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Boston College Title IX Program Review

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Boston College Title IX Program Review

By Ashley Stauber



¹ <https://www.bc.edu/content/dam/files/offices/dos/pdf/bcssmp2018.pdf>

General Information



When you navigate to the Boston College Title IX page through Google search, immediately you are met with information on resources to contact like the Title IX Coordinator, Patricia Lowe, the Deputy Title IX Coordinator for students, Melinda Stoops, University Harassment Counselor Marie Elena Gioiella, Confidential Resource Provider for Faculty and Staff, Carole Hughes, and Confidential Resource Provider for Students, Claire Johnson.

It is good that BC has separate designated confidential resource providers for both students and faculty because it shows that they are dedicated to helping both students and faculty have a safe space to come forward.³ Additionally, on the Campus Safety page it notes that the Lead Title IX Coordinator is Patricia Lowe who is also the Associate Vice President. The number listed for her is 617-552-3334. Under Student Affairs Policy the Student Code of Conduct is also readily available and easy to locate.⁴

Boston College is a Jesuit Institution and their mission revolves around calling students and faculty to learn, search for truth, and live in service to others. While religious, they are not on the religious exemption list.⁵ Within the page on their Mission and History it also says how to fulfil this mission they welcome and embrace contributions of a diverse student body from many faith traditions.⁶

In a phone call, Title IX Coordinator and Associate Vice President Patricia Lowe spoke about what Title IX means to her at Boston College.

“At Boston College there is a deeper-rooted meaning and purpose. From an institutional level Title IX speaks to the mission of the institution in caring for the whole person. It is not just about Compliance it is how we are seeking opportunities for both the complainant and respondent and caring for both. It is not an either or but both and. The work is about collaboration and an expectation of doing more. We start with compliance to make sure we are following the regulations, but it is about caring for the whole person, *cura personalis*, that leads us more to greatness, the *magi*. It is great for future attorneys to think about the work and clients and how we collaborate.”

² Patricia Lowe on the left and Melinda Stoops on the right credit Boston College Website

³ <https://ope.ed.gov/campussafety/#/institution/details>

⁴ <https://www.bc.edu/content/bc-web/offices/student-affairs/about/university-policies/>

⁵ <https://thepregnantscholar.org/updated-title-ix-religious-exemptions-list/>

⁶ <https://www.bc.edu/content/bc-web/about/mission.html>

Ms. Lowe went on to explain how with Title IX at Boston College they look to see where there are gaps in key initiatives that they can work to improve. At a state level, Massachusetts instituted a Massachusetts Title IX Climate Survey in May of 2022 giving institutions until 2025 to implement the survey and put a public report out on Title IX.⁷ In a voicemail, Melinda Stoops said how BC has not administered their Title IX Climate Survey yet but their plan is to administer it in the coming academic year.

The survey will allow institutions to see “how people are experiencing the process here and provide an additional piece of surveilling where you can see other Institution’s surveys to see where the opportunities and gaps are,” Lowe said.

Accessibility

The Title IX page and resources are very accessible and when you scroll down they immediately have links for the Student Sexual Misconduct Policy and Harassment Policy along with contact information for the Title IX and Harassment Coordinators.

Organization

While readily accessible, the Title IX resources are a little disorganized. It is good that you can find the Student Sexual Misconduct Policy on multiple pages of the website but there is not one cohesive page with all the resources so it might be beneficial to organize them in a way that is more cohesive.

Training

When searching for “Title IX trainings” on the BC homepage I was directed to the HR Training page. Under Policies and Forms they have the link to the Employee Handbook and under there is a link to Title IX at BC next to Accessibility Resources, Hate Crimes, and Bias Related Incident Protocol.⁸ Actual trainings related to Title IX are a challenge to find. However, I did find trainings listed within the Sexual Misconduct Policy on the sixth page.⁹

Primary Prevention

Within the Clery Sexual Misconduct Policy Exhibit A, they explain how all incoming first year students participate in awareness and prevention programs during orientation and welcome week. Each student is also sent a link to the Sexual Misconduct Policy. They also do a Sexual Assault and Prevention Online program. In addition, they also do “Stand Up BC”: Bystander Intervention Education.¹⁰

Ongoing Prevention

⁷ <https://www.nelsonmullins.com/insights/blogs/education/title-ix/gov-baker-signs-legislation-requiring-massachusetts-colleges-and-universities-to-adopt-sexual-misconduct-policies-and-conduct-climate-surveys>

⁸ <https://www.bc.edu/content/bc-web/offices/human-resources/policies-forms.html>

⁹ <https://www.bc.edu/content/dam/files/offices/policies/pdf/policies/UniversityPolicies/CampusSexualViolenceResponseandPreventionProgram.pdf>

¹⁰ Id.

The following programs are provided to all students. “Speak Up BC” Bystander Intervention Education for Student Leaders, Alcohol and Drug Education, Health Coaching Initiative, and You Are Not Alone which is a guide to the university’s sexual misconduct reporting process.¹¹

They also have employee training through online training and education sessions on discriminatory harassment and sexual misconduct.¹² The online programs give an overview of Title IX, the Violence Against Women Act, the Clery Act, and University Policy.¹³ Additionally, the Student Affairs Title IX Coordinator distributes a one page “Step By Step Guide” and information sheet for faculty informing them about disclosure methods, student options for filing a complaint, a list of on-campus resources, and otherwise.¹⁴ Residence Life Staff also receive advanced training on these topics.

Boston College Police also receive training on the Clery Act and Title IX and sexual assault investigators attend additional specialized sex crimes investigations courses.

Community Prevention and Awareness Programming

Students have community programming as well such as Concerned About Rape Education (“CARE”) Week. This weeklong event is organized by the Women’s Center. I remember when I was an undergrad the Take Back the Night event was especially meaningful hearing survivors share their stories. Rape Aggression Defense Courses are also offered along with a Prevention and Response Awareness Poster Campaign, a Sophomore Bystander Intervention Campaign, and a Parent Orientation Initiative.¹⁵

Ongoing Investigations of Boston College

There are no ongoing Title IX investigations of Boston College, however there were ten Disability claims for Discrimination ranging from 2014-2022.¹⁶ Additionally, one could posit that despite the high incident of rapes at the university throughout the years (See Clery data on page 12-13) the fact that there are no ongoing Title IX investigations could be due to the fact that these were resolved through the Informal Resolution Process.

¹¹<https://www.bc.edu/content/dam/files/offices/policies/pdf/policies/UniversityPolicies/CampusSexualViolenceResponseandPreventionProgram.pdf>

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶¹⁶ https://ocrcas.ed.gov/open-investigations?field_ois_state=All&field_ois_discrimination_statute=All&field_ois_type_of_discrimination=All&items_per_page=20&field_ois_institution=Boston+College&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3=

State ^	Institution	Institution Type	Type of Discrimination	Open Investigation Date
MA	BOSTON COLLEGE	PSE	Disability - Procedural Requirements	05/12/2014
MA	BOSTON COLLEGE	PSE	Disability - Procedural Requirements	02/11/2016
MA	BOSTON COLLEGE	PSE	Disability - Resource Comparability	05/12/2014
MA	BOSTON COLLEGE	PSE	Disability - Retaliation	02/11/2016
MA	BOSTON COLLEGE	PSE	Disability - Academic Adjustments	02/11/2016
MA	BOSTON COLLEGE	PSE	Disability - Academic Adjustments	01/03/2024
MA	BOSTON COLLEGE	PSE	Disability - Accessibility	05/12/2014
MA	BOSTON COLLEGE	PSE	Disability - Denial of Benefits	04/28/2022
MA	BOSTON COLLEGE	PSE	Disability - Others	05/12/2014
MA	BOSTON COLLEGE	PSE	Disability - Others	04/28/2022

Displaying 1 - 10 of 10 records

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Athletics

Athletics Coordinator

In the Athletics Administration William V. Campbell is the Director of Athletics.¹⁸ I could not locate a separate Title IX Athletics Coordinator.

They also listed their Boston College Diversity and Inclusion notice¹⁹ and Athletics Diversity Inclusion Designee Michael Harris. They also created an 'Eagles for Equality' logo for BC student athletes to wear on their team issued apparel.²⁰

Compliance Resources

Collin Shaffer is the Assistant Athletic Director for Compliance.²¹

¹⁷ https://ocras.ed.gov/open-investigations?field_ois_state=All&field_ois_discrimination_statute=All&field_ois_type_of_discrimination=All&items_per_page=20&field_ois_institution=Boston+College&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3=

¹⁸ <https://bceagles.com/staff-directory>

¹⁹ <https://bceagles.com/sports/2021/11/10/DiversityStatement.aspx>

²⁰ <https://bceagles.com/sports/2020/9/17/Eagles-for-Equality.aspx>

²¹ <https://bceagles.com/sports/2021/1/1/boston-college-athletic-compliance.aspx>

Filing a Complaint/ Reporting a Violation ²²

When it comes to reporting a violation employees can submit a report on the University Ethics Reporting Hotline. The University's Professional Standards and Business Conduct Policy lists general guidelines for ethical business practices. There is also a Student Athlete Advisory Committee that serves as a collective student athlete voice that participates in driving student engagement and takes place in the NCAA legislation process.²³

EADA Information

Boston College is made up of 9,658 full-time undergraduate students and within these students there are 4,532 men and 5,126 women. Therefore, men make up 46.9% of the student body and women make up 53.1%.²⁴

Total participation in men's and women's teams at the time of this report was 387 for men's teams to 442 for women's teams. The unduplicated amount of participants was 340 men and 365 women meaning that men participate at 48.2% and women participate 51.8%. Therefore there is a slight 2-3% imbalance in proportionality when compared to University enrollment. However, as of 4/17/24 the unduplicated amount of participants rose to 353 for men and 358 for women meaning men participate at 49.6% and women at 50.3% so that gap is getting smaller.²⁵

Ice Hockey teams for both male and female teams were tied neatly at 26. There is no information on men's lacrosse and men's rowing. Thus, there are slight imbalances in the varsity teams offered in that there are lacrosse, rowing, and volleyball teams only for women.

In terms of some discrepancy in breakdown for teams on Sailing there were 10 men and 16 women, fencing 25 men and 16 women, all track combined was 74 men and 124 women, and for tennis 11 men and 8 women.

In 2022, there was dispute about whether to add a men's lacrosse team.²⁶ Otherwise it was unclear whether new teams had been added or removed.

Coaching staff and salaries

There are 36 total assistant coaches for men's teams and 40 total assistant coaches for women's teams. There are 12 head coaches for men's teams and 15 head coaches for women's teams. There is a staggering difference in the Average Annual Institutional Salary per Head Coach and Assistant Coach for men's and women's teams. Average Annual Institutional Salary per Head Coach for men's teams is \$553,267 and \$116,703 for women's teams. Average Annual

²² <https://secure.ethicspoint.com/domain/media/en/gui/37249/index.html>

²³ <https://bceagles.com/sports/2022/2/23/SAAC-student-athlete-development.aspx>

²⁴ <https://ope.ed.gov/athletics/#/institution/details>

²⁵ [Id.](#)

²⁶ <https://www.bcinterruption.com/2022/6/14/23166902/bci-debates-mens-lacrosse-boston-college-acc-ncaa-title-ix>

Institutional Salary per Assistant Coach for men's teams is \$253,457 and women's teams is \$60,630.²⁷

— Head Coaches' Salaries

	Men's Teams	Women's Teams
Average Annual Institutional Salary per Head Coach	\$553,267	\$116,703
Number of Head Coaches Included in Average	12	15
Average Annual Institutional Salary per FTE	\$768,426	\$150,390
Number of FTEs Included in Average	8.64	11.64

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— Assistant Coaches' Salaries

	Men's Teams	Women's Teams
Average Annual Institutional Salary per Assistant Coach	\$253,457	\$60,630
Number of Assistant Coaches Included in Average	25	23
Average Annual Institutional Salary per FTE	\$299,595	\$76,494
Number of FTEs Included in Average	21.15	18.23

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²⁷ <https://ope.ed.gov/athletics/#/institution/details>

²⁸ <https://ope.ed.gov/athletics/#/institution/details>

²⁹ Id.

Varsity Teams	Men's Teams	Women's Teams
Baseball	39	N/A
Basketball	15	14
All Track Combined	74	124
Fencing	25	16
Field Hockey	N/A	26
Football	108	N/A
Golf	8	8
Ice Hockey	26	26
Lacrosse		30
Rowing		63
Sailing	10	16
Skiing	13	9
Soccer	29	28
Softball	N/A	21
Swimming and Diving	29	31
Tennis	11	8
Volleyball		22
Total Participants Men's and Women's Teams	387	442
Unduplicated Count of Participants (Number of individuals who participated on at least one varsity team.)	340	365

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Revenues and expenses

The Total Operating Expenses for Men's and Women's Teams is \$10,173,825 for Men's teams and \$4,394,924 for Women's Teams. The Total Expenses for the Men's and Women's Team is \$46,717,512 for the Men's team and \$20,540,926 for the Women's teams. For total revenues, \$54,254,628 for the Men's teams and \$16,502, 887 for the Women's teams.³¹

³⁰ <https://ope.ed.gov/athletics/#/institution/details>

³¹ Id.

varsity teams	Participants	Operating Expenses per Participant	By Team	Participants	Operating Expenses per Participant	By Team	EXPENSES
Basketball	15	\$128,277	\$1,924,152	14	\$83,517	\$1,169,232	\$3,093,384
Football	108	\$48,016	\$5,185,761	N/A	N/A	N/A	\$5,185,761
Baseball	39	\$18,911	\$737,513	N/A	N/A	N/A	\$737,513
All Track Combined	74	\$2,924	\$216,356	124	\$1,685	\$208,960	\$425,316
Fencing	25	\$4,422	\$110,553	16	\$2,977	\$47,628	\$158,181
Field Hockey	N/A	N/A	N/A	26	\$8,633	\$224,469	\$224,469
Golf	8	\$18,684	\$149,475	8	\$9,930	\$79,436	\$228,911
Ice Hockey	26	\$42,117	\$1,095,053	26	\$9,286	\$241,437	\$1,336,490
Lacrosse				30	\$28,947	\$868,406	\$868,406
Rowing				63	\$3,032	\$191,042	\$191,042
Sailing	10	\$13,564	\$135,638	16	\$13,873	\$221,975	\$357,613
Skiing	13	\$7,925	\$103,026	9	\$9,394	\$84,550	\$187,576
Soccer	29	\$7,451	\$216,073	28	\$7,833	\$219,327	\$435,400
Softball	N/A	N/A	N/A	21	\$15,316	\$321,645	\$321,645
Swimming and Diving	29	\$4,725	\$137,021	31	\$4,633	\$143,612	\$280,633
Tennis	11	\$14,837	\$163,204	8	\$16,621	\$132,971	\$296,175
Volleyball				22	\$10,920	\$240,234	\$240,234
Total Operating Expenses Men's and Women's Teams	387	N/A	\$10,173,825	442	N/A	\$4,394,924	\$14,568,749

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Shep Melnick, Professor of American Politics at Boston College and author of The Transformation of Title IX: Regulating Gender Equality in Education,³³ commented on the data in an email how, “Note how everyone only focuses on varsity sports, which include only a tiny percentage of students. Why does everyone narrow the focus so much? Second, note the highly disproportionate influence of football (money and athletics) and men’s basketball (money). This skews everything. Other men’s sports get cut to make room for football. This is only one of the many ways football corrupts universities!”

Complaints and Investigations of Boston College

There do not appear to be any Title IX complaints and investigations of Boston College when it comes to Athletics. However, in September of 2023 there were allegations of hazing on the swim team that resulted in an investigation of and removal of the swimming and diving coaches involved at that time.³⁴

³² <https://ope.ed.gov/athletics/#/institution/details>

³³ <https://www.bc.edu/bc-web/schools/morrissey/departments/political-science/people/faculty-directory/r-shep-melnick.html>

³⁴ <https://www.nbcboston.com/news/local/boston-college-swimming-and-diving-coaches-no-longer-with-program-after-hazing-investigation/3248734/#:~:text=A%20hazing%20investigation%20prompted%20Boston,a%20university%20spokesperson%20said%20Tuesday.>

Transgender Students

The Transgender Student Athlete Inclusion tab on Boston College's Athletics page links to the NCAA Office of Inclusion document on the inclusion of Transgender Athletes and states the NCAA policy.³⁵

NIL

On March 10, 2023, Blake James and William V. Campbell Director of Athletics published a letter to "Friends of BC Athletics" addressing Name, Image, and Likeness (NIL).³⁶ They stressed in the letter that for Boston College teams to be able to continue to compete in NCAA sports they need to attract and retain elite student athletes and this includes supporting their endeavors to benefit from NIL. They list Craig Anderson in the Compliance Office as the contact to go to if a business is interested in working with a student. They also list Friends of the Heights (FOH) as another way to contribute to helping Boston College student-athletes and help facilitate NIL opportunities for them.

Boston College also retained Accelerate Sports Ventures, a Name, Image, and Likeness education and consulting firm to serve as the school's official NIL consultancy.³⁷ There is also an NIL Marketplace section on the Athletics website.³⁸

Before in an interview in 2022, Director James said that BC would not be encouraging NIL Collectives, groups that fundraise with the sole purpose of paying student athletes under "the guise of NIL."³⁹

Title IX Issues with NIL

There do not appear to be any Title IX issues with NIL at Boston College.

Campus safety: CLERY ACT

CLERY Act statistics can be found under Criminal Offenses and VAWA offenses of the Department of Education's School search site.⁴⁰ Under Criminal Offenses on campus, rape has been going up since 2020 with 9 in 2020, 16 in 2021, and 25 in 2022.⁴¹ On Campus Student housing facilities, there were 6 rapes in 2020, 13 in 2021, and 23 in 2022.⁴² There were also two aggravated assaults in 2022. In terms of fondling cases there were 13 in 2020, 11 in 2021, and 13 in 2022.⁴³

³⁵ https://ncaaorg.s3.amazonaws.com/inclusion/lgbtq/INC_TransgenderHandbook.pdf

³⁶ <https://bceagles.com/news/2023/3/10/letter-from-blake-james-boston-college-athletics-nil.aspx>

³⁷ <https://bceagles.com/news/2021/10/14/boston-college-athletics-bc-adds-accelerate-sports-ventures-to-nil-resources-for-athletes-and-staff>

³⁸ <https://opendorse.com/bostoncollege-eagles?sports=Football>

³⁹ <https://letsgodu.com/2022/09/09/boston-college-goes-it-alone-with-nil-can-they-compete/>

⁴⁰ <https://ope.ed.gov/campusafety/#/institution/details>

⁴¹ Id.

⁴² Id.

⁴³ Id.

There were no criminal offenses on public property during this timeframe and only one burglary in 2021 off campus. The Total unfounded crimes was 0 in 2020, 2021, and 2022 and there were also no reported hate crimes for that time period.

The only VAWA offenses occurring on Boston College Campus from 2020 to 2022 was Domestic violence on campus with three cases in 2020, one in 2021, and three in 2022. There were five instances of Stalking in 2020, 14 in 2021, and 12 in 2022. The difference in 2020 statistics and the slight increase in the following years could be because of students being sent home during the COVID-19 pandemic.

CRIMINAL OFFENSES				HATE CRIMES	VAWA OFFENSES	ARRESTS	DISCIPLINARY ACTIONS	UNFOUNDED CRIMES	FIRE STATISTICS
— Criminal Offenses - On campus									
Criminal Offense		2020	2021	2022					
a. <u>Murder/Non-negligent manslaughter</u>		0	0	0					
b. <u>Negligent manslaughter</u>		0	0	0					
c. <u>Rape</u>		9	16	25					
d. <u>Fondling</u>		13	11	13					
e. <u>Incest</u>		0	0	0					
f. <u>Statutory rape</u>		0	0	0					
g. <u>Robbery</u>		0	0	0					
h. <u>Aggravated assault</u>		0	0	2					
i. <u>Burglary</u>		5	3	3					
j. <u>Motor vehicle theft</u>		1	1	3					
k. <u>Arson</u>		1	0	0					

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⁴⁴ <https://ope.ed.gov/campussafety/#/institution/details>

— VAWA Offenses - On Campus

Crime	2020	2021	2022
a. Domestic violence	3	1	3
b. Dating violence	5	4	3
c. Stalking	5	14	12

— VAWA Offenses - On-Campus Student Housing Facilities

Crime	2020	2021	2022
a. Domestic violence	0	1	2
b. Dating violence	5	3	1
c. Stalking	4	5	4

— VAWA Offenses - Noncampus

Crime	2020	2021	2022
a. Domestic violence	0	0	0
b. Dating violence	0	0	0
c. Stalking	0	0	0

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End Rape on Campus⁴⁶ corroborated with data that Boston College is not currently under any investigations for violation of Title IX. From 2018-2020 they reported that there were 51 rapes, 43 fondlings, 18 incidents of domestic violence, 9 instances of dating violence and 24 incidents of Stalking. The National Average reported for Rapes was 6, fondlings 5, domestic violence 3, dating violence 3, and stalking 6 and the fact that Boston College's statistics are higher than the national average may suggest a problem.⁴⁷

⁴⁵ <https://ope.ed.gov/campussafety/#/institution/details>

















⁴⁶ <https://endrapeoncampus.org/school-locator/?schoolsearch=Boston%20College>

⁴⁷ <https://endrapeoncampus.org/school-locator/?schoolsearch=Boston%20College>

^ Policy Overview

Key/Legend

Information included in the policy overview was researched by EROC volunteers from publicly available information posted on the school's website. The source of this information is linked in the information button below.

-  Policy information is available 
-  School's definition of sexual assault is gender-neutral 
-  Comprehensive definition of affirmative consent that matches EROC's five requirements 
-  School claims a religious exemption 
-  School has a sanctioning code 
-  An attorney is offered by the university or allowed to be present 
-  Mediation is explicitly unavailable in cases of sexual violence 
-  School has a definition of retaliation 

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Sexual Misconduct

From their general Title IX homepage, you can scroll down under Boston College Resource and Policy Information to the Student Sexual Misconduct Policy. The Sexual Misconduct policy is a

⁴⁸ <https://endrapeoncampus.org/school-locator/?schoolsearch=Boston%20College>

23-page document that defines and prohibits sexual assault, sexual harassment, and sexual misconduct.⁴⁹

BC also defines consent as, “the clear and voluntary agreement to engage in specific acts of sexual contact or activity, communicate through mutually understandable words or actions, as defined more fully in the Student Sexual Misconduct Policy. For the purpose of this policy, Consent and the related terms of incapacitation, Coercion, and Force, shall all have the meanings given to them in the Student Sexual Misconduct Policy, whether or not the parties involved are students.” However, it was interesting how on the End Rape chart there was an orange question mark by BC’s definition of affirmative consent suggesting that their definition did not meet all requirements, maybe because they did not add that “a previous relationship cannot constitute consent.”⁵⁰

On their general Title IX page, they also list Community-based Sexual Assault Crisis Services such as the Boston Area Rape Crisis Center (BARCC), RESPOND for Community based domestic violence concerns which provides confidential support services to students and employees including crisis intervention, counseling, advocacy, information, and referral along with their support line number of 617-623-5900.

Coordinator for Sexual Misconduct

There is no separate coordinator for Sexual Misconduct but the page says to contact, Melinda Stoops, who is also the Deputy Title IX Coordinator.

Policy on Discriminatory Harassment

BC’s Policy on Discriminatory Harassment outlines how they strive to foster the dignity of every person and avoid any harassment.⁵¹ They say that anyone who believes they have been the subject of harassment should consult this policy.⁵² They also say that the policy covers discrimination based on gender, race, color, religion, national origin, citizenship, handicap, age, sexual orientation, or status as a Vietnam-area veteran.⁵³ The policy is found in Section one of the Boston College Policies and Procedures.⁵⁴

They also define discriminatory harassment as “any conduct, by reference to race, gender, color, religion, national origin, citizenship, handicap, age, sexual orientation, or status as a Vietnam-area veteran, intentionally or recklessly abuses, ridicules, or disparages a person or persons so as to adversely affect their academic or work performance at Boston College.”⁵⁵

⁴⁹ <https://www.bc.edu/content/dam/files/offices/dos/pdf/bcssmp2018.pdf>

⁵⁰ <https://endrapeoncampus.org/school-locator/?schoolsearch=Boston%20College>

⁵¹ <https://www.bc.edu/content/bc-web/offices/human-resources/sites/employee-handbook/employment-policies-and-procedures.html#discrimination>

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ <https://www.bc.edu/content/bc-web/offices/human-resources/sites/employee-handbook/employment-policies-and-procedures.html#discrimination>

Filing a Complaint

Within the student sexual misconduct policy and Title IX Harassment Policy, when filing a complaint and reporting sexual misconduct they outline that the report may be made by a person who experienced sexual misconduct or a person who has information that sexual misconduct may have been committed by a Boston College student or participant in a university program or activity.⁵⁶ If the respondent is a Boston College employee, faculty member, volunteer, or any non-student participating in a University program, the report should be addressed to the Title IX Coordinator, Patricia Lowe.⁵⁷ If the respondent is a Boston College student, the report should be made to the Student Affairs Deputy Title IX coordinator, Melinda Stoops. There is no limitation on the amount of time to report.⁵⁸

They may report anonymously any violation of the Student Code of Conduct using the Student Conduct Online Reporting Form. The online report allows anyone who feels they have grounds to initiate a complaint to be reviewed by the Office of the Dean of Students.

⁵⁹

There is also a confidential resource provider dedicated to informing students of their options on reporting, counseling services, medical and mental health services, and legal options.⁶⁰

After receiving the report the Title IX Coordinator will then conduct an Initial Assessment to determine if the policy applies to the report and what form of resolution would be most appropriate if the policy applies.⁶¹

To file a Formal Complaint, the Complainant must give the Title IX Coordinator a written signed complaint alleging sexual harassment and requesting that the University take action in investigating the allegation.⁶² If the Complainant does not wish to file a formal complaint the University could still choose to file a Formal Complaint in light of safety concerns or for other reasons. The University must dismiss the Formal Complaint if at any time during the investigation it turns out the conduct does not qualify as Title IX Harassment, the conduct did not occur in the United States, or the Conduct did not occur in a University Program.⁶³ The University can also dismiss the Formal Complaint if the Respondent is no longer enrolled at or employed by Boston College.⁶⁴ This seems a little unfair to the Complainant because they are still a student for the University and the University should continue to advocate for them.

⁵⁶ <https://www.bc.edu/content/dam/files/offices/dos/pdf/bcssmp2018.pdf>

⁵⁷ <https://www.bc.edu/content/dam/bc1/sites/policies/Title-IX-Harassment-Policy.pdf>

⁵⁸ Id.

⁵⁹ https://cm.maxient.com/reportingform.php?BostonCollege&layout_id=12

⁶⁰ <https://www.bcheights.com/2021/01/29/baker-signed-bill-addresses-sexual-violence-protocols/>

⁶¹ <https://www.bc.edu/content/dam/bc1/sites/policies/Title-IX-Harassment-Policy.pdf>

⁶² Id.

⁶³ Id.

⁶⁴ <https://www.bc.edu/content/dam/bc1/sites/policies/Title-IX-Harassment-Policy.pdf>

Adjudication/ Investigation Process

There are options for an Informal Resolution Process or a Formal Grievance Process.⁶⁵ If an Informal Resolution process is chosen to be pursued both parties must provide written consent and at any time during the process either party can change their mind and decide they want to pursue the Formal Grievance Process.⁶⁶ The resolution process may include direct or indirect dialogue between parties moderated by a neutral mediator, agreement to institutional remedies, agreement to participate in educational programs, and otherwise and then they will come to a Resolution Agreement.⁶⁷ However, End Rape on Campus does not recommend mediation in cases of sexual violence, but they do have an option for the Formal Grievance Process as well.⁶⁸

The Formal Grievance Process includes an investigation of the complaint, a live hearing, then determination of responsibility made by the Decision-maker. Investigators under the policy include internal and external investigators. After the investigative report is complete there will be a live hearing in front of the Decision Maker who will determine whether there was Title IX Harassment.

The fact finders and decision makers are trained on an annual basis. Sexual Misconduct Adjudicators, who are any employees responsible for adjudicating or investigating sexual misconduct, are trained annually on sexual misconduct, trauma, victimology, interviewing, relevant university policies, assessing evidence and credibility, and the importance of impartiality and promoting accountability for all.⁶⁹ The University will appoint a single decisionmaker or panel of decision makers who may or may not be university employees to compose the hearing body. The Decision maker will have received trainings but the decision maker cannot also be the Title IX Lead Coordinator or Investigator or have any other conflict of interest with either party.

A responding party will receive notice of allegation of sexual misconduct that includes the date, time, and location of the alleged incident if known and a statement containing the specific policy violated. The responding party is presumed not responsible until a determination has been made. They parties have equal opportunity to review and inspect evidence and each have advisors throughout the process. The parties will not directly question each other at any point during the process and the advisor is the one asking the questions at the live hearing so there is cross examination. The questions are screened out beforehand. When it comes to the outcome, both the complainant and respondent are simultaneously informed of the result in writing. There are also procedures for appeal. The standard of proof used by the institution in the adjudication of complaints is preponderance of the evidence.

⁶⁵ <https://www.bc.edu/content/dam/bc1/sites/policies/Title-IX-Harassment-Policy.pdf>

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ <https://endrapeoncampus.org/school-locator/?schoolsearch=Boston%20College>

⁶⁹ <https://www.bc.edu/content/dam/files/offices/policies/pdf/policies/UniversityPolicies/CampusSexualViolenceResponseandPreventionProgram.pdf>

The Decisionmaker determines the resolution and whether under the preponderance of the evidence standard it is more likely than not that the Respondent violated the Title IX policy. The Decisionmaker can also determine whether the Respondent is responsible for other relevant University violations.

Reviewing the Investigation process overall, it is robust with some parts open to question. The part of the investigation process where they say whether the respondent is responsible for other University violations as well seems to be a little broad because the focus of the trial should be focused on the Title IX violation but on the other hand if the respondent has also violated another large university policy this could be helpful as well. I also think it is good that they parties cannot question each other in the Formal Grieving Process because it removes the possibility for intimidation and triggering either party.

In a phone call, Deputy Title IX Coordinator Melinda Stoops said how requiring the live hearing could serve as a deterrent to complainants from coming forward with a complaint because it feels more like a court room. In contrast, the Information Resolution Process is more conversational and less antagonistic and simulates a Restorative Justice model.

Retaliation Policy

The Sexual Misconduct policy includes a section on the retaliation process and policy that explains that engaging indirectly or directly in any form of retaliation or intimidation is against the University's policy. This policy also covers conduct where there is an allegation that a student has attempted to prevent any individual from reporting sexual misconduct or has engaged in any acts of intimidation with respect to any reported sexual misconduct. In the policy they also define that retaliatory behavior consists of discouraging someone from reporting an alleged incident of sexual misconduct, discouraging witness participation, threatening or intimidating a witness in an investigation, or intentionally causing negative consequences for a witness in any investigation. They also emphasize that any instances of retaliation should immediately be reported to the Office of the Dean of Students.

Resources

They have a Consensual Relationships Policy that outlines how students and undergraduate or graduate students are prohibited from having relationships. Exceptions to this rule include spouses and requests for exceptions may be considered on a limited basis. In terms of reporting they say how any university member who becomes aware of such conduct should report the conduct to the Vice President of Human Resources or his designee or the Provost and his designee.⁷⁰

Sexual Assault Network is a resource for members of the Boston College community who may be victims of sexual assault. The network is composed of volunteers including trained

⁷⁰<https://www.bc.edu/content/dam/files/offices/policies/pdf/policies/2019/Consensual%20Relationship%20Policy%2011.18.pdf>

professionals and students who work in pairs to serve as advocates for victims of sexual assault. They can be accessed by calling the Sexual Assault Hotline at 617-552-2211 and are available 24 hours a day. I vaguely remember hearing a presentation from them during orientation my freshman year and we were told to put their hotline number as a contact in our phones to always have. Adding onto that, they list on the page how a brochure describing their services is distributed to all students, faculty, and staff each fall.⁷¹

There is also a University Harassment Counselor to help students who feel they have been subject to harassment.⁷² They also have a Sexual Misconduct Guide for Faculty and Staff giving them advice on how to respond to a student's disclosure.⁷³ They also have a Boston College Sexual Violence Response and Prevention Program⁷⁴

Pregnancy

On Boston College's main page, I was unable to find resources on pregnancy which is a little concerning. However, they did have a Lactation page where lactating mothers can reserve lactation rooms depending on whether they are on the Main or Newton campus.⁷⁵ However, when I did a separate google search on Boston College and pregnancy the Campus Ministry page came up with pregnancy resources under pastoral counseling which I thought was a unique spot for these resources but nonetheless helpful.⁷⁶

Resources

Kate Daly of the Volunteer and Student Learning Center and Rick Rossi of Campus Ministry are pregnancy support advocates available for "safe, non-judgmental" conversations and assistance. Boston College is a Jesuit institution that "supports life."⁷⁷ They also say that if a friend is pregnant they are here to support you as well. The Women's Center has a small collection on books for pregnant students to read if they wish. Katie Dalton is the director of the Women's Center. The pregnancy support advocates are also there to help arrange for childcare during class time once the baby is born so that students can still attend class.⁷⁸ This is especially encouraging and shows that the school wants to help pregnant students continue their studies.

⁷¹ <https://www.bc.edu/content/bc-web/offices/student-affairs/sites/dean-of-students.html>

⁷² <https://www.bc.edu/content/bc-web/offices/human-resources/sites/employee-handbook/employment-policies-and-procedures.html#discrimination>

⁷³ https://www.bc.edu/content/dam/bc1/offices/StudentAffairs/OSC/PDF/faculty_staff_resource_sheet.pdf

⁷⁴ <https://www.bc.edu/content/dam/files/offices/policies/pdf/policies/UniversityPolicies/CampusSexualViolenceResponseandPreventionProgram.pdf>

⁷⁵ <https://www.bc.edu/content/bc-web/offices/human-resources/sites/oid/Policies-and-Compliance/lactation-rooms.html>

⁷⁶ <https://www.bc.edu/bc-web/offices/mission-ministry/sites/campus-ministry/about/pastoral-counseling/pregnancy-services.html#:~:text=You%20are%20welcome%20to%20remain,your%20pregnancy%20and%20while%20parenting.>

⁷⁷ [Id.](#)

⁷⁸ [Id.](#)

The Your Health tab details how University Health Services offers free walk-in pregnancy tests. Yolanda Hobin Nurse Practitioner provides women’s health evaluations. Health Services also offers pregnant students referrals with off-campus physicians, nutritional guidance, and answers to any health related questions about pregnancy.⁷⁹

Under the Financial Planning tab, they also offer the option for temporary leave. They also emphasize that choosing to take a leave of absence is entirely up to the student. Students who take a leave of absence may have their tuition, room, and board changes adjusted and their Financial Aid Associate can help with this.⁸⁰

Under the Academic Planning tab, they underscore how “expecting a child does not mean you have to give up pursuing your degree. You are welcome to remain a student at Boston College throughout your pregnancy and while parenting.”⁸¹

Under the Self Care tab, which is maybe why pregnancy resources are listed under pastoral counseling, they list resources for Pastoral Care and Counseling and the room number where to meet on campus and the numbers for University Health Services and Campus Ministry.

University Compliance

The University seems to meet its obligation for pregnant students based on the resources found.⁸²

Cases against Boston College on Pregnancy

There do not appear to be any cases against Boston College on pregnancy concerning students. However, according to an article from the Boston College “The Heights” Newspaper in February 2024, there was a Sex and Pregnancy Discrimination Lawsuit filed by a former professor.⁸³ BC argued that their denial of tenure for Professor Hristina Nikolova, who worked in the Carroll School of Management as an Assistant Professor of Marketing, was based on non-discriminatory and non-retaliatory reasons.⁸⁴ Nikolova alleged that she faced gender discrimination in her tenure application during maternity leave.⁸⁵

⁷⁹ <https://www.bc.edu/bc-web/offices/mission-ministry/sites/campus-ministry/about/pastoral-counseling/pregnancy-services.html#:~:text=You%20are%20welcome%20to%20remain,your%20pregnancy%20and%20while%20parentin>

⁸⁰ [Id.](#)

⁸¹ [Id.](#)

⁸² <https://thepregnantscholar.org/title-ix-basics/>

⁸³ <https://www.bcheights.com/2024/02/08/bc-files-defense-against-sex-and-pregnancy-discrimination-lawsuit-made-by-former-professor/#:~:text=BC%20Files%20Defense%20Against%20Sex%20and%20Pregnancy%20Discrimination%20Lawsuit%20Made%20by%20Former%20Professor,-By%20Lucy%20Freeman&text=The%20Trustees%20of%20Boston%20College,which%20relief%20could%20be%20granted.>

⁸⁴ [Id.](#)

⁸⁵ [Id.](#)

LGBTQ+

Under Signature Programs and Events they have a statement saying “Our office works to improve the LGBTQ+ experience by offering support, education, outreach, programs, and opportunities for LGBTQ+ students...” They imply that they offer support but there is no outright, main page statement I could find in support of LGBTQ+. ⁸⁶

Resources

The page lists tabs on how to get Immediate Help, On Campus Allies and Resources, Signature Programs and Events, Clubs and Organizations, Off Campus Referrals, and Information for Faculty and Staff. ⁸⁷

Protections and Policies for Students

When searching on the Boston College Homepage on the Office of the Dean of Students page LGBTQ+ resources come up on the Student Support page tab. ⁸⁸ First there is a tab on how to get immediate help with the number to call University Counseling Services if you are in a crisis. They also have LGBTQ+ specific crisis hotline numbers to call namely the Trevor Project, the Gay, Lesbian, Bisexual, and Transgender National Hotline, and the Trans Lifeline. They also add how the professional and graduate student staff in Student Outreach and Support Services are resources for help students that are not in crisis but still need support as well. They also stress that a person calling does not have to be sure that they are part of the LGBTQ+ community to reach out for support because they help students who are questioning their identity as well. They also have a weekly Prism Discussion Group. At the bottom of the page they also stress that if you feel you have been subject to a violation of the University’s bias-motivated conduct policy see the Office of Student Conduct Policy on reporting.

Recommendations

I really enjoyed my conversation with Title IX Coordinator Patricia Lowe because she sounded really passionate and genuine about making sure the system of Title IX at BC does more than merely follow the regulations. I recommend that they continue to do what they are doing and focus on collaboration and care for the whole person continuing when the new Title IX Biden Regulations are released. Based on my research I propose a few recommendations.

⁸⁶ <https://www.bc.edu/content/bc-web/offices/student-affairs/sites/dean-of-students/student-outreach-and-support-services/components.html>

⁸⁷ *Id.*

⁸⁸ *Id.*

Accessibility Recommendations

1. The information on Title IX trainings is a little hard to find. Although it is good that it is included within the Sexual Misconduct Guide, it would be beneficial if it was also linked on the website.
2. The placement of Pregnancy Resources under Pastoral Counseling in Campus Ministry page is a little bit obscure and they may benefit from placing the resources in a separate section more directly related to pregnancy.
3. Overall, while BC has a lot of Title IX resources and links to them, it might be beneficial to include short summaries of the documents when linking to them so that the documents themselves are more digestible.

Substance Recommendations

1. It could be advantageous to have a separate Coordinator for Sexual Misconduct so that all of the work is not put on the Deputy Title IX Coordinator. According to the website Melinda Stoops overall is the Associate Vice President for Student Health and Wellness so maybe they need someone solely dedicated to the Deputy Title IX Coordinator role. Similarly, they should have a separate Title IX Athletics Coordinator.
2. Additionally, I am not sure if there were ever any in my class syllabi when I was a student, but a syllabus insert for pregnancy resources could be helpful.
3. Boston College should include a more direct statement of support for LGBTQ+ rights on their Resources tab.
4. If the new Biden Regulations eliminate the cross examination and live hearing requirement Boston College should eliminate this requirement since even the Deputy Title IX Coordinator said that this requirement may deter students from coming forward with a complaint.
5. Boston College should administer and publish their Title IX Climate Survey in order to gain data points on how their Title IX program is working and from there they can work to find a way to lower their campus safety rape statistics and otherwise. The statistics of rape being above the National Average according to End Rape data suggest that there may need to be more trainings done for students or other ways to correct this problem.
6. Within the Investigative Process, while it is good that they have both options for an Informal Resolution Process and a Formal Grievance Process, End Rape on Campus does not recommend mediation in cases of sexual violence so maybe they should alter their

Informal Resolution Process so that they have a decisionmaker instead of mediator. However, the Informal Resolution Process can be a good option for students not wanting to go through the Formal Grievance Process because it is more conversational and more along the lines of a restorative justice model. The idea of a restorative justice model for Title IX investigations is a good direction for BC to continue to go in.

7. The discrepancy in salaries for Coaches seems to suggest a problem that possibly needs addressing and also an imbalance in the amount of money that is spent on men's teams versus women's teams in general.

Overall, Boston College's Title IX program is robust but there are opportunities for the proposals mentioned to fortify it even more.