



**POLICY AGAINST SEXUAL MISCONDUCT
FOR STUDENTS IN THE COLLEGE OF ARTS & SCIENCES
& THE SAWYER BUSINESS SCHOOL**

FINAL: September 1, 2010

Suffolk University supports the rights of all students to live and study in an environment free from sexual coercion and violence. Sexual contact with another person without their consent or with the use and/or threat of force violates the standards of civility, decency, and respect expected of all members of the campus community.

Suffolk University prohibits non-consensual sexual activity (including but not limited to sexual assault and rape) and sexually exploitative behavior (jointly referred to as “Sexual Misconduct”).

Acts of Sexual Misconduct may be committed by men against women, women against men, men against men, and women against women. The issue in any case is not the gender or sexual orientation of the persons involved but the acts committed.

Any retaliatory action or behavior taken toward an individual as a consequence of his or her decision to report a violation, pursue action or criminal prosecution, or any retaliatory action or behavior taken toward any individual who cooperates in an investigation is prohibited. Retaliatory acts may include, but are not limited to threats, intimidation or harassment. Retaliation may result in immediate disciplinary action.

PROHIBITED CONDUCT

Non-Consensual Sexual Activity

Non-consensual sexual activity includes, but is not limited to sexual assault and rape, any sexual activity by a group of students that takes place without the consent of the other student or an individual(s) involved. The crime of rape occurs when the offender has sexual intercourse or unnatural sexual intercourse with a person and compels such person to submit by force and against his or her will, or compels such person to submit by threat of bodily injury. Sexual activity includes intentional contact with the breasts, mouth, buttocks, groin, or genitals, or touching another person with any of these body parts, or forcing another person to touch you or themselves with or on any of these body parts; intercourse, however slight, meaning vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact).

Sexually Exploitative Behavior

Sexually exploitative behavior occurs when a student takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Sexually exploitative behavior may also constitute non-consensual sexual activity. Examples of sexual exploitation include, but are not limited to:

- Prostitution (such as selling or exchanging money or something else of value or benefit for sexual acts);
- Taking pictures or video or audio recording another in a sexual act, or in any other private sexual activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- Unauthorized posting or distribution of materials involving the sexual activity of another person including electronic postings;
- Sexual voyeurism (such as watching a person who is undressing, using the bathroom or engaging in sexual acts without the consent of the person observed); or
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or another sexually transmitted disease (STD) and without informing the other person of the infection
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or effective consent.

Sexual Harassment

Suffolk University prohibits sexual harassment. Refer to the Policy in Opposition to Harassment, Including Sexual Harassment available in this Student Handbook.

CONSENT

Consent must be informed and given freely by all participants to any sexual activity. For consent to be valid there must be an exchange of mutually understandable words or actions between participants to a sexual interaction. Consent must be present throughout the activity and can be revoked at any time. Silence, or the fact that the parties had previously been in a relationship, by itself, is not sufficient to indicate consent. Consent may not be given by someone who is disoriented, asleep, drugged, intoxicated, unconscious, under 16 years of age, physically helpless or mentally disabled. Consent cannot be obtained by the use of physical force, compelling threats, intimidating behavior, or coercion.

A student who engages in sexual activity when the student knows, or should know, that the other person is disoriented, asleep, drugged, intoxicated, unconscious, under 16 years of age, physically helpless or mentally disabled has violated this policy. It is not an excuse that the student accused of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Sexual activity with someone whose incapacity results from the ingestion of alcohol, drugs or a so-called "date-rape" drug is in violation of this policy. Possession, use and/or distribution of any

of these substances, including but not limited to Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these substances to another student for the purpose of inducing incapacity for a sexual purpose is a violation of this policy. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

CONFIDENTIALITY

Suffolk University understands that a student who has been the survivor of Sexual Misconduct may wish to talk about the incident with the assurance that the discussion will be confidential. Confidentiality may not be assured when there is imminent risk of harm to the survivor or others. Students may speak with staff members in the Counseling Center or the University Chaplain confidentially for emotional support:

Counseling Center
5th floor, 73 Tremont Street
(617) 573-8226
www.suffolk.edu/offices/989.html

Amy Fisher, University Chaplain
5th floor, Donahue Hall
(617) 573-8325
www.suffolk.edu/interfaith

Because these services are, in most cases, confidential, a discussion with any of these sources may not result in a complaint being filed with the University or result in action being taken by the University to respond to the incident. A student who wants emotional support only should contact the confidential counseling resources listed above. A student wishing to have an incident investigated, mediated or adjudicated must make a complaint in accordance with the procedures described below.

The University endeavors to respect and follow the wishes of an individual who brings forward a Sexual Misconduct concern. However, students should understand that Suffolk may have ethical and legal obligations to investigate, attempt to resolve or adjudicate incidents of Sexual Misconduct that come to its attention and also may have obligations to report the matter to the local police department. Therefore, depending on the circumstances, it may not be possible for a conversation with Suffolk University Police (SUPD), a Resident Assistant (RA), or other administrators to be kept in confidence, or, said another way, for these individuals simply to listen without taking action.

WHAT TO DO AFTER A SEXUAL MISCONDUCT INCIDENT

Students who are survivors of Sexual Misconduct should give strong consideration to reporting the incident. Reporting Sexual Misconduct to SUPD or other law enforcement authorities may not result in the filing of criminal charges, but it does allow all support systems to be put in place for the survivor. Reporting is best done as soon as possible after the Sexual Misconduct occurs, but it may be done at any time. Please note that the definition of Sexual Misconduct is broad and

that the facts and circumstances of the Sexual Misconduct Incident will dictate the immediate response a student may take. The procedures identified below are provided as guidelines only.

1. Get to a Safe Place Quickly. If the perpetrator is still in the area or his or her presence on campus is threatening, call SUPD at 617.573.8111. Off campus, call the police department in the city or town where you are located at 911.

Please note: Once SUPD is informed that Sexual Misconduct may have taken place, SUPD may inform the Boston Police Department's Sexual Assault Unit (when an alleged sexual assault is reported) of the survivor's name and an investigation may be conducted. A SUPD incident report will be prepared by a SUPD officer. The survivor will be identified as Jane or John Doe. A summary of the incident will be maintained for tracking purposes. SUPD will share the survivor's name with the Dean of Students so the Student Affairs Office can follow-up with the survivor to offer support and resources.

Survivors may ask SUPD for a taxi voucher to Massachusetts General Hospital (MGH) without having to report Sexual Misconduct.

2. Preserve Physical Evidence. Because evidence of the misconduct and the perpetrator's identity (hair, seminal fluids, bits of skin, etc.) may be left on the survivor's body, it is important not to bathe, shower, douche, or even use the toilet if avoidable. If the survivor was assaulted orally, drinking or brushing teeth prior to an exam should be avoided. Survivors should not straighten up the scene of the incident and should take a change of clothes to the hospital. If the survivor must change clothes, put the items that were worn at the time of the attack in a paper bag (not plastic) and bring them to the hospital. Having physical evidence collected can strengthen a case if the survivor pursues legal action.
3. Seek Timely Medical Attention. Survivors are encouraged to go for a sexual assault exam as soon as possible because injuries should be treated promptly and evidence deteriorates quickly. If you are on campus, SUPD can arrange free taxi transportation for you to MGH. MGH employs trained Sexual Assault Nurse Examiners (SANE) to collect forensic evidence, check for injuries and provide preventative treatment for pregnancy and exposure to sexually transmitted diseases. A survivor may bring a friend or family to the hospital for support.

Hospitals in the Boston area with sexual assault nurse examiners are:

Massachusetts General Hospital

55 Fruit Street

Boston, MA 02114-2622

website: <http://www.massgeneral.org/>

contact page: <http://www.massgeneral.org/contact.html>

Boston Medical Center

One Boston Medical Center Place

Boston, MA 02118

(617) 638.6800

website: <http://www.bmc.org/>
contact page: <http://www.bmc.org/patients/>

Beth Israel Deaconess Center

330 Brookline Avenue
Boston, Massachusetts 02215
(617) 667-7000
website: <http://www.bidmc.org/>
contact page: <http://www.bidmc.org/ContactUs.aspx>

Brigham and Women's

75 Francis Street
Boston, MA 02115
(617) 732-5500
website: <http://www.brighamandwomens.org/>
contact page: <https://www.brighamandwomens.org/forms/contactus.asp>

Cambridge Hospital

1493 Cambridge Street
Cambridge, MA 02139
(617) 665-2300
website: <http://www.challiance.org/>
contact page: http://www.challiance.org/contact_us/phone_list.shtml

Children's Hospital

300 Longwood Avenue
Boston, MA 02115
(617) 355-6000
website: <http://www.childrenshospital.org/>
contact page: <http://www.childrenshospital.org/contactus.cfm>

Newton-Wellesley Hospital

2014 Washington Street
Newton, MA 02462
(617) 243-6000
website: <http://www.nwh.org/>
contact page: <http://www.nwh.org/contact.asp>

The Boston Area Rape Crisis Center (BARCC) can provide a free medical advocate to meet survivors and their families in the hospital emergency departments. In the immediate aftermath of a sexual assault or rape, survivors face a host of emotional, medical, and legal decisions. BARCC Medical Advocates are certified rape crisis counselors who provide information and support to the survivor and/or family at the hospital. Advocates provide support throughout the entire forensic exam if the survivor wishes. They can also be helpful with safety planning, arranging transportation, paperwork, and with follow-up plans. Research has shown that survivors who have a rape crisis advocate present at the hospital are

more likely to feel positive about the experience of going to the hospital. This is an important start to the healing process. BARCC can be reached at (800) 841-8371 (24-hour hotline).

Suffolk University's Health & Wellness Services can provide referrals for physical exams, pregnancy tests, and screening and treatment for sexually transmitted diseases.

4. Contact Someone Trained to Help. Students who are survivors of Sexual Misconduct may wish to contact any of the following based on comfort level or personal circumstances. There is not a clear best place to start in all cases. Be sure to read the following section carefully prior to contacting someone trained to help because it contains information about maintaining your confidentiality.

Suffolk University Counseling Center
(617) 573-8226
5th floor, 73 Tremont Street
www.suffolk.edu/offices/989.html

The Counseling Center provides free, confidential services to students involved in Sexual Misconduct incidents and other Suffolk students. Confidentiality may not be assured when there is imminent risk of harm to the survivor or others. The Counseling Center member will maintain a summary of the incident for record keeping, but will not share the survivor's name without their permission. Counselors at the Counseling Center are available to assist survivors in a crisis situation and provide information about options including medical assistance, psychological counseling, University disciplinary action, and legal prosecution. Counselors can provide safe, confidential support during this difficult period and can inform students of common reactions to crises and discuss coping methods that may assist students immediately following the assault and after. Talking about concerns with one of these counselors may help students sort through feelings and decide what to do. An individual appointment with a counselor may be made by contacting Counseling Services at (617) 573-8226 or the survivor may be seen without an appointment anytime between 11 a.m. – 12:00 p.m. (arrive by 10:30 am) or 2:00 pm – 3:00 pm (arrive by 1:30 pm) Monday through Friday. Counseling Services is located on the fifth floor of 73 Tremont Street. In an emergency, the survivor will be seen immediately.

Boston Area Rape Crisis Center (BARCC)
(800) 841-8371 (24-hour hotline)
www.barcc.org

BARCC offers free, confidential services to sexual assault survivors, their friends and families. The Boston Area Rape Crisis Center operates a 24-hour confidential hotline that provides survivors of sexual assault with telephone counseling and personal support. The center maintains a referral network of survivor support groups. The telephone number is: (617) 492-RAPE or (617) 492-7273.

Suffolk University Health and Wellness Services
(617) 573.8260
5th floor, 73 Tremont Street
www.suffolk.edu/offices/932.html

Health and Wellness Services can provide free, medical care and referrals for follow-up care, emergency contraception and screening and testing for sexually transmitted diseases. Health & Wellness Services may be required to report the incident to the Dean of Students.

Interfaith Center
(617) 573.8325
5th floor, Donahue Hall
www.suffolk.edu/interfaith

The Interfaith Center provides confidential pastoral care and support for survivors of sexual misconduct. Confidentiality may not be assured when there is imminent risk of harm to the survivor or others.

Resident Assistant (RA) or Residence Life Staff Member

An RA or Residence Life staff member can provide immediate support and referrals for further care. An RA or Residence Life staff member must report the incident and your name to their supervisor.

Suffolk University Police Department (SUPD)

(617) 573.8111

SUPD can provide emergency response and coordinate transportation to and from the hospital. SUPD may report the survivor's name to the Boston Police Sexual Assault Unit and an investigation may be conducted. A SUPD incident report will be written by a SUPD officer and the survivor will be identified as Jane or John Doe. A summary of the incident will be maintained for tracking purposes. SUPD will share the survivor's name with the Dean of Students so the Student Affairs Office can follow-up with the survivor to offer support and resources.

The Student Affairs Office

(617) 573.8239

12th floor, 73 Tremont Street
www.suffolk.edu/studentaffairs

The Dean of Students and Associate Dean of Students provide support and referrals for follow-up care. They will provide information about the Student Conduct System and accommodations for class changes, living arrangements, course incompletes or withdrawals and provide referrals for counseling and medical treatment.

5. Ask Questions. Survivors have the right to ask questions throughout the process and decide what is best for them. Survivors are encouraged to use both on- and off-campus resources to help understand available options.

PROCEDURES FOR FILING A REPORT OR SUBMITTING A COMPLAINT

Suffolk University believes that students should retain the right to move forward (or not) with a complaint about Sexual Misconduct. As a result, two options are available to assist students in reporting an incident of Sexual Misconduct to the University.

1. In an emergency, if you are on campus, you are encouraged to contact SUPD at 617.573.8111 so they may secure the area, detain suspects, and coordinate the arrival of the Boston Police Department to campus (when there is a report of an alleged sexual assault). The survivor's name WILL BE shared with the Boston Police and an investigation may be conducted. A SUPD incident report will be written by a SUPD officer and the survivor will be identified as Jane or John Doe. A summary of the incident will be maintained for tracking purposes. SUPD will share the survivor's name with the Dean of Students so the Student Affairs Office can follow-up with the survivor to offer support and resources.

In an emergency, if you are off campus, you are encouraged to call 911 for the police department in the city or town where you are located.

2. A student who wishes to report Sexual Misconduct or file a complaint against another student through the University (potentially leading to disciplinary action) should notify the Student Affairs Office at 617.573.8239. The Dean of Students or Associate Dean of Students will explain support options, investigative steps, and hearing procedures. If disciplinary action is taken, the survivor's name WILL be included in any reports and discussed with the charged student.
3. After reporting an incident of Sexual Misconduct to SUPD or the Student Affairs Office, a survivor may request the following: assistance for the survivor in exploring alternative housing, incompletes, a leave of absence, or withdrawing from the University.
4. The Dean of Students or Associate Dean of Students is available to meet with a student considering submitting a complaint, may outline the process for filing a complaint and explain University discipline procedures.
5. The disciplinary procedures outlined in the Community Standards and the Student Conduct System will be followed for complaints of Sexual Misconduct committed by another Suffolk student.
6. Depending upon the circumstances, both students in a case may be issued administrative orders to have no contact with one another. This allows the matter to proceed without any possible harassment or miscommunication between parties.
7. An administrative hearing may accommodate concerns for the personal safety, well-being, or fears of confrontation of the charged student, complainant, or witnesses during the hearing by providing alternate means of communication when and as determined in the sole judgment of the hearing officer to be appropriate.
8. In accordance with the Student Conduct System, a charged student and alleged survivor of a charged student's misconduct will be entitled to:
 - Receive written notice of charges;
 - Obtain the name of the individual complainant (if applicable);

- View the written complaint in the office of the hearing officer in the presence of a department staff member during normal business hours;
- Be notified of the date, time, and place of the administrative hearing;
- Receive notice of the fact that failure to schedule an administrative hearing by the due date or appear for an administrative hearing may result in the administrative hearing being conducted in the absence of the charged student or alleged survivor of the charged student's misconduct;
- Provide the names of up to four (4) witnesses with knowledge of the incident at least two (2) business days prior to the administrative hearing. If the charged student (only charged) wishes to present more than four (4) witnesses, he or she must submit a written request to the hearing officer at least two (2) business days prior to the administrative hearing. Approval of witnesses with knowledge of the incident will be made by the Dean of Students or designee. Character witnesses are not permitted;
- Present his or her case;
- Decline to answer any questions or make any statements during an administrative hearing. The outcome of the administrative hearing will be based upon the information or lack thereof presented at the hearing;
- Be informed in writing of the decision and sanction, if any;
- Request in writing an appeal of the decision resulting from an administrative hearing no later than two (2) business days after the date of the determination letter. The date of the request for the appeal is the date on which a document is mailed, an email is sent, or a written message is delivered. A charged student and alleged survivor of a charged student's misconduct are entitled to one appeal.

9. The Student Conduct System process is founded on educational ideals that reflect the University's academic mission. As much as possible, the University is committed to educating students to be aware of policy, to respect others, and to be accountable for their actions. Sanctions can range from warning to dismissal from on-campus housing or the University.

PAST ABUSE

Many individuals experience Sexual Misconduct and never tell anyone at the time of the incident. If you were assaulted weeks or even years ago, assistance is still available. Talking with someone now may help you to cope better with abuse from the past, whether it was rape, child sexual abuse, incest, or sexual harassment.

SEXUAL MISCONDUCT RESPONSE TEAM

The purpose of the Sexual Misconduct Response Team is to address the safety needs of the Suffolk Community while protecting the survivor's right to privacy and insuring the integrity of any police investigation or University disciplinary action.

The Sexual Misconduct Response Team may be composed of at least the:

- Vice President for Student Affairs, or designee

- Dean of Students, or designee
- Director of Suffolk University Police (SUPD), or designee
- Director of the Counseling Center, or designee
- University Risk Manager, or designee

Other members of the Suffolk University Community, such as the Director of Health and Wellness Services, Director of Residence Life and Summer Programs and Director of Public Affairs may be included as needed for a given set of circumstances.

If it is determined that a reported incident of Sexual Misconduct represents a potential danger to the Suffolk Community, the Sexual Misconduct Response Team will be convened. A potential danger to the Suffolk Community includes the following:

- A pattern of acquaintance Sexual Misconduct incidents;
- A pattern of stranger Sexual Misconduct incidents which occur near the campus;
- A violent or sadistic Sexual Misconduct incident; or
- A gang rape or Sexual Misconduct incident.

If a potential danger to the Suffolk Community is found to exist, a safety notice to the Suffolk Community may be released and other steps may be taken to ensure public safety.

Although the survivor will not be present at the Sexual Misconduct Response Team meetings, the survivor's rights to anonymity will be respected by all members and overseen by the Dean of Students.