculty Judicial Panel. The Dean’s Designate may request the Judicial Committee, convened pursuant to Article V, for permission to amend the charges at any time prior to completion of the hearing by the Judicial Committee, but any such amendment must be made in writing within a reasonable time after the discovery of evidence supporting the amendment. The Judicial Committee shall allow such amendment if it refers to the same or a similar transaction that was the subject of the initial charge. The student shall have a reasonable time to prepare to respond to any amendment.

**6. Interim Sanction.** The Dean may withhold credit for a course or seminar, withhold the award of any honors or other academic privileges, delay the award of a degree, or suspend the student involved pending completion of an investigation and hearing of alleged student misconduct. In determining whether to withhold, delay, or suspend, the Dean shall consider the gravity of the charge and the apparent strength of the case against the student, and the feasibility of avoiding interim sanctions by expediting the disciplinary proceedings, and any special circumstances or considerations related to the student's enrollment status at the School.

## **Article V. The Judicial Committee**

**1. Convening the Judicial Committee.** When the Dean determines that charges against any student shall be referred to a Judicial Committee, the Dean shall convene the Committee in accordance with the provisions of this Article. Except in the case of joint hearings as provided in section 2, below, a separate Judicial Committee shall be convened to hear the case of each student against whom charges are brought.

**2. Joint hearings.** Where two or more students are charged with participating in the same act or transaction, or in the same series of acts or transactions, constituting a rule violation or unprofessional conduct under these Regulations, the charges shall be referred to a single Judicial Committee for a joint hearing. If, in the judgment of the Committee, a separate hearing should be held for any reason in the case of any such student, the Committee convened to hear the charges shall hold such separate hearings as are required. If one or more, but fewer than all, students charged in a joint hearing elect to have the Committee consist solely of Faculty members as provided in section 4, below, the Faculty members of the single Committee constituted pursuant to this section shall constitute the Judicial Committee in the case of such student or students and shall hold a separate hearing or hearings as required.

**3. Composition of the Judicial Committee.** Except as provided in section 4, below, each Judicial Committee convened to hear charges brought against a student or students pursuant to these Regulations shall consist of one student and two members of the Faculty of the School of Law selected as provided in this Article. If the Chair of the Faculty Judicial Panel does not serve on a Judicial Committee, [t]he Faculty members selected for the Committee shall elect one of their numbers to serve as Chair of the Committee.

**4. Election of a Judicial Committee consisting solely of Faculty members.** Any student against whom charges are brought pursuant to these Regulations may elect to have the Judicial Committee convened to hear the student's case consist solely of three members of the Faculty of the School of Law. Such election shall be made promptly in writing upon receipt by the student of the charges.

**5. Selection of Faculty members of a Judicial Committee.** Except as provided in section 6 below, the Faculty members of each Judicial Committee shall be two members of the Faculty Judicial Panel selected by lot or, should a student elect a Judicial Committee consisting solely of faculty members pursuant to section 4 above, the three members of the Faculty Judicial Panel.

**6. Composition of the Faculty Judicial Panel.** The Faculty Judicial Panel consists of three members of the Faculty of the School of Law appointed by the Dean to serve for staggered terms of three years. At the beginning of each academic year, the Dean shall appoint one member of the Faculty Judicial Panel to serve as Chair and shall appoint ten alternate members of the Faculty Judicial Panel. Should it be necessary to convene more than one Judicial Committee at any given time, the Chair of the Faculty Judicial Panel may request the Dean to select one or more alternate members to serve on a Judicial Committee. If the Dean determines that the selection of alternate members is warranted, alternates shall be selected by lot from the full list of alternates. Every Judicial Committee, however, shall have at least one member who is a full member of the Faculty Judicial Panel. Faculty members then serving as Associate Dean or Assistant Dean shall not be

eligible for appointment to the Faculty Judicial Panel as full members or alternates. Vacancies shall be filled as they occur by the Dean from among the eligible members of the Faculty.

7. **Selection of the student member of a Judicial Committee.** The student member of each Judicial Committee shall be selected by lot from among the eligible members of the Student Judicial Panel established pursuant to section 8, below. A student who is then serving or has served on a Judicial Committee shall not be selected for service on a second Judicial Committee in the same academic year unless there is no other eligible student who has not also served on a Judicial Committee in that academic year.

8. **Composition of the Student Judicial Panel.** The Student Judicial Panel shall consist of twenty-five students selected by lot from among the eligible members of the second-year class during the spring semester of each year to serve for one year beginning on Commencement Day immediately following their selection and ending on Commencement Day the following year. Students who have been in good academic standing throughout their course of study at the School of Law shall be eligible to serve on the Student Judicial Panel, except that students who have been found to have violated a rule of the School of Law or to have engaged in unprofessional conduct, and students who have been in residence at the School of Law for less than one full academic year, shall not be eligible to serve on the Panel. Students selected to serve on the Panel shall have a period of one week within which to accept appointment to the Student Judicial Panel in writing. Vacancies occurring as a result of failures to accept appointments, or otherwise, shall be filled as they occur by selection by lot from among the eligible members of the third-year class in the same manner as provided for the initial establishment of the Panel.

9. **Resignation and replacement of Judicial Committee members.** The student whose case is to be heard by a Judicial Committee may bring to the attention of the Committee any facts or circumstances that would compromise or would appear to compromise the impartiality of a member of the Committee. Any member of a Judicial Committee, who knows of any such facts or circumstances, whether or not presented by the student, shall resign from the Committee. Vacancies on a Judicial Committee resulting from resignations, or from failure to serve, or otherwise, shall be filled as they occur in the same manner as provided for the initial establishment of the Committee, if such vacancies occur prior to the day set for the hearing in accordance with Article VI, section 2, below. Vacancies occurring after such date may be filled in said manner at the discretion of the Dean, provided, however, that the failure to fill such vacancies shall not prevent the Committee from taking action as provided for in these Regulations.

## **Article VI. Judicial Committee Procedure and the Rights of the Student**

1. **Hearing date.** Upon presentation of charges against a student as provided in Article IV, above, the Judicial Committee convened to hear the charges shall promptly set the earliest possible date for a hearing by the Committee consistent with the preparation by the student of the student's defense to the charges brought before the Committee. The student is expected to appear in person for the hearing before the Committee. At the request of the student and in compelling circumstances, the Dean may permit the student to appear by electronic means.

2. **Notice to the student.** The Judicial Committee convened to hear charges against a student shall promptly inform the student of the hearing date in writing, and shall promptly transmit the following to the student:

- a. a copy of the charges made and referred to the Committee,
- b. copies of all supporting documents submitted to the Committee, and
- c. a copy of these Regulations.

3. **Presentation of the case.** The Dean's Designate shall prepare the case and present the facts in the hearing before the Judicial Committee. The Dean's Designate shall have the right to be assisted by counsel.

4. **Student's right to counsel.** The student has the right to choose and to be represented by, or to be accompanied by, an advisor or counsel at all stages of the proceeding before the Judicial Committee. Members of the Faculty or Staff of the School of Law may agree in their discretion to serve as such advisors at the request of the student. The student, however, shall sign all papers and pleadings that are introduced on his or her behalf and that assert facts within the student's knowledge.

5. **Witnesses and evidence at the hearing.** Both the student and the Dean's Designate have the right to call witnesses and to introduce evidence at the hearing. Each party has the right to cross-examine any witness who testifies against that party at the hearing. Members of the Committee may also question any witnesses.

6. **The right to remain silent.** The student has the right to remain silent at the hearing. No inferences shall be drawn from a decision by the student to remain silent at the hearing.

7. **Rules of evidence and procedure.** The rules of evidence and procedure applicable to criminal and civil trials do not govern hearings before a Judicial Committee. Except as otherwise provided in this Article, the Judicial Committee may adopt such procedural rules as in the judgment of the Committee will expedite the hearing and ensure due process. The Chair of the Judicial Committee, except as otherwise provided in this Article and subject to disapproval by vote of the Committee, may make such rulings as to procedure and the admissibility of evidence as in the judgment of the Chair will expedite the hearing and ensure due process.

8. **Judicial Committee hearings.** The place of the hearing before a Judicial Committee shall be determined by the Committee. Hearings are normally closed to all except the parties and their advisors and counsel. At the request of the student, the Dean, in consultation with the Committee, may make such exceptions to this rule as the Dean, in the Dean's discretion, concludes are warranted.

9. **Recordings.** Judicial Committee hearings shall be recorded in full and a transcript of such recording shall be made available to the student, or the student's authorized representatives, for review.

10. **Dean's recommendation.** The Dean or the Dean's Designate may recommend a sanction in the event the Judicial Committee finds that disciplinary action is warranted. The Judicial Committee may consider such recommendation in deciding which sanction, if any, to impose. No recommendation from the Dean or the Dean's Designate, however, shall bind the Judicial Committee.

11. **Effect of procedural error.** If, in the judgment of the Judicial Committee, any representative of the Dean's Office, including the Dean's Designate, has failed to comply with the obligations of the Dean's Office under this Code or has otherwise acted in a manner that unduly prejudices the student, appropriate corrective measures may be directed at any stage of the proceedings. Corrective measures shall be within the discretion of the Committee, but procedural error need not require exclusion of evidence or otherwise invalidate the proceeding or disposition of the case. The proceedings of the Judicial Committee shall not ordinarily be invalid by reason of a defective mechanical recording of the proceeding.

12. **Petition for reconsideration.** A student who has been found to have violated a disciplinary regulation may, on the discovery of new evidence, petition the Dean's Office for a rehearing based on such evidence. The petition shall set forth the nature of the new evidence and the circumstances

under which it was discovered. On receipt of a petition for reconsideration, the Dean may either order a new Judicial Committee to hear the case or may deny the petition. The decision of the Dean on a petition for reconsideration shall be final.

## VII. Judicial Committee Decisions

1. **Judicial Committee deliberations private.** After the hearing's conclusion, the Judicial Committee will deliberate in private.
2. **Majority vote required.** The Judicial Committee's decisions shall be reached by majority vote of the Committee members present and voting.
3. **Acquittal.** If a majority of the Judicial Committee determines that a rule violation or unprofessional conduct has not been established (see section 5 below), then the student shall be deemed acquitted and so notified. The charges shall be dismissed, and no record shall be made of the matter in the student's permanent record.
4. **Rule violation or unprofessional conduct established.** If a majority of the Judicial Committee decides that by clear and convincing evidence that a rule violation or unprofessional conduct has been established as charged, then the Committee shall prescribe the specific disciplinary consequences, setting forth its decision promptly in a written confidential report to the Dean. The report shall include the Committee's findings of fact as well as its conclusions with regard to the disciplinary violation and the appropriate sanction, briefly describing the factors the Committee relied on in making its conclusions. If the vote is not unanimous, the report shall note that fact and indicate whether the disagreement concerned the finding of a violation and/or the appropriate sanction; however, the student shall not be informed of the votes of the individual members of the Committee. The Dean shall promptly provide the student with a copy of the Judicial Committee's report, with notice of the right to review by a Disciplinary Review Panel.
5. **Forms of disciplinary action.** Subject to review by a Disciplinary Review Panel convened under Article VIII, the following disciplinary sanctions may be imposed pursuant to a Judicial Committee's decision:
  - a. *Reprimand.* The student may receive a reprimand. The reprimand will be part of the student's permanent record but will not be noted on the student's transcript.
  - b. *Censure.* The student may receive a censure. The censure will be part of the student's permanent record and will be recorded noted on the student's transcript.
  - c. *Suspension.* The student may be suspended from the School of Law for a determinate period with permission to return at the end of that period. The suspension will be part of the student's permanent record and will be noted on the student's transcript.
  - d. *Expulsion.* The student may be expelled. Expulsion terminates the student's studies at the School of Law. The expulsion will be part of the student's permanent record and will be noted on the student's transcript.
  - e. *Stay of sanction.* The student may petition the Dean for a stay of sanction, for example, in connection with an appeal to the Disciplinary Review Panel pursuant to Article VIII, Sec. 2. The petition may be filed before the student notifies the Dean's Office of an intent to appeal. Whether to grant such a petition is within the Dean's discretion.

The Judicial Committee may impose such other conditions as it deems appropriate. These may include, but are not limited to, notification of disciplinary action to third parties and restitution to the School of Law or other parties.



6. **Disqualification from honors.** If the Judicial Committee determines that disciplinary action is warranted, it shall determine also whether the student should be disqualified from consideration for honors upon graduation. Such determination shall be made a part of its report.
7. **Notification to faculty member.** If the Judicial Committee determines that disciplinary action is warranted for misconduct related to any work in a course or seminar, and if that determination is not set aside by a Disciplinary Review Panel, then any faculty member responsible for grading such course or seminar will be notified and will receive a copy of the relevant disciplinary decisions. The faculty member may alter the grade of the student to take account of the disciplinary violation.
8. **Summary of decisions published.** If a Judicial Committee has determined that a student is guilty of a rule violation or unprofessional conduct, and if that determination has not been set aside by a Disciplinary Review Panel, then a brief summary of the disciplinary action shall be published within the School of Law unless the Dean determines otherwise. The summary shall not identify the student.

## **Article VIII. Review of Judicial Committee Decisions**

1. **Composition of the Disciplinary Review Panel.** The Disciplinary Review Panel consists of three members and an alternate, appointed by the Dean, all of whom must be full-time members of the Faculty. On the Dean's appointment, one of the Panel members will serve as Chair. Faculty members serving on the Judicial Committee, or as Associate Dean, may not be Panel members.
2. **Procedure before the Disciplinary Review Panel.** A student found guilty of a disciplinary violation may appeal to the Disciplinary Review Panel, provided that the student notifies the Dean's Office no later than 10 calendar days after the Judicial Committee's decision. A student who chooses to appeal must submit a written statement to the Dean's Office, setting forth grounds for relief from the Judicial Committee's decision. The statement must be submitted within 30 days after the student has filed notice of intent to appeal; otherwise, the appeal will be deemed to have been abandoned. If the student files a statement, the Dean may direct a response.
3. **Standard of review for the Disciplinary Review Panel.** The Panel will review the student's statement and any response, together with the record of the Judicial Committee's proceedings. The Panel's review is not limited to issues raised by the student, but absent exceptional circumstances, the Panel may not consider evidence that the student failed to present to the Judicial Committee. The Disciplinary Review Panel shall affirm the Judicial Committee's decision unless it finds the decision either clearly erroneous or fundamentally unfair.
4. **Challenges to the composition of the Disciplinary Review Panel.** Before determination of the appeal, the student should bring to the Panel's attention, with notice to the Dean, any facts or circumstances that would compromise or appear to compromise the impartiality of a Panel member. Any Panel member who knows of any such facts or circumstances, whether or not presented by the student, should recuse himself or herself from the Panel's deliberations. If any Panel member is disqualified, then the alternate member of the Panel will serve.
5. **Disciplinary Review Panel procedure.** The Panel will deliberate in private. The Panel's decision shall be reached by majority vote of the Panel members present and voting.
6. **Disciplinary Review Panel action.** Taking into account the standard of review described in section 3 above, the Disciplinary Review Panel may:
  - a. Adopt both the Judicial Committee's finding of a violation and the disciplinary action it imposed.
  - b. Adopt the Committee's finding of a violation, but determine that a lesser disciplinary action should be imposed.

- c. Set aside, in whole or in part, the Committee's decision, either (1) dismissing all charges or (2) remanding to the Committee for rehearing as to the charges that should not be dismissed. On rehearing, the Judicial Committee may not impose more severe disciplinary action than it initially imposed.
7. **Finality.** The Panel's decision is final and not subject to further review.
8. **Notification to student.** The Disciplinary Review Panel shall transmit its decision to the Dean's Office. That Office will notify the student.

# APPENDIX 1: Boston University Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment

Boston University prohibits discrimination on the basis of race, color, creed, religion, ethnic origin, age, sex, disability, sexual orientation, gender identity, or other unlawful basis. The goal of the procedures outlined below is to ensure that non-discrimination is a reality at Boston University and that no person in the University community is subjected to such unlawful conduct. All members of the University community can assist in the furtherance of this goal by ensuring that complaints of discrimination are promptly directed to the departments or individuals who have been designated to receive them, in accordance with these procedures.

Any employee, student, or applicant for employment or admission who believes that he or she has been subjected to any form of unlawful discrimination may make a complaint. Unlawful discrimination includes harassment based on an individual's membership in any legally protected category. Boston University will conduct a fair and impartial investigation of all such complaints, with due regard for the rights of all parties. Retaliation against any person who has made a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is illegal and a violation of Boston University policy. The purpose of these procedures is to ensure that all complaints of discrimination are thoroughly and fairly investigated by authorized University officials who have the necessary expertise.

Any complaint of discrimination should be referred to one of the departments, or individuals who are responsible for receiving or investigating such complaints. Any employee who receives a complaint, but who is not specifically designated to formally handle such a complaint, is responsible for directing the complainant or otherwise referring the complaint to the appropriate individual or office. All complaints, either verbal or written, must be referred to the appropriate office, as set forth below.

## **I. Applicability of These Procedures**

The process outlined in this section applies to all complaints of unlawful discrimination or harassment, except (1) those alleging any form of sexual misconduct, and (2) those brought by students on the basis of disability. Any person alleging sexual misconduct on the part of any Boston University faculty or staff member, affiliate (e.g., visitor, vendor, etc.), or non-affiliate should refer to University's [Sexual Misconduct/Title IX Policy](#) and the [Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#). Any person alleging sexual misconduct on the part of a Boston University student should refer to University's [Sexual Misconduct/Title IX Policy](#) and the [Procedures for the Resolution of Sexual Misconduct Complaints Against Students](#). Students who would like to file a complaint alleging discrimination based on disability should file with the Office Disability Services, in accordance with the procedures set forth in the last section of this document, [Student Grievance Procedure in Cases of Alleged Disability Discrimination](#).

The University's Executive Director of Equal Opportunity is the designated coordinator for complaints arising under Title VI and Title VII of the Civil Rights Act and Massachusetts General Laws Chapter 151B. General inquiries regarding the application of Title VI and Title VII should be directed to the Equal Opportunity Office.

[Executive Director](#)  
[Equal Opportunity Office](#)  
888 Commonwealth Ave, Suite 303  
617-358-1796

Effective Date – February 2015

## **II. Initiating a Complaint**

Employees, students, or applicants for employment or admission who believe that they have been subjected to unlawful discrimination may initiate a complaint either by meeting with the appropriate individual in one of the offices listed below, or by submitting a written complaint to that individual or office. The information provided in the complaint should be as specific as possible regarding the circumstances that precipitated the complaint. The complaint should include the dates and places of the incidents at issue, the individuals involved, the names of any witnesses, any actions taken in an attempt to resolve the matter and the result of these actions, and any other pertinent information.

### **Offices in Which a Complaint of Discrimination May Be Initiated**

There are several offices available to receive complaints from students, faculty, and staff who believe they have been subjected to unlawful discrimination.

#### **Complaints by Students**

Students may initiate a complaint by speaking to the Dean's office of the student's School or College or by contacting the [Equal Opportunity Office](#) or the Dean of Students Office. Students living in University residences may also speak to a member of the Residence Life staff.

#### **Complaints by Members of the Faculty or Staff**

Faculty or staff may initiate a complaint by contacting the [Equal Opportunity Office](#) or Human Resources. Employees in academic units may also initiate a complaint with the Dean's office of the applicable School or College. Employees covered by a collective bargaining agreement may have additional options under that agreement for addressing complaints.

#### **Complaints from applicants for employment or admission, visitors, or other non-affiliated individuals**

These complaints may be initiated in the [Equal Opportunity Office](#).

#### **Complaints from students, faculty, or staff at off-site locations**

Any individual at an off-site location, such as Washington, D.C., overseas programs, etc., may bring a complaint to any of the above offices as appropriate, to the Study Abroad office, or to the on-site director of the program.

The address and phone number for each of the offices noted above is provided below.

## **III. Investigation and Resolution of Complaints**

The offices available to receive complaints, noted above, were selected to give all members of the University community the opportunity to initiate a complaint in a place in which they will feel comfortable doing so. These offices have the responsibility, after speaking with the complainant and/or reviewing a written complaint, to ensure that the complaint is directed to the proper office or individual for investigation.

The University has designated specific offices and individuals to investigate complaints of unlawful discrimination. Depending upon whether the individual accused of engaging in discrimination is a student, a faculty member, or a staff member, the investigation will be conducted by the designated office or individual with the appropriate expertise and jurisdiction to do so. The offices and individuals responsible for investigating complaints of discrimination are set forth below. In any particular case, the University Provost may designate the office or individual to investigate a complaint. The University will ensure that no person who is the subject of a complaint will be assigned to investigate that complaint. The Equal Opportunity Office, if it is not conducting the investigation, will provide advice or assistance to the investigation process.

The investigation may involve meeting with the parties, interviewing witnesses, requesting written statements from the parties, informing the person whose actions are the subject of the complaint of the allegations and/or providing to that person a copy of the complainant's statement, and/or making any other appropriate inquiries. Before any adverse determination is made, the individual whose actions are the subject of the complaint will be informed as to the nature of the complaint, and will have an opportunity to respond.

The investigation should be completed promptly so that a decision can be rendered within 60 calendar days of receipt of the complaint. If the investigation cannot be completed within 60 days, the complainant will be informed of the status of the investigation.

A confidential record of all complaints, including their disposition, will be maintained by the investigating unit. The Equal Opportunity Office will be informed and maintain a confidential record of all complaints of discrimination against faculty and staff investigated by other units. Records of complaints against students will be maintained by Judicial Affairs.

### **A. Complaints Against Students**

The person who receives a complaint against a student will generally refer the matter for investigation to the Dean of Students. The Dean of Students will take any action that might be appropriate based on the results of the investigation, consistent with the applicable provisions in the Code of Student Responsibilities.

### **B. Complaints Against Faculty Members**

The person who receives a complaint against a member of the faculty will refer the matter to the Executive Director of Equal Opportunity, who will inform the Dean of the faculty member's School or College. The complaint will be investigated by the Executive Director of Equal Opportunity in consultation with the Dean or the Dean's designee. If the complaint also involves academic matters such as grades, curriculum, etc., the investigator will ensure that those matters are addressed by the appropriate officials within the School or College. The Dean of the School or College will be informed in writing of the findings of the investigation and will determine whether further action is appropriate. Any action involving faculty will be consistent with the procedures outlined in the [Faculty Handbook](#).

### **C. Complaints Against Staff Members**

The person who receives a complaint against a member of the staff will refer the matter for investigation to the Equal Opportunity Office. That office will inform the appropriate Dean or administrative head and Human Resources. The Executive Director of the Equal Opportunity Office will designate a member of the Equal Opportunity Office staff to investigate the complaint. The investigator will provide findings, in writing, to the Dean or administrative head, who will determine what action, if any, is appropriate. Action

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

#### **IV. Confidentiality**

Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the University's need to investigate the complaint and/or implement decisions made in order to resolve the complaint. However, to enable the University to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the University community, no representative of the University is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

Any individual who requests confidentiality before disclosing a complaint must be informed that because any apparent violation of Boston University policy must be addressed, complete confidentiality may not be possible. An individual who insists on confidentiality as a condition of disclosing a complaint may be advised of the opportunity to consult with one of the University's medical or mental health professionals, or with the [University Ombuds](#), with whom such matters may be discussed in confidence. However, consulting with these professionals does not constitute the initiation of a complaint. Medical and mental health professionals and the University Ombuds are not representatives of the University for this purpose and are not authorized to investigate or respond to complaints of discrimination.

#### **V. Appeals**

In the event that the complainant believes that the resolution of the complaint has not rectified the situation, an appeal may be made. In cases involving complaints against staff, the appeal should be filed with the Executive Director of Equal Opportunity, who will direct the appeal to the appropriate officer of the University for review and disposition. In cases involving complaints against students, the appeal should be filed with the Dean of Students in accordance with the appeal procedures outlined in Section V of the [Code of Student Responsibilities](#). In cases involving complaints against a faculty member, the appeal should be filed with the Executive Director of Equal Opportunity, who will consult with either the Dean of the School or College in which the faculty member is appointed (if the Dean did not make the decision being appealed) or the University Provost to determine the appropriate officer of the University to whom the appeal should be directed.

An individual whose action(s) are the subject of a complaint may appeal adverse action taken as a result of the complaint. Students disciplined under the [Code of Student Responsibilities](#) should follow the appeal procedures outlined in that document. Faculty members should follow the procedures in the [Faculty Handbook](#). Other employees should follow the grievance procedures outlined in the [Employee Handbook](#), or their collective bargaining agreement, whichever is appropriate.

These procedures shall constitute the grievance procedures mandated by the regulations implementing Section 504 of the Rehabilitation Act of 1973. The procedures for student grievances under Section 504 are set forth below in the [Student Grievance Procedure in Cases of Alleged Disability Discrimination](#).

***Questions about the University's Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment may be addressed to the Equal Opportunity Office.***

## **VI. Offices Where Complaints May Be Initiated**

### Equal Opportunity Office

888 Commonwealth Ave., Suite 303  
Boston, MA 02215  
617-353-9286

Dean's Office (in the complainant's school or college)

### Dean of Students

775 Commonwealth Ave.  
Boston, MA 02215  
617-353-4126

Human Resources, Charles River Campus

### Human Resources Business Partner

25 Buick St.  
Boston, MA 02215  
617-353-4044

Human Resources, Medical Campus

### Human Resources Business Partner

801 Massachusetts Avenue, Suite 400  
Boston, MA 02118  
617-638-4610

### Office of Residence Life

25 Buick St.  
Boston, MA 02215  
617-353-4380

### Study Abroad

888 Commonwealth Ave.  
Boston, MA 02215  
617-353-9888

## **Student Grievance Procedure in Cases of Alleged Disability Discrimination**

Boston University prohibits discrimination against any individual on the basis of physical or mental disability. This policy extends to all rights, privileges, programs, and activities, including housing, employment, admissions, financial assistance, educational and athletic programs. It is also the policy of Boston University to provide reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question. The purpose of these procedures is to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated by the authorized units of the University. Boston University will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is illegal and a violation of Boston University policy.

When a student believes that he or she has been discriminated against on the basis of disability, he or she may file, in writing, a formal grievance with the Director of Disability Services, who is the University's

compliance officer for Section 504 of the Rehabilitation Act of 1973. The statement should be as specific as possible regarding the actions(s) or inaction(s) that precipitated the grievance: date, place, persons involved, efforts made to settle the matter informally, and the remedy sought.

If a student with a grievance alleging disability discrimination is also employed by the University, and the grievance arises out of the student's employment, the grievance may be filed under the University's Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment (above). If the Director of Disability Services receives a grievance which appears to allege disability discrimination arising out of a student's employment, the grievance may be referred to the Equal Opportunity Office to be handled under the policy applicable to employees.

Where the grievance arises out of a decision made by Disability Services regarding a student's eligibility for academic or other accommodations, the grievance will be forwarded for investigation to the University Provost. Grievances otherwise involving academic matters, for example, cases in which grades are disputed, will also be forwarded to the University Provost, who will determine which office(s) should conduct the investigation.

Otherwise, the Director of Disability Services shall investigate the matters set forth in the written grievance. In conducting this investigation, the investigator may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance, and may request a written response from appropriate individuals in the University. The investigator may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.

After completing the investigation, the investigator will forward a copy of a report and recommendation to the appropriate University official. If the complaint arises out of an academic unit, the report will be forwarded to the Dean of the appropriate School or College, unless he or she is the subject of the grievance. In such cases, the report will be sent to the University Provost. If the complaint arises from a nonacademic unit, the report will be forwarded to the administrative head of the unit, unless he is the subject of the grievance. In such cases, the report will be forwarded to the Dean of Students, who will forward it to the appropriate officer of the University.

Within 60 days of the filing of the grievance, the University Provost, Dean, or administrative head will render a decision on the merits of the student's complaint. If resolution is not possible within 60 days, the University Provost, Dean, or administrative head shall inform the student of the status of the investigation.

Copies of the decision by the University Provost, Dean, or administrative head will be sent to the student, the University Provost (when not issued by him), and the Director of Disability Services. A copy may also be sent to the department and/or the persons whose actions (or inactions) are the subject of the grievance, as appropriate.

In the event that the student is not satisfied with the resolution of the grievance, an appeal may be made. The appeal should be filed with Disability Services, who will direct the appeal and all appropriate records to the appropriate office of the University for review and disposition.

Copies of the decision will be maintained in the Office of the Provost and at Disability Services.

These procedures shall constitute the grievance procedure mandated by regulations implementing Section 504 of the Rehabilitation Act.



*Questions about the University's Student Grievance Procedures in Cases of Alleged Disability Discrimination should be addressed to Disability Services.*

*Exceptions to these procedures may be granted by the President, University Provost, Medical Campus Provost, or the General Counsel.*

**Please visit the Equal Opportunities Office online for the most current policies:**

**<http://www.bu.edu/eoo/policies-procedures/>**

**<http://www-staging.bu.edu/policies/employment/alleged-unlawful-discrimination-or-harassment/>**

**<https://www.bu.edu/eoo/policies-procedures/complaint/>**

## **APPENDIX 2: Student Grievance Procedure in Cases of Alleged Disability Discrimination**

Boston University prohibits discrimination against any individual on the basis of physical or mental disability. This policy extends to all rights, privileges, programs, and activities, including housing, employment, admissions, financial assistance, educational and athletic programs. It is also the policy of Boston University to provide reasonable accommodations to persons with disabilities unless such accommodations would impose an undue burden or fundamental alteration to the program in question. The purpose of these procedures is to ensure that all complaints of discrimination based on disability are thoroughly and fairly investigated by the authorized units of the University. Boston University will conduct a fair and impartial investigation of all allegations of discrimination, with due regard for the rights of all parties. Retaliation against any individual who has filed a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of Boston University policy.

When a student believes that he or she has been discriminated against on the basis of disability, he or she may file, in writing, a formal grievance with the Director of Disability Services ([www.bu.edu/disability](http://www.bu.edu/disability)), who is the University's compliance officer for Section 504 of the Rehabilitation Act of 1973. The statement should be as specific as possible regarding the actions(s) or inaction(s) that precipitated the grievance: date, place, persons involved, efforts made to settle the matter informally, and the remedy sought.

If a student with a grievance alleging disability discrimination is also employed by the University, and the grievance arises out of the student's employment, the grievance may be filed under the University's Complaint Procedures in Cases of Alleged Unlawful Discrimination or Harassment. If the Director of Disability Services receives a grievance which appears to allege disability discrimination arising out of a student's employment, the grievance may be referred to the appropriate office to be handled under the policy applicable to employees.

Where the grievance arises out of a decision made by Disability Services regarding a student's eligibility for academic or other accommodations, the grievance will be forwarded for investigation to the University Provost. Grievances otherwise involving academic matters, for example, cases in which grades are disputed, will also be forwarded to the University Provost, who will determine which office(s) should conduct the investigation. Otherwise, the Director of Disability Services shall investigate the matters set forth in the written grievance. In conducting this investigation, the investigator may forward a copy of the grievance statement to the persons whose actions (or inactions) are the subject of the grievance, and may request a written response from appropriate individuals in the University. The investigator may also choose to interview witnesses, to meet with concerned parties, to receive oral or written statements, and to make other appropriate inquiries.

After completing the investigation, the investigator will forward a copy of a report and recommendation to the appropriate University official. If the complaint arises out of an academic unit, the report will be forwarded to the dean of the appropriate school or college, unless he is the subject of the grievance. In such cases, the report will be sent to the University Provost. If the complaint arises from a nonacademic unit, the report will be forwarded to the administrative head of the unit, unless he is the subject of the grievance. In such cases, the report will be forwarded to the Dean of Students, who will forward it to the appropriate officer of the University.

Within 60 days of the filing of the grievance, the University Provost, dean, or administrative head will render a decision on the merits of the student's complaint. If resolution is not possible within 60 days, the University Provost, dean, or administrative head shall inform the student of the status of the investigation.

Copies of the decision by the University Provost, dean, or administrative head will be sent to the student, the University Provost (when not issued by him), and the Director of Disability Services. A copy may also be sent to the department and/or the persons whose actions (or inactions) are the subject of the grievance, as appropriate.

In the event that the student is not satisfied with the resolution of the grievance, an appeal may be made. The appeal should be filed with Disability Services, who will direct the appeal and all appropriate records to the appropriate office of the University for review and disposition.

Copies of the decision will be maintained in the Office of the Provost and at Disability Services.

These procedures shall constitute the grievance procedure mandated by regulations implementing Section 504 of the Rehabilitation Act.

Questions about the University's Student Grievance Procedures in Cases of Alleged Disability Discrimination should be addressed to Disability Services.

Exceptions to these procedures may be granted by the President, University Provost, Medical Campus Provost, or the General Counsel.

**Please visit the Equal Opportunities Office online for the most current policies:**

**<http://www.bu.edu/eoo/policies-procedures/>**

**<http://www.bu.edu/eoo/policies-procedures/complaint/>**

**<https://www.bu.edu/academics/policies/student-grievance-procedure-in-cases-of-alleged-disability-discrimination/>**

# APPENDIX 3: Boston University Sexual Misconduct/Title IX Policy

**Effective Date: August 14, 2020 Revised: August 1, 2021**

**Governed by: <https://www.bu.edu/policies/sexual-misconduct-title-ix-hr/>**

*\*Note: 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. 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.*

## **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.

This policy is organized as follows:

### **Section I – Introduction**

### **Section II – Scope of the Policy and Procedures**

### **Section III – Prohibited Conduct and Definitions**

### **Section IV – Other Important Concepts and Definitions**

### **Section V – Campus and Community Resources**

### **Section VI – Reporting Sexual Misconduct**

### **Section VII – Other Information Related to Reporting Sexual Misconduct**

### **Section VIII – Title IX/Sexual Misconduct Review**

### **Section IX – Prevention and Education**

### **Section X – Training**

### **Section XI – Resources and Support**

### **Section 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 disability, 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 but not limited to 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 Policy on Sexual Misconduct and Title IX Sexual Misconduct (“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, the University encourages anyone coping with such a situation to seek help and support. 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 and Prevention Center (SARP) at 617-353-7277. Faculty and staff may contact the Faculty and Staff Assistance Office (FSAO) at 617-353-5381 for assistance. These services are free of charge to members of the BU community.

### **Summary of Procedures**

The Procedures require the Respondent 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 (Title IX or Non-Title IX Sexual Misconduct) allegedly violated. The Institution's investigation, including any hearing and disciplinary proceedings, will be impartial and conducted by an individual who receives not less than annual training on issues related to sexual misconduct, investigatory procedures, and hearing procedures. The Respondent is presumed not responsible for the alleged conduct until a determination has been made by the Preponderance of the Evidence. The parties will receive copies of the policies regarding the submission and consideration of evidence that may be used during a hearing or disciplinary proceeding. The parties will have equal opportunities to review and inspect evidence obtained

in the investigation that is directly related to the allegations. The parties may be accompanied by an advisor or support person of their choice. They may consult with their advisor during any meeting (although the availability of an advisor may not significantly delay any meeting). The University will adopt reasonable measures to provide for the involvement of the advisor, which will be applied equally. 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 in making a disciplinary determination. 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 directly question each other. The parties 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 and are informed of any appeals process. Should the parties appeal the determination due to 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, the parties will be provided with an equal opportunity 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 or as permitted under state or federal law.

Nothing in this Policy or any of the University's Procedures for the Resolution of Sexual Misconduct Complaints shall be construed to abridge academic freedom, principles of free speech, or Boston University's educational mission.

### **Disciplinary Process for Violations of University Sexual Misconduct Procedures**

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

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

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

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

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

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

- Counseling or other forms of corrective action

- Educational programs
- Demotion
- Administrative leave of absence (without pay)
- Suspension
- Termination

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

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

### **III. Prohibited Conduct And Definitions**

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

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

#### **A. Title IX Sexual Misconduct**

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

1. **Quid Pro Quo Sexual Harassment** – A University employee conditions the provision of an aid, benefit, or service of the University on a person's participation in unwelcome sexual conduct.
2. **Sexual Harassment** – Unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
3. **Sexual Assault** – Any sexual act directed against another person, without that person's consent (including instances where the victim is incapable of giving consent), and includes each of the following:
  - a. *Forcible Rape* – (i) sexual intercourse, or (ii) oral or anal sexual intercourse, or (iii) use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, either (A) forcibly and/or against that person's will, or (B) against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity;
  - b. *Fondling* – touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or not against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - c. *Incest* – nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. *Statutory Rape* – nonforcible sexual intercourse with a person who is under the statutory age of consent.



**4. Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.

**5. Domestic Violence** – Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**6. Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his, her or their safety or the safety of others; or (b) suffer substantial emotional distress.

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

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

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

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

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

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

**2. Sexual Harassment** – Unwelcome conduct of a sexual nature that has the effect of creating a hostile or stressful living, learning, or working environment, or whenever toleration of such conduct or rejection of it is the basis for an academic or employment decision affecting an individual. Conduct is considered “unwelcome” if the person did not request or invite it and considered the conduct to be undesirable or offensive.

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

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 has 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 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 e-mails or Web sites 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, gender 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 sexual exploitation:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- 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,
- 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.

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 e-mails a day, messaging him on Instagram, and sending text messages to his cell phone. David changed his e-mail address and cell phone number, but somehow Ellen discovered his new address and cell phone number

and began sending even more e-mails 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 types 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.

#### 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.

### C. 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.

#### 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 Judicial Affairs Office (JA) 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, she, or they 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, inability to speak or communicate orally, or the inability to communicate for any reason.

It is a violation of this Policy or federal or Massachusetts laws, 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 and 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 or 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 or 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 or 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 Sexual Misconduct or Non-Title IX Sexual Misconduct investigation and resolution processes.

*1. Title IX Coordinator.* 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 [University Title IX Coordinator's contact information](#) is in Section X.

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

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

Students or employees may also access resources located in the local community. The organizations and agencies listed in Section 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 best suited to their needs, whether on or off campus. In general, off-campus resources can provide assistance



to those who wish to make a report to the University, but will not notify the University without the consent of the complainant.

## **VI. Reporting Sexual Misconduct**

Boston University encourages all students or employees to report incidents of Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct as promptly as possible so that the University can respond effectively. Students may report Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct to the Dean of Students, the Judicial Affairs Office (“JA”), the Title IX Coordinator, 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 will be disclosed to the Title IX Coordinator.

The University recognizes that student complainants may be most comfortable disclosing Title IX Sexual Misconduct or 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 or 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 confidential resources identified 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 initiate 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 both prior to and after the filing of a 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 Coordinator. 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 Individuals Who Report Sexual Misconduct (“Amnesty”)**

Boston University encourages the reporting of all concerns regarding sexual misconduct. In some instances, individuals may be hesitant to report Sexual Misconduct because they fear they may be charged with other policy violations. Because BU’s primary interest is in protecting the well-being of its community and remedying Sexual Misconduct, a person who reports such misconduct, either as a complainant or a third party witness, will not be subject to disciplinary sanction for a violation of the University’s conduct policies or standards related 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 and 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 timeframe for reporting. However, the University’s ability to investigate and respond effectively may be reduced with the passage of time.

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

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

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

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

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

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

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

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

The University supports public awareness events that further campus-wide education and prevention efforts. A survivor’s public disclosure of incidents of sexual misconduct at these events will not be considered a report to the University for the purpose of initiating an investigation of a particular incident. In addition, the University may, from time-to-time, conduct climate surveys to gauge the BU community’s 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 initiating an investigation of a particular incident.

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

Boston University encourages complainants to pursue criminal action for incidents of sexual harassment or other sexual misconduct that may also be crimes under Massachusetts law. In general, the University, through the Chief of the BUPD, will notify the Boston, Brookline or other appropriate local police department of allegations of sexual violence. Boston, Brookline, and other local police departments are also likely to inform BUPD of sexual misconduct that is reported by Boston University students, faculty or staff, or that took place on Boston University property. When BUPD learns of sexual misconduct from an outside police department, it will notify the Title IX Coordinator.

The University will also assist a complainant in making a criminal report and will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law. However, a complainant may also choose not to pursue criminal action, and under most circumstances, the Boston, Brookline or other local police department will not force a complainant to pursue criminal charges if he, she or they is not willing to do so.

## **VIII. Title IX/Sexual Misconduct Review**

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

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

A complete list of the Deputy Title IX Coordinators is available online.

The Title IX and Deputy Title IX Coordinators can be contacted by telephone, e-mail, 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 investigation and resolution of 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 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 IX Sexual Misconduct**

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

- Complaints of Title IX Sexual Misconduct against student, faculty, staff or other respondents will be addressed under the [Procedures for the Resolution of Title IX Sexual Misconduct Complaints Against Students, Faculty, Staff, Affiliates, and Non-Affiliates](#).
- Complaints of Non-Title IX Sexual Misconduct against undergraduate, graduate and professional student respondents will be resolved under the [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints against Students](#).
- Complaints of Non-Title IX Sexual Misconduct against faculty and staff respondents, affiliates and non-affiliates, will be resolved under the [Procedures for the Resolution of Non-Title IX 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 committing 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. Training materials will be made publicly available on the University’s website.

In addition, the University has developed an online 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 conduct, and ensure that they are aware of available on- and off-campus resources.

## **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 [Safety website](#). 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.  
930 Commonwealth Avenue  
24-hour hotline: 617-353-SARP (7277)  
By email: [sarp@bu.edu](mailto:sarp@bu.edu); [www.bu.edu/sarp](http://www.bu.edu/sarp)

#### [Center for Psychiatric Rehabilitation \(for student respondents\)](#)

The Center for Psychiatric Rehabilitation is dedicated to improving the lives of persons who have psychiatric disabilities. The Center specializes in wellness, recovery, support, and advocacy for individuals alleged to have caused harm.  
940 Commonwealth Avenue West  
617-353-3549  
By email: [psyrehab@bu.edu](mailto:psyrehab@bu.edu)

#### [Student Health Services/Behavioral Medicine](#)

SHS is an integrated health center that leaves a lasting impression on the health and wellness of students. SHS promotes wellness, preserves health, and enables achievement for BU students.  
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.  
881 Commonwealth Ave  
24-hour hotline: 617-353-3569

### **Employee Resources**

#### [Faculty & Staff Assistance Office \(for employees\)](#)

FSAO provides free and confidential support, problem-solving, or coaching to address work and personal

challenges for BU employees or their families.

Charles River Campus: 888 Commonwealth Ave, Suite 309, 617-353-5381

Medical Campus: Dr. Solomon Carter Fuller Mental Health Center. 85 East Newton Street, 818b. 617-353-5381

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

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

### **Confidential Resource Providers**

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

Denita Johnson, 264 Bay State Rd, 617-353-1634, [denita@bu.edu](mailto:denita@bu.edu)

Sonia Mee, 264 Bay State Rd, 617-353-2245, [smee@bu.edu](mailto:smee@bu.edu)

881W Commonwealth Ave., 1st Floor

### **Office of the Ombuds**

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

Charles River Campus

930 Commonwealth Avenue

617-358-5960

Medical Campus

Solomon Carter Fuller Building

85 East Newton Street, 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.

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

617-353-0911

### [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

### [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, Second Floor

775 Commonwealth Ave.

617-353-4126

### [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 \(Faculty and Staff\)](#)

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.

888 Commonwealth Ave., Suite 303

617-358-1796

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



### [Human Resources \(Faculty and Staff\)](#)

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  
801 Massachusetts Avenue  
Crosstown Center Building, Suite 400  
617-638-4610

### **Student Resources**

#### [University Service Center](#)

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

881 Commonwealth Avenue  
617-358-1818  
By email: [usc@bu.edu](mailto:usc@bu.edu)

#### [Student Financial Assistance](#)

The Student Financial Assistance can help students with financial concerns.

881 Commonwealth Avenue  
617-353-2965  
By email: [finaid@bu.edu](mailto:finaid@bu.edu)

### **Off-Campus Counseling, Advocacy Resources, 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.

617-492-8306  
800-841-8371

#### [Victim Rights Law Center \(VRLC\)](#)

VRLC provides legal and advocacy services  
115 Broad Street, 3rd Floor  
Boston, MA 02110 617-399-6720 ext. 19

#### [Fenway Health Violence Recovery Program](#)

Free counseling and advocacy, specializing in services to the LGBTQIA+ community.

Ansin Building  
1340 Boylston Street  
Boston, MA 02215  
617-927-6250, 800-834-3242  
After 5:00 pm 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](mailto: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

[http://www.cityofboston.gov/police/divisions/sau\\_home.asp](http://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/Healthcare 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 steps 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](#)

Office for Civil Rights

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](#)

Office on Violence Against Women (OVW)

145 N Street, NE, Suite 10W.121

Washington, DC 20530

Phone: 202-307-6026

Fax: (202) 305-2589

TTY: (202) 307-2277

### [U.S. Citizenship and Immigration Services](#)

Boston Field Office

John F. Kennedy Federal Building

15 New Sudbury Street

Room E-160

Boston, MA 02203

800-375-5283

### [Massachusetts Commission Against Discrimination \(MCAD\)](#)

1 Ashburton Place, Sixth Floor

Boston, MA 02108

617-994-6000

XII. Confidentiality Protections and 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	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). 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.
Student Health Services ("SHS")	Confidential	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). 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). If there is reasonable cause to suspect that a minor has been sexually assaulted, SHS will notify law enforcement (Massachusetts Law).
Faculty & Staff Assistance Office ("FSAO")	Confidential	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). 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).
University Ombuds	Confidential	The Ombuds may provide anonymous (de-identified) information to the Title IX Coordinator in an effort to

Office/Personnel	Status	Reporting Obligation
Title IX Coordinator	Not Confidential	<p>address emerging problems or to prevent recurrence, including information on general trends or patterns of concern (Title IX).</p> <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). 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). 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>
Confidential Resource Providers	Confidential	<p>Confidential Resource Providers (CRPs) are trained in awareness and in responding to trauma. CRPs can provide information to members of the community regarding: Reporting options and the effects of each option; counseling services available on campus and through local, community-based rape crisis or domestic violence centers; medical and health services available on and off-campus; available school or work based supportive measures related to academic and residence life, and employment; explain BU’s disciplinary process and the legal process; notify the reporting party of their rights and BU’s responsibilities in obtaining a criminal protection order (209A/258E); and BU No Contact Directive, BU No Trespass Order, and other lawful orders from law enforcement or BU. CRPs may accompany or participate in any meeting as an advisor or support person to any hearing or disciplinary proceeding at the request of the reporting party or the responding party.</p>
Deputy Title IX Coordinator	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 or Non-Title IX 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 Judicial Affairs Office) will investigate and respond to reported incidents of sexual misconduct (Title IX). 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</p>

Office/Personnel	Status	Reporting Obligation
<p>Judicial Affairs Office (“JA”)</p>	<p>Not Confidential</p>	<p>any required timely warning (Clery Act). The Dean will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p> <p>Unless a complainant requests otherwise and the request is granted, OJA will investigate and respond to reported incidents of sexual misconduct (Title IX). 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). OJA will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>
<p>Equal Opportunity Office (“EOO”)</p>	<p>Not Confidential</p>	<p>Unless a complainant requests otherwise and the request is granted, EOO will investigate and respond to reported incidents of sexual misconduct (Title IX). 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). EOO will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>
<p>Boston University Police Department (“BUPD”)</p>	<p>Not Confidential</p>	<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). 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). If the incident is a crime and poses a serious or continuing threat, BUPD will issue a timely warning or emergency notification (Clery Act). 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). BUPD will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
<p>Other University Personnel</p>	<p>Not Confidential</p>	<p>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). 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</p>

Office/Personnel	Status	Reporting Obligation
		<p>any required timely warning (Clery Act).            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). Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>

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## 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](http://www.bu.edu/policies/sexual-misconduct-title-ix-hr/), 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](http://www.bu.edu/policies/resolution-of-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](http://www.bu.edu/policies/procedures-faculty-staff-affiliates-non-affiliates-sexual-misconduct/),  
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](http://www.bu.edu/policies/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](#) “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.

**Forms (available online)**

Incident Report Form: [https://bu-gme-advocate.symplicity.com/public\\_report/index.php/pid323326?rep\\_type=1000&simplify\\_interface=1](https://bu-gme-advocate.symplicity.com/public_report/index.php/pid323326?rep_type=1000&simplify_interface=1)

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](#)
- [Judicial Affairs Office](#)
- [Dean of Students Office](#)
- [Office of the Provost](#)
- [Human Resources](#)
- [Sexual Assault Response & Prevention Center - SARP](#)
- [Faculty & Staff Assistance Office - FSAO](#)
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BU Memorandums and Information

- [Memorandum - Federal Changes to Title IX Regulations](#), July 6, 2020, From Dr. Jean Morrison, University Provost and Chief Academic Officer, Kenneth Elmore, Associate Provost and Dean of Students,, Ken Freeman, Vice President for Human Resources ad interim, and Maureen O'Rourke, Associate Provost for Faculty Affairs. Available at: <https://www.bu.edu/provost/2020/07/06/federal-changes-to-title-ix-regulations/>.
- [BU Readies for Title IX Changes to Sexual Misconduct Regulations](#), BU Today Article, July 7, 2020. Available at: <http://www.bu.edu/articles/2020/bu-concerned-with-title-ix-changes-to-sexual-misconduct-regulations/>.



## **APPENDIX 4: BU Law Policy on Equality of Opportunity in Recruiting**

**1. Policy.** Subject to section 3 below, BU Law affords use of its facilities and services only to employers who neither:

- a. discriminate on the basis of race, color, religion, sex, age, national origin, physical or mental disability, sexual orientation, genetic information, military service, gender identity, or because of marital, parental, or veteran status; nor
- b. engage in sexual harassment, on and off the campus of BU Law.

Students are encouraged to notify the Career Development Office (“CDO”) of all violations of this Policy.

**2. Procedure.** This procedure applies both to employers who use BU Law’s Career Development Office facilities and recruitment services, and to employers who do not, but who employ any BU Law student or who violate the policy in the hiring process. Complaints will be entertained only from persons who were victims of the alleged discrimination or harassment.

**a. Oral Complaint (“complaint”)**

(1) If a law student believes that an employer has violated the Policy, s/he is urged to promptly inform the Director of the CDO (the “Director”). The Director shall promptly speak with the student and take notes of their conversation. The Director shall also provide the student with a copy of this policy and the names of persons willing to serve as advisors to the student under paragraph 2.b(9) below, and shall encourage the student to seek such advice.

(2) If, following the interview with the Director, the student does not wish to pursue the matter, the employer will not be informed of the oral complaint.

(3) The Director shall keep a record of the conversations described in paragraph 2.a. (1) above. Upon receiving an oral complaint, the Director shall review the CDO records for any prior oral or written complaints against the same employer. If there have been three different complaints about the same employer within a two-year period, the Director shall bring the complaints and their dispositions to the attention of the Career Planning, Placement, and Clerkship Committee (the “Committee”). At its next meeting, the Committee shall determine whether, on its own initiative, to undertake an inquiry into the employer’s conduct.

**b. Written Complaint**

(1) A student who wishes to have his or her complaint recorded and pursued may submit a written complaint to the Director.

(2) Upon receiving the complaint, the Director will promptly interview the complainant concerning the matter and review CDO records for any previous oral or written complaints against the employer. If the Director determines that reasonable cause exists to believe that a violation of the Policy has occurred, the Director will contact the employer and attempt to resolve the complaint informally. If efforts to resolve the complaint informally are unsuccessful the Director shall communicate the allegations of the complaint to the employer in writing (the “Letter”). If the complaining student so requests, the Director shall preserve the student’s anonymity to the extent practical.

(3) Any student who submits a complaint and subsequently decides not to pursue the matter may withdraw the complaint. If the employer has already been contacted, the employer will be informed that

the student has withdrawn the complaint and that, nonetheless, the employer may respond to the substance of the complaint.

(4) If the employer admits to all the facts, and admits that they constitute a violation of the Policy, the Director shall report this to the Committee. The Committee may then recommend a remedy, as described in paragraph 2.b. (7) (a).

(5) If the Director or student concludes that the employer's response (the "Response") to the Letter is unsatisfactory or if the employer has failed to respond within 30 days, the Director shall forward copies of the complaint, Letter, and Response to the Committee. At the next scheduled meeting of the Committee, but no later than 30 days following the Director's receipt of the Response, the Committee shall meet to deliberate upon the matter and, in its discretion, appoint a special investigator (see paragraph 2.b).(6) or a hearing panel (see paragraph 2.b.(7)).

(6) Where appropriate, the Committee shall ask a member of the Faculty to serve as a special, impartial investigator for purposes of finding facts and making recommendations. If an investigator is appointed, the investigator's recommendation may include a recommendation that a hearing be held (see paragraph 2.b. (7)). In making recommendations, the investigator may consult with the Committee. The record shall include a statement from the investigator.

#### (7) Procedure

(a) If the Committee finds that a hearing is essential to full and fair resolution of the complaint, it may appoint a hearing panel composed of three Committee members, at least two of whom shall be members of the faculty and a third who, at the option of the complainant, may either be a student or faculty member. The Director shall provide the student and employer with reasonable notice of the hearing, and inform them of the procedures to be followed. The procedure will be informal. The student and the employer may: (i) appear with the assistance of counsel; (ii) present testimony and other evidence; (iii) question any witness. All proceedings shall be tape recorded.

If the panel determines that this Policy has been violated, it shall report its findings to the Committee, together with its recommendation for a remedy, including any or all of the following: (i) a letter of reprimand to the employer; (ii) agreement that the employer will apologize and/or make amends in another fashion; (iii) notice of the violation to the BU Law community; (iv) temporary or permanent suspension from the use of CDO facilities. In making its recommendation, the panel shall consider, among other things, the seriousness of the violation, whether the violation was an isolated incident or pattern of behavior, and the extent of any remedial measures taken by the employer.

Upon receipt and review of the panel's report, the Committee shall notify the parties in writing of its findings and recommendations, and shall also notify the Dean. If there is a recommendation to suspend or exclude the employer from the use of the CDO facilities, the Committee shall first report that recommendation to the Dean for approval.

(b) Notice of the violation to the BU Law community (see paragraph 2.b. (7) (a) (iii) above) is meant to protect students and help guide their career choices. It shall consist of keeping a Discrimination Complaint File, that is available to students, containing a list of complaints that have been acted on by the Committee and including the name of the entity against whom the complaint was made, a general description of the complaint, whether the Complaint was sustained or dismissed and the nature of the penalty, if any. The name of the complainant shall not be included in the file. The CDO general file relating to the employer in question will alert

students to the existence of information about the employer the Discrimination Complaint File. Documents shall be kept in the Discrimination Complaint File for three years.

(c) In all cases the Director shall inform the student of his/her option to pursue appropriate remedies before the MCAD, EEOC, or other agencies with suitable investigative and adjudicatory powers to resolve contested discrimination claims. At the conclusion of such external proceedings, any student or complainant who has graduated from BU Law may request the Committee to take action based on any relevant findings.

(8) BU Law shall use reasonable efforts to maintain the confidentiality of the identity of the parties to any complaint during the investigation of a complaint. However, upon determination that an employer has violated the Policy and that a remedy should be imposed, the name of the employer and the remedy may be revealed as provided in paragraph 2.b. (7) (b).

(9) Any person seeking information or advice about BU Law's Policy, any complainant, and anyone alleged to have engaged in harassment may be accompanied, aided, or represented by a friend, an advisor, or by counsel at any stage of the process. Upon request, the Associate Dean for Student Affairs will endeavor to provide names of BU Law students, staff, or faculty who might be willing to serve as advisers.

(10) This policy applies only to issues involving recruitment/employment with non-Boston University employers.

## APPENDIX 5: BU Law Administrative Offices

(For a more comprehensive list, see the BU Law website - [www.bu.edu/law/](http://www.bu.edu/law/))

### Phone (617 Area Code)

Academic Affairs, Associate Dean	353-3142
Admissions	353-3100
Alumni Center	353-3118
Audio/Visual Services, Law	353-3162
Building Superintendent	353-2144
Career Development Office	353-3141
Clinical & Advocacy Programs	353-3131
Clinical Civil Programs	353-3148
Clinical Criminal Programs	353-3131
Communications and Marketing	353-3097
Dean's Office	353-3112
Events	353-8011
Finance and Administration	358-4760
Financial Aid	353-3160
First Year Writing Program; Moot Court Programs	353-3107
Graduate and International Programs Office	353-5323
Graduate Program in Banking & Financial Law	353-3023
Graduate Tax Program	353-3105
Legislation Programs	353-8373
Library, Pappas Law	353-3151
Registrar's Office	353-3115
Semester in Practice Program	353-3131
Student Affairs, Associate Dean	358-1800
Systems and Technology	358-5555

**BOSTON UNIVERSITY SCHOOL OF LAW  
CALENDAR FOR 2021/2022 ACADEMIC YEAR**

**FALL SEMESTER**

First-Year Registration & Orientation	Thursday, 9/2/2021 – Friday, 9/3/2021
Labor Day: All Classes Suspended	Monday, 9/6/2021
All Classes Begin	Tuesday, 9/7/2021
Fall Add/Drop	Tuesday, 9/7/2021 – Monday, 9/20/2021
Fall Break: All Classes Suspended	Saturday, 10/9/2021 – Monday, 10/11/2021
Substitute Monday Schedule of Classes	Tuesday, 10/12/2021
Substitute Friday Schedule of Classes	Wednesday, 11/24/2021
Thanksgiving Recess	Thursday, 11/25/2021 – Sunday, 11/28/2021
Last Day of Classes	Thursday, 12/9/2021
JD Reading Period	Friday, 12/10/2021 – Sunday, 12/12/2021
Upper-class Exam Period	Monday, 12/13/2021- Wednesday, 12/22/2021
First-Year Exam Period	Monday, 12/13/2021 – Tuesday, 12/21/2021

**SPRING SEMESTER**

First-Year Lawyering Lab	Tuesday, 1/11/2022 - Friday, 1/14/2022
Martin Luther King Jr. Day: Classes Suspended	Monday, 1/17/2022
All Spring Semester Classes Begin	Tuesday, 1/18/2022
Spring Drop/Add	Tuesday, 1/18/2022 - Monday, 1/31/2022
Presidents' Day: Classes Suspended	Monday, 2/21/2022
Substitute Monday Schedule of Classes	Tuesday, 2/22/2022
Spring Recess	Saturday, 3/5/2022 - Sunday, 3/13/2022
Patriots' Day: Classes Suspended	Monday, 4/18/2022
Substitute Monday Schedule of Classes	Wednesday, 4/20/2022
Last Day of Classes	Wednesday, 4/27/2022
Reserve Make-up Day (Snow/Weather Closing)	Thursday, 4/28/2022
Reading Period: Upper-Class Students	Friday, 4/29/2022 - Sunday, 5/1/2022
Upper-class Exam Period	Monday, 5/2/2022 - Friday, 5/13/2022
Reading Period: First-Year Students	Friday, 4/29/2022 - Monday, 5/2/2022
First-Year Exam Period	Tuesday, 5/3/2022 - Friday, 5/13/2022
First-Year Journal Writing Competition	Friday, 5/13/2022 - Friday, 5/20/2022
Commencement Weekend	Thursday, 5/19/2022 - Sunday, 5/22/2022

**SUMMER 2022**

Summer Session Begins	Tuesday, 5/24/2022
Summer Add/Drop Period	Tuesday, 5/24/2022 – Friday, 5/27/2022
Last Day to Register for Business Fundamentals	Friday, 5/27/2022
Summer Session Ends	Monday, 8/19/2022

**11.29.2020**

*Subject to change.*

## Useful (Including Emergency) Telephone Numbers



<b>Police</b>	
Boston University ( <b>Emergencies Only</b> ).....	617-353-2121
- All other business and information .....	617-353-2110
Boston.....	911* or 617-343-4200
Brookline.....	911* or 617-730-2222
*Emergencies only	
<b>Fire (Emergency)</b>	
Boston University.....	617-353-2121
Boston, Brookline, Cambridge.....	911
<b>Health</b>	
BU Student Health Services.....	617-353-3575
Emergency.....	911
BU Behavioral Medicine Clinic.....	617-353-3569
BU Crisis Intervention Counselor.....	617-353-3569
Sexual Assault Response & Prevention.....	617-358-7277
Boston Area Rape Crisis Hotline.....	617-492-8306
University Chaplain.....	617-358-3394
<b>Boston University Switchboard</b>	
8am to midnight (during academic year).....	617-353-2000
<b>Building</b>	
Law Building Superintendent.....	617-353-2144
BU Facilities Management & Planning. ( <b>Emergencies</b> )...617-353-2105	
Bomb Threats.....	617-353-2121
Law Facilities Hotline .....	617-358-2300
<b>School Cancellations</b>	
Recorded Message.....	617-353-SNOW

This Handbook was produced by the Student Affairs Office. Information in this publication is subject to change. BU Law Academic Regulations and Disciplinary Regulations are approved by vote of the BU Law faculty.