

Table of Contents

| | |
|---|-----------|
| INTRODUCTION | 2 |
| A. Title IX..... | 2 |
| B. Violence Against Women’s Act..... | 2 |
| C. Campus SaVE Act..... | 3 |
| D. D. Illinois Law | 3 |
| CONTACT | 3 |
| PROCEDURES AVAILABLE THROUGH ILLINOIS DEPARTMENT OF HUMAN RIGHTS | 4 |
| POLICY | 5 |
| <i>Section 1: Policy on Equal Opportunity, Harassment, and Nondiscrimination</i> | 5 |
| <i>Section 2: Bradley University Policy on Discriminatory Harassment</i> | 5 |
| A. Discriminatory and Sexual Harassment..... | 6 |
| B. Sexual Harassment..... | 7 |
| <i>Section 3: Bradley University Policy on Sexual Misconduct</i> | 9 |
| A. Sexual Harassment..... | 9 |
| B. Non-Consensual Sexual Contact | 9 |
| C. Non-Consensual Sexual Intercourse | 10 |
| D. Sexual Exploitation..... | 10 |
| E. Sexual Violence, Stalking and Intimidation | 11 |
| F. Consent..... | 12 |
| <i>Section 4: Reporting Violations of Title IX Policy</i> | 13 |
| A. Remedial Action..... | 14 |
| B. Confidentiality and Reporting of Offenses Under this Policy..... | 14 |
| C. Retaliation | 16 |
| D. Federal Timely Warnings and/or Emergency Notification Obligations | 17 |
| <i>Section 5: Bradley University Investigation and Hearing Procedures in cases involving student(s)</i> | 17 |
| A. Weighing and Responding to Confidentiality | 17 |
| B. Expectations During Investigation and Hearing..... | 18 |
| C. Preliminary Inquiry | 19 |
| D. Hearing..... | 20 |
| 1. Student Grievance Committee | 21 |
| 2. Student Conduct System..... | 24 |
| E. Possible Sanctions | 25 |
| QUESTIONS AND ANSWERS | 26 |
| ON CAMPUS RESOURCES | 31 |
| OFF CAMPUS RESOURCES | 32 |

Bradley University Statement on Sexual Harassment and Sexual Misconduct Policy and Procedures

INTRODUCTION

Bradley University is committed to a non-discriminatory, non-threatening, and non-violent campus for its students as described by Title IX, the Violence Against Women's Act, the Campus SaVE Act, and all applicable Illinois State laws.

A. Title IX¹

The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

B. VAWA²

The Office on Violence Against Women is a component of the United States Department of Justice. In recognition of the severity of the crimes associated with domestic violence, dating violence, sexual assault, and stalking, Congress passed the Violence Against Women Act of 1994 (VAWA 1994) as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is a comprehensive legislative package designed to end violence against women and was reauthorized in both 2000 and 2005. The legislative history of VAWA indicates that Congress seeks to remedy the legacy of laws and social norms that serve to justify violence against women. Since the passage of VAWA, there has been a paradigm shift in how the issue of violence against women is addressed nationwide.

VAWA was designed to improve criminal justice responses to domestic violence, dating violence, sexual assault, and stalking and to increase the availability of services for victims of these crimes. VAWA requires a coordinated community response (CCR) to domestic violence, dating violence, sexual assault, and stalking, encouraging jurisdictions to bring together players from diverse backgrounds to share information and to use their distinct roles to improve community responses to violence against women. These players include, but are not limited to: process advocates, police officers, prosecutors, judges, probation and corrections officials, health care professionals, leaders within faith communities, and survivors of violence against women. The federal law takes a comprehensive approach to violence against women by combining tough new penalties to prosecute offenders while implementing programs to aid those who have experienced violence.

¹ <http://www.titleix.info>, <http://knowyourix.org/title-ix/title-ix-the-basics/>

² <http://www.justice.gov/ovw>; <http://nnedv.org/downloads/Policy/VAWA2005FactSheet.pdf>

C. Campus SaVE Act³

The Campus Sexual Violence Elimination Act, or Campus SaVE Act, is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education.

SaVE requires colleges and universities, both public and private, participating in federal student aid programs (covering virtually every campus in the United States) to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming.

D. Illinois Law

In the State of Illinois, if a person engages in sexual penetration without consent, by use of physical force, coercion or threat (actual or implied), the act is considered sexual assault. Sexual penetration is defined as "any contact, however slight, between the sex organ of one person and the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person." A person who is asleep, unconscious, mentally incapacitated or physically helpless due to drug or alcohol consumption is considered unable to consent.

A student charged with sexual assault can be prosecuted under Illinois criminal statutes. In addition, students can be disciplined under the university code of student conduct, and if found guilty, can face the possibility of suspension, dismissal or other disciplinary sanctions deemed appropriate by the University. Sexual assault is a Class 1 felony crime in the State of Illinois. A convicted offender could face a mandatory 4-15 years of incarceration and be ordered to make restitution. Both the reporting party and the respondent will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.

CONTACT

The Title IX Coordinator provides oversight for all areas of sexual harassment, inequity, and misconduct. The coordinator also oversees the development, review, and implementation of the University's policies and procedures related to such.

Nena Peplow, Director of Human Resources and Title IX Coordinator

Sisson Hall #239

309-677-3223

titleixcoordinator@fsmail.bradley.edu

³ <http://www.cleryact.info/campus-save-act.html>; <http://clerycenter.org/campus-sexual-violence-elimination-save-act>

PROCEDURES AVAILABLE THROUGH THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS AND THE ILLINOIS HUMAN RIGHTS COMMISSION

In addition to Bradley's internal procedures set forth herein, the Illinois Human Rights Act provides formal procedures for the filing, investigation, and adjudication of sexual harassment complaints. In the event Bradley's internal procedures prove unsatisfactory, any faculty member, student, or employee with a report of sexual harassment may initiate charges under the Illinois Human Rights Act by contacting the Illinois Department of Human Rights (IDHR) or the Illinois Human Rights Commission at the offices of such agencies, located in Chicago or Springfield. The Springfield addresses are:

Illinois Department of Human Rights
222 S. College, Room 101A
Springfield, IL 62704
Telephone: (217) 785-5100

Illinois Human Rights Commission
Stratton Building, Room 404
Springfield, Illinois 62706
Telephone: (217) 785-4350

Under the Act, a charge must be filed with the IDHR within 180 days of the alleged unlawful conduct, which, after IDHR investigation, may result in adjudication before the Illinois Human Rights Commission or in a court of law. Further details on this process may be obtained from the IDHR or the Illinois Human Rights Commission.

Inquiries may also be made federally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Or the Equal Employment Opportunity Commission (EEOC) at:
<http://www.eeoc.gov/contact/>

POLICY

Section 1: Policy on Equal Opportunity, Harassment, and Nondiscrimination

Bradley University is committed to a policy of nondiscrimination and the promotion of equal opportunities for all persons regardless of age, color, creed, disability, ethnicity, gender, gender identity and expression, marital status, national origin, pregnancy, race, religion, sexual orientation, veteran status or domestic violence survivor status sexual orientation, gender, gender identity, gender non-conforming, pregnancy, or domestic violence survivor status [hereafter known as protected class].

All policies as defined in the Introduction ([p. 2](#)) are subject to resolution using the University's Student Conduct process or the Student Grievance Committee procedures as outlined the Student Handbook. The University reserves the right to act on incidents occurring on-campus or off-campus.

The Title IX Coordinator oversees the implementation of the University's compliance as related to Title IX, Campus Save Act, VAWA, and Illinois State guidelines and regulations.

Reports of discrimination, harassment, and/or retaliation should be made directly to the Title IX Coordinator (or designated Deputy Coordinators) within a reasonable period of time to permit a thorough investigation. There is no time limitation on the filing of a report, as long as the accused individual remains subject to the University's jurisdiction. [However, if private legal action is pursued, the law may impose specific time limitations.] All reports are acted upon promptly while every effort is made by the University to preserve the privacy of reports.

Anonymous reports may also be filed online, using the reporting form posted at <https://secure.ethicspoint.com/domain/media/en/gui/23412/index.html>.

Anonymous reporting mechanisms are not 911 or emergency service. Do not use EthicsPoint to report events presenting an immediate threat to life or property. Reports submitted through EthicsPoint may not receive an immediate response. If you require emergency assistance, please contact the local authorities.

Reporting is addressed more specifically in [Section 4](#).

Students can raise concerns and make reports regarding their protected class without fear of retaliation. The University is committed to the reporter's protections against retaliation; this includes reports made on campus, to the Equal Opportunity Commission, to the Office of Civil Rights, or to any other human rights agencies.

Section 2: Bradley University Policy on Discriminatory Harassment

The sections below describe the specific forms of harassment that are prohibited by law and Bradley University policy. Bradley University does not tolerate harassment and commits its efforts to educate its students, faculty, and staff on such.

For the purposes of this policy we have provided the following definitions:

"Reporting Party" is an individual who makes a report of gender discrimination, sexual harassment, sexual misconduct, sexual assault, sexual exploitation or

retaliation.

“Responding Party” is an individual who is alleged to have violated the College policy on gender discrimination, sexual harassment, sexual misconduct, sexual assault, sexual exploitation, or retaliation and who is named in a report alleging violation.

“Responsible Employees” are those College employees who have the authority to take action to redress sexual misconduct; who have been given the duty of reporting incidents of sexual misconduct by students to the Title IX coordinator, or other appropriate school designee or whom a student could reasonably believe has this authority or duty.

A. Discriminatory and Sexual Harassment

Bradley University will appropriately respond to all forms of sexual harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, Bradley University may also impose sanctions on the respondent.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities.⁴

Harassment is any verbal, graphic, or physical conduct that denigrates or shows hostility toward a student because of their protected class, including protections for reporting parties from retaliation. Harassment occurs when such conduct has the purpose or effect of interfering with a student’s educational experience and performance, creating a hostile or offensive educational opportunity.

Harassment may take the form of, but is not limited to, the following:

- Epithets, slurs, negative stereotyping, insulting, degrading, or obscene words or actions
- Threatening, intimidating or violent acts directed against a student
- Written or graphic materials, such as cartoons or jokes that demean an individual or group

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under University policy, but should be addressed through civil confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, students should seek support through the Counseling Center.

Bradley University condemns and will not tolerate discriminatory harassment. Note that those who engage in harassing behavior may be subject to criminal prosecution

⁴ This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

under federal or state law; action taken by the University does not preclude the pursuit of criminal or civil action.

Reporting options for students are addressed more specifically in **Section 4**.

B. Sexual Harassment

It is the policy of Bradley University to provide an environment for students which is free from sexual harassment. Sexual harassment in the work environment and sexual harassment in higher education are civil rights violations under Illinois law.

Both the Equal Employment Opportunity Commission and the State of Illinois regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. Bradley University has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.⁵ Sexual harassment creates a **hostile environment**, and may be disciplined when the following occurs.

Sexual harassment is:

- unwelcome, sexual or gender-based verbal, written, online and/or physical conduct⁶ that is
- sufficiently severe, persistent or pervasive, and objectively offensive that it, has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university's educational, social and/or residential program, and is
- based on power differentials (*quid pro quo*), the creation of a hostile environment or retaliation.

Anyone experiencing sexual harassment in any Bradley University program is encouraged to report it immediately to the University's Title IX Coordinator.

⁵ Also of relevance is the Office of Civil Rights 2001 statement on sexual harassment, "Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties, Title IX," which can be found at <http://www2.ed.gov/legislation/FedRegister/other/2001-1/011901b.html>, as well as the April, 2011 Dear Colleague Letter on Campus Sexual Violence, which can be found at: http://www.whitehouse.gov/sites/default/files/dear_colleague_sexual_violence.pdf

⁶ Some examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student consents to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

1. Sexual Harassment Definitions

The Illinois Human Rights Act (775 ILCS 5/) contains definitions of sexual harassment. Different definitions are provided for the work environment and the educational environment.

In the educational environment, the Human Rights Act defines "sexual harassment in higher education" as any unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student, or any conduct of a sexual nature exhibited by a higher education representative toward a student when such conduct, advances, or requests have the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the higher education representative either explicitly or implicitly makes the student's submissions to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

- Whether the student will be admitted to an institution of higher education;
- The educational performance required or expected of the student;
- The attendance or assignment requirements applicable to the student;
- To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;
- What placement or course proficiency requirements are applicable to the student;
- The quality of instruction the student will receive;
- What tuition or fee requirements are applicable to the student;
- What scholarship opportunities are available to the student;
- What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
- Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
- The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or what degree, if any, the student will receive.

As used in the definition of sexual harassment in higher education, "higher education representative" means and includes the president, vice president, or other holder of any executive office on the administrative staff of an institution and any member of the faculty of an institution of higher education, including but not limited to a dean or associate or assistant dean, a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor of any course

or program of academic, business or vocational instruction offered by or through an institution of higher education.

2. Description of Sexual Harassment

Sexual harassment prohibited by this policy includes verbal, non-verbal, or physical conduct. The terms "intimidating," "hostile," or "offensive" as used include conduct which has the effect of humiliation, embarrassment or discomfort. Examples of verbal conduct which may have such an effect include: explicit sexual propositions, sexual innuendo, suggestive comments, foul or obscene language, insults of a sexual nature, and humor or jokes about sex or gender-specific traits. Examples of non-verbal conduct which may have such an effect include: suggestive or insulting sounds, obscene gestures, display of foul or obscene printed or visual material. Examples of physical conduct which may have such an effect include: sexual touching, patting or pinching of a sexual nature, intentional brushing of the body, coerced sexual intercourse, and sexual assault.

Section 3: Bradley University Policy on Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, Bradley University has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Bradley University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or dismissal from the University, for any act of sexual misconduct or harassment. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, sexual orientation, gender, gender expression, and/or gender identity of those involved.

Violations include:

A. Sexual Harassment (as defined in [Section 2, B](#))

B. Non-Consensual Sexual Contact

-
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
 - An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
 - Male students take to calling a particular brunette student "Monica" because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, "sexual relations" and Weight Watchers.
 - A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

Defined as:

- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Note: Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

C. Non-Consensual Sexual Intercourse⁷

Defined as:

- any sexual penetration or intercourse
- however slight
- with any object
- by a person upon another person
- that is without consent and/or by force

Note: Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

D. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of sexual harassment, non-consensual sexual intercourse or non-consensual sexual contact. Examples of sexual exploitation include, but are not limited to:

⁷ The Illinois state definition of sexual assault is: "A person commits criminal sexual assault if that person commits an act of sexual penetration and: (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age. (720 ILCS 5/Sec. 11-1.20. Criminal Sexual Assault.) This state definition is applicable to criminal prosecutions for sexual assault in Illinois, but may differ from the definition used on campus to address policy violations.

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed)
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Prostitution
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection
- Administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent

E. Sexual Violence, Stalking and Intimidation

- Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, dating, domestic⁸ and/or relationship violence⁹)
- Stalking¹⁰, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear¹¹
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class.

⁸ The state definition of domestic violence is

(3) "Domestic violence" means abuse as defined in paragraph (1).

(1) "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis. This definition is applicable to criminal prosecutions for domestic violence in Illinois, but may differ from the definition used on campus to address policy violations. 750 ILCS 60/103: (from Ch. 40, par. 2311-3)

⁹

- Employee A has been in an intimate relationship with Employee B for over a year; Employee A punches Employee B in the face during an argument (Dating Violence).
- Student A has been in an intimate relationship with Student B for over a year; Students A & B live together. During an argument, Student A shoves Student B to the ground (Domestic violence).

¹⁰ The Illinois State definition of stalking is "Knowingly and without lawful justification follows or surveils another on at least 2 separate occasions and threatens or places in reasonable apprehension; Aggravated stalking is stalking in conjunction with causing bodily harm, confining or restraining victim or violating court order or injunction." Aggravated stalking is a Class 3 felony; Stalking is a Class 4 felony. This is applicable to criminal prosecutions for stalking in Illinois, but may differ from the definition used on campus to address policy violations. Ch. 720 §5/12-7.3

¹¹

- Student A recently ended an intimate relationship with Student B. For the past three weeks, B has been sending A 100 text messages per day and waits by A's car at the end of each day to beg and plead with her to take him back. When she refuses, he loses control, makes threatening gestures, and tells her she will regret this. Student A indicates she is fearful of what B might do to her (Stalking).
- Mark is a student on campus who has always been fascinated by women who dye their hair. One day, he notices MaryLou, whose hair is dyed a very bright purple. He follows her home to see where she lives, and begins to track her history, actions and movements online. His fascination increases to the point where he follows her frequently on campus, takes pictures of her without her permission, and spies through her window at night with a long-range camera lens. He wants to have her beautiful purple hair for his own, so that he can stroke it whenever he wants.

F. Consent¹²

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions the other individual consented to that specific sexual conduct.

- A person cannot consent if he or she is:
 - unable to understand what is happening;
 - in an impaired condition of thought and action without normal control of faculties;
 - otherwise disoriented or helpless; or
 - asleep or unconscious for any reason, including due to alcohol or other drugs.
- An individual who engages in sexual activity when the individual knows, or should know, the other person is physically or mentally incapacitated has violated this policy.
- It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.
- In the State of Illinois, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult

¹² According to Illinois state law, "consent" means agreeing to sex of your own free will, which is applicable to criminal prosecutions for sex offenses in Illinois, but may differ from the definition used on campus to address policy violations. [Included for Campus SaVE Act compliance purposes] The state of Illinois recognizes that any type of sexual activity without consent is criminal (720 ILCS 5/12-12 to 5/12-16). The State of Illinois does define the age of consent but it does not currently have an explicit definition of consent applicable to criminal prosecutions for sex offenses.

with a person younger than 17 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, Bradley University utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming.

Bradley University offers programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as the Illinois State definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower reporting parties, how to recognize warning signals, how to avoid potential attacks, and how to do so without blame or judgement towards those involved. Programs are informed by evidence-based research and/or are assessed for their effectiveness.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose, and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders.

Section 4: Reporting Violations of Title IX Policy

Anyone with knowledge about sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately. Protective measures for reporting parties are available from the campus whether a reporting party chooses to report to local and/or campus law enforcement, and irrespective of whether a reporting party pursues a formal complaint through Bradley University.

A. Remedial Action

The University will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation and/or discrimination. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment

accommodations, safety planning, referral to campus and community support resources.

The University will take additional remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

B. Confidentiality and Reporting of Offenses under This Policy

Bradley University encourages reporting parties of sexual misconduct to talk to somebody about what happened so they can get the support they need. University officials, depending on their roles at the University, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources.

It is the policy of Bradley University to notify campus law enforcement when sexual misconduct occurs, typically without providing identifying information about the incident, unless a reporting party wishes that information to be shared, or an emergency requires disclosure. Reporting parties have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but may also respect a reporting party's request not to do so.

On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless one has requested information to be shared. Other resources exist for one to report crimes and policy violations and these resources will take action when one reports an alleged violation to them. Most resources on campus fall in the middle of these two; neither the University, nor the law, requires them to divulge private information that is shared with them, except in rare circumstances. The following describes the two reporting options at Bradley University:

1. Confidential Reporting Options

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors and University health service providers. Off-campus individuals may speak to local rape crisis counselors, domestic violence resources, local or state assistance agencies, private agencies, and members of the clergy/chaplains who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. On-campus counselors are available to help free of charge to students and can be seen on an emergency basis or during normal business hours. On and off-campus professionals are required to submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

EthicsPoint, Inc. has been selected to provide reporting parties with simple, risk-free ways to anonymously and confidentially report activities that may involve illegal or inappropriate behavior at the University. Reports may be filed on the website at <https://secure.ethicspoint.com/domain/media/en/gui/23412/index.html> or by telephone through the EthicsPoint Call Center toll-free at 1-877-226-2407. The EthicsPoint system will walk reporting parties through a questionnaire where there will be the opportunity to fully and confidentially report concerns.

Do not use EthicsPoint to report events presenting an immediate threat to life or property. Reports submitted through this service may not receive an immediate response. If emergency assistance is required, please contact the local authorities.

A person who reports to one of the confidential resources listed above must understand that, if the reporting party wants to maintain confidentiality, Bradley University will be unable to conduct an investigation into the particular incident or pursue disciplinary actions against the alleged perpetrator. Even so, these resources will still assist the reporting party in receiving other necessary protection and support, such as process advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A reporting party who at first requests confidentiality may later decide to file a report with Bradley University or report the incident to local law enforcement, and thus have the incident fully investigated. To the extent they are able to do so, these resources will provide the victim with assistance.

2. Non-Confidential, Private Formal Reporting Options

Reporting parties are encouraged to speak to University officials, such as the Title IX Coordinator, the Vice President for Student Affairs (or designee), Executive Director of Student Support Services, University Police, the Peoria Police Department, and others designated by the University as responsible employees to make formal reports of incidents of sexual misconduct. Reporting parties have the right, and can expect, to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporting party, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Before a reporting party reveals any information to a responsible employee, the employee should ensure the person understands the employee's reporting obligations – and, if the reporting party wants to maintain confidentiality, direct the person to confidential resources.

Students have the right and can expect to have incidents of sexual misconduct to be taken seriously by Bradley University when reported to a “responsible employee” and to have those incidents investigated and properly resolved through the outlined procedures. Responsible Employees are required to report to the Title IX Coordinator or other appropriate designee, all relevant details about the alleged sexual misconduct violation the student or another person has shared. Details may include names of the alleged respondent, the student who experienced the alleged sexual violence, other students involved in the alleged sexual violence, as well as relevant facts, including the dates, time and location of the alleged violation.

“Responsible Employees” at Bradley University include, but are not limited to:

- All instructors, including full-time professors, adjuncts, lecturers, and any others who offer classroom instruction or office hours to students;
- All advisors;
- All coaches, trainers, and other athletic staff that interact directly with students;
- All student affairs administrators;
- All residential hall staff;
- Employees who work in offices that interface with students; and
- All supervisors and university officials.

Responsible employees will not pressure a reporting party to request confidentiality, but will do their best to honor and support the person’s wishes, including for Bradley University to fully investigate an incident. Additionally, responsible employees will not pressure a reporting party to make a full report if the person is not ready to do so.

C. Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing a grievance or for assisting in providing information relevant to a claim of harassment is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Vice President for Student Affairs or the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear they may be subjected to retaliation.

It is also a civil rights violation under Illinois law for a person, or two or more persons, to conspire, to retaliate against a person because they have opposed conduct which they reasonably and in good faith believes to be unlawful sexual harassment in employment or sexual harassment in higher education, or because they have made a charge, filed a report, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

D. Federal Timely Warning and/or Emergency Notification Obligations

Reporting parties of sexual misconduct should be aware that University administrators must issue timely warnings and/or emergency notifications for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure a reporting party's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Section 5: Bradley University Investigation and Procedures in cases involving student(s)

This overview gives a general idea of how the Bradley University Title IX violation proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures, by necessity, may be adjusted to fit a situation; though consistency in similar situations is a priority. When necessary, all involved parties will be notified in writing regarding changes to the process.

Once notice is received from any source (student, faculty, staff, 3rd party, online, etc.), Bradley University may proceed with a preliminary investigation and/or may schedule an initial educational meeting/conference with the respondent to explain the investigative process and gather information.

A. Weighing and Responding to Confidentiality

If a reporting party discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, Bradley University must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If Bradley honors the request for confidentiality, a reporting party must understand that Bradley University's ability to meaningfully investigate the incident and pursue disciplinary action against the respondent(s) may be limited. However, any immediate action necessary to protect and assist the reporting party will still be taken.

Although rare, there are times when Bradley University may not be able to honor a reporting party's request in order to provide a safe, non-discriminatory environment for all students. Bradley University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is notified of alleged sexual violence:

- Bradley University Vice President for Student Affairs
- Bradley University Executive Director of Student Support Services
- Bradley University Title IX Coordinator

When weighing a reporting party's request for confidentiality or that no investigation or discipline be pursued, a range of factors including the following will be considered:

- The increased risk that the respondent will commit additional acts of sexual or other violence, such as:
- whether there have been other sexual misconduct complaints about the same respondent;
- whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the respondent threatened further sexual violence or other violence against the reporting party or others;
- whether the sexual violence was committed by multiple persons;
- whether the sexual violence was perpetrated with a weapon;
- whether the reporting party is a minor;
- whether Bradley University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the reporting party's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead Bradley University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, Bradley University will likely respect the reporting party's request for confidentiality.

If Bradley University determines that it cannot maintain a reporting party's confidentiality, the reporting party will be informed prior to starting an investigation. In addition, Bradley University will only share information with people responsible for handling the University's response.

Bradley University will remain ever mindful of the reporting party's well-being, will take ongoing steps to protect the reporting party from retaliation or harm and will work with the reporting party to create a safety plan. Retaliation against the reporting party, whether by students or Bradley employees, will not be tolerated.

Additionally, once a reporting party has met with the Executive Director of Student Support Services and understands their rights, Bradley University may not require a reporting party to further participate in any investigation or disciplinary proceeding.

Reports of sexual violence (including non-identifying reports) will also prompt Bradley to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

B. Expectations During Investigation and Hearing

The investigation may include, but is not limited to:

- Conducting interviews of the reporting party, the respondent, and any witnesses;
- Reviewing law enforcement investigation documents, if applicable;

- Reviewing other pertinent student files;
- Gathering and examining other relevant documents or evidence.

Title IX requires a University to give the reporting party any rights that it gives to the respondent. A balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions. Specifically:

- All members of the campus community have the right to have reported incidents addressed according to the published University procedures.
- Reporting parties have the right to have their allegations investigated and resolved internally by the University.
- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from campus personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.).
- Throughout the investigation, all parties must have an equal opportunity to present relevant witnesses and other evidence. Bradley University does reserve the right to limit both party's number of character witnesses.
- Bradley University will use a preponderance of the evidence (i.e., more likely than not, 51%) standard in any Title IX and Student Conduct proceedings, including any fact finding and hearings.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.
- Students have a right to be notified of their ability to access campus counseling and health services.
- Students and employees have a right to be notified of on-and off-campus supportive resources.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issues by criminal or civil courts, and may seek the help of University in requesting and/or enforcing.
- The appeals process is provided equally to both parties.
- Both parties must be notified, in writing, of the outcome of both the complaint and any appeal.

C. Preliminary Inquiry

Upon notification, the Title IX coordinator or designee will assume responsibility for issuing an investigation of alleged Title IX violation(s) to determine if the report has merit. No report will be forwarded unless there is reasonable cause to believe Title IX has been violated. Reasonable cause is defined as some credible information to

support each element of the offense, even if that information is merely a credible witness or a reporting party's statement. A report wholly unsupported by any credible information will not be forwarded.

Bradley University will conduct a preliminary inquiry into the nature of the incident, report or notice, of the evidence available, and from the parties involved. The preliminary inquiry may lead to:

- A determination that there is insufficient evidence to pursue the investigation, because the behavior alleged, even if proven, would not violate Title IX. If the alleged behavior is not found to be a violation of Title IX but is a violation of University policy or the law, any information gathered will be forwarded to the appropriate individuals/departments for further action.
- A more comprehensive investigation, when it is clear more information must be gathered.
- A formal report of a violation and/or an educational conference with the respondent.
- A decision on the allegation, also known as an "informal" or "administrative" resolution to an uncontested allegation.
- A decision to proceed with additional investigation and/or referral for a "formal" resolution.

If a decision on the allegation is made and the finding is that the respondent is not responsible for violating Title IX, the process will end. In this situation, the reporting party may appeal to the University President or designee requesting to reopen the investigation and/or grant a hearing. This decision shall be in the sole discretion of the University President or designee and will follow the process outlined in **E. Appeal Review Procedures (p. 22)**.

If the University finding is that the respondent is in violation and the respondent accepts this finding within five days, the University considers this an "uncontested allegation." The Title IX Coordinator or designee will then recommend sanction(s) for the misconduct, which the respondent may accept or reject. If accepted, the process ends.

If the investigator(s) conducting the initial conference determines that it is more likely than not that the respondent is in violation, and the respondent rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to a formal hearing.

D. Hearing

Should the issue not be resolved to the student's and/or the University faculty/staff member's mutual satisfaction through the previous procedures, the student or University faculty/staff member may, within five working days of the final written decision or summary described above, initiate the formal phase of the University's grievance procedure by appealing in writing to the Chairperson of the University Student Grievance Committee or the Student Conduct System. This written appeal

shall specify the alleged grievance and the result(s) of the appeals during the previous phase of the grievance procedure.

Legal counsel may be used by the parties, at the parties' cost, as part of the formal procedure. Legal counsel for either party shall act in an advisory capacity only and shall not be permitted to speak on behalf of any party. The Student Grievance Committee and Student Conduct System shall have access to University legal counsel on procedural matters.

If the appeal involves a student to faculty/staff matter, it shall be referred through the process outlined in **D, 1 (p. 21)** as Student Grievance Committee. If the appeal involves a student to student matter, it shall be referred through the process outlined in **D, 2 (p. 24)** as Student Conduct System.

1. Student Grievance Committee

The Student Grievance Committee operates to deal with grievances that are non-academic in nature and involve sexual harassment or discrimination and where the findings of the Preliminary Inquiry (5, C, p. 19) are appealed/grieved. The Student Grievance Committee will review cases involving student to faculty/staff matters. The entire scope of the nature of dealings of the Student Grievance Committee can be found in the Student Handbook.

- a) The Student Grievance Committee shall meet at the call of the Chairperson upon receipt of a written grievance
 - i. The Chairperson shall:
 - Obtain written statements from all parties interviewed.
 - Call for a meeting of the Committee to be held within ten working days of submission of the appeal to review the statements from the parties involved, unless extraordinary circumstances require a delay.
 - The Committee shall decide whether a hearing is in order. If the Committee finds a hearing is not in order, the report is dismissed and no further action will be taken by the Committee. If the grievance alleges Title IX has been violated, a copy of the minutes of the meeting shall be sent to the Title IX Coordinator.
 - ii. If the Committee finds a grievance is in order, the Committee shall:
 - Determine a date, time and place for a formal hearing.

- Determine the procedures for conducting the formal hearing. All parties concerned will be given at least five working days notice of the time, date and place of the hearing, and of the procedures.
 - Call on other faculty, staff and students if it would serve the purposes of due process.
 - Retain records of all written matters dealing with each case.
- b) The Committee shall submit its written findings and decisions for review within five working days after the matter has been formally submitted to the Committee. This time period may include University holidays and/or times when the faculty are not under contract, such as during the summer. If the Committee finds that unfair or unjustifiable injury or disadvantage has occurred, its decision shall specify remedies to rectify the situation.

The Committee shall submit its findings and decision to the Provost and Title IX Coordinator or other appropriate University official with administrative oversight. Within five days of the receipt of the findings and recommendations of the Committee, the Provost or other appropriate University official shall notify all concerned parties of his/her agreement or disagreement with the Committee's decision, stating the reasons in writing.

Upon agreement of the parties, the grievance procedure can be concluded at any time before notification by the appropriate academic officer.

c) Appeal Review Procedures

Any party may request an appeal of the decision of the University Student Grievance Committee hearing by filing a written request to the University President or designee of Bradley University. The appeal is subject to the procedures outlined below. All sanctions imposed by the hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

i. Grounds for Appeal Requests

Appeals requests are limited to the following grounds:

- A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or

sanction. A summary of this new evidence and its potential impact must be included;

- The sanctions imposed are substantially outside the parameters or guidelines set by Bradley University for this type of offense or the cumulative conduct record of the respondent.

Appeals must be filed in writing with the University President within five business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the University President and, when appropriate, the Title IX Coordinator.

ii. Appeal Process

The University President will share the appeal by one party with the other party (parties) when appropriate (e.g., if the respondent appeals, the appeal is shared with the reporting party, who may also wish to file a response, request an appeal on the same grounds or different grounds). The University President will review the request and draft a written response to the appeal request(s), based on the determination that the request(s) will be granted or denied, and why.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the University President has 5 days to determine whether to refer the appeal to an Appeals Panel or to remand it to the University Student Grievance Committee. Efforts should be made to use remand whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds.

Where the University Student Grievance Committee may be unduly biased by a procedural or substantive error, a new panel will be constituted to reconsider the matter, which can in turn be appealed, once to the University President.

Where new evidence is presented or the sanction is challenged, the University President will determine if the matter should be returned to the original University Student Grievance Committee for reconsideration or if it should be reviewed by the Appeals Panel with instruction on the parameters regarding institutional consistency and any applicable legal guidelines. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The Appeals Panel must limit its review to the challenges presented.

On reconsideration, the Appeals Panel or University Student Grievance Committee may affirm or change the findings and/or sanctions of the original hearing body according to the permissible grounds. Procedural or substantive errors should be corrected, new evidence should be considered, and sanctions should be

proportionate to the severity of the violation and the respondent's cumulative conduct record.

The presumptive stance of the University is that all decisions made and sanctions imposed by the University Student Grievance Committee are to be implemented during the appellate process. At the discretion of the Title IX Coordinator, and in consultation with the University President when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances.

Appeals are not intended to be full re-hearings of the report. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal; witnesses may be called if necessary.

Appeals are not an opportunity for appeals panelists to substitute their judgment for that of the original decision-maker merely because they disagree with the finding and/or sanctions. Appeals decisions are to be deferential to the original decision-maker, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

All decisions of the Appeals Panel are to be made within five days of submission to the Panel and are final, as are any decisions made by the original hearing body as the result of reconsideration consistent with instructions from the University President; as are decisions of the University President.

2. Student Conduct System

In incidents involving student to student actions that are appealed/grieved, the Student Conduct System will operate under its guidelines as outlined in the Hearing Procedures (found within the Student Handbook) and under the procedures of the University Student Arbitration Board (found within the Student Handbook). There are three notable exceptions to the Arbitration Board procedures:

- The Board will be comprised of NO students.
- The Chair of the Board, will be the faculty or staff member previously appointed to the Board by the Vice President for Student Affairs.
- Other members of the Board will be selected by the Title IX Coordinator from the pool of trained deputies and investigators as identified in Appendix A and who have previously not been involved in the matter at hand.

As provide for in the Student Handbook, any party may request an appeal of the decision of the University Judicial Board hearing by filing a written request to the Vice President for Student Affairs of Bradley University. The appeal is subject to the procedures outlined below. All sanctions imposed by the hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of

the appeal decision.

a) Grounds for Appeal Requests

Appeals requests are limited to the following grounds:

- A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- The sanctions imposed are substantially outside the parameters or guidelines set by Bradley University for this type of offense or the cumulative conduct record of the respondent.

Appeals must be filed in writing with the Vice President for Student Affairs within five business days of the notice of the outcome to the hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Vice President for Student Affairs and, when appropriate, the Title IX Coordinator.

b) Appeal Process

The Appeal Process will follow **D, 1, C (p. 22)** with the exception that the Vice President for Student Affairs will take the place of the University President in the appeals process.

E. Possible Sanctions

Bradley University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses and the University reserves the right to impose different sanctions, ranging from verbal warning to dismissal, depending on the severity of the offense. Bradley University will consider the concerns and rights of both the reporting party and the respondent.

QUESTIONS AND ANSWERS¹³

Here are some of the most commonly asked questions regarding Bradley University's sexual misconduct policy and procedures.

What should I do if I have been the victim of sexual misconduct, gender-based violence, or the crimes of rape?

Some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Bradley University Police at 677-2000 or call 911.
2. Consider securing immediate professional support assist you in the crisis. Bradley University Wellness and Counseling Center (677-2700) and the Center for Prevention of Abuse (800-559-7233) both offer 24 hour crisis counseling.
3. If you are on campus during regular business hours, you may go to Bradley University Center for Wellness and Counseling (Confidential reporting option in Markin Center) as well as to Executive Director of Student Support Services Anne Hollis (Non Confidential/Private reporting option in Sisson 101) for support and guidance. After regular business hours, or in any situation where a student wishes, The Peoria Area Center for Prevention of Abuse (800-559-7233) is also available and may be able to provide confidential assistance.
4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.

¹³ Brown, N. (2014, October). How to Handle a Disclosure of Criminal Sexual Assault. Paper presented at the meeting of the Bradley University Campus and Community Response Team, Peoria, IL.

The NCHERM Group, LLC, The NCHREM Group Model Code Project (2013). A Developmental Framework for a Code of Student Conduct: The NCHERM Group Model Code Project Private College University Edition. Retrieved from <https://www.ncherp.org/wordpress/wp-content/uploads/2013/09/PRIVATE-A-Developmental-Framework-for-a-Code-of-Student-Conduct--03-11-20143.pdf>

The NCHERM Group, LLC, The NCHREM /ATIXA (2014). ATIXA Gender-based and Sexual Misconduct Model Policy and Model Grievance Process. Retrieved from https://www.atixa.org/documents/ATIXAModelPolicy_000.pdf

U.S. Department of Education, Office for Civil Rights. (2014). Questions and Answers on Title IX and Sexual Violence. Retrieved from <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

Not Alone.gov (2014). Developing Sexual Assault Policies and Procedures. Retrieved from <https://www.notalone.gov/schools/>

Not Alone.gov (2014). Maintaining Confidentiality. Retrieved from <https://www.notalone.gov/schools/>

5. Even after the immediate crisis has passed, consider seeking support from Bradley University Center for Wellness and Counseling (Confidential reporting option in Markin Center) as well as to Anne Hollis (Non Confidential/Private reporting option in Sisson 101)

6. Contact Nena Peplow (Title IX Coordinator) or Anne Hollis (Title IX Deputy Coordinator) if you need assistance with Bradley University related concerns, such as no-contact orders or other protective measures. Bradley University is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. Additionally, Bradley University can provide information about legal assistance, visa/immigration assistance, and student financial aid considerations for reporting parties.

Does information about a respondent remain private?

The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the report procedure is not permitted. Violations of the privacy of the reporting party or the respondent may lead to conduct action by the university.

In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement or notification of the nature of the violation and the action taken, without using the name or identifiable information of the reporting party. Certain Bradley University administrators are informed of the outcome within the bounds of student privacy (e.g., the University President, Vice President for Student Affairs, Executive Director of Student Support Services, Title IX Coordinator). If there is a report of an act of alleged sexual misconduct and there is evidence that a crime has occurred, Bradley University Police will be notified. Bradley University also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. The Clery report does not include personally identifiable information.

Will my parents be told?

No, not unless you tell them. Whether you are the reporting party or the respondent, the University's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student or in a life-threatening situation.

Will the respondent know my identity?

Yes, if you file a formal report. Sexual misconduct is a serious offense and the respondent has the right to know the identity of the reporting party. If there is a hearing, the university does provide options for questioning without being in the same location, including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms. Mediation is never appropriate in sexual misconduct cases and reporting parties will not have interactions with the respondent through the process.

Do I have to name the respondent?

Yes, if you want formal disciplinary action to be taken against the respondent.

No, if you choose to respond confidentially and do not file a formal report (but you should consult the complete confidentiality policy to better understand the university's legal obligations depending on what information you share with different university officials). Reporting parties should be aware that not identifying other individuals may limit the institution's ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?

DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advisor; anyone may serve such. You may also contact the Center for Residential Living and Leadership, which can explain the university's procedures for addressing sexual misconduct reports. You may also want to talk to a counselor at the counseling center or seek other community assistance. See below regarding legal representation.

Will I (as a reporting party) have to pay for counseling/or medical care?

Bradley University provides counseling to you, at no cost, through the Counseling Center. If a reporting party is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc.

What about legal advice?

Reporting parties of Criminal Sexual Assault who choose to pursue criminal charges need not retain a private attorney to pursue prosecution because representation will be handled by the District Attorney's [Prosecutor's] office. You may want to retain an attorney if you are the respondent or are considering filing a civil action. The respondent may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the reporting party and the respondent may also use an attorney as their advisor during the campus' grievance processes.

What about changing residence hall rooms?

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the reporting party is moved to the first available suitable room. If you want the respondent to move due to sexual misconduct, you must be willing to pursue a formal university report. No contact orders can be imposed and room changes for the respondent can usually be arranged quickly. Other accommodations available to you might include:

- Assistance from university support staff in completing the relocation;

- Arranging to dissolve a housing contract and pro-rating a refund;
- Assistance with or rescheduling an academic assignment such as paper, exams, etc. (per faculty approval);
- Taking an incomplete in a class (per faculty approval);
- Assistance with transferring class sections (per faculty approval);
- Assistance with alternative course completion options (per faculty approval);
- Other accommodations for safety as necessary.

What Will Happen if I seek Medical Treatment?

As soon as you can after the assault occurs, consider going to the emergency room of a local hospital. At the emergency room, doctors and nurses can treat any injuries, test for and treat sexually transmitted infections, and test for pregnancy. If possible, the victim should not shower, bathe, douche, or change clothes or bedding before going to the hospital. If you do change clothes, do not wash the clothes you were wearing during the assault, and bring them with you to the hospital.

- A doctor or nurse will call an advocate from the Peoria [Center for Prevention of Abuse](#) that is trained to assist victims in understanding medical and evidence collection procedures.
- A nurse will also call the Peoria Police Department or the BUPD and an officer will come to the emergency room to speak with the victim. If s/he does not feel comfortable doing so, the victim does not have to speak with the police or with the victim advocate.
- The victim has the right to request that a support person such as a friend or partner stay with her/him in the emergency room, and s/he has the right to request that every procedure be explained.
- The victim has the option of having a rape evidence collection kit taken. S/he must give consent for evidence to be collected. During evidence collection, the doctors or nurses will examine the victim's body and belongings for materials that may help to identify the perpetrator or strengthen a court case. Evidence collection procedures include oral, genital and anal swabs, hair combings, and fingernail specimens. The victim can decline consent to some evidence collection procedures and undergo others. Hospitals must transfer rape evidence collection kits to the law enforcement agency having jurisdiction. However, if you are undecided about prosecuting the perpetrator, you can consent to the evidence collection, but request that it not be released for testing until you decide whether or not you want the police to conduct an investigation. An evidence collection kit can be completed up to one week after the assault.
- If the victim suspects that a "rape drug" such as GHB or rohypnol was used, medical personnel can perform a urinary drug test. Rape drugs pass quickly through the body, so it is important to get tested as soon as possible after the assault. The urine sample can be held up to 48 hours before testing, so if you are unsure if you want a drug test, you can give a urine sample and ask that it is held until you make your decision.
- Emergency contraception can be dispensed within 120 hours of assault in order to reduce risk of unwanted pregnancy. Emergency contraception can be purchased at local pharmacies.

- If you choose not to go to the emergency room, consider seeking medical treatment at the Bradley University Center for Wellness or a private doctor. While they are unable to collect evidence, Bradley University Center for Wellness can treat injuries, test for and treat some sexually transmitted infection and pregnancy.

What should I do about preserving evidence of a sexual assault?

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the reporting party's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have experienced an act of a criminal sexual assault, you should go to the Hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (SANE nurse, a specially trained nurse) at the hospital is on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the SANE nurse; ER will refer you). If a person goes to the hospital, local police will be called, but they are not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available but will not obligate them to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should they decide later to exercise it.

For the Victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers and bags do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect. These items should not be brought to the hospital with you.

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
- Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean sheet to avoid contamination.
- If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.

- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.

- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

Will a reporting party be sanctioned through the University Conduct system when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

No. The seriousness of sexual misconduct is a major concern and Bradley University does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct report?

The use of alcohol and/or drugs by either party will not diminish the respondent's responsibility. A person bringing a report of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her report. If the reporting party does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the respondent without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a respondent.

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present report.

What should I do if I am uncertain about what happened?

If you believe you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact Bradley University's Health Center or Counseling Center to speak to someone confidentially about your situation.

ON CAMPUS RESOURCES

Executive Director of Student Support Services

Support services provided for Bradley students with various situations,

Anne Hollis, Executive Director

101-103 Sisson Hall 309-677-3658

ahollis@fsmail.bradley.edu

Title IX Coordinator

Overall oversight for all areas of sexual harassment, inequity, and misconduct

Nena Peplow, Title IX Coordinator

239 Bradley Hall 309-677-3223

titleixcoordinator@fsmail.bradley.edu

Conduct/Residential Living

Support in addressing housing/roommate issues, alternate housing arrangements, or exploring options for filing charges stemming from assault/other crimes

Ryan Bair, Executive Director of Residential Living and Student Conduct

135 Sisson Hall 309-677-2697

rbair@fsmail.bradley.edu

Health Services & Counseling

Confidential medical and mental health services

Markin Center 309-677-2700

<http://bradley.edu/campuslife/healthservices/>

Bradley University Police

Police will investigate the allegation/incident. Criminal charges may result.

Campustown 309-677-2000

<http://www.bradley.edu/police/>

Office for Diversity and Inclusion

Supports for students with concerns regarding immigration status and visas

Garrett Center 309-677-2648

<http://www.bradley.edu/campuslife/diversity/>

EthicsPoint

EthicsPoint, Inc. has been selected to provide you with simple, risk-free ways to anonymously and confidentially report activities that may involve inappropriate or illegal behavior at the University. You may file a report on this website or by telephone through the EthicsPoint Call Center toll-free at **877-226-2407**. The EthicsPoint system will walk you through a questionnaire where you will have the opportunity to fully and confidentially report your concerns.

Do not use EthicsPoint to report events presenting an immediate threat to life or property. Reports submitted through EthicsPoint may not receive an immediate response. If you require emergency assistance, please contact the local authorities.

OFF CAMPUS RESOURCES

Medical Services

These Peoria area providers can offer physical exams and provide sexual and health services. Additionally, Sexual Assault Nurse Examiners (SANEs) are available to collect evidence in case an individual would like to pursue criminal charges. These resources are confidential.

| | |
|-----------------------|--------------|
| OSF St. Francis | 309-655-2000 |
| Unity Point/Proctor | 309-691-1000 |
| Unity Point/Methodist | 309-672-5522 |

Center for Prevention of Abuse

Located in Peoria, the Center provides a myriad of services and resources, including legal, medical advocacy and counseling services.

800-559-7233 (SAFE) 24 hour hotline

Crime Victim Compensation Program

This national program is designed to reduce the financial burden imposed on victims of violent crime. 800-228-3368

www.notalone.gov

Information for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses.

www.ed.gov

U.S. Department of Education website provides information about Civil Rights and sex discrimination

Programs to Prevent: domestic violence, dating violence, sexual assault and stalking