



S. Res. 025

The Boston University Student Government Senate endorses, is in support of, establishes, creates, all of the notions outlined herein. This document establishes the rights of sexual violence survivors on campus

IN THE SENATE OF THE BOSTON UNIVERSITY STUDENT GOVERNMENT

March 20, 2023

The 16,000 Strong Committee submitted the following resolution;

AN ACT

Whereas, *Members of The Dean of Students Office and Academic Advisors do not receive proper training to understand the trauma sexual violence survivors endure, and thus lack the knowledge necessary to effectively adjudicate sexual misconduct cases.*

Whereas, *Survivors of sexual violence have reported difficulty accessing resources, undue burden in the reporting process, and consistent violations of policy by the University itself.¹*

Whereas, *Peer institutions such as the [University of Massachusetts Amherst](#), and [Stanford University](#) have passed similar legislation.*

Whereas, *The Boston University Student Government recognizes sexual misconduct and violence as sexually inappropriate behavior meant to violate, intimidate, harass, and/or control the survivor. The Student Government acknowledges that misconduct exists on a broad scale, and that power plays an incredibly important role in this violence, particularly on a college campus.*

¹ [Campus Survivors transcriptions](#)

Recognizing, *the Boston University Student Government has a responsibility to ensure the University is actively protecting students, promoting safety, and providing the best possible resources for survivors.*

Be it resolved, The Boston University Senate hereby recognizes the rights of a survivor of sexual misconduct and/or sexual violence, and calls upon the Boston University administration to enact the proposed policy changes outlined herein

Article 1: Survivor's Rights

The Boston University Senate hereby recognizes the following as the fundamental rights of a survivor of sexual misconduct or sexual violence;

Every survivor has the right to;

1. Have reported cases investigated by impartial, trauma-informed individuals.
Professionals should have expertise or training that explicitly addresses;
 - a. How to work compassionately with survivors of sexual violence;
 - b. The intersections of racism, heterosexism, cissexism, ableism, classism, sexism, and other forms of oppression with sexual violence;
 - i. The university's Sexual Assault Response and Prevention (SARP) should be responsible for creating such training in direct collaboration with student advocacy groups such as 16,000 Strong, CGSA, and It's On Us;
 1. This training must explicitly address the needs of survivors from marginalized communities;
 2. The burden should not be placed on survivors to explain how sexual trauma is related to their oppression;
 - c. The University should be responsible for financing external experts in trauma-informed investigation and adjudication to train all University employees involved in response to and adjudication of sexual violence cases;
2. Make use of transparent, prompt, and fair adjudication processes;
 - a. Any case decisions delayed beyond the 180 day timeline set by the University should be given a detailed new timeline, with a specific and substantial explanation as to why there is a delay;

3. Be informed of the outcome of their complaint in writing in a timely manner, despite graduation status;
 - a. If a student reporting violence graduates before a case is concluded, the investigation should be carried to fruition;
4. Be free from victim blaming and/or suggestions by University representatives that the survivor is at fault for the crimes that were committed, or that the survivor should have acted in a different manner to avoid such a crime;
 - a. This includes insensitive lines of question regarding survivors' dress, alcohol or drug consumption, or past sexual history;
5. Be free from insensitive and harmful questioning and/or victim blaming regarding survivors' race, gender, sexuality, and/or ability status;
6. The proper handling of sensitive case information, and the insurance of privacy as much as possible;
 - a. A student's case statuses should be disclosed to as few individuals as possible;
 - i. This includes refraining from unnecessary disclosure to a student's professors, teaching fellows, resident assistants, and other Boston University employees;
7. Be free from any retaliation by Boston University—including professors, administrators, and staff—the accused perpetrator, and/or their friends, family, acquaintances, and legal representatives;
8. Be able to discuss the outcome of their case without any limitation from Boston University officials;
9. Know when they are speaking to a mandated Title IX reporter;
 - a. The mandated reporter should interrupt and identify themselves as such if a survivor is beginning to make statements that would require a formal Title IX report;
10. The University should work to ensure that all necessary accommodations are readily available and accessible to students upon request;
 - a. Necessary accommodations shall include, but are not limited to, mental health support, legal services, and medical care;
 - b. These accommodations should not come at a financial burden to students;

11. Be free from any questioning or cross-examination by the respondent during the adjudication process;
 - a. As per the 2021 Title IX update;

Postsecondary institutions are no longer subject to [the cross examination] portion of the provision. In practical terms, a decision-maker at a postsecondary institution may now consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in a Title IX grievance process.
12. Have financial aid packages, scholarships, and grants fully protected for any lost tuition and fees if the survivor needs to withdraw or take a temporary leave of absence;
13. Withdraw from a course due to a case of sexual misconduct;
 - a. This withdrawal should not result in the student receiving a “W” on their transcript, regardless of the point in the semester;
14. Be referred to in all campus proceedings by their chosen name and correct pronouns;
15. Be free from racial, gender, ability, or sexuality-based profiling by university administration or police force;
16. Be free from any pressure to terminate or not terminate a pregnancy caused by sexual assault;
17. (In regards to transgender and nonbinary students) Informed, affirming, non-judgemental medical care in the reporting and adjudication process, as well as in any systems of support;
18. Have an opportunity to review all available evidence in their case file;
19. Be able to provide testimony during the hearing via alternative options including by telephone, videoconferencing, and closed-circuit cameras;
20. Be able to ask questions of the hearing panelist;
21. Be able to indirectly request responses from other parties and any other witnesses present via the hearing panelist;
22. Decline being present for or to hear their assailant’s testimonies during the adjudication process;

23. Be free from testifying in front of their assailant in the adjudication process;
24. Have the opportunity to make an impact statement during the point of the proceeding when the decision maker is deliberating on the appropriate sanctions;
25. Grant or deny consent before their on- or off-campus address is published by the school;
26. Have stay-away orders enforced and respected by the University;

Article II: Policy Proposals

The Boston University Senate hereby calls upon the Boston University administration to enact the proposed policy changes outlined herein;

Section I: The Reporting & Conduct Process

To ensure that adjudication processes are fair, transparent, and prompt, Boston University must;

1. Institute a complete amnesty policy for the use of alcohol or illegal substances near the time of the incident for any survivor or bystander who discloses that use in good faith to college officials or police officers during a complaint or investigation;
Students should not have to fear reporting sexual violence due to the threat of being subject to campus conduct action for violations of alcohol and drug use policies;
2. Adopt an affirmative consent standard that defines consent as an affirmative, conscious, enthusiastic, continuous, revocable, sober, informed, specific, freely given, and voluntary agreement to engage in sexual activity. The University must consider an explicitly understood 'yes' as a standard for consent; This shall replace the old definition, which defines consent as:

"Consent must be informed and voluntary, and can be withdrawn at any time. Consent can be given by words or actions as long as those words or actions create mutually understandable permission regarding the scope of sexual activity,"

(<https://www.bu.edu/policies/sexual-misconduct-title-ix-hr/>)

- a. The university must give expressed consideration to the way coercion manifests in instances of sexual violence, and understand that an explicit ‘yes’ can be coerced.
3. Allow all formal reports of sexual violence made against an accused student, including witness testimony regarding the accused student engaging in sexual violence or misconduct that has not resulted in a formal report, to be considered admissible evidence of a potential pattern of behavior during the adjudication process;
4. Mandate that the minimum duration of all suspensions given to students found responsible for committing sexual violence be for the remainder of the time that the survivor will be a student at the college;
5. Mandate that the minimum sanctions for students found responsible of sexual assault are either suspensions that follow the guidelines above or expulsion;
6. Mark students’ transcripts if they have been found responsible of sexual misconduct or if they withdraw and/or transfer colleges while a disciplinary complaint against them for sexual violence is pending;
7. Comply with the Clery Act by sending out timely alerts regarding reported incidents or attempts of sexual violence between or against students and require similar reports for incidents or attempts that occur off-campus;
 - a. As required under this law, reported incidents include reports made to responsible school employees, including but not limited to, residential advisors, student life representatives, and professors;
8. Issue no contact orders that prohibit contact between the survivor and the accused, effective immediately when a formal complaint is filed, and inform the survivor that this is an available accommodation;
 - a. Violating the no contact order should constitute a violation of college policy and should be subject to additional conduct charges;
 - i. If the accused and the survivor observe each other in a public place, it is the responsibility of the accused to leave the area immediately;
9. Simultaneously notify both parties in writing or by an electronic notice about meetings or hearings they are required to attend and notify them in writing as to the outcome of the complaint;

10. Allow the college conduct process to run concurrently with the criminal investigation;
11. Permit other survivor(s) of the same perpetrator to testify in another survivor's disciplinary hearing;

Section II: Campus-Wide Accountability

To assess whether these rights and obligations are being met, Boston University must;

1. Use this Survivor's Bill of Rights as a guide, maintaining Title IX and Clery Act compliance;
2. Create an evaluation form that every student who makes a formal report will have the option to complete after the resolution of their sexual misconduct case;
 - a. This form should gather feedback on the student's experience with the reporting and adjudication process, as well as their experience accessing necessary resources and accommodations;
 - b. This form should be used to actively improve and revise the adjudication process;
3. Publish aggregate data on an annual basis regarding sexual misconduct cases;
 - a. This includes: the number of sexual misconduct cases reported to the University each semester, with differentiation between accused perpetrators' relation to campus (i.e. student, staff, unrelated); the number of official sanctions the University placed on perpetrators; and how long after filing the report a student received accommodations, as well as a decision.
4. Review all procedures, programming, and resources for preventing and responding to sexual violence on an annual basis;
 - a. This process should involve a review of materials, policies, and procedures from peer institutions and new empirical findings, and should be done in partnership with SARP, as well as student advocacy groups including 16,000 Strong, CGSA, It's On Us, and the Sexual Assault Prevention department.
5. Increase comprehensive trainings and education on sexual and dating violence;
 - a. These trainings should include a student-led overhaul and expansion of the current programs, emphasizing bystander intervention training, consent workshops, healthy relationships workshops, as well as how and where to seek support as a survivor.

- i. These training should be made mandatory for all faculty and staff, graduate students responsible for instructing a course, as well as student groups that receive university funding.
6. Centralize Boston University's official policies regarding sexual misconduct in a student-led effort, with the goal being to ensure that any member of the University community can go to a single location on the university website and understand fully the resources available to a survivor of sexual violence and what the reporting process consists of as well as alternative options if the survivor chooses to not report;

Article III: Accessibility and Visibility of the Survivor's Bill of Rights

From the time of the passing of this bill, it shall be made easily available to all Boston University students, faculty, staff, and organizations through the following protocols;

1. The bill shall always be published on the official Boston University Undergraduate Student Government website;
2. The bill shall be made available to any Boston University student, faculty member, staff member, or organization upon request;
 - a. All requests should be forwarded to the Senate Chair at sgsen@bu.edu;
3. The 16,000 Strong Committee shall
 - a. Assess the accessibility and visibility of this bill each year, reserving the right to update or create new graphic materials as the committee deems fit.

Article IV: Cosponsors

Annie Mayne, Co-Chair; 16,000 Strong

Hanna Dworkin, Senate Chair, College of Arts & Sciences; The Kilachand Honors College

Article V: Endorsements

Kaylan Comenole; Former President, The Center for Gender, Sexuality, and Activism (CGSA)

It's On Us at Boston University Executive Board

Sophia Kim, Cofounder; Campus Survivors

Sofia Zate, Deputy Director, Sexual Assault Prevention (SAP)

Evan Teplensky, CAS Student Body President

Prisha Sujin Kumar, Co-founder, Campus Survivors - SAR '22



Hanna Dworkin, Senate Chair



Dhruv Kapadia, Student Body President