



BRADLEY
University

faculty and staff
Resource Guide
on sexual misconduct

- campus policies
- procedures
- victim services

Table of Contents

If You Have Experienced Sexual Misconduct	2
About Confidentiality.....	4
Responsible Employees and Mandated Reporting.....	4
Policy.....	5
Prohibited Conduct.....	6
Consent	7
Your Rights.....	8
Remedies	9
Procedures	10
Risk Reduction.....	12

You^{if} **have experienced sexual misconduct**

- 1. Go to a safe location** as soon as you are able.
- 2. Seek immediate medical attention** if you are injured or believe you may have been exposed to an STI/STD or potential pregnancy.

- 3. Contact any of the numbers on the back page for assistance.**

Note: Campus officials may contact on-call staff from other listed departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are off campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call the local police department's non-emergency line at (309) 673-4521.

- 4.** It is important to **preserve physical evidence** that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. Because evidence of a sexual assault can deteriorate quickly, you are encouraged to seek a medical exam as soon as possible. You should avoid washing, bathing, urinating, etc. until after being examined at a local hospital, if possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to seek medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint.

- 5.** Know that **you have choices** regarding how to proceed. Faculty and Staff are encouraged to contact the Title IX Coordinator to discuss supports, accommodations, remedial measures, and the following options:
- a. Do nothing until you are ready;
 - b. Pursue resolution through a university grievance process;
 - c. Initiate criminal proceedings through the Bradley University Police Department or local law enforcement; and/or
 - d. Initiate a civil process against the responding party.

Bradley University
Title IX Coordinator • (309) 677-2081
Human Resources
(309) 677-3223
Bradley University Police Department •
(309) 677-2000

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Off campus

- dial 911
- Peoria Police Department (309) 673-4251
- Peoria Area Center for Prevention of Abuse (800) 559-7232*
- St. Francis Medical Center (309) 655-2000

Carle Health Methodist Hospital
(309) 672-5522

*Denotes confidential resource.

You may pursue
whatever combination
of **options**
is **best** for
You.

About Confidentiality

If reporting parties wish that details of an incident be kept confidential, they should speak with clergy members, mental health counselors and/or health service providers. Local resources such as the Peoria Center for Prevention of Abuse are also confidential and have no duty to report your information to Bradley University. These services are free of charge.

Responsible employees & Mandated Reporting

The Department of Education's Office of Civil Rights (OCR) states that any "Responsible Employee" that knows or should know about possible sexual harassment or sexual violence must report it to the University Title IX Coordinator or other school designee (Deputy Title IX Coordinators), so that necessary and appropriate actions can be taken to respond appropriately. Responsible Employees include any employee who has the authority to take action to redress sexual violence, who has been given the duty of reporting incidents of sexual violence or any other misconduct to the Title IX Coordinator or other appropriate University designee, or whom a person could reasonably believe has this authority or duty. At Bradley University,

Responsible Employees include, but are not limited to:

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

Responsible Employees are required to share all details and information regarding the incident with the Title IX Coordinator. Such incidents of sexual misconduct are taken seriously and will be investigated in a prompt and equitable manner under Bradley University's resolution procedures, which are discussed in a later section of this brochure.

You may request confidentiality and/or that the Title IX Coordinator provide you with remedies and resources without initiating a formal resolution process. The Coordinator will weigh requests for confidentiality against the institutional need to address and remedy discrimination under Title IX. Generally, the University will be able to respect your wishes, unless it believes there is a threat to the community based on the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused.

In cases where your request for confidentiality is granted, Bradley University will offer you available resources, supports, and remedies. You are not obligated to pursue formal resolution in order to access the available resources. If Bradley University decides that it is obligated to pursue a formal resolution based on the notice you have given, you are not obligated to participate in the resolution process. However, the ability of the University to enforce its policies or provide some remedies may be limited as a result of your decision not to participate.

Policy

Sexual misconduct, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of Bradley University's sexual misconduct policy. A number of federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Many types of sexual misconduct also constitute violations of Illinois law.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community must conduct themselves in a way that does not infringe upon the rights of others. Bradley University's sexual misconduct policy is intended to define expectations for appropriate conduct

and outline resolution processes to address conduct that does not meet these expectations.

All members of the campus community, guests, and visitors are protected by this policy regardless of their sexual orientation or gender identity. The University has jurisdiction over all acts of sexual misconduct involving members of the campus community, no matter where they occur, whether on or off campus.

Additional information about campus crime, state laws, and disclosures related to sexual misconduct can be found online in the campus Annual Security Report found on the Bradley University Police Department web page.

Prohibited conduct

Sanctions and interventions are issued when an employee is found responsible for a violation of the Bradley University sexual misconduct policy. Sanctions are designed to eliminate the misconduct, prevent its recurrence, educate the employee, and remedy its effects. Some behavior is so harmful to the University community or so detrimental to the educational environment that it may require removal from University activities or the University. If necessary, the University may take interim actions at any point in the process. Substantiated claims of harassment or sexual harassment may result in the full range of discipline available under Bradley's policies, from a reprimand to immediate termination. The penalty in a given case will depend on all relevant facts and circumstances.

The following are the definitions of conduct prohibited under Bradley University's sexual misconduct policy:

Sexual Harassment

Unwelcome, sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct.

Hostile Environment

Sexual harassment that is sufficiently severe, pervasive, and objectively offensive that it: unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's educational and/or employment, social, and/or residential program.

Non-consensual Sexual Contact

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

Non-consensual Sexual Intercourse

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

Sexual Exploitation

Occurs when one person takes 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 other sexual misconduct offenses.

Intimate Partner Violence

Violence or emotional and/or psychological abuse between those in an intimate relationship toward each other.

Stalking

A course of conduct directed at a specific person, on the basis of actual or perceived membership in a protected class, and would cause a reasonable person to feel fear or suffer other emotional distress.

Intimidation

Implied threats or acts on the basis of actual or perceived membership in a protected class, that cause an unreasonable fear of harm in another.

Consent

is knowing, voluntary and clear **permission**, through word or action, to engage in mutually agreed upon sexual activity or contact.

Since different people may experience the same interactions differently, each party is responsible for making sure that partners have provided ongoing, clear consent to engaging in any sexual activity or contact.

A person may withdraw consent at any time during sexual activity or contact through words or actions. If that happens, the other party must immediately cease the activity or contact. Pressuring another person into sexual activity can constitute coercion, which is also considered to be sexual misconduct.

Silence or the absence of resistance alone does not constitute consent. A victim is not required to resist or say “no” for an offense to be proven.

Consent to some forms of sexual activity (e.g., kissing, fondling, etc.) should not be construed as consent for other kinds of sexual activities (e.g., intercourse).

Being or having been in a dating relationship with the other party does not mean that consent for sexual activity exists.

Previous consent to sexual activity does not imply consent to sexual activity in the future.

To legally give consent in Illinois, individuals must be at least 17 years old.

Force

Force is defined as direct or indirect use of physical violence and/or imposing physically on someone to gain sexual access.

Incapacitation

Incapacitation is defined as a state in which individuals are unable to make rational, reasonable decisions because they lack the capacity to understand the “who, what, when, where, why, or how” of a situation or interaction. Individuals cannot give sexual consent if they can’t understand what is happening or if they are disoriented, helpless, asleep, or unconscious for any reason. That applies even if it is because they voluntarily consumed alcohol or drugs. Unless consent is “knowing,” it is not valid. Those engaging in sexual activity who know or should have known that the other party is incapacitated are engaging in sexual misconduct. The possession, use, distribution, and/or administration of any incapacitating substances is prohibited.

The fact that a responding party was intoxicated, and thus did not realize the reporting party was incapacitated, does not excuse sexual misconduct.

Your Rights

Bradley University strives to provide members of the campus community with fair and equitable resolution processes that include both formal and informal options.

Reporting

- 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.
- Reporting parties have the right to have their allegations investigated and resolved internally by the University.

Fairness

- All members of the campus community have the right to have reported incidents addressed according to the published University procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, hearings, etc.).
- 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.

Support

- Employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- 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 the university in requesting and/or enforcing.

Remedies

Bradley University may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect employees' rights, and keep members of the campus community safe from further harm. Measures include, but are not limited to:

- Implementing contact limitations between the parties.
- Altering work arrangements for employees.
- Issuing interim suspensions pending a hearing.
- Reporting incidents to local police and/or prosecutors.
- Providing education to the community.
- Providing campus escorts or transportation assistance.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

When someone you care about tells you they've been sexually assaulted or abused, it can be a lot to handle. A supportive reaction that avoids judgment can make all the difference. Consider using phrases such as

"I'm sorry this happened."

"It's not your fault."

"Are you open to seeking medical attention?"

"You are not alone."

Visit rainn.org for more resources.

Procedures

Intake

A Bradley University official will assist the reporting party with understanding options and resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by campus officials who receive training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The resolution process is confidential. The institution will, to the best of its ability, protect the confidentiality of victims, consistent with federal law. Title IX-related resolutions are not subject to publicly available record-keeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

Preliminary Inquiry

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made with guidance from the Title IX Coordinator, taking into account the nature of the allegations and the reporting party's wishes. If the decision is made to move forward, the Coordinator refers the allegations to investigators.

Investigations

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports of their findings. The Title IX Coordinator can provide information about all the steps in the investigative process.

Hearings

The hearing panel will have the opportunity to ask questions during hearings.

If both parties are employees, they may make opening and closing statements to address the issues raised in the investigators' report.

Standard of Evidence

The University uses a preponderance of evidence standard in its decision-making. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

Past History

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the University will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Involved parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

Final Determination

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

Appeals

All parties involved in sexual misconduct proceedings may appeal decisions within five days. All parties are included in any appeal reconsideration and have equal rights of participation. There is only one level of appeal, and that decision is final. See the Bradley University Interim Title IX Policy for further details.

Risk Reduction

for Intimate Partner Violence, Stalking, Sexual Harassment, and Sexual Violence

Victim-blaming is never appropriate. Bradley University fully recognizes only those who commit sexual misconduct are responsible for their actions and provides the suggestions that follow to help individuals reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the Risk of Victimization

- Make known any limits/boundaries you may have as early as possible.
- Clearly and firmly articulate consent or lack of consent.
- Remove yourself, if possible, from an aggressor's physical presence.
- Reach out for help, either from someone who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help.
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization.
- Look out for your friends, and ask them to look out for you. Respect them, ask them to respect you, and be willing to challenge each other about high-risk choices.

Reducing the Risk of Being Accused of Sexual Misconduct

- Show your potential partner respect if you are in a position of initiating sexual behavior.
- Ask for consent for every act, every time. Do not proceed without a "yes" and clear permission.
- If a potential partner says "no," accept it and don't push.
- Clearly communicate your intentions to your potential sexual partner, and give them a chance to share their intentions and/or boundaries with you.
- Respect personal boundaries. If you are unsure what's OK in any interaction, ask.
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you,

- how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Don't take advantage of the fact that someone may be under the influence of drugs or alcohol. Don't try to talk yourself into thinking that someone is more into sex than they actually are, and don't try to convince yourself that someone is less drunk than they appear to be. Doing so may be tempting, but it can open the door to a whole host of potential problems, including committing sexual assault.
 - Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
 - Respect the timeline for sexual behaviors with which others are comfortable, and understand they are entitled to change their minds.
 - Recognize that even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
 - Do not assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
 - Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
 - Understand that exerting power and control over another through sex is unacceptable conduct.

Everyone has a role to play

in preventing sexual assault.

There are many different ways

that you can step in or make a difference

if you see someone at risk.

This approach to preventing sexual assault is referred to as

bystander intervention.

Resources & Services

Title IX Coordinator

Support in exploring options for filing charges, arranging accommodations and supports

Jocelyn Watkins, Title IX Coordinator
226B Bradley Hall • (309) 677-2081
jmetzger@bradley.edu or
titleixcoordinator@bradley.edu

Title IX Deputy Coordinators

Crystal Elliott, Director of Human Resources
239 Sisson Hall • (309) 677-3223
celliot@bradley.edu

Anne Hollis, Executive Director for Student Support Services
101-103 Sisson Hall • (309) 677-3658
ahollis@bradley.edu

Human Resources

Crystal Elliott, Director of Human Resources
239 Sisson Hall • (309) 677-3223
celliot@bradley.edu

Campus Police

Police will investigate the allegation/incident. Criminal charges may result.
Campustown • (309) 677-2000
bradley.edu/police/

Center for Prevention of Abuse

The Peoria-area center provides myriad services and resources, including legal, financial, counseling services.
(800) 559-7233 – 24-hour hotline

Medical Services

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

OSF St. Francis • (309) 655-2000
Proctor • (309) 691-1000
Carle Health-Methodist • (309) 672-5522

EthicsPoint Anonymous

Reporting

(877) 226-2407
bradley.edu/offices/students/support/assault

Reach Out



A free smartphone resource guide, and since it's an app, Reach Out is convenient and private. You'll never be asked for any identifying information, so using Reach Out is completely anonymous. Available for free in your app store.