
Effective Date: January 1, 2015 Revised: May 12, 2022

Policy

Sexual Misconduct/Title IX Policy

RESPONSIBLE OFFICE

[EQUAL OPPORTUNITY OFFICE](#)

Note: On August 14, 2020, this [Sexual Misconduct/Title IX Policy](#) was replaced in its entirety by the University's new [Sexual Misconduct Policy](#). The new Sexual Misconduct Policy and its three corresponding Complaint Procedures apply to conduct that occurs on or after August 14, 2020. Complaints relating to misconduct that occurred on or before August 13, 2020 will be handled under this [Sexual Misconduct/Title IX Policy](#) and the two corresponding Complaint Procedures, the [Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#) and the [Procedures for the Resolution of Sexual Misconduct Complaints Against Students](#).

This Policy will be applied in accordance with the Massachusetts Campus Sexual Violence Act, effective August 1, 2021, and Respondents and Complainants will have the following rights and responsibilities:

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

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

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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.

The University complies with all state and federal discrimination laws, including Title IX of the Higher Education Amendments of 1972, the federal law that prohibits discrimination on the basis of sex in education programs and activities. The Boston University Sexual Misconduct/Title IX Policy (“Policy”) is intended to ensure a safe and non-discriminatory educational and work environment.

As described in more detail below, in this Policy “sexual misconduct” is intended to refer to a broad range of conduct focused on sex and/or gender that may or may not be sexual in nature. Sexual harassment, sexual assault, sexual exploitation, stalking, and relationship violence are all forms of sexual misconduct prohibited by law and this Policy.

This Policy sets forth the University’s definition of and approach to addressing sexual misconduct. Section II defines prohibited conduct and includes scenarios illustrating sexual misconduct. Section III provides additional definitions of important concepts such as consent, incapacitation, and force. Section IV 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 V and VI describe how a member of the University community can report sexual misconduct and describes available interim measures. Section VII explains the role of the Title IX Coordinator and Deputy Title IX Coordinators. Sections VIII and IX outline the University’s prevention, education, and training efforts. Finally, Section X provides the contact information for campus and community resources and Section XI describes the reporting obligations of various University offices.

B. Scope of the Policy and Procedures.

This Policy is intended to provide the Boston University community with a clearly articulated set of behavioral standards, and 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 applies both to on-campus and off-campus conduct if (i) the conduct was in connection with a University or University-recognized program or activity, or (ii) the conduct may have the effect of creating a hostile environment for a member of the BU community. Section XI includes 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. The accompanying Procedures for the

Resolution of Sexual Misconduct Complaints against Students (“Student Procedures”), describe the investigation and disciplinary process that applies when a current undergraduate, graduate, or professional student at Boston University (including a student on leave) is accused of sexual misconduct. If a Boston University faculty or staff member, or other person doing business with BU is accused of sexual misconduct, the investigation and disciplinary processes described in Boston University’s Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff, Affiliates, and Non-Affiliates (“Faculty and Staff Procedures”) apply.

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. 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.

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.

C. 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 that:

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.

Sex discrimination is also prohibited under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B, and other applicable statutes.

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, or gender expression, race, color, ethnicity, national origin, religion, age, disability, or other protected class. Targeting a person on the basis of these characteristics is also a violation of state and federal law and University policy. Under these circumstances, the University will endeavor to coordinate the investigation and resolution efforts of sexual misconduct complaints with the investigation and resolution of complaints of discrimination or harassment based on other protected classes.

II. Prohibited Conduct: Definitions and Examples

“Sexual misconduct” is a broad, non-legal term that encompasses a wide range of behaviors, including but not limited to, sexual harassment, sex/gender discrimination, sexual assault, rape, acquaintance rape, stalking, and relationship violence (including dating and domestic violence). It is a violation of University policy as well as applicable law to commit or to attempt to commit these acts.

Sexual misconduct can occur between strangers or acquaintances, or people who know each other well, including between people who are or have been involved in an intimate or sexual relationship. It can be committed by anyone, regardless of gender or gender identity, and can occur between people of the same or different sex or gender. This Policy prohibits all forms of sexual misconduct.

A. Sexual Assault (including Rape).

Sexual assault is actual or attempted sexual contact with another person without that person’s consent. Sexual assault 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.

B. Sexual Harassment

1. Definition of Sexual Harassment.

Sexual Harassment is 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 programs or a faculty or staff member’s ability to work, which may include a single incident of sexual assault or other serious sexual misconduct.

2. Forms of Prohibited Sexual Harassment.

Sexual harassment can take many forms, and can:

- Occur between equals, such as student to student, faculty member to faculty member, staff to staff, or visitor/contracted employee to staff.
- Occur between persons of unequal power status, such as supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first-year student. Although sexual harassment often occurs in the context of an exploitation of power by the person with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (such as a student harassing a faculty member).

- Be committed by an acquaintance, a stranger, or someone with whom the complainant has or had a personal, intimate, or sexual relationship.
- Occur by or against a person of any sex, gender identity or expression, or sexual orientation.

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

- Unwelcome sexual innuendo, propositions, sexual attention, or suggestive comments and gestures.
- Unwelcome physical contact of a sexual nature, such as touching, hugging, kissing, patting, or pinching, that is uninvited and unwanted or unwelcome by the other person.
- Humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender.
- Insults and threats based on sex or gender; and other oral, written, or electronic communications of a sexual nature that a person communicates and that are unwelcome.
- Written graffiti or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of 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 or expression, or sexual orientation.
- Use of a position of power or authority to: (i) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (ii) promise rewards in return for sexual favors.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

C. Sexual Exploitation.

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

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

- 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.

D. Stalking

1. Definition of Stalking.

Stalking is 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.

2. 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.

E. Relationship (Dating and Domestic) Violence

1. Definition of Relationship Violence.

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

2. Examples of relationship violence.

Examples of relationship violence include the following:

- 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.

F. Retaliation

1. Definition of Retaliation.

Retaliation is an adverse action or attempt to seek retribution against the complainant, or any person or group of persons involved in the investigation and/or resolution of a sexual misconduct complaint. Retaliation can be committed by any person or group of persons, not just a respondent. Retaliation may include continued abuse or violence, other forms of harassment, and slander and libel.

It is a violation of Massachusetts and federal law and a violation of this Policy to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation. Any person who retaliates against a person who has reported sexual misconduct, filed a sexual misconduct complaint, or participated in a sexual misconduct investigation is subject to disciplinary action up to and including expulsion or termination by the University.

2. Examples of Retaliation

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

III. Other Important Concepts and Definitions

A. Consent.

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

person has taken advantage of a position of influence over another person may be a factor in determining consent.

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

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

Effect of drugs and alcohol on consent:

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

B. Incapacitation.

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

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

C. Force.

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

1. Physical Force, Violence, or a Weapon

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

2. Threats

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

3. Intimidation and Implied Threats

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

4. Coercion.

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

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

D. 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. But 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.

E. 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.

IV. 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 members of the Boston University community affected by 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 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. Assistance for students is available 24 hours a day, 7 days a week (by phone at 617-353-SARP or email at sarp@bu.edu).

B. Privacy and Confidentiality.

Boston University values the privacy of its students, faculty, staff, and other community members. BU wants all community members 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 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 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 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 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 investigation and resolution process.

1. Title IX Coordinators.

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

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 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 interim measures that a complainant may need during the investigation of a complaint. Contact information for the Deputy Title IX Coordinators is in Section X.

2. Boston University Police Department.

Complainants may report sexual misconduct to the Boston University Police Department (“BUPD”), the Boston Police Department, the Brookline Police Department, and/or the local law enforcement agency or District Attorney’s office where the misconduct occurred. The University complaint resolution procedures and the criminal justice system work independently from one another and neither BUPD nor other law enforcement officials determine whether a violation of this Policy has occurred. Confidential resources, the Dean of Students Office, the Office of Judicial Affairs, and BUPD can explain how to report sexual assault and other forms of sexual misconduct to local 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, faculty, and staff may also access resources located in the local community. The organizations and agencies listed in Section X can provide crisis intervention services, counseling, medical attention, and legal assistance. All members of the BU community are encouraged to utilize the resources that are the best suited to their needs, whether on or off campus. In general, off-campus resources can provide assistance to those who wish to make a report to the University, but will not notify the University without the consent of the complainant.

V. Reporting Sexual Misconduct

Boston University encourages all survivors to report incidents of sexual misconduct as promptly as possible so that the University can respond effectively. Students may report sexual misconduct to the Dean of Students, the Office of Judicial Affairs (“OJA”), 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. In general, when one of these offices receives a report, the University must commence an investigation. All reports of such incidents will be disclosed to the Title IX Coordinator.

The University recognizes that student complainants may be most comfortable disclosing 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 these individuals and many other faculty and staff members are considered “responsible employees” of the University. If they receive a report of sexual misconduct, they are required to inform the Title IX Coordinator about the incident. The University defines a “responsible employee” to include supervisors and officials with significant responsibility for student and campus activities including, but not limited to, academics, student residences, athletics, discipline, and campus safety. Employees whose positions legally require confidentiality (e.g., counseling staff and clergy and others who are confidential resources identified in Section X) are not “responsible employees.”

Before a student discloses an incident of sexual misconduct, University faculty and staff will try to ensure that the student understands the employee’s reporting obligations — and, if the student wishes to maintain confidentiality, direct the student to confidential resources. Similarly, before a faculty or staff member discloses an incident of sexual misconduct, the person to whom the disclosure is to be made will endeavor to ensure that the faculty or staff member understands his or her reporting obligations. Section X identifies the confidential

resources available to students, faculty, and staff who do not wish to file a complaint or trigger an investigation, or who would like to better understand their options.

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

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

In such cases, the Title IX Coordinator, in consultation with a small number of key University administrators, which may include SARP, representatives of the Dean of Students Office, the Boston University Police Department, and the Office of the General Counsel, 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 and will only share information with those University officials responsible for handling the University's response.

B. Interim Measures and Support.

Boston University provides a range of support services for survivors of sexual misconduct, including interim measures. Interim measures are available to provide for the safety of the complainant and the campus community while the University is investigating an allegation of sexual misconduct. Requests for interim measures can be made by or on behalf of the complainant to the University Title IX Coordinator or a Deputy Title IX Coordinators. Students may also seek assistance from the Dean of Students Office. The Title IX Coordinator will work with the appropriate office(s) to ensure that any necessary interim measures are promptly provided. For more information about interim measures and support, see Student Procedures Section VII, and Faculty and Staff Procedures, Section V.

Upon the receipt of a report of sexual misconduct, and until any investigation into the report has been completed, the University will provide reasonable protective measures and interim support to provide a safe educational and work environment and to prevent additional acts of sexual misconduct, even when there is no specific request for protective action.

The University may impose any measure 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 complainant to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

An individual's failure to comply with restrictions imposed by interim 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. Amnesty for Students Who Report Sexual Misconduct.

Boston University encourages the reporting of all concerns regarding sexual misconduct. In some instances, students may be hesitant to report sexual misconduct because they fear they may be charged with other policy violations, such as underage alcohol consumption or violation of the University's drug policy. Because BU's primary interest is in protecting the well-being of its community and remedying sexual misconduct, a person who reports sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by the University for his/her own 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 sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The University may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

VI. Other Information Related to Reporting Sexual Misconduct

A. Time for Reporting.

Although all members of the Boston University community are encouraged to report sexual misconduct immediately in order to maximize the University's ability to respond promptly and

equitably, the University does not limit the time frame for reporting. However, the University's ability to investigate and respond effectively may be reduced with the passage of time.

B. Anonymous Reports and Reports from Third Parties.

Any person may make an anonymous report concerning an act of 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 Sexual Misconduct Report Form to the University Title IX Coordinator or one of the Deputy Title IX Coordinators.

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

C. Reporting of Crime and Disciplinary Statistics.

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

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

D. Public Awareness Events.

The University supports public awareness events that further campus-wide education and prevention efforts. A survivor's public disclosure of incidents of sexual misconduct at these events will not be considered a report to the University for the purpose of triggering an investigation of a particular incident.

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

E. Prohibition Against Retaliation.

The University and Title IX strictly prohibit retaliation against and intimidation of any person because he or she reported of an incident of sexual misconduct or is involved in the University's response. BU will take strong disciplinary action in response to any retaliation or intimidation, and will pursue such discipline through the applicable student conduct policy or other disciplinary process and follow the applicable time frames within such policies or processes.

F. Filing a Criminal Complaint and Coordination with Law Enforcement.

Boston University encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes under Massachusetts law. In general, the University, through the Chief of the BUPD, will notify the Boston, Brookline or other 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 or she is not willing to do so.

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

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

The Title IX and/or 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 and Deputy Title IX Coordinators also 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:

Oversee the investigation and resolution of all reports of sexual misconduct;

Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the University's complaint procedures;

Conduct climate checks to track and monitor sexual misconduct allegations on campus; and,

Coordinate all training, education, and prevention efforts.

The Title IX Coordinator and/or a Deputy Title IX Coordinator will meet with any person, including a complainant, respondent, or third party, to discuss interim 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 Sexual Misconduct.

The Title IX Coordinator oversees the initial response and assessment of reports of sexual misconduct through the University's sexual misconduct resolution procedures. The procedure used will be determined by the status of the respondent:

Complaints against student respondents will be resolved by the Procedures for the Resolution of Sexual Misconduct Complaints against Students.

Complaints against faculty and staff respondents, as well as non-affiliates, will be resolved by the Procedures for the Resolution of Sexual Misconduct Complaints against Faculty, Staff, Affiliates, and Non-Affiliates.

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

VIII. 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](#).

IX. Training

In connection with its obligations under Title IX, Boston University is committed to ensuring appropriate training for its Title IX Coordinator, Deputy Title IX Coordinators, law enforcement personnel, "responsible employees," victim advocates, and others involved in responding to, investigating, or adjudicating sexual misconduct. In addition, the University has developed an on-line training program for faculty, staff, and students to assist them in recognizing sexual misconduct, teach them how to respond to reports of sexual misconduct, and ensure that they are aware of available on and off campus resources.

X. Resources and Support

The contact information for the resources listed here was confirmed at the time of the Policy's initial publication in January 2015. 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

Sexual Assault Response & Prevention Center (SARP) for students
930 Commonwealth Ave.
24-hour hotline: 617-353-SARP (7277)
By email: sarp@bu.edu

Student Health Services/Behavioral Medicine
881W Commonwealth Ave., 1st Floor

Medical Department
617-353-3575

Behavioral Medicine
24-hour hotline: 617-353-3569

Faculty & Staff Assistance Office (for employees)

Charles River Campus
270 Bay State Road, B-30
617-353-5381

Medical Campus
Dr. Solomon Carter Fuller Mental Health Center
85 East Newton St., 10th Floor, M-1007
617-638-5381
By email: fsao@bu.edu

Office of the Ombuds

Charles River Campus
930 Commonwealth Avenue
617-358-5960

Medical Campus
Dr. Solomon Carter Fuller Mental Health Center
85 East Newton Street, Suite 818
617-638-7645

University Chaplains

Charles River Campus
735 Commonwealth Ave.
617-353-3560

Non-Confidential Campus Resources

University Title IX Coordinator
888 Commonwealth Ave., Suite 303

617-353-0911
By email: titleix@bu.edu

Deputy Title IX Coordinators and their contact information

Boston University Police Department
32 Harry Agganis Way
In an emergency: 617-353-2121
Detective Unit: 617-353-3436

Dean of Students Office (Students)
George Sherman Union, 3d Floor
775 Commonwealth Ave.
617-353-4126

Office of Judicial Affairs (Students)
19 Deerfield Street, 3rd Floor
(Moving to 25 Buick Street on 10/1/18)
617-358-0700

Equal Opportunity Office (Faculty and Staff)
888 Commonwealth Ave., Suite 303
617-353-9286
By email: titleix@bu.edu

Human Resources (Faculty and Staff)
Charles River Campus
25 Buick Street, 2nd Floor
617-353-2380

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

University Service Center
881 Commonwealth Avenue
617-358-1818
By email: usc@bu.edu

Student Financial Assistance
881 Commonwealth Avenue
617-353-2965
By email: 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)
617-492-RAPE (7273)
800-841-8371

Victim Rights Law Center (VRLC)

115 Broad Street, 3rd Floor
Boston, MA 02110 617-399-6720 ext. 19

Fenway Health Violence Recovery Program
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

Off-Campus Law Enforcement Resources

Boston Police Department Sexual Assault Unit

Boston Police Department – 911 or 617-343-4400

Boston Police Sexual Assault Unit 617-343-4400

Brookline Police Department – 911

Brookline Police Detective Bureau 617-730-2244

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 96 hours of the sexual assault). Taking the step to gather evidence immediately does not commit a person to any course of action.

Beth Israel Deaconess Medical Center Emergency Department
West Campus, 190 Pilgrim Road, Boston, MA
617-754-2400 Emergency Room
617-754-2323 Non-ER injuries

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 help students arrange a SANE examination.

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
By email: OCR.Boston@ed.gov

U.S. Department of Justice, Office on Violence Against Women
<https://www.justice.gov/ovw/protecting-students-sexual-assault>
U.S. Department of Justice
Office on Violence Against Women
145 N Street, NE, Suite 10W.121
Washington, DC 20530
202-307-6026

White House Task Force, Protecting Students from Sexual Assault, U.S. Department of Justice
<https://www.justice.gov/ovw/protecting-students-sexual-assault>

U.S. Citizenship and Immigration Services
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

XI. Confidentiality Protections and Reporting Obligations

As a reminder, confidential resources will not share information with anyone. Non-confidential resources are also required to respect a complainant’s 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, unless acting in a role described 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).

Office/Personnel	Status	Reporting Obligation
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 address emerging problems or to prevent recurrence, including information on general trends or patterns of concern (Title IX).
Title IX Coordinator	Not Confidential	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.
Deputy Title IX Coordinator	Not Confidential	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 sexual misconduct, as appropriate (Title IX).
Dean of Students Office ("Dean")	Not Confidential	Unless a complainant requests otherwise and the request is granted, the Dean's designee (the Office of Judicial Affairs) will investigate and respond to reported incidents of sexual misconduct (Title IX). If the incident is a crime on or near campus, the Dean will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act). The Dean will share information with University Personnel who need to know it in order to carry out University policies and procedures.
Office of Judicial Affairs ("OJA")	Not Confidential	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.

Office/Personnel	Status	Reporting Obligation
Equal Opportunity Office (“EOO”)	Not Confidential	<p>Unless a complainant requests otherwise and the request is granted, EOO will investigate and respond to reported incidents of sexual misconduct (Title IX).</p> <p>If the incident is a crime on or near campus, EOO will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act). EOO will share information with University Personnel who need to know it in order to carry out University policies and procedures.</p>
Boston University Police Department (“BUPD”)	Not Confidential	<p>BUPD will report to the Title IX Coordinator all information received about sexual misconduct incidents so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, BUPD will include it in a crime log and the annual security report without identifying the victim (Clery Act).</p> <p>If the incident is a crime and poses a serious or continuing threat, BUPD will issue a timely warning or emergency notification (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, BUPD will notify University leadership (MA Law on Protection of Minors).</p> <p>BUPD will share information with University personnel who need to know it in order to carry out University policies and procedures.</p>
Other University Personnel	Not Confidential	<p>Will report to the Title IX Coordinator all information received about sexual misconduct incidents so the University can investigate and respond (Title IX).</p> <p>If the incident is a crime, a “campus security authority” will report it without any identifying information to BUPD for inclusion in the annual security report and for issuance of any required timely warning (Clery Act).</p> <p>If there is reasonable cause to suspect that a minor has been sexually abused, other University personnel will notify University leadership (MA Law on Protection of Minors).</p> <p>Other University personnel will share information with University personnel who need to know it in order to carry out University policies and procedures</p>

END OF POLICY TEXT



History

This [Sexual Misconduct/Title IX Policy](#) is effective up to August 13, 2020. On August 14, 2020, this Policy was replaced in its entirety by the University's new [Sexual Misconduct Policy](#). 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 this Sexual Misconduct/Title IX Policy and the two corresponding Complaint Procedures, the [Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#), and the [Procedures for the Resolution of Sexual Misconduct Complaints against Students](#).

Policy and Procedures Related to this Policy - *Applying to conduct occurring on or before August 13, 2020*

POLICY

- [Sexual Misconduct/Title IX Policy](#) (*this Policy*)

Available at: <https://www.bu.edu/policies/files/2022/05/Sexual-Misconduct-Title-IX-Policy-conduct-up-to-5.12.22-FINAL.pdf>. Note that this link might need to be copied and pasted into the browser in order to access the PDF file.

PROCEDURES

- [Procedures for the Resolution of Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#) "Faculty Procedures"

Available at: <https://www.bu.edu/policies/files/2022/05/Faculty-Staff-Procedures-Sexual-Misconduct-Title-IX-Policy-up-to-8.13.20-5.12.22.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.

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

POLICY

- [Sexual Misconduct Policy](#)

Available at: <http://www.bu.edu/policies/sexual-misconduct-title-ix-hr/>.

PROCEDURES

- [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Students](#)

Available at: <http://www.bu.edu/policies/resolution-of-sexual-misconduct-complaints-against-students/>.

- [Procedures for the Resolution of Non-Title IX Sexual Misconduct Complaints Against Faculty, Staff, Affiliates, and Non-Affiliates](#)

Available at: <http://www.bu.edu/policies/procedures-faculty-staff-affiliates-non-affiliates-sexual-misconduct/>.

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

Available at: <http://www.bu.edu/policies/procedures-for-the-resolution-of-title-ix-sexual-misconduct-complaints-against-students-faculty-staff-affiliates-and-non-affiliates/>.

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](#)

BU Memorandums

- [Memorandum from Provost Morrison on Changes to Title IX Guidance, September 27, 2017](#)
Available at: <http://www.bu.edu/policies/files/2017/09/Changes-to-Title-IX-Guidance-9-27-17.pdf>