QUESTIONS AND ANSWERS

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

Does information about a complaint remain private?

The privacy of all parties to a complaint 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 complaint procedure is not permitted. Violations of the privacy of the complainant or the accused individual 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 alleged victim. Certain Bradley University administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the University, Vice President for Student Affairs, 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. This Clery report does not include personally identifiable information.

Will my parents be told?

No, not unless you tell them. Whether you are the complainant or the accused individual, 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 accused individual know my identity?
Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused individual has the right to know the identity of the complainant/alleged victim. 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 you will not have interactions with the accused individual through the process.

**Do I have to name the perpetrator?**

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

No, if you choose to respond confidentially and do not file a formal complaint (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). Victims should be aware that not identifying the perpetrator may limit the institution’s ability to respond comprehensively.

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

DO NOT contact the alleged victim. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Center for Residential Living and Leadership, which can explain the university’s procedures for addressing sexual misconduct complaints. 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 victim) have to pay for counseling/or medical care?**

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

**What about legal advice?**

Victims 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 accused individual or are considering filing a civil action. The
accused individual 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 accused and the victim 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 complainant is moved to the first available suitable room. If you want the accused individual to move, and believe that you have been the victim of sexual misconduct, you must be willing to pursue a formal university complaint. No contact orders can be imposed and room changes for the accused individual 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 (paper, exams, etc.);
- Taking an incomplete in a class (per faculty approval);
- Assistance with transferring class sections;
- Assistance with alternative course completion options (per faculty approval);
- Other accommodations for safety as necessary.

**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 alleged victim’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 been a victim of a criminal sexual assault, you should go to the Hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (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). A counselor from the Bradley Health Center can also accompany you to the hospital. If a victim goes to the hospital, local police will be called, but s/he is 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 to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim 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.

**Will a victim be sanctioned through the University Judicial 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. See the Sexual Assault Amnesty Policy for further information.

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

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

**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 complaint.

**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.