

Bethel College

Sexual Misconduct and Violence Policy

1. Policy Statement

As a Christian college, Bethel College (“College”) holds that certain behaviors are counterproductive to college life, to the maturing believer, and to the development of Christian leaders. As such, the College has adopted this Sexual Misconduct and Violence Policy (“Policy”).

This Policy, and the definitions and protocols within, describe the College’s efforts to decrease acts of sexual misconduct and violence through:

- 1) Awareness education;
- 2) A caring and effective institutional response; and
- 3) Complying with federal and state guidelines regarding an institution’s response to reports of sexual misconduct and violence.

2. Notice of Non-Discrimination

Title IX of the Education Amendments of 1972 protects persons from discrimination based on sex in education programs and activities that receive federal financial assistance. The Title IX regulation describes the conduct that violates Title IX to include athletics departments, recruitment, admissions, financial aid, and scholarships pertaining to students, course offerings, classroom access, grading, and other academics, student counseling and support, hiring and retention of employees, and job-related benefits and leave.

The College is committed to maintaining an environment conducive to learning for all students and a professional workplace for its employees, and takes active measures against all discrimination, discriminatory harassment, and sexual harassment; including sexual misconduct and violence.

As a religious institution, the College retains the right to make employment, admissions, and educational decisions on the basis of an individual's religious beliefs and conduct consistent with the College’s Statement of Faith and other policies in addition to this Policy.

3. Prohibited Conduct

The following offenses are considered sexual misconduct and/or violence and are prohibited by the College:

- A. Unwelcome Sexual Advances and Sexual Harassment;
- B. Stalking;
- C. Domestic Violence and Dating Violence;
- D. Sexual Assault (Violence); and
- E. Sexual Exploitation.

4. Definitions

A. Unwelcome Sexual Advances and Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are considered sexual harassment and are illegal when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of the student's status in a program, course, or activity ("*quid pro quo*" harassment);
- 2) Submission to or rejection of such conduct is used as a criterion for evaluation or as a basis for academic or other decisions concerning that student;
- 3) Such conduct has the purpose or effect of unreasonably interfering with a student's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

The following examples, though not exhaustive, illustrate the type of conduct that is prohibited under this Policy:

- 1) Intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body in a sexual nature;
- 2) Offering or implying a job- or education-related reward (such as a pay increase, a favorable employment evaluation, a job promotion, a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct;
- 3) Threatening or taking a negative employment or educational action (such as a reduction in pay, a negative employment evaluation, or a demotion, giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected;

- 4) The use or display, including electronic display, in the workplace or classroom, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical or other justification; and
- 5) Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience.

Any member of the College community may bring complaints of personal or sexual harassment, sexual assault, or violence to the College. Sexual harassment and sexual assault are unacceptable behaviors for any member of the College community including faculty, staff, and students.

B. Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. Any practice that limits or prohibits persons from fulfilling God's call on their lives is strongly discouraged.

For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the individual. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling or interfere with one's normal daily activities and relationships.

Examples of stalking include, but are not limited to, the following behaviors:

- 1) Pursuing or following someone or waiting uninvited near a place where a person frequents;
- 2) Being or remaining in close proximity to a person;
- 3) Surveillance or other types of unreasonable observation, including staring or peeping;
- 4) Trespassing or vandalism;
- 5) Threatening (directly or indirectly) a person;

- 6) Gathering information about an individual from friends, family, or others;
- 7) Non-consensual communication, including face-to-face communication, telephone calls, voice messages, text messages, emails, written letters, gifts, or any other communications that are undesired; and
- 8) Use of online, electronic, or digital technologies, including posting of pictures online, sending unwanted/unsolicited email or chat requests, posting private or public messages on social media sites, installing spyware on a person's computer, or using GPS to monitor a person.

C. Domestic Violence and Dating Violence

Domestic and dating violence, in any form (verbal or physical), will not be tolerated. Fits of rage, loud arguments, breaking, throwing, or damaging personal or campus property are prohibited. Domestic violence crimes are felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person who is cohabitating with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence is violence committed by a person 1) who is in a social relationship of romantic or intimate nature with the victim, and 2) where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship.

Domestic or dating violence includes, but is not limited to, physical or sexual abuse, or the threat of such abuse.

D. Sexual Assault (Violence)

Sexual Assault (Violence) includes forced and unforced sex offenses.

Forced sex offenses (or attempts to commit the same) are any sexual act or carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent incapacity. This offense includes the forcible rape of both males and females.

Unforced sex offenses are unlawful, unforced sexual intercourse (e.g., incest and "statutory rape"). Rape is defined as "any penetration (anal, oral, or vaginal) or attempted penetration (anal, oral, or vaginal), however slight, with any object (finger, tongue, penis,

inanimate object, etc.) without consent or forcing someone to penetrate himself or herself with any object, however slight, without consent.”

E. Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for the advantage or benefit of a person other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses.

Examples of behavior that could rise to the level of sexual exploitation include: invasion of sexual privacy; prostituting another person; non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity; non-consensual producing, obtaining and/or distributing photos, videos, other images, or information of an individual's sexual activity, or intimate body parts; engaging in non-consensual voyeurism; knowingly transmitting a sexually transmitted infection (“STI”), such as HIV, to another without disclosing your STI status; exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals; and distributing or forcing others to view pornography.

F. Consent

The College promotes a biblical sexual ethic that reserves consenting intimate sexual expression to a marriage between a man and a woman. Intimate sexual expression outside the biblical boundary of marriage may increase the risk of miscommunication about consent. As we live and work in community, we recognize that we may at times fall short of these biblical standards. However, this Policy establishes standards for identifying when such expression violates institutional boundaries for ensuring the safety and well-being of all members of the community.

1) Consent

Consent is voluntary, informed, and mutual, and may be withdrawn at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language, or attitude. However, a lack of verbal or physical resistance or submission resulting from the use or threat of force, coercion, manipulation, or intimidation does not constitute consent.

Likewise, a person’s manner of dress, consent to prior sexual activity, consent to sexual activity with a different person, or relationship status with the person does not constitute consent. It is the responsibility of the initiator of any sexual activity to ensure that he or she has the other person’s consent before engaging in sexual activity.

A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent. Sexual contact with anyone who is under the legal age of consent, is asleep or unconscious, or who the person knows or reasonably should know is incapacitated due to consumption of alcohol, drugs, medication, or a mental or physical impairment is a violation of

this Policy. Persons who are unconscious or physically unable to communicate are assumed to be incapable of giving consent for purposes of this Policy.

2) Coercion

Coercion is to force a person to act based on fear of harm to self or others. Means of coercion may include but are not limited to pressure, threats, emotional intimidation, a power differential between the parties, and/or the use of physical force.

3) Incapacitation

Incapacitation means the physical and/or mental inability to make informed, rational judgments, including being a minor. States of incapacitation include, without limitation, sleep, blackouts, and/or a disability that impacts the ability of an individual to provide legal consent. Incapacitation is determined by how the alcohol or other drugs consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.

5. Awareness Education

The College provides education programs to promote the awareness of rape, acquaintance rape, domestic violence, sexual assault, sexual harassment, sexual exploitation, and stalking. One chapel each semester includes a presentation on sexual misconduct and sexual violence awareness and prevention. Academic advisors also will provide a copy of this Policy during the registration process and will have students initial that they have been made aware of this Policy. New employees will receive a copy of this policy during hire orientation. This Policy will be discussed at one staff and one faculty meeting early in the fall semester each year.

Primary prevention education includes:

- A. A statement that Bethel College prohibits sexual misconduct and violence, including domestic violence, dating violence, sexual assault, sexual exploitation, and stalking;
- B. Definitions of domestic violence, dating violence, sexual assault, and stalking;
- C. The legal definition of consent with regard to sexual activity;
- D. Safe and positive options that a bystander can take when he or she witnesses potential sexual misconduct or violence, including domestic violence, dating violence, sexual assault, or stalking; and

- E. Information about risk reduction, including how to recognize warning signs of abusive behavior, and how to avoid potential attack.

6. Procedures and Reporting

A victim's priority is to get to a safe place and obtain necessary medical attention. Evidence may be necessary to prove the alleged criminal offense or to obtain a protection order; therefore, if the incident has just occurred, victims of sexual assault or violence should not bathe or shower so that evidence may be gathered during a professional medical exam. Clothes worn after the assault should be placed into a paper bag and provided to the responding police agency or given to the hospital examiner, should those services be desired by the victim.

Victims are encouraged to make a timely report to law enforcement officials and college officials as discussed above. The timely reporting of the incident is important for necessary evidence collection and preservation.

Students and employees who believe they have been the subject of sexual misconduct or violence as described in this Policy are strongly encouraged to report the alleged occurrence(s) as soon as possible to the Campus Security Office in the Office of Student Affairs. If warranted, students and employees are encouraged to call the Hampton City Police Department by dialing 911. The longer the delay in reporting the behavior, the more difficult it becomes to effectively resolve the issue.

The College will protect the confidentiality of the victim to the extent permitted by law. The College is obligated by law to conduct a prompt, fair, and impartial investigation when it becomes aware of an alleged incident and to take appropriate steps to address the situation. Members of the Counseling staff are confidential resources and do not report incidents unless the victim specifically requests them to do so. The only details shared are to capture general details about the incident (date, time, location, and incident type) for statistical inclusion in the College's Annual Security and Safety Report. When a student or employee makes a report to the College that the student or employee has been a victim of sexual misconduct or violence, including dating violence, domestic violence, sexual assault or stalking, whether or not the offense occurred on or off campus, the College will provide the student or employee a written explanation of the student's or employee's rights and options (see the attached Federal Campus Sexual Assault Victims' Bill of Rights).

The College will provide written notification to students and employees about existing College and community resources including counseling, health, and victim advocacy services. The College will also provide written notification to victims about options for and assistance in changing academic, living, and work situations. The College will make accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.

7. Disciplinary Proceedings

The College has zero tolerance for criminal acts committed on campus and most especially those acts involving domestic violence, dating violence, repeat violence, sexual violence, sexual assault, sexual exploitation, and/or stalking. Reports of criminal activity will be investigated by the Hampton City Police Department. The results of the investigation will be reported to the Dean of Students for appropriate action.

The following disciplinary proceedings will apply to any incident of alleged domestic violence, dating violence, sexual violence, sexual assault, and/or stalking including:

- A. A review of the police report provided by the Hampton City Police Department by a disciplinary committee convened by the Dean of Students as provided in the Student Handbook or procedures in the Employee Handbook;
- B. The convening of a disciplinary hearing will be conducted in accordance with the procedures provided in the Student Handbook or Employee Handbook; and
- C. Any appeal, if necessary, will be handled as indicated in the Student Handbook or Employee Handbook.

8. Federal Campus Sexual Assault Victims' Bill of Rights.

Victims of sexual assault have the following Bill of Rights in accordance with the Clery Act:

- A. You have the right to have a reasonable change in your academic or working situations;
- B. You have the right to referrals to counseling, and/or assistance in notifying law enforcement officials;
- C. You have the right for the same opportunity as the accused to have others present at a disciplinary hearing;
- D. You have the right to be notified unconditionally of the outcome of a hearing, sanctions, and terms of sanctions in place;
- E. You have the right to speak or choose not to speak to anyone regarding the outcome; and

F. You have the right to have your name and identifying information kept confidential to the extent permitted by law (FERPA).

Also:

The accuser and the accused must have the same opportunity to have others present during any information gathering or disciplinary proceedings.

Both parties shall be informed in writing of the outcome of any disciplinary proceedings and the institutional procedures for appealing the decision. Also both parties will be informed in any change in the results of the proceedings.

9. Other Information

A victim may decide to pursue legal orders of protection. Where applicable, the College will use reasonable measures to honor orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the College.

Retaliation against someone who reports an incident or concern, or provides assistance in gathering information about an incident or concern is strictly prohibited by policy and law. Students and employees should be careful to avoid any behavior that could be experienced as retaliation and are invited to seek counsel from Student Life staff or Human Resources staff.

The College, depending on the circumstances, will provide written notification to victims about options for, available assistance in, and how to request changes to: academic situations, working situations, and protective measures. Accommodations or protective measures are provided if reasonably available, regardless of whether the victim chooses to report the crime to Hampton Police Department.

10. Information Sheet

Get Help Now

Go somewhere safe. Your safety is our first priority. Avoid showering, douching, brushing your teeth, eating or changing clothing in an effort to preserve physical evidence. Preserving any evidence is important should you choose to report the assault to the police. If you do change clothes, put all clothing you were wearing at the time of the assault into a paper bag. You can return to your room, a friend's place, even a crowded, public place.

Call someone. Call a trusted friend, a family member. Counselors are available at the Center for Sexual Assault Services at (757) 236-5260. They provide companion services for survivors at the hospital or police station.

Report the Incident

You may report the incident to local police or Bethel College Safety Office in the Office of Student Affairs. The College will assist in notifying law enforcement if the victim so chooses; however, the victim may decline to notify such authorities.

Seek Medical Attention as Soon as Possible

You need to be examined for injury, physical evidence, sexually transmitted diseases and pregnancy. Local hospitals include: Riverside Regional Medical Center at 500 J. Clyde Morris Blvd., Newport News, (757) 594-2050; Emergency-Trauma Center or Sentara-Port Warwick Hospital, 1031 Loftis Blvd., Newport News, (757) 736-9800. Going to the hospital to seek medical attention does not obligate you to report the crime. Evidence may be necessary to prove the alleged criminal offense or to obtain a protection order; therefore, if the incident has just occurred, victims of sexual assault or violence should not bathe or shower so that evidence may be gathered during a professional medical exam. Clothes worn after the assault should be placed into a paper bag and provided to the responding police agency or given to the hospital examiner, should those services be desired by the victim

Seek Counseling Support

Talking with a trusted friend, relative, or a trained counselor can assist you in taking care of yourself. The [Center for Sexual Assault Survivors](#) also provides individual and group counseling services.

Local Resources:

- [Riverside Regional Medical Center](#) **General Information (757) 594-2000, or Emergency-Trauma Center (757) 594-2050**: located on the corner of J. Clyde Morris (Rt. 17) and Warwick Blvd. (Rt. 60), provides medical care and medical support for survivors.
- [The Center for Sexual Assault Survivors](#) **(757) 599-9844, Crisis Hotline (757) 236-5260**: provides individual and group counseling, outreach, and information for survivors, family and friends.
- [Transitions](#) **24-Hour HOTLINE (757) 723-7774**: sole provider of comprehensive family violence services in Hampton, Newport News and Poquoson, and a co-provider of services for York County.
- [Victim Services Unit](#), **Bobbie Meulenber (757) 926-7443**: Victim advocate, 2501 Washington Ave, 6th Floor, Newport News, bmeulenber@nngov.com.
- **Virginia Family Violence and Sexual Assault Hotline 1-800-838-8238**: available 24 hours.

Bystander Intervention

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. This includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

If you see someone in danger:

Take the initiative, step in, offer assistance and ask if the person needs help. Make sure to evaluate the risk of the situation first. Call 911 instead of putting yourself into danger.

Distract either person at the scene to intervene but don't be antagonistic. Have others intervene with you, if it's safe to do so. This may have a greater influence on the perpetrator and increase your safety.

If the offender is known to you, ask them to leave the potential victim alone.

Remain at the scene as a witness instead of leaving. The perpetrator will be less likely to commit the assault with a witness there.

Risk Reduction

Risk reduction is options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Help to prevent situations of violence, avoid potential attacks, and reduce the risk of perpetration:

Travel with friends to parties or other events rather than by yourself. Check in with each other frequently and leave together.

Trust your intuition and don't be afraid to call for help or let someone know if you are worried about your safety or the safety of someone else.

If you see someone is intoxicated, offer to call them a cab home.

Avoid isolated areas and dimly lit places. Always be aware of your surroundings. Make sure your cell phone is always with you and charged in case you need to call for help.

Use a buddy system, especially when walking around at night.

Avoid being alone with someone you don't know or don't trust.

Carry a noisemaker, such as a whistle, and a small flashlight on your keychain.

Avoid giving out personal information to someone you don't know (phone number, address, etc.)

In case of an emergency, call 911.