

## Section 5. Behavioral Standards and Policies

### 2007-2008 STUDENT GUIDE



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The Office of the Dean for Student Development is responsible for developing, disseminating, and upholding behavioral standards that comprise the University Code of Student Conduct. It is the belief of the Dean for Student Development that this responsibility can be discharged best within an educational context.

As a Jesuit and Catholic institution, Boston College holds its students to a high standard of ethical and moral conduct both on and off campus. Consequently, there is a very strong emphasis on self-awareness and a distinct consideration for the lives and feelings of others. The establishment and enforcement of a University Code of Student Conduct that reflects the ethics, values, and standards of the University community and a concern for all involved parties plays a critical role in an educational environment. Self-discipline, knowledge of limits, proper exercise of freedom, responsibility for judgment, and accountability for actions are all critical components of personal formation. When behavioral standards on or off campus are violated, an appropriate response will be forthcoming from the University through the Student Judicial System.

See [Section 6. Student Judicial System](#) for more information.

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### **STATEMENT OF RIGHTS AND RESPONSIBILITIES**

*Source: Office of the Dean for Student Development*

**All student members of the Boston College community have certain rights. These include:**

The right to learn, which includes the right of access to ideas, the right of access to facts and opinions, the right to express ideas, and the right to discuss those ideas with others.

The rights as stated in the Notice of Non-Discrimination:

Founded by the Society of Jesus in 1863, Boston College is dedicated to intellectual excellence and to its Jesuit, Catholic heritage. Boston College recognizes the essential contribution a diverse community of students, faculty and staff makes to the advancement of its goals and ideals in an atmosphere of respect for one another and for the University's mission and heritage. Accordingly, Boston College commits itself to maintaining a welcoming environment for all people and extends its welcome in particular to those who may be vulnerable to discrimination, on the basis of their race, ethnic or national origin, religion, color, age, gender, marital or parental status, veteran status, disabilities or sexual orientation.

Boston College rejects and condemns all forms of harassment, wrongful discrimination and disrespect. It has developed procedures to respond to incidents of harassment whatever the basis or circumstance. Moreover it is the policy of Boston College, while reserving its lawful rights where appropriate to take actions designed to promote the Jesuit, Catholic principles that sustain its mission and heritage, to comply with all state and federal laws prohibiting discrimination in employment and in its educational programs on the basis of a person's race, religion, color, national origin, age, sex, marital or parental status, veteran status, or disability, and to comply with state law prohibiting discrimination on the basis of a person's sexual orientation.

To this end, Boston College has designated its Executive Director for Institutional Diversity to coordinate its efforts to

comply with and carry out its responsibilities to prevent discrimination in accordance with state and federal laws. Any applicant for admission or employment, and all students, faculty members and employees, are welcome to raise any questions regarding this policy with the Office for Institutional Diversity. In addition, any person who believes that an act of unlawful discrimination has occurred at Boston College may raise this issue with the Assistant Secretary for Civil Rights of the United States Department of Education.

The right of peaceful coexistence, which includes the right to be free from violence, force, threats, and abuse, and the right to move about freely.

The right to be free of any action that unduly interferes with a student's rights and/or learning environment.

The right to express opinion, which includes the right to state agreement or disagreement with the opinions of others and the right to an appropriate forum for the expression of opinion.

The right of privacy, which includes the right to be free of unauthorized search of personal spaces.

The right to have access to a process through which to resolve deprivations of rights and, in the case of disciplinary procedures, the right to be informed of any charges of misconduct, the right to adequate time to prepare a response to the charges, the right to hear evidence in support of the charges, the right to present evidence against the charges, the right to an advisor, the right to a fair procedure which is appropriate to the circumstances, and the right to be informed of the outcome of any proceeding.

**All student members of the Boston College community have certain responsibilities to the institution and to its members. These include:**

Respect for the rights of others, which includes the obligation to refrain from conduct that violates or adversely affects the rights of other members of the Boston College community.

The obligation to refrain from conduct in the general community which adversely affects Boston College.

The obligation to refrain from interfering with the freedom of expression of others. This would include such activities as newspaper thefts, attempting to shout down speakers, and intentional jamming of computer networks.

The responsibility for the avoidance of force, violence, threat, or harassment.

The responsibility for the avoidance of disruption. Certain kinds of conduct can convert the expression of opinion into disruption. The [Student Demonstrations](#) policy describes the procedures and limitations appropriate to the public expression of opinion.

The responsibility for the compliance with state, federal, and municipal laws and regulations. Student members of the Boston College community must be aware that they continue to be subject to the obligations of all citizens while they attend the University. The University is committed to the observance of the laws. Boston College students, as adults, are fully expected to comply with all state, local, and federal laws and bear the ultimate responsibility for their actions. There is no immunity on its campus from the prohibitions of state and federal law regulating the use of drugs, alcohol, or motor vehicles. Violation of the laws in the communities surrounding the campus injures the University, just as it does the other citizens who reside there, and the University offers no tolerance of any such conduct.

The obligation to ensure that the conduct of others who come to the University through a student's invitation or permission complies with the rules and regulations of the University.

The obligation to respect the environment of Boston College, which includes respect for the physical features of the campus and its facilities as well as the special needs of an institution of learning, such as quiet and privacy.

The obligation to provide proper identification when requested to do so by a representative of the University. All students are expected to carry their Boston College identification card at all times and to produce it when requested.

The responsibility to cooperate with University officials in the performance of their duties.

The responsibility to respect the values and traditions of Boston College as a Jesuit, Catholic institution.

All Boston College students are expected to fully comply with all the policies and procedures listed in the Student Guide. In addition, resident students, including graduate resident students, are expected to fully comply with the provisions detailed in the Office of Residential Life's [Conditions for Residency](#), available on the Residential Life website at [www.bc.edu/reslife](http://www.bc.edu/reslife). Behavior that violates the guidelines in any way may result in disciplinary action by the University for conduct unbecoming a

Boston College student. Examples of such conduct may include but are not limited to: Improper Sexual Conduct, Interfering with the Freedom of Others, Creating a Hostile Environment, Failure to Cooperate with a University Official, etc.

The Undergraduate Government of Boston College (UGBC) produces a guide to student rights, [Know Your Rights](#), that provides information about the Boston College Police Department, the judicial process, residential life, and more.

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## ***BEHAVIORAL POLICIES***

*Source: Office of the Dean for Student Development unless otherwise noted*

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## Academic Honesty

As members of an academic community, all students have an obligation to respect the rules of academic honesty. It is academically dishonest to claim the work of others as your own work or to fail to identify accurately the work of others when used in your own work. It is academically dishonest to cheat on examinations or assignments. It is cheating to copy from the examinations of other students, to obtain the text of a test or examination without the consent of the instructor, and to refer to notes or materials during a test unless specifically authorized to do so by the instructor. It is academically dishonest to knowingly assist another student in committing an act of academic dishonesty.

## Academic Policies

Source: Office of Student Services

See the Academic Policies and Procedures at [www.bc.edu/offices/stserv/academic/resources/policy/](http://www.bc.edu/offices/stserv/academic/resources/policy/).

## Alcohol and Drug Use and Abuse

*Source: Office of the Dean for Student Development, Office of the General Counsel, and Office of Residential Life*

Boston College students are expected to comply with local, state, and federal laws relating to the use of drugs and alcohol. The University will not tolerate conduct that disrupts the campus or the academic or residential environment. The University values its relationship with the adjoining cities of Boston and Newton and recognizes the right of its neighbors to be secure from abusive conduct caused by illegal use of drugs and alcohol on campus.

With this in mind, Boston College has established a clear, concise policy related to the illegal use of alcohol and drugs. The use, possession, sale, or distribution of any controlled substance; the use, sale, possession, or distribution of alcohol by anyone under the age of 21; and the unauthorized possession of any central alcohol source (kegs, beerballs, punch bowls, trash cans, etc.) by students on the Boston College campus or in the course of University activities are prohibited.

Boston College has also established clear and specific sanctions that result from violations of the policy. The sanctions, ranging from warnings and substance abuse awareness programs for minor offenses to dismissal and/or referral to civil authorities for major and/or multiple offenses, are applied consistently and fairly. The University recognizes that while the sanctioning process is educational in nature, students must understand that they will be held accountable for their actions in both the college setting and the external world.

In some instances, education must defer to community standards and community safety. In cases of a serious nature or in instances of multiple recidivism, it sometimes is necessary to impose sanctions that extend beyond the educational realm. In those situations, Boston College is committed, when necessary, to imposing stern and swift sanctions up to and including dismissal from the University and referral of the matter to the local authorities for prosecution as necessary. The Boston College community will not tolerate violations of this nature and will not shield its students from just and appropriate consequences for their illegal actions.

The University unequivocally prohibits the illegal possession and/or professionally unsupervised use of all prescription drugs, hallucinogenic drugs, Rohypnol ("roofies"), and controlled substances, including marijuana, by any member of its community. It is an especially serious offense to sell, provide, share, or distribute drugs illegally. State law also prohibits the sale of drug paraphernalia (pipes, roach clips, etc.), and the items are subject to confiscation on campus. Selling or distributing drugs will result in suspension or dismissal from the University.

Information regarding the University's alcohol and drug abuse prevention program is published in the Drug-Free Campus and

Workplace Program. The document, distributed each year to all members of the University community as a component of the Boston College Important Notices and Disclosures mailing, is available from the Office of the Financial Vice President and Treasurer. In addition, the following related policies may be referenced in the Boston College Policies and Procedures Manual at [www.bc.edu/policy](http://www.bc.edu/policy): [Drug-Free Workplace, 1-300-020](#); [Drug-Free Schools and Campuses, 1-300-025](#); and [Use of Alcohol at Boston College, 1-300-050](#).

### **ALCOHOL REGULATIONS**

The majority of offenses against people and property committed at Boston College are a direct result of alcohol use and abuse. Such behavior is unacceptable to the student population and the community at large.

Massachusetts state law, applicable to all BC students regardless of home state or country, makes it illegal for anyone under age 21 to purchase, arrange to have purchased, transport, possess, consume, or carry alcoholic beverages. Regardless of age, the unlawful use of alcohol, drunk and disorderly conduct (including assault and battery and property damage), and violation of any regulations listed below are considered serious offenses and will result in judicial action and possible suspension from Housing and/or the University.

Anyone under the legal age transporting, possessing, or consuming alcohol is subject to judicial action. Regardless of age, anyone drinking or possessing an open container of alcohol in a public or common area (the Dustbowl or Campus Green, outdoors, lounges, hallways) or participating in drinking games is also subject to judicial action. Open containers of alcohol are prohibited on the streets of Boston and Newton and could result in arrests and court action.

Under Massachusetts state law, it is illegal to transport alcohol in excess of the following quantities:

- 9 cases of beer
- 3 gallons of any other alcoholic beverage

Transporting quantities in excess of the legal limits will be subject to confiscation as well as University judicial action and/or arrest.

Tailgate parties are limited to the designated areas adjacent to Alumni Stadium, must include appropriate amounts of food in relationship to drink, and must be kept "litter free" by participants. Kegs and beerballs are prohibited at tailgates and are subject to confiscation. Alcohol is prohibited inside Alumni Stadium and Conte Forum, and violation may result in expulsion from the facility and/or judicial action.

All Flynn Fund parking lots open three hours prior to kickoff with the exception of games that begin at 12 p.m. For these games, parking lots open two hours (10 a.m.) prior to kickoff. [2007-2008 Football Schedule](#)

### **STUDENT SOCIAL FUNCTIONS INVOLVING ALCOHOL**

Any student social function involving alcohol that is held outside of the residence hall system and is sponsored by Boston College or utilizes Boston College funds, whether occurring on or off campus, must be approved in advance by the Office of the Dean for Student Development. The function must be sponsored by a registered student organization, with the officials of the group acting as the sponsors. The sponsors are strictly responsible and accountable for adherence to University regulations and state laws and have certain assigned responsibilities. University regulations include the policy, [Use of Alcohol at Boston College, 1-300-050](#), in the Boston College Policies and Procedures Manual at [www.bc.edu/policy](http://www.bc.edu/policy). In addition, the following regulations must be adhered to whether the event is on or off campus:

1. The sponsor is responsible for assuring compliance with all University policies.
2. When a liquor license is required for an on-campus event from the City of Boston or the City of Newton, six to eight weeks time should be allotted to obtain the license.
3. Any off-campus facility utilized for an event at which alcohol is to be served must have a valid Massachusetts liquor license.
4. Boston College absolutely prohibits any postering and/or leafletting promoting local liquor establishments for any reason.
5. The sponsor must be in attendance at the event until such time as the alcoholic beverages are no longer available.
6. The sponsors of an event at which alcohol is served must be of legal drinking age.

7. Events at which alcohol is served are limited to those students who are 21 years of age or older. Exceptions to this policy, which may provide for alternative means of identification or for separate serving/consuming facilities for underage students, must be approved by the Office of the Dean for Student Development and the Director of Dining Services.
8. Off-campus facility staff must assume the responsibility of checking for two forms of ID and for serving the alcohol.
9. Students are not to be allowed to enter the event if they are intoxicated or attempt to bring in their own alcohol.
10. Food and non-alcoholic beverages must be available at events where alcohol is provided.
11. The bar may serve alcoholic beverages for no more than three hours and must close at least one hour prior to the end of the event.
12. Only one drink per person may be served at a time.
13. No "shots," doubles, or drinks with more than two liquors are to be served.
14. Open bars generally are not permitted at student events on or off campus. (Exceptions to this policy may be approved, in advance, by the Office of the Dean for Student Development and/or the Director of Dining Services.)

### **RESIDENCE AREAS**

No one under the legal age may possess or consume alcohol. All drinking games are strictly prohibited. Participation in such games, regardless of age, will result in judicial action. All "central sources" of alcohol (kegs, beerballs, punch bowls, trash cans, etc., which are subject to confiscation), are strictly prohibited. In addition, the possession of any items or devices used for "drinking games" (e.g., "Beirut tables," funnels, etc.) is prohibited and will be subject to confiscation and possible sanction. No empty containers of alcohol are permitted in the residence areas of students who are under the age of 21. Students of legal drinking age may have small quantities of alcohol (as determined by the hearing official) for personal consumption only. Possession of large amounts and/or providing alcohol to minors is prohibited. Social gatherings at which alcohol is served are strictly prohibited unless registered in advance in accordance with the guidelines promulgated by the Office of Residential Life. It is the host's responsibility to assure that a guest is of legal drinking age.

In the Modular housing units (Mods) during football games, Marathon Monday, Senior Week, or any other special event, any student under the age of 21 found in possession of, and/or under the influence of alcohol, will lose the ability to live in the Mods during their senior year. In addition, students attempting to gain access to the Mods (e.g., climbing the fence) will lose the ability to live in the Mods their senior year.

Violation of alcohol rules and regulations (illegal use or misuse) will be handled through the judicial system and will result in sanctions that may include fines, mandatory participation in alcohol education classes, community work projects, probations, and/or Housing or University Suspension or Dismissal.

See the [Social Gathering](#) and [Social Host Responsibility and Guests](#) policies below for more information.

### **Arson and Fire-related Conduct**

Deliberately setting a fire on the campus will be treated as one of the most serious forms of misconduct and will result in immediate suspension from Housing and/or from the University. Any conduct having a foreseeable risk that a fire will result is unacceptable, even if no fire is intended to or does occur. Lighting a trash fire, bonfire, door decorations, or materials on a bulletin board will be treated as deliberate attempts to start a fire.

Candles and burning incense are absolutely prohibited in the residence halls and will result in confiscation and judicial sanctions. Misuse of fire protection devices such as extinguishers, smoke detectors, and alarms threatens the safety of the community and is unacceptable. Setting off a false alarm will result in University Suspension.

### **Behavior at Athletic and Social Events**

Boston College students are expected to conduct themselves in a reasonable and inoffensive manner at all athletic and social events (football games, concerts, etc.). The use of offensive and/or vulgar chants or signs is unacceptable and may result in



the confiscation of Boston College IDs, ejection from the facility, and the possibility of additional disciplinary action.

## Bias Motivated Offensive Conduct and Hate Crimes

Boston College and the Boston College Police Department have a zero tolerance policy for any bias motivated offensive conduct or hate crimes.

A hate crime is any traditional criminal offense that is motivated in whole or in part by the offender's bias toward the victim's race, religion, disability, sexual orientation, nationality, or ethnicity.

Bias motivated offensive conduct is behavior that, whether or not criminal, constitutes a violation of behavioral standards and policies listed in the Student Guide and Professional Standards of Boston College, and that is motivated in whole or in part by the offender's bias toward the victim's race, religion, disability, sexual orientation, nationality, or ethnicity.

Students found responsible for committing bias motivated offensive conduct or a hate crime face sanctions up to and including suspension or dismissal from the University as well as possible arrest and criminal action.

Boston College has recently established a new protocol with respect to these types of violations. This protocol is available at [www.bc.edu/diversity](http://www.bc.edu/diversity). Any bias motivated offensive conduct or hate crime should be reported immediately to the Boston College Police Department at 617-552-4444 or may be reported through the website.

## Cohabitation

In order to foster the personal and social development of residence hall students and at the same time respond to the safety, security, and privacy needs of students sharing common living spaces, cohabitation is strictly prohibited. Refer to the guest policy detailed in the Office of Residential Life's [Conditions for Residency](http://www.bc.edu/reslife), available on the Residential Life website at [www.bc.edu/reslife](http://www.bc.edu/reslife).

## Dangerous Weapons

Possessing or carrying a firearm, loaded or unloaded, in any building or on the grounds of Boston College without the authorization of the Chief of the Boston College Police is prohibited.

All implements characterized by Massachusetts state law as "Dangerous Weapons" (switchblade knives, etc.) are also prohibited. The possession of Mace, pepper spray, or their derivatives on the Boston College campus is permissible only if the student has a Firearms Identification Card (FID) and receives written permission from the Boston College Police. Improper use of laser beam instruments is also prohibited. Possession without appropriate authorization and/or misuse of the weapons will result in serious disciplinary action by the University.

## Dining Hall Violations

Misappropriation of food and beverages within the dining facilities is a serious matter and will be dealt with through the Student Judicial System in an administrative or disciplinary fashion (depending on the nature of the offense or repetitiveness). Actions of an administrative nature will also be taken by Dining Services.

## Discriminatory Harassment

See the Boston College Policies and Procedures Manual at [www.bc.edu/policy](http://www.bc.edu/policy): [Discriminatory Harassment, 1-200-025](#).

## Drugs

See [Alcohol and Drug Use and Abuse](#)

## Emergency Alarm System

A system of alarm boxes marked by blue lights is installed on campus and linked to the Boston College Police. The purpose is to provide protection and assistance in an emergency such as assault and battery or rape. Misuse of the system (asking for

bus schedules, pranks, etc.) is considered to be in the same category as pulling a false fire alarm and will result in judicial action.

## Fire Safety Violations

The Office of Residential Life assigns certain minimum sanctions for violations of the fire safety policies at Boston College. A complete and current list of [Safety and Security Policies](#) for the residence halls, as well as sanctions for violations, is available on the Office of Residential Life's website at [www.bc.edu/reslife](http://www.bc.edu/reslife).

## Fireworks

Sale, possession, and use are prohibited under Massachusetts law.

## Gambling

Boston College expects students to abide by federal and state laws prohibiting illegal gambling. Such prohibited activity includes but is not limited to: betting on, wagering on, or selling pools on any athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book, or other device for registering bets; knowingly permitting the use of one's premises or one's telephone or other electronic communication device for illegal gambling; knowingly receiving or delivering a letter, package, or parcel related to illegal gambling; offering, soliciting, or accepting a bribe to influence the outcome of an athletic event; and involvement in bookmaking or wagering pools with respect to sporting events. Students involved in illegal gambling, particularly bookmaking, risk suspension or dismissal from the University.

## Hate Crimes

See [Bias Motivated Offensive Conduct and Hate Crimes](#)

## Hazing

*Source: Office of the General Counsel*

Imposition of or participation in any form of initiation or membership requirement that involves hazing is unacceptable conduct. An individual who hazes or participates in an event where hazing is involved will have their University status reviewed. Massachusetts law makes hazing a very serious criminal offense. The text of Massachusetts General Law, Chapter 269: Hazing, is as follows:

Sect 17. Definition; Penalty: Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Reporting Hazing Offenses; Penalty for Failure to Report Violation: Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19. Notice to Schools and Colleges; Annual Reports; Adoption of Disciplinary Policy: Each institution of secondary



education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team, or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibilities to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution that fails to make such report.

## ID Card Fraud/Misrepresentation

It is considered fraud and misrepresentation to alter, deface, or falsify IDs or in any way obtain or conspire to obtain fake identification for the purpose of presenting oneself as age 21 or older. Conspiring to obtain, possession, and/or use of such items may result in arrest and criminal actions being taken off campus under state law and will be addressed through the University's judicial system. Manufacturing fraudulent IDs (including attempting to manufacture or assisting in the manufacture or distribution of such IDs) is an extraordinarily serious offense and will result in suspension or dismissal from the University as well as possible criminal prosecution.

## Internal Search

*Source: Office of the Vice President for Student Affairs*

The University reserves the right to enter student rooms/apartments/suites in University Housing for reasons of health, normal maintenance, upholding community standards (including safety and discipline), and inspection of or making necessary repairs to rooms, furnishings, or room equipment. Except in cases of genuine emergency, a search of the contents of a student's room/apartment/suite will be made only with: (1) his or her consent; or (2) a University Search Authorization issued by the Vice President for Student Affairs or designee; or (3) a duly authorized search warrant from a local court.

The Vice President for Student Affairs will not issue a University Search Authorization unless presented with evidence sufficient to give rise to a belief that a search will demonstrate that a violation of University regulations or local, state, or federal law has taken place, is taking place, or will take place, or that a danger to the health or safety of the occupant(s) of the living unit or other members of the Boston College community exists. A University Search Authorization will set forth the premises, the person or persons who are the subject(s) of the search, the item(s) being sought, and the time within which the warrant will remain valid.

A search based upon a University Search Authorization will be conducted by the Dean for Student Development and/or the Director of Residential Life or their designees and other university officials deemed appropriate in the situation.

## Noise Disturbances

The improper use of sound equipment in or around residence halls violates the rights of students and neighbors and is unacceptable. Local city ordinances prohibit all noise that would disturb neighbors. The [Residence Agreement](#) (available on the Office of Residential Life's website at [www.bc.edu/reslife](http://www.bc.edu/reslife)) prohibits noise or sound that can be heard clearly outside one's immediate room or apartment and/or is objectionable to any community member. Noise disturbances or misuse of sound equipment will result in judicial actions being taken.

## Off-campus Disturbances

As members of both the Boston College and the neighborhood communities, students who reside in off-campus apartments have a responsibility to demonstrate respect and concern for all members of the local community. As a result, Boston College imposes an obligation upon all its students to demonstrate responsible citizenship in the local neighborhood. Excessive or unreasonable noise, the illegal use and/or sale or distribution of alcohol or drugs, objects being thrown out of apartment windows, excessively large parties, and/or rude and abusive language or behavior are not in concert with the obligation. Numerous off-campus arrests have occurred for such offenses as false IDs, disorderly conduct, illegal sale or possession of alcohol, and public drinking. Therefore, the University reserves the right to refer any students identified as being involved in this type of behavior to the University's Student Judicial System for disciplinary action. If found responsible, students are subject to sanctions up to and including loss of University housing privileges or suspension or dismissal from the University.

## Off-campus Misconduct

Whether or not alleged misconduct constitutes a violation of criminal law, students may be sanctioned by the Student Judicial System for violations of the University Code of Student Conduct occurring on or off the Boston College campus. Accordingly, persons who are not members of the Boston College community may initiate a complaint with the Office of the Dean for Student Development.

## Physical Violence

Respect for the human dignity of the individual is an essential cornerstone of Catholic, Jesuit education. At Boston College, students expect to be free from violence, threats, or abuse, and they have an obligation to respect these expectations in relation to fellow students.

Physical violence in any form—except self-defense and then only to the limited degree necessary for self-protection—cannot be tolerated in a civil, educational environment. The category of misconduct encompasses but is not limited to rape, sexual assault, indecent assault and battery, assault and battery (simple and/or by means of a dangerous weapon), fighting/brawling, and relationship violence. Under no circumstance is physical violence an acceptable means to resolve problems, disputes, or interpersonal relations.

Physical violence violations are subject to review within the University's Student Judicial System—aside from civil or criminal court actions—and may result in sanctions up to and including a University Stay Away Order or dismissal from the University.

## Propping of Residence Hall Doors

The propping open of or intentional jamming or tampering with the locking mechanisms of external residence hall doors is considered a serious breach of safety and security for the students of the building, their guests, and other community members. Such conduct is totally unacceptable and must be viewed from a "zero tolerance" standpoint. Any student who is responsible, or whose guest is responsible, for violating the policy is subject to minimal automatic sanctions up to and including removal from University housing.

## Prop/Theatrical Weapons

The use of prop weapons for theatrical performances or activities on campus can present a potential danger for students, faculty, and staff. There are well-documented cases where law enforcement officers have mistaken a "toy" or realistic replica for a real weapon, and serious injury or death has resulted.

It is unreasonable to expect the Boston College Police or University administrators to be able to distinguish a "stage prop" from a dangerous weapon. Therefore, a consistent policy governing the use and possession of such props has been developed.

No student should ever have in his or her unsupervised possession a device that could be reasonably described as or mistaken for a weapon. Unsupervised possession is the use or possession of the weapon without the knowledge or consent of the appropriate authority. Appropriate authority must always include the Boston College Police, with the knowledge and consent of the Office of the Dean for Student Development (ODSD). Exceptions to ODSD might be a faculty advisor or other faculty or staff member who has agreed to supervise the use of weapons as part of his or her normal responsibilities; specifically, acting teachers who teach stage combat, fencing coaches, production directors who are also employees of the University, or other employees of the University who have need of such devices as part of their classes or as part of a directed activity.

Any person, class, club, or other organization that plans to use weapons of any description on the Boston College campus as part of their regular activities must register all the details of the activity with the Boston College Police and ODSD. If an individual or organization wishes to store weapons on campus, that information must also be submitted to the Boston College Police along with detailed descriptions of the weapons and how they will be secured. If an individual or organization is bringing weapons onto the campus for legitimate use in a planned activity, the information concerning the use and storage must be submitted to the Boston College Police for approval prior to bringing the weapons on campus. The Police may tag the items for later identification or issue a permission permit dated to expire at the conclusion of the activity.

To the extent possible, the use of weapons should be restricted to controlled environments. It is unnecessarily dangerous for any person to be seen running across campus with a weapon in pursuit of another person. The activity should be contained in a room, floor, or building that is restricted in its use (such as Robsham Theater) and is properly supervised.

## Residence Hall Damage

Damage or destruction of University property is considered a very serious offense. Instances of wanton damage will be reviewed by the Office of the Dean for Student Development for judicial action to include suspension or dismissal from University housing and/or the University.

## Senior Week

Attendance at Senior Week events as well as residence in University housing during Senior Week is a privilege, not a right. Consequently, the Dean for Student Development or designee reserves the right to ban specified individuals from Senior Week events (including Commencement exercises) and/or terminate a student's housing or University status.

## Sexual Activity

As a Catholic, Jesuit institution of higher learning, Boston College adheres to the Church's teachings with respect to sexual intimacy. Consequently, sexual union outside the bonds of matrimony may be subject to sanction as conduct unbecoming a Boston College student. In addition, the University prohibits all forms of sexual violence, coercion, intimidation, and harassment as set forth in the University Sexual Assault and Sexual Misconduct Policy.

## Sexual Assault

Boston College attempts at all times to maintain a safe environment that supports its educational mission and is free from exploitation and intimidation. The University will not tolerate any form of sexual assault or interpersonal violence.

Boston College recognizes the importance of offering victims of sexual assault immediate treatment, counseling support, and police assistance if desired. Care and consideration of the survivor's wishes will be taken into account throughout the intervention process.

### ***UNIVERSITY SEXUAL ASSAULT AND SEXUAL MISCONDUCT POLICY***

The University Code of Student Conduct prohibits all forms of sexual violence, coercion, or harassment against individuals, whether perpetrated by a stranger or acquaintance, whether occurring on or off campus, and whether directed against a member of the Boston College community or someone outside the University community. Prohibited conduct ranges from

acts clearly identifiable as rape, attempted rape, and sexual assault, to sexual misconduct that while not in all instances criminal, includes such acts as stalking, voyeurism, exposure, sexually harassing communication, and sexual activity in a context of emotional coercion. Where there is reasonable cause to believe that a student member of the University community has violated the University Code of Student Conduct, the University will take action in accordance with the policies and procedures outlined in the Student Guide. University judicial action may be taken whether or not criminal charges are filed and without regard to whether the conduct occurred on or off the Boston College campus.

Any member of the University community found responsible for violating the sexual assault and sexual misconduct policy is subject to disciplinary action up to and including dismissal from Boston College. The standard used to determine accountability is whether it is "more likely than not" that the accused has violated the policy.

### ***MASSACHUSETTS LAW***

"Sexual assault" is an inclusive term that refers to any criminal violation involving serious sexual misconduct. Included are offenses such as rape, attempted rape, and indecent assault and battery. According to Massachusetts law, the crime of rape occurs when the assailant "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 intercourse or unnatural sexual intercourse" includes vaginal, oral, and/or anal intercourse as well as digital penetration. Under Massachusetts law, both men and women may be victims or perpetrators of rape.

The statutory language, "against his or her will," requires the complainant to show that the victim did not consent to the sexual act. If an alleged perpetrator has sexual intercourse with a victim who is incapable of consent by reason of sleep, drunkenness, stupefaction, or unconsciousness, the alleged perpetrator may be convicted of rape and the only "force" necessary for conviction is the minimal force required for penetration. In the case of drunkenness, this does not mean that the victim was merely under the influence of alcohol but that **he or she was intoxicated to the extent that he or she was unable to give informed consent to the act.** Rape may occur between people who know each other or who have had prior consensual relations with each other.

Rape and attempted rape are punishable by up to 20 years imprisonment. Aggravated rape, which allows for even stronger penalties, occurs if the rape causes serious bodily injury, is the result of group attack, or occurs during the commission of certain specific crimes such as robbery or burglary.

If an alleged perpetrator intentionally has physical contact of a sexual nature with the victim without the victim's consent, the perpetrator can be charged with the crime of indecent assault and battery. Such contact may include an offender touching a woman's breasts or buttocks or the pubic area of a man or woman. Indecent assault and battery may be punished by up to five years imprisonment.

In Massachusetts, domestic violence involves abuse, assault, or threats against a spouse or dating partner. Victims of domestic violence should contact the police to ensure immediate safety and to obtain medical treatment if necessary. Persons who commit domestic violence are subject to arrest. If the victim/survivor wants to obtain a "domestic abuse protection order" (Chapter 209A), the University will assist the individual in the process. The court order requires the assailant to stay away from and have no contact with the victim either in person or by telephone and may restrict the assailant's presence at certain locations.

### ***UNIVERSITY RAPE EDUCATION AND PREVENTION STRATEGIES***

Boston College is committed to educating the campus community in ways to prevent sexual assault and domestic violence. Throughout the year, including during summer orientation, representatives from the Office of the Dean for Student Development, Boston College Police, Undergraduate Government, Sexual Assault Network, Residential Life, b.i.u.e. Peer Program, and Women's Resource Center conduct a variety of safety and educational programs. The sessions provide information on crime prevention, security, residence hall and University-wide regulations and behavioral standards, and the resources available to members of the Boston College community.

In addition, many of the offices have brochures and literature detailing on- and off-campus resources available to the victim/survivor and information about the internal and external judicial systems.

### ***RESPONDING TO A REPORT OF SEXUAL ASSAULT OR INTERPERSONAL VIOLENCE***

#### **ENSURE THE VICTIM/SURVIVOR'S SAFETY**

If anyone is in immediate danger or has been the victim of a serious crime, call the Boston College Police at 617-552-4444 or, if off campus, the local police by dialing 911.

To report an incident of sexual assault, the victim/survivor or a friend of the victim/survivor may contact the Boston College Police, Sexual Assault Network (contact anonymously at 617-552-BC11), Office of Residential Life, or Office of the Dean for Student Development.

#### SEEK IMMEDIATE MEDICAL TREATMENT

It is important to encourage the victim/survivor not to bathe, wash, or change clothes before seeking medical attention in order to protect valuable evidence should the survivor decide to report the assault and prosecute the assailant. A medical exam does not commit the victim to pressing charges. Medical treatment can be facilitated by contacting the Boston College Police or a Sexual Assault Network member.

Assistance will be provided to arrange transportation to a hospital or rape treatment center. Not all injuries are apparent immediately. A medical evaluation is necessary to evaluate internal injuries, sexually transmitted disease, and pregnancy, and to gather medical evidence should the victim choose to file criminal charges against the assailant at that point in time or in the future. The decision to file charges is up to the survivor. The medical records are held by the hospital for six months and may be held longer if requested by the survivor.

#### ***COORDINATED UNIVERSITY RESPONSE SYSTEM—ACCESSING UNIVERSITY RESOURCES FOR HELP AND SUPPORT***

**Boston College Sexual Assault Network Helpline 617-552-BC11 (2211), available 24/7, [www.bc.edu/sanet](http://www.bc.edu/sanet)**

The Sexual Assault Network is the focal point of services for students who may be victims of sexual assault. The network is a group of trained professionals and students who have volunteered to serve as advocates for victim/survivors of sexual assaults. Discussions with members of the network are strictly confidential.

Some members of the network are available for crises or emergencies 24 hours a day; others are available during regular business hours. To obtain names of network members, contact the Women's Resource Center (617-552-3489), Office of the Dean for Student Development (617-552-3470), University Health Services (617-552-3227), Residential Life (617-552-3060), University Counseling Services (617-552-3310), or Boston College Police (617-552-4440). Both a staff and a student member of the network are available 24 hours a day and may be contacted anonymously by calling 617-552-BC11 (2211) or by calling the police at any time.

Members of the network are available to assist the victim in a variety of ways, including:

1. Assistance with emergency rape crisis treatment and emergency medical services, including accompanying the survivor to the hospital, police, the Office of the Dean for Student Development, etc. as requested.
2. Assistance, guidance, and support throughout the University judicial process and/or the criminal justice process if the survivor chooses this course of action.
3. Advice and assistance in obtaining either internal, University Stay Away Orders or criminal restraining orders.
4. Assistance in addressing academic concerns if desired.
5. Assistance in identifying alternate living arrangements if desired.
6. Assistance in contacting other University offices for assistance as appropriate (Health Services, Counseling Services, Campus Ministry, etc.).
7. Assistance in contacting community resources such as rape crisis centers, support groups, etc. if desired.
8. Assistance in contacting the appropriate police department if desired.
9. General support and assistance as needed.

#### CONFIDENTIALITY

Services of the Sexual Assault Network, Boston College Police, University Health Services, and University Counseling Services are strictly confidential. Only with a student's consent and at his or her request will any of the offices share information that could identify the victim.

All persons should be informed that the police may not name or identify the victim/survivor in any manner to the news media, including campus publications. A brief account of the incident and the name of any arrested person is all that may be released for the protection of the University community.

## BOSTON COLLEGE POLICE

The Boston College Police have specially trained officers who investigate sexual assault and domestic violence cases. The police make every effort to offer female victims/survivors an opportunity to have a female officer present during all interviews. Additionally, the Boston College Police will help a victim/survivor make contact with:

1. Local police if the assault occurred off campus.
2. The district attorney's office for criminal prosecution and victim-witness assistance program.
3. University resources, including the Office of the Dean for Student Development, Counseling Services, etc.

### *INFORMING THE UNIVERSITY*

Students are strongly encouraged to report incidents of sexual assault to the University and to the Boston College Police in order to receive help in accessing support services and in prosecuting the offender. However, the decision must be made by the victim/survivor and respected by all members of the University.

When University personnel are informed of a sexual assault, they will notify the Dean for Student Development of the incident by date, time, and location. The name or other identifying information will not be disclosed without the victim/survivor's consent.

### *EXTERNAL JUDICIAL PROCESS*

If the incident occurred on the Boston College campus, the Boston College Police will conduct an investigation and assist the victim/survivor to file criminal charges against the alleged offender for on-campus incidents if he or she desires. The Boston College Police also help in obtaining protective restraining orders for domestic violence incidents.

If the incident occurred off campus, the Boston College Police will assist the victim in informing the appropriate municipal police department if he or she so desires. The fact that the police have been informed does not mean the victim must file criminal charges in the matter.

### *INTERNAL JUDICIAL PROCESS*

The Dean for Student Development or designee will assist a student in filing an internal complaint for possible disciplinary action against an alleged offender.

In cases where it is determined that the alleged assailant may pose a potential danger to the safety and well-being of the University community or the victim/survivor, the Dean or designee may impose a University Stay Away Order prohibiting the assailant from having any contact with the victim. In addition, the Dean or designee may impose on the alleged assailant a summary suspension from either housing or from the University pending final resolution of the matter by the judicial system. If the victim prefers to explore internal action short of formal disciplinary charges, the Dean may offer other alternatives such as mediation.

## Smoking

See the Boston College Policies and Procedures Manual at [www.bc.edu/policy](http://www.bc.edu/policy): [University Smoking Policy, 1-300-010](#).

## Social Gathering

Residential students at Boston College are expected to maintain a safe and healthy living environment that is conducive to academic and personal enrichment. While students are encouraged to socialize with one another, the University expects that this will be done in an appropriate manner.

Examples of gathering activities that violate this policy include but are not limited to: excessive noise; hosting a large and/or unreasonable number of persons (i.e., more than three times the normal occupancy of the room or suite); amplified music, DJs, or instruments; gatherings where alcohol is present along with persons under the age of 21; and drinking games of any sort.

Students are expected to remove themselves from gatherings where such activities occur and, particularly if under the age of 21, are expected to **not** remain in the presence of alcohol.

The resident hosts are responsible and accountable for behaviors and activities taking place in their suites and rooms.



The Office of Residential Life reserves the right to determine whether a gathering violates this policy and what disciplinary actions, if any, are necessary.

## Social Host Responsibility and Guests

Any student who hosts a visitor, guest, or any individual accompanying a guest on campus is responsible for ensuring that such person knows and adheres to all regulations of the University Code of Student Conduct. This is especially true within the residence halls and individual rooms.

In instances where guests violate rules or codes, the student host may be held responsible for guest misconduct under the Student Judicial System. One aspect of the [Residence Agreement](#) (available on the Office of Residential Life's website at [www.bc.edu/reslife](http://www.bc.edu/reslife)) holds residents of a room accountable for anything, including any guest misconduct, that occurs within the room. Whether or not a visitor is a student or non-student, the host resident will be held responsible for violations of University codes, including objects thrown from a window and other incidents. Responsibility under the rules may occur even if the host is not a participant in the activity or has left the visitor(s) alone.

The student social host will be considered serving or providing alcohol to minors or providing drugs to anyone if he or she possesses or has alcohol or drugs present in the room for visitor use. Thus, the host is also responsible for misconduct if he or she passively allows illegal alcohol or drug use to occur within his or her room.

All overnight guests must be registered with the residence hall director or assistant director responsible for the hall or area. Guests staying beyond four consecutive nights must receive written authorization from the Director of Residential Life. Failure to comply with the rules will result in judicial action being taken against the student host.

## Student Demonstrations

As an educational institution, Boston College must continue to increase its involvement in the fiber of our society and encourage its students to become engaged in this effort. A meaningful commitment to society must include the examination of the roots of society and a willingness to challenge aspects of society that are the subject of debate and uncertainty. The very nature of such a commitment presupposes the necessity of the presentation of opposing viewpoints and an openness to confrontation between ideas. The involvement of the University or its students in this process cannot achieve any meaning if the methods of engagement, reason, and dialogue are inhibited or constrained. No greater injury to the intellectual climate of an academic institution or the academic freedom of its members can occur than the curbing of the free exchange of ideas by imposition of fear or repression. The tactics of intimidation and coercion are never more repugnant than when applied to stifle the reasoned partisanship of opinions.

The right to express opinions in public is an important part of the engagement of the citizen in the affairs of the community, but the right can carry with it the risk of infringing on the rights of others holding differing views. To ensure that public demonstrations of opinion do not violate directly or indirectly the rights of others by preventing the ordinary operation of the University, applications for permits for all activities in the nature of a public speech, rally, demonstration, march, or protest must be submitted a minimum of 48 hours in advance to the Dean for Student Development. If approved, the activities must be conducted in accordance with the rules set forth below. The Dean reserves the right to determine the time and place of any public demonstration. Participation in a demonstration without prior authorization could result in disciplinary action. The organizers of any demonstration should be aware that they are also responsible for compliance with local, state, and federal law. The following types of conduct will be treated as disruptive and unacceptable:

1. Physical or verbal abuse of any person on property owned or controlled by the University.
2. Causing damage to the property of the University, an organization recognized by the University, or an individual.
3. Obstruction or disruption of the affairs of the University including, without limitation, teaching, research, public presentations, administration, disciplinary procedures, athletic or dramatic events, or placement or recruitment services.
4. Unauthorized entry to a University facility and failure to leave a University facility when requested to do so by a representative of the University.
5. Continued obstruction of the entrance or exit to a University facility or a campus roadway after being asked to cease the obstruction by a representative of the University.

6. Possession of a firearm, dangerous weapon, or explosive device while taking part in a demonstration of any kind.

In seeking to ensure that a public demonstration does not become a prohibited disruption, the Dean for Student Development will undertake some or all of the following measures:

1. Notification of individuals and groups when, in his opinion, their conduct has been unacceptable.
2. Use of persuasion to deflect demonstrators from using tactics that would be a violation of the policy.
3. Anyone participating in a demonstration must be willing to produce his or her BC ID card upon request by a representative of the University. Videotaping and/or photographic equipment may be used by the Boston College Police to assure compliance with these demonstration policies.
4. Use of University disciplinary procedures, including summary suspension where appropriate.

Participants in disruptive demonstrations must be aware that the University will take all measures, including civil and criminal litigation, it believes necessary in order to prevent disruption of its affairs, restore order, and protect the rights of the members of its community.

## Technology Use

*Source: Information Technology Services*

The following activities are prohibited by users of the Boston College network or information technology infrastructure:

- "Snooping" or attempting to access systems, files, or network data without permission (this includes automated "scanning" programs). The privacy of others must be respected.
- "Hacking" or testing security or other access controls on systems, files, or the network that do not belong to the user (this includes such activities as attempting to vote more than once in online elections, etc.).
- Copyright violations, including distribution, illicit downloading or "sharing" of music, sound recordings, or movies. Such activities violate copyright law, and students may be prosecuted by the Courts and/or face internal disciplinary action by the University. Note that BC students have been subpoenaed under federal law for this activity.
- Abusive or offensive behavior, especially messages deemed obscene, intolerant, or even "nuisance" in content. This includes pornography or other obscene content that is objectionable on a computer and not in concert with Boston College's moral standards. In case of disagreement over what constitutes any such behavior, the determination is made by the University, not by an individual accused of the behavior, and can be made without consulting the individual.
- Identity theft, including impersonating others or misrepresenting oneself in any way when using University resources. Note that this includes shared passwords—students are not to provide their passwords or PINs to anyone.

Students must receive advance permission to engage in any of these activities if they are required for academic purposes. Written permission must be obtained from the Director of Computer Policy and Security in Information Technology Services in consultation with the Office of the Dean for Student Development. Engaging in any of these activities without written authorization could result in University judicial action and/or criminal prosecution.

For the complete technological and information resources policy, see the Boston College Policies and Procedures Manual at [www.bc.edu/techpolicy](http://www.bc.edu/techpolicy): [Use of University Technological and Information Resources, 1-100-025](#) and also the [University Data Security Policy](#).

## Violations of Criminal Law

In instances where a student is charged with a violation of local, state, or federal law, the Dean for Student Development or designee will review the nature of the criminal charges against the student and determine whether the matter warrants being referred to the University's judicial system for a hearing. At the discretion of the Dean, on-campus proceedings may be delayed pending the outcome of associated criminal cases. A finding of guilty or an admission of sufficient facts in criminal

court may be used as evidence against a student at an on-campus judicial hearing.

In situations where the Dean or designee feels that the individual poses a potential threat to the safety of the University community, an Administrative Adjudication hearing may be conducted to determine whether a summary suspension from housing and/or the University should be invoked. If implemented, the summary suspension remains in effect until the matter is resolved in a judicial hearing.

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## ***PLAYING IT SAFE***

As a student at Boston College, you are extended certain rights and responsibilities. Guidelines to bear in mind:

1. If you think that what you are doing may be wrong, it probably is. Ignorance of the rules and regulations is not an excuse.
2. Trust your own instincts, use your best judgment, and avoid what appears to be a potential problem.
3. Be aware of the consequences of your actions.
4. Alcohol intoxication is never an excuse for unacceptable behavior.
5. Look out for one another and seek assistance from a residential life staff member or the Boston College Police Department when necessary.

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