

3.1-8 Gender-Based Misconduct (Title IX)

Members of the college community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others, conforms to Biblical purity, and expresses godly love that does no wrong to others.

Central Christian College of the Bible believes in a zero-tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

This policy uses as a guide and template Sokolow, B. A. (J.D), Lewis, S. W. (J.D.), & Schuster, S. K. (J.D.).(2011).NCHERM model Title IX compliance policy, grievance process and civil rights investigation protocol.

3.1–8.a. Overview of Policy Expectations with respect to PHYSICAL SEXUAL MISCONDUCT

Central students are expected to conduct themselves with sexual purity and guard against even the appearance of sexual impropriety. The Word of God is clear: "among you there must not be even a hint of sexual immorality ... because these are improper for God's holy people" (Ephesians 5:3, NIV). Therefore, students are expected to abstain from sexual intimacy between people who are not legally married (as defined in the State of Missouri) to each other. More information about Central's expectation of sexual purity may be found in the Student Handbook.

Title IX of the Education Amendment of 1972 prohibits discrimination on the basis of sex in educational programs or activities operated by recipients of Federal financial aid. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or any intellectual or other disability. The National Institute of Justice found that about 1 in 5 women and 6.1 percent of males are victims of completed or attempted sexual assault in college.

Sexual harassment and sexual violence are unacceptable – especially among a campus community of spiritually minded students seeking to become equipped for vocational church leadership and volunteer Christian ministry. In cases of sexual harassment and sexual violence, the college endorses the obligations mandated by the Department of Education to prevent and respond to sexual harassment and sexual violence.

Title IX requires the college to provide a notice of nondiscrimination, notice of the college's Title IX coordinator, and notice of grievance procedures. These are found in this document (Gender-Based Misconduct Policy).

The expectations of our community regarding sexual harassment and sexual violence can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence – without actions demonstrating permission – cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the

capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

3.1–8.b. Overview of Policy Expectations with respect to CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The college does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the college. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and this will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RA's and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

3.1-8.c. Sexual Violence - Risk Reduction

The following tips are presented with the following caveat. The college expects all students to adhere to the limits of sexual conduct and alcohol and drug policy established in the Student Handbook and Student Code. The choice to exceed the college's limits of sexual conduct and use of alcohol or drugs never makes the victim at fault for sexual violence.

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered.

- Make your limits known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in a position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.

- **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In campus hearings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the college never assumes a student is in violation of college policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending upon the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct

3.1–8.d. Sexual Misconduct Offenses covered by this Policy include, but are not limited to

1. **SEXUAL HARASSMENT.** Sexual Harassment is:

1. unwelcome, gender-based verbal or physical conduct that is,
2. sufficiently severe, pervasive and objectively offensive that it,
3. unreasonably interferes with, limits or deprives someone of the ability to participate in or benefit from the college's educational program and/or activities, and is
4. based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

1. **NON-CONSENSUAL SEXUAL INTERCOURSE.** Non-Consensual Intercourse is:

1. any sexual intercourse
2. however slight,
3. with any object or body part,
4. by a man or woman upon a man or a woman,
5. that is without consent and/or by force.

If you are unsure if you have experienced Non-Consensual Sexual Intercourse you may find more information by contacting the VP of Student Development

1. **SEXUAL EXPLOITATION.** Sexual Exploitation occurs when a student takes a non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism; knowingly transmitting an STI or HIV to another student;
- exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation

3.1-8.e. Additional Applicable Definitions

CONSENT: Clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

FORCE: The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion* that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want.").

- *Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
 - Incapacitation is 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, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use, and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at [HTTP://www.911rape.org](http://www.911rape.org).
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.

The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy. For reference to the pertinent state statutes on sex offenses, please see the VP of Student Development.

3.1-8.f. Sanction Statement

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus code violations.*

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

**The student conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

3.1-8.g. Other Misconduct Offenses (That fall under TITLE IX when gender-based

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination is defined as actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of gender;
3. Intimidation is defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing is defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy found in the Student Handbook);
5. Bullying is defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally.
6. Violence between those in an intimate relationship with each other;
7. Stalking is defined as repetitive and/or menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

8.1-8.h. Privacy and Reporting Policy

Institutions must clearly articulate who are “responsible employees” under Title IX for purposes of initiating notice and/or investigation, and those who have more discretion on how they act in response to notice of gender-based discrimination. Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the college and on college policy. **According to the 2020 DOE Title IX update, the institution can designate certain college officials NOT to be mandated reporters. A list of these non-mandated reporters is provided to students through Student Development and listed alongside information about Title IX Coordinators. This list of non-mandated or “confidential” reporters includes the Director of Student Services, Mental Health professionals on campus, and anyone designated as a Campus Minister. This list can change upon approval of the Vice President of Student Development, and changes will be communicated and posted.**

When consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting, in order to make informed choices. On campus, some resources can offer you confidentiality, sharing options and advice without any obligation to tell anyone unless you want them to. Other resources are expressly there for you to report crimes and policy violations and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the college nor the law requires them to divulge private information that is shared with them except in certain circumstances, some of which are described below. A victim may seek assistance from these college officials without starting a formal process that is beyond the victim’s control or violates her/his privacy.

3.1–8.i. To report confidentially

If one desires that details of the incident be kept confidential, they should speak with off-campus mental health counselors, health service providers, or rape crisis resources who can maintain confidentiality. In addition, you may

Speak on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential. **If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them.**

3.1-8.j. Reporting to those who can maintain the privacy of what you share

You can seek advice from certain resources that are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety or the safety of others. These are individuals whom the college has not specifically designated as "responsible employees" for purposes of putting the institution on notice and for whom mandatory reporting is required, other than in the stated limited circumstances. These resources include those without supervisory responsibility or remedial authority to address sexual misconduct, such as RAs, faculty members, counseling interns, admissions officers, student activities personnel, and others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, & help you make decisions about who can help you best.

Some of these resources, such as RAs, are instructed to share incident reports with their supervisors, but they will not share any personally identifiable information about your report unless you give permission, except in the rare event that the incident reveals a need to protect your or other members of the community. If a student's personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

3.1-8.k. Non-confidential reporting options

You are encouraged to speak to officials of the institution to make formal reports of incidents (Title IX Coordinator(s), deans, vice presidents, chief financial officer, or other administrators with supervisory responsibilities, and human resources). The college considers these people to be "responsible employees." Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual.

3.1-8.l. Federal statistical reporting obligations

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus administration regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reports include but are not limited to directors, deans, department heads, advisors to students and student organizations, residence hall directors, residence assistants, athletic coaches, and local law enforcement agencies. The information that they share includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. **EVERYONE ON THE CAMPUS MUST REPORT INCIDENTS, BUT NOT EVERYONE HAS TO GIVE THE NAME OF THOSE INVOLVED (See the list of mandated reporters).** This reporting protects the identity of the victim and may be done anonymously.

3.1-8.m. Federal timely warning reporting obligations

Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim'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 danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

3.1–8.n. Common Questions and Answers

Commonly asked questions regarding the college's sexual misconduct policy and procedures:

Does the 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 college'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 student may lead to conduct action by the college.

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 of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain college administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the college, the Title IX Coordinator(s), and VP of Student Development). If there is a report of an act of alleged sexual misconduct to a conduct officer of the college and there is evidence that a felony has occurred, local police may be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the institution may be legally required to notify law enforcement authorities. The institution must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical 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 student, the college's primary relationship is with the student and not with the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. College officials will directly inform parents when requested to do so by a student, in a life-threatening situation, or if an accused student has signed the permission form at registration which allows such communication.

Will the accused student know my identity?

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused student has the right to know the identity of the complainant/alleged victim. If there is a hearing, the college does provide options for questioning without confrontation, Skype/Zoom, or using a room divider.

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 informally and do not file a formal complaint (but you should consult the complete confidentiality policy above to better understand the college's legal obligations depending on what information you share with different college 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 in the campus community who can act as your advisor. You may also contact the Student Conduct Office, which can explain the college's procedures for addressing sexual misconduct complaints. You may also want to talk to a confidential counselor or seek other community assistance. See below regarding legal representation.

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

The college does not provide these services. When accessing community services, payment for these will be subject to state/local laws, insurance requirements, etc. For assistance in identifying and accessing community services please see the Director of Student Services.

What about legal advice?

Victims of criminal sexual assault need not retain a private attorney to pursue prosecution because representation will be handled by the District Attorney's office. You may want to retain an attorney if you are the accused student or are considering filing a civil action. The accused student may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding.

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 student is moved to the first available suitable room. If you want the accused student to move, and believe that you have been the victim of sexual misconduct, you must be willing to pursue a formal or informal college complaint. No contact orders can be imposed and room changes for the accused student can usually be arranged quickly.

Other accommodations available to you might include:

- Assistance from college 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;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Assistance with alternative course completion options;
- Academic support services such as tutoring;
- 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. Some hospitals have a Sexual Assault Nurse Examiner (SANE: a specially trained nurse) at the hospital who is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). The college may be able to help identify someone who can accompany you to the hospital and to law enforcement and provide transportation. If a victim goes to the hospital, local police may be called, but she/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 obligation 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 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. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

The college's primary concern is for your safety. Any other rules violations will be addressed separately from the sexual violence allegation. The use of alcohol or drugs never makes the victim at fault for sexual violence. The severity of the infraction will determine the nature of the college's response, but whenever possible the college will respond educationally rather than punitively to the use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and the college does not want any of the circumstances(e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

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

The use of alcohol and/or drugs by either party will not diminish the accused student's responsibility. On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. 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 student.

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 that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the VP of Student Development who can help you to define and clarify the event(s), and advise you of your options.

3.1–8o. Clery Act, VAWA & SAVE

Information regarding laws and policies adopted at the federal and state levels is given in writing during freshmen orientation and is made available to any student through the Student Services office. The safety and security of our students from physical, psychological, and sexual violence is a top priority and any incident will be investigated to the best of our abilities.