

# Bradley University Interim Title IX Policy

## Sexual Harassment, Discrimination on the Basis of Sex, Violence Against Women and Sexual Misconduct

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## **INTRODUCTION**

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Bradley University is committed to maintaining a healthy and safe learning, living and working environment and to creating an environment that promotes responsibility, dignity and respect in matters of sexual and interpersonal conduct. Sexual misconduct, domestic violence, dating violence, stalking and sexual harassment are Title IX violations and are strictly prohibited and will not be tolerated.

Any person, regardless of gender, gender identity or sexual orientation, can experience a Title IX violation. These policies and procedures apply to Title IX offenses that are alleged to have been committed by students, faculty, staff or visitors when the alleged violation occurs on University property, and/or in connection with a University or University sponsored program or activity, and/or if the conduct creates an adverse impact or hostile environment on campus or in University programs or activities.

Schools are required to take immediate steps to address any issues brought forth to prevent students or employees from being affected further. If the school knows or reasonably should know about sexual harassment, it must act to eliminate it, remedy the harm caused and prevent its recurrence.

By providing resources for prevention, education, support, investigation and a fair disciplinary process, Bradley University seeks to eliminate all Title IX violations as described by Title IX, the Violence Against Women's Act, the Campus SaVE Act, and all applicable Illinois State laws.

### **A. Title IX**

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.*

Information regarding Title IX compliance includes requirements provided by the Department of Education's Final Rule issued May 6, 2020 with an effective date of August 14, 2020.

Title IX complaints do not apply to sexual harassment that occurs off-campus, in a private setting, and is not part of Bradley education program or activity nor do complaints apply to sexual harassment that occurs outside the geographic boundaries of the United States.

### **B. VAWA**

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.

### **C. Campus SaVE Act**

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.

An individual charged with sexual assault can be prosecuted under Illinois criminal statutes. In addition, an individual can be disciplined under the various university codes of 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**

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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.

Crystal Elliott, Director of Human Resources and Title IX Coordinator

Sisson Hall #239  
309-677-3223  
[titleixcoordinator@fsmail.bradley.edu](mailto:titleixcoordinator@fsmail.bradley.edu)

## **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

Equal Employment Opportunity  
Commission (EEOC)  
<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, gender non-conforming, marital status, national origin, pregnancy, race, religion, sexual orientation, veteran status or domestic violence survivor status or [hereafter known as protected class].

All policies as defined in the Introduction are subject to resolution using the University's Grievance Process. Process information is available in the Human Resources Department, 239 Sisson Hall. 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.

Individuals 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 University's 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 University's 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.

Harassment is any verbal, graphic, or physical conduct that denigrates or shows hostility toward an individual 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 the individual'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 another student or coworker
- 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, employees should seek guidance through the Human Resource Department and students should seek assistance through the Student Affairs office.

Bradley University condemns and will not tolerate discriminatory harassment. Note that those who engage in harassing behavior may be subject to criminal prosecution under federal or state law; action taken by the University does not preclude the pursuit of criminal or civil action.

Reporting options are addressed more specifically in Section 4.

## **B. Sexual Harassment**

It is the policy of Bradley University to provide an environment 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. Sexual harassment creates a **hostile environment**, and may be disciplined when the following occurs.

Sexual harassment is conduct on the basis of sex that is:

- Based on power differentials (quid pro quo), creating a hostile environment or retaliation

- Hostile environment harassment or “unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it denies a person equal access to the University’s education program or activity
- Sexual assault, dating violence, domestic violence or stalking as defined by the Clery Act, (amended by the Violence Against Women Act (VAWA) in 2013) and its regulations.

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

## 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.”

In the work environment, sexual harassment means “any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

### **1. 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 a student and termination of employment for an employee, 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 2B)**

## **B. Non-Consensual Sexual Contact**

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 Intercourse**

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:

- 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, domestic and/or relationship violence)
- Stalking, 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 fear
- 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.

## **F. Consent**

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 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, Bradley University promotes awareness, education, risk reduction, and prevention programming.

Bradley University offers educational programs to raise awareness for students and employees, and are often conducted during new student and new employee orientation. 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.

“Actual knowledge” of sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is present when a University official with authority to institute corrective measures on behalf of the University, has notice of sexual harassment. Per the Final Rule, actual knowledge refers both to “notice of sexual harassment or allegations of sexual harassment.” Such individuals include:

Title IX Coordinator	Crystal Elliott	(309) 677-3223 or <a href="mailto:celliott@fsmail.bradley.edu">celliott@fsmail.bradley.edu</a> <a href="mailto:titleixcoordinator@fsmail.bradley.edu">titleixcoordinator@fsmail.bradley.edu</a>
Deputy Title IX Coordinator	Karen Sorrel	(309) 677-3225 or <a href="mailto:ksorrel@fsmail.bradley.edu">ksorrel@fsmail.bradley.edu</a>

Deputy Title IX Coordinator	Anne Hollis	(309) 677-3910 or <a href="mailto:ahollis@fsmail.bradley.edu">ahollis@fsmail.bradley.edu</a>
Director of Student Conduct	Ryan Bair	309-677-2697 or <a href="mailto:rbair@fsmail.bradley.edu">rbair@fsmail.bradley.edu</a>
Chief of Police	Brian Joshcko	309-677-1002 or <a href="mailto:bjoschko@fsmail.bradley.edu">bjoschko@fsmail.bradley.edu</a>

***Anyone wishing to report a Title IX issue must contact the Title IX Coordinator or another designated individual from this list directly.*** If an individual other than the Coordinator is contacted from the list, the individual will subsequently provide the information to the Coordinator.

A report may be made in person, by mail, telephone or electronic mail to the Title IX Coordinator.

Upon receiving the reported information, the Title IX Coordinator will promptly contact the alleged victim to discuss available supportive measures and explain the process for filing a formal complaint. Supportive measures include but are not limited to: counseling service center for students, EAP for employees, extensions of deadlines, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

The University will maintain as confidential any supportive measures provided to the reporting or responding party, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of the supportive measures.

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 formal complaint is recognized as a physical or electronic document signed by an alleged victim of sexual harassment or the Title IX Coordinator specifically requesting an investigation. A third party cannot file a formal complaint on behalf of an alleged victim to initiate an investigation. The Title IX Coordinator may file a formal complaint based on a report made by a third party only after consulting with the alleged victim and determining an investigation is warranted based on various factors such as severity of the conduct reported, the risk the conduct may be repeated, availability of evidence, etc.

Once a formal complaint is made, the University will provide written notice to the individuals involved in the investigation; provide process information; and known details regarding the complaint such as identities of the parties, the conduct at issue, and the date and location of the alleged incident. Such written notice will be given in advance to allow the parties sufficient time to prepare a response before their initial interview. Subsequent written notices will be provided as needed depending on the scope of the investigation.

If at any point in the investigation the University determines that the alleged conduct in the formal complaint does not constitute sexual harassment, did not occur in the University's education program or activity, or did not occur in the United States, the complaint will be dismissed per the Final Rule.

Additionally, a complaint may be dismissed if the complainant decides to withdraw the complaint, the respondent is no longer enrolled at or employed by the University or if specific circumstances prevent the University from obtaining evidence sufficient to reach a determination.

#### **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 Title IX Coordinator, a Deputy Coordinator, or Investigator may direct an employee to have no contact with another individual for a specified period. No contact orders are issued when, in the judgment of the Title IX Coordinator, Deputy Coordinator or Investigator, there is a reason to believe that a directive would be in the best interest of the parties and/or community for maintaining safety. Such situations include, but are not limited to: harassment, threats, physical assault, stalking, domestic violence, dating violence, sexual misconduct, retaliation or other harmful behaviors. No contact orders will typically be issued as mutual and time-limited, meaning both parties involved are subject to the same restrictions for a specific period of time. No contact orders prohibit all forms of communication between designated parties; direct or indirect, written, electronic, through a third party, or social media. Should a party fail to comply with a no contact order, the party may be subject to disciplinary action. A no contact order is a University action and is not recognized by city, county or state law as a legal action.

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.

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 someone about what happened so they can obtain 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 student reporting party would like the details of an incident to be kept confidential, the student reporting party may speak with on-campus counselors and University health service providers. Students and employees 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 students free of charge 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/Director of Human Resources, 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 listed at the top of Section 4 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, 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.

A reporting party will not be pressured either way about their request for confidentiality. The utmost will be done to honor and support the person's wishes, including for Bradley University to fully investigate an incident. Additionally, the reporting party will not be pressured 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 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 Complaint Procedures***

This overview provides information regarding the Bradley University Title IX violation proceedings. However, 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.

#### **A. Weighing and Responding to Confidentiality**

If a reporting party discloses an incident 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 University's obligation to provide a safe, non-discriminatory environment for all students and employees, including the victim.

If the reporting party insists that their privacy be protected and that their name or other identifiable information not be disclosed to the respondent, the Title IX Coordinator will advise the complainant the University has limited ability to respond to the report. If a formal complaint is filed, a respondent has the right to know the name of the reporting party and information regarding the nature of the allegations in order to defend against the report, thus the University may not be able to both investigate a report and maintain the confidentiality of the complainant. However, any immediate action necessary to protect and assist the reporting party will still be taken.

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 initiating 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.

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 or employee 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 an advisor of their choosing or one 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 issued 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. Notice of Complaint**

The Title IX Coordinator is responsible for overseeing the Title IX complaint process. Hearings may be held and sanctions may be imposed as appropriate in a given case. An individual who is named as a respondent in a complaint is presumed innocent until proven responsible. Bradley University must abide by all laws and University regulations.

A formal complaint is a physical or electronic document signed by an alleged victim of sexual harassment or the Title IX Coordinator specifically requesting an investigation. A third party cannot file a formal complaint on behalf of an alleged victim to initiate an investigation. The Title IX Coordinator may file a formal complaint based on a report made by a third party only after consulting with the alleged victim and determining an investigation is warranted based on various factors such as severity of the conduct reported, the risk the conduct may be repeated, availability of evidence, etc.

Once a formal complaint is made, the University will provide written notice to the individuals involved in the investigation, which will include:

- A copy of the signed report received by the Title IX Coordinator upon which the charges are based;
- Information regarding this complaint process;
- The conduct at issue and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the hearing process;
- A statement that the reporting party and respondent may be accompanied by an advisor of their choice throughout any investigation and hearing process;
- A statement that the reporting party and the respondent may request to inspect and review the evidence;
- A statement informing the parties that it is a violation of this protocol to knowingly make false statements or knowingly submit false information during any investigation or hearing process under this protocol; and
- The potential for disciplinary action.

Subsequent written notices will be provided as needed depending on the scope of the investigation.

### **D. Investigation**

When a complaint alleging a Title IX violation is received, an investigation will be initiated.

The investigation 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 formal hearing.

The investigation is designed to provide a prompt, fair and impartial investigation of the complaint. The investigation is conducted by person(s) who receive annual training on issues related to Title IX violations and on conducting an investigation that protects the safety of employees and promotes accountability. Investigations will consist of interviews with the reporting party, respondent, and relevant witnesses. Witness names may be suggested by the reporting party and the respondent. The investigator may interview additional witnesses or acquire documentation/evidence on their own initiative. Absent extraordinary circumstances, the parties and witnesses will receive the written notice at least five (5) business days before they are interviewed by the investigator. The investigator will contact all parties and witnesses to establish interview times and locations.

All University employees are answerable to the Title IX Coordinator. No individual may avoid an inquiry by failing to respond in a reasonable period to a notice from the Coordinator. Failure to comply with an administrative directive in this area may result in disciplinary action up to, and including, termination of employment.

During an investigation, the parties will have equal opportunity to present witnesses and evidence (both inculpatory and exculpatory).

Additionally, both parties have the equal right to be accompanied by an advisor of their choice to interviews and meetings. The role of the advisor in an investigation meeting is to advise or support, they will not be permitted to interject during the meeting. The University reserves the right to limit the participation of an advisor in interviews and meetings. If the advisor is determined to be interfering with the investigation, they may be asked to leave.

Interviews will be recorded and transcribed at the University's expense.

Information and evidence gathered during the investigation will be provided to both parties to inspect and review so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. All parties will have ten (10) days to provide any written response to the evidence for inclusion in the investigation process. The investigator will consider any and all responses prior to completion of the investigative report.

A summary investigative report will be generated and provided to all parties and their advisors at least ten (10) days prior to a subsequent hearing.

If at any point in the investigation the University determines that the alleged conduct in the formal complaint does not constitute sexual harassment, did not occur in the University's education program or activity, or did not occur in the United States, the complaint will be dismissed per the Final Rule issued by the U.S. Department of Education's Office of Civil Rights (OCR) on May 6, 2020.

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 appeal process outlined further in this document.

Additionally, a complaint may be dismissed if the reporting party decides to withdraw the complaint, the respondent is no longer enrolled at or employed by the University or if specific circumstances prevent the University from obtaining evidence sufficient to reach a determination.

### **E. Hearing**

The Title IX Coordinator will engage members of the campus community to hear and decide Title IX cases involving Bradley employees, Bradley employee(s) and student(s), or student(s) and non-student(s) authorized to be on campus (vendor employee, etc.).

Legal counsel may be used by the parties, at the parties' cost, as part of the formal procedure. The Hearing Officer shall have access to University legal counsel on procedural matters.

Per the Final Rule, a live hearing is required for any Title IX case involving a non-student. At the hearing, a University representative will serve as the Hearing Officer. Neither the Title IX Coordinator nor the investigator will serve as the Hearing Officer.

The Title IX Coordinator 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 (5) 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.

Each party's advisor will be permitted to ask cross-examination and follow up questions of the other party and any witnesses. Cross-examination must be conducted directly, orally and in real time and only by the party's advisor of choice. The party themselves may not participate in cross-examination. If a party is not able to obtain an advisor, the University will provide one for the purpose of cross-examination for the party. While the hearing is required to be live, either party may request separate rooms for the hearing, utilizing technology so that all may simultaneously see and hear the questions. During the hearing, the decision maker has the responsibility to determine the relevance of any question and explain any decision not to permit a question to be asked.

Questions regarding a reporting party's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the reporting party's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the reporting party, or if the questions and evidence concern specific incidents of the responding party's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness refuses to submit to cross-examination, then the University is required to ignore that person's statement and reach a decision based on the remaining body of relevant evidence. Refusal to submit to cross-examination will not result in any adverse inference being drawn by the decision maker.

An audio or video recording of the hearing will be made and provided to the parties for inspection and review.

After the hearing, the decision maker will issue a written determination of findings based on the "preponderance of evidence" standard to both parties simultaneously. The written determination will include the following information:

- Identification of the allegations potentially constituting sexual harassment as defined in Section 2B;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's, expectations, code of conduct and/or policies to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University imposes on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the reporting party; and
- The University's procedures and permissible basis for the reporting and responding parties to appeal.

Either party may file to appeal the determination within ten (10) days of the determination being provided. If neither party appeals the determination within ten (10) days, the determination will be final.

If the decision maker finds that unfair or unjustifiable injury or disadvantage has occurred, the decision shall specify remedies to rectify the situation.

Findings shall also be submitted to the Title IX or other appropriate University official with administrative oversight.

If there has been a finding that reasonable cause exists to believe that a vendor, contractor, subcontractor, visitor, guest or other person who does business with the University has violated this policy, the matter shall be referred to the Vice President for Legal Affairs and General Counsel for appropriate administrative action.

## **F. Appeal Review Procedures**

Either party may file to appeal the determination within ten (10) days of the determination being provided. Appeals must be submitted in writing to the Title IX Coordinator. An appeal must be based on the following grounds:

- Procedural irregularity that affected the outcome;
- New evidence not reasonably available that could affect the outcome; and
- Conflict of interest or bias by the University participants that affected the outcome.

The non-appealing party must be notified of the appeal and allowed to submit a written statement in response within five (5) business days of receiving the appeal notification.

The Title IX Coordinator will appoint a decision maker for the appeal. This decision maker will not be the decision maker from the initial hearing, nor an investigator involved in the initial investigation nor the Title IX Coordinator.

The decision maker will review the case information and the appeal and provide a written decision within ten (10) days, which includes the rationale for the decision. In review, the original finding and sanction(s) are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error. The decision maker for the appeal must limit its review to the challenges presented.

On reconsideration, the appeals decision maker may affirm or change the findings and/or sanctions of the original hearing decision maker 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 original decision maker are to be implemented during the appeal process. At the discretion of the Title IX Coordinator, or other appropriate University official 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 the appeal decision maker 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 decision maker are to be made within ten (10) days of submission to the decision maker and are final. The decision will be provided to both parties at the same time.

## **G. 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 an individual's rights and personal safety. Such measures may include, but are not limited to dismissal, suspension, demotion, educational intervention, no-contact directives, restrictions on salary increases, instructional opportunities, removal of tenure, letters of reprimand 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 and the respondent's conduct history. Bradley University will consider the concerns and rights of both the reporting party and the respondent.

## **H. Non-Retaliation:**

All persons involved in a case, which include the reporting party, respondent, witnesses, those that testified, assisted, participated or refused to participate in any manner in an investigation, proceeding or hearing, are protected from retaliation. Retaliation includes intimidations, threats, coercion, and discrimination. Sanctions related to any ancillary non-sexual harassment conduct issues discovered during the course of an investigation will not be imposed as a means of interfering with a person's Title IX rights. However, sanctions against an individual who makes a material and intentional false statement in bad faith during an investigation is not a matter of retaliation. Any perceived retaliation should be reported to the Title IX Coordinator immediately.

## **I. Timeline and Record Retention:**

The University is committed to addressing all complaints of Title IX violations in a prompt and equitable manner. Completion of this process will vary depending on the complexity of the investigation and the severity and extent of the alleged violation(s). The length of time for completion may also be affected by the unavailability of witnesses, holidays, winter or spring break periods and summer or winter terms.

Bradley University is required to maintain complete records of each phase relating to the resolution of a formal complaint for seven (7) years. Additionally, records shall also be maintained for seven (7) years of any report of sexual harassment where a formal complaint is not filed including all action taken and all supportive measures provided.



## **QUESTIONS AND ANSWERS**

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**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:

- 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.
- Consider securing immediate professional support to assist you in the crisis. The Center for Prevention of Abuse (800-559-7233) offers 24 hour crisis counseling for employees and students. The Bradley University Wellness and Counseling Center (677-2700) also offers 24 hour crisis counseling for students.
- If you are on campus during regular business hours, employees may go to the Human Resource Department (239 Sisson) to report an issue. Students 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 person wishes, The Peoria Area Center for Prevention of Abuse (800-559-7233) is also available and may be able to provide confidential assistance.
- 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.
- Even after the immediate crisis has passed, consider seeking support from the appropriate resources mentioned above.
- Employees can contact Crystal Elliott (Title IX Coordinator) for assistance with concerns, such as no-contact orders or other protective measures. Students can contact Anne Hollis (Title IX Deputy Coordinator) to seek 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 student 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.

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 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 Title IX Coordinator who can explain the university's procedures for addressing sexual misconduct reports. See below regarding legal representation.

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

If a reporting party is accessing community and/or personal 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 offices or teaching locations?**

If you wish to move, contact the Title IX Coordinator to assist in facilitating a move. If you want the respondent to move due to sexual misconduct, you must be willing to pursue a formal university report.

## **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 infections 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 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.

## **ON CAMPUS RESOURCES**

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**Title IX Coordinator**

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

Crystal Elliott, Title IX Coordinator

239 Bradley Hall      309-677-3223      [titleixcoordinator@fsmail.bradley.edu](mailto:titleixcoordinator@fsmail.bradley.edu)

**Executive Director of Student Support Services (students only)**

Support services provided for Bradley students with various situations,

Anne Hollis, Executive Director

101-103 Sisson Hall      309-677-3658      [ahollis@fsmail.bradley.edu](mailto:ahollis@fsmail.bradley.edu)

**Conduct/Residential Living (students only)**

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](mailto:rbair@fsmail.bradley.edu)

**Health Services & Counseling (students only)**

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 (students only)**

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**

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### **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

### **Illinois Sexual Harrassment and Discrimination Hotline**

Information for anyone interested in finding resources on how to report sexual misconduct.

877-236-7703

[www.Illinois.gov/SexualHarassment](http://www.Illinois.gov/SexualHarassment)

### **U.S. Department of Education**

Website provides information about Civil Rights and sex discrimination and programs to prevent: domestic violence, dating violence, sexual assault and stalking. [www.ed.gov](http://www.ed.gov)