

# Sexual Misconduct Policy

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Bethel University believes in the intrinsic value of all human beings. Moreover, it is committed to the full, peaceable participation of all of its members in the educational endeavor it fosters. Bethel University is committed to maintaining a learning and living environment which is fair and respectful and will not tolerate any threats or acts of sexual harassment, sexual assault or sexual violence. Any reports of such behavior or action should be made to the Vice President for Student Development or Dean of Students. A report of sexual harassment, assault or violence will be taken seriously, promptly investigated and addressed. While respecting the rights of all parties involved, the safety and well-being of the victim and the campus community are the college's primary concern. Appropriate action will be taken to discipline an offending party. Bethel University maintains an on record sexual misconduct policy, a commitment to investigation, support, and protection of any involved parties, annually published security reports, as well as a sexual assault prevention initiatives.

## Definition of Terms

**Sexual harassment** can be defined as unwelcome gender-based conduct that is severe, persistent or pervasive and limits or denies the individual participation in or benefit from college programs or activities.

**Sexual assault** is a sexual act committed or attempted against one's will. It includes a range of acts from unwelcome sexual touching to forced sexual intercourse. Sexual assault refers to any sexual act without the explicit consent of the recipient.

**Consent** is defined as clear, knowing and voluntary agreement by an individual of legal age. Silence, on its own, cannot be interpreted as consent. Neither relationship nor prior permission implies future consent.

**Force** may include, but is not limited to, the use or display of a weapon, physical immobilization, threats, intimidation or coercion. Another example of force is psychological pressuring or any attempt to take advantage sexually of an individual under duress or incapable of making a decision on his or her own. This includes situations in which an individual is under the influence of alcohol, drugs, or otherwise physically incapacitated.

## Reporting Procedures

A student who has experienced sexual harassment or assault is encouraged to contact a member of the Student Life staff, Campus Safety, or other Bethel University staff or faculty. Reporting an act of sexual misconduct allows the university to pursue safety and support for the survivor and the community. An individual reporting sexual misconduct (the complainant) may request anonymity, but should recognize this may limit the university's ability to respond. Where the complainant provides consent, university personnel will strive to protect the privacy of any involved students during the reporting and investigation process including recordkeeping. Where strict confidentiality is not possible, discernment and sensitivity will be used in sharing information on a need-to-know basis only.

The safety and well-being of the survivor and the campus community are the university's primary concern. To this end, Student Life may not pursue potential community life violations of the survivor or a reporting individual when they have occurred within the context of the sexual assault.

It is the student's choice (if he or she is of legal age) whether to file a formal complaint with local law enforcement and/or the university. The student has one calendar year from the time of the incident to file a formal complaint with the university.

In cases where university personnel have reason to believe an incident of sexual misconduct has occurred, the university is legally obligated to investigate and respond. This may occur without the receipt of a formal complaint.

### **Title IX Coordinator**

The individual responsible for Title IX compliance at Bethel University is the Director of Human Resources. Formal complaints of Title IX noncompliance (including sexual misconduct) should be reported to the Title IX coordinator, who oversees the investigation, resolution, appeals process and any report of retaliation. The Title IX coordinator can be reached at 574-807-7215.

### **Investigation Procedures**

Upon receipt of a formal complaint, a timely investigation will be conducted. An investigation will begin within 10 work days\* of the received complaint and may include, but is not limited to the following steps:

- Fact finding interview with the complainant
- Interviews or written statements from witnesses
- Interview with the alleged offender with opportunity to respond to all allegations
- Written record of all interviews and pertinent information (confidentially maintained)

Each party may choose to have an advisor present to provide support throughout the investigation process.

The complainant has the right to request a change in living arrangements or other modifications to avoid forced contact with the accused. An alleged offender may be suspended or removed from campus housing and/or declared an unapproved guest on campus, pending the outcome of the investigation. Unapproved guests are subject to additional university disciplinary action or arrest if found on campus. Furthermore, the complainant or the university may pursue a restraining or protective order with local law enforcement.

The conclusion of the investigation can be expected within 30 work days\* and will be communicated simultaneously in writing to the complainant and the alleged offender. Incidents involving alleged offenders who are nonmembers of the university community will be processed according to local and state laws.

*\* Work days are defined by the days the university is open for business.*

## **Institutional Response**

Where there is a preponderance of the evidence to conclude that sexual misconduct has occurred, the resolution for a student offender will include disciplinary action. This may include, but is not limited to:

- Written Apology
- Personal Accountability
- Social Probation
- Counseling - a Bethel University Wellness Center staff member will administer counseling for a set amount of time. Wellness staff may recommend additional counseling or testing if needed.
- Suspension
- Removal from campus, but not classes
- Voluntary Withdrawal from campus and classes
- Dismissal from campus and classes

The university will assist a student survivor in the following ways:

- Counseling services through the campus Wellness Center or a local provider
- Ongoing no-contact order for the offender (where applicable)
- Follow up support for continued educational pursuits

## **Appeal Procedures**

If either student party believes the resolution of the investigation to be unfair or unsubstantiated, he or she may contact the Title IX coordinator to appeal this decision. An appeal will be processed through a hearing with the Student Development Committee. All appeals will be promptly processed and typically resolved within 30 days of their receipt.

Each party may choose an approved advisor (or an approved guest) to provide support throughout the appeals process. Incidents involving perpetrators who are nonmembers of the university community cannot be appealed through university proceedings, but rather will be processed according to local and state laws.

All participants will be reminded during the hearing that their participation and testimony must remain confidential following the hearing. Committee members shall not discuss the case with anyone outside of the hearing.

## **Retaliation**

Bethel University strictly prohibits any form of retaliation against individuals who report sexual misconduct or assist in the investigation. Retaliation is any action that could be perceived as intimidation, hostility, harassment, retribution, threats or violence in connection with the report or investigation of an incident of sexual misconduct. The university will respond to retaliation as a separate incident.

## **Aftercare for Survivors of Sexual Assault**

Survivors of sexual assault will be treated with dignity and respect. Individuals who have been sexually assaulted should immediately consider the following important steps:

1. Get away from the attacker to a safe place as fast as you can.
  - On-campus students should call their resident director/resident assistant immediately or go directly to the nearest emergency room.
  - Off-campus students are encouraged to call a trusted friend or a member of the Student Life or Wellness Center staff.
  - A friend or Student Life staff member may help transport the survivor to the emergency room.
  - If immediate medical attention is needed, call 911 and Bethel University Campus Safety at 574-807-7500.
  
2. Seek medical care due to factors including pregnancy and the risk of sexually transmitted diseases and physical injuries –some of which may not be visible.
  - Survivors should be aware of the importance of preserving evidence. Do not wash, comb, or clean any part of your body. If clothes have been changed, they should be placed individually in paper bags and brought to the hospital.
  - Costs of medical care and six sessions of community counseling are covered by the state of Indiana if the assault/rape is reported to the police or a local emergency room **within 48 hours of the assault.**
  - Survivors are encouraged to report all incidents of rape and/or sexual assault. It is strongly advised that any student who is raped or sexually assaulted have a medical examination, even if they think that no physical injury has occurred or they do not wish to file formal charges of any kind.
  - Filing a report with any agency does not commit the survivor to any subsequent course of action. The final decision is left to you.
  
3. Survivors are encouraged to talk with a counselor due to the inevitable emotional trauma that results from facing a crime of aggression and violence. Staff from the Wellness Center, as well as S-O-S Family Justice Center are available.
  - Call 574.289.HELP (4357) Family Justice Center for S-O-S Crisis Line – 24 hours a day, seven days a week
  - Call 574.807.7370 for the Wellness Center – normal business hours  
or 574.236.5717 – after hours

Even if the decision to report is delayed days, weeks or months after the assault, students are still encouraged to file a report with the Student Life Office, Campus Safety and the appropriate police department.

## Awareness and Education

Bethel University recognizes that awareness and educational efforts are important steps in sexual assault prevention. The college commits to the following prevention initiatives:

- This and related policies are included in faculty, staff and student handbooks. An abbreviated student handbook is distributed each fall with the full version available online at <http://www.betheluniversity.edu/studentlife/handbook/>.

- New students are made aware during the orientation week of the prevalence of sexual assault on college campuses, Bethel University's policy and how to proceed if they become aware of such an incident.
- Current students are reminded during residence hall meetings each fall of the dangers and prevalence of sexual assault.
- Brochures and information on sexual assault are made available in key locations including the Wellness Center, Student Life Office and residence halls. Staff and faculty are also provided brochures and other pertinent information.
- Residence Life staff receives yearly training on responding to sexual assault.
- Courses on self-defense are regularly offered through wellness programming.
- Bethel University's ban on alcohol and illegal drugs is a preventative action in combating sexual assault.
- Campus Safety provides safe walks for any student crossing campus in the evening hours. Call x77500 to request a safe walk.
- Emergency phones can be found throughout campus.
- Campus Safety provides the community with timely reports of crimes committed on or off campus that could be considered a threat to students or employees. These reports are emailed as campus bulletins.