

## Sexual Offense Policy and Procedures

- 1 I. Code of Conduct: Bethany University urges all members of its community to practice respectful relationships and a healthy lifestyle, which honors the human body as a temple of the Holy Spirit and glorifies Christ. The University is committed to the respect for human dignity of every student, employee and guest on campus. The University maintains a zero tolerance policy regarding all forms of harassment and assault. Further, it is the intention of the University that no one be subjected to harassment, whether it is sexual, racial, ethnic or of any other type. Harassment in any form is incompatible with Biblical standards of Christian conduct and academic integrity. Harassment and assault are strictly against University policy and will result in sanctions or disciplinary actions and possible legal ramifications.

- 2 II. Policy, Definitions & Procedures

A. Policy: It is the policy of Bethany University to prohibit sexual offenses, to sanction anyone found to be in violation of the policy, whether harassment or assault, which violate Title IX, and / or to find remedy for any member of the Bethany community who is a victim of a sexual offense. Members and guests of the Bethany community who feel they have a basis for a complaint should report such incidents without fear of reprisal. Retaliation for filing a complaint is strictly prohibited. Confidentiality will be maintained to the extent permitted by the appropriate procedure. Each complaint will be investigated promptly and appropriate corrective actions will be taken. It should also be noted that the University will neither shield nor intervene in legal proceedings against any member of the University community who is legally charged with a sexual offense. Bethany University complies with its obligation to investigate and resolve concerns of harassment, regardless of whether or not a formal complaint is filed, in order to maintain a non-discriminatory educational environment.

B. Definitions: (The following definitions comply with government and legal requirements. Additional Bethany community expectations governing sexual conduct, even if consensual, are spelled out in the Student Handbook.)

- i. **Sexual assault** is a general term which covers a range of crimes. For the purposes of this statement by the University, “sexual assault” includes, but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery or threat of sexual assault. (In addition to sexual assault, the student handbook spells out other “sexual offenses” which are governed by other Student Development policies.)

- ii. **Sexual Harassment.** Sexual harassment is a form of sex discrimination and a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. Sexual harassment has two key categories: *quid pro quo* (loosely translated as “this for that”) and *hostile environment*. Often sexual harassment involves relationships of unequal power and contains elements of coercion, as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behaviors have a harmful effect on a person’s ability to study or work in an academic setting. Specific examples are noted in the Student Handbook and in the online training. In compliance with federal and state law, Bethany University defines sexual harassment as follows:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual

harassment when:

- a. Submission to such conduct is made either explicitly or implicitly as a term or condition of instruction, employment, or participation in other University activity;
- b. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment."

Such behavior is expressly forbidden by federal and state regulations. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.

If you believe you have been sexually harassed by any member of the Bethany University community while participating in a University sponsored activity, you may use an on-line form to file a complaint with the Title IX Officer, and/or another University official. This form is to be used for reporting to the Title IX Officer. If you want to pursue a criminal investigation of a sexual assault, call the Scotts Valley Police Department at 911 as soon as possible.

The Title IX Officer is available to provide you with answers to questions you may have about the process and your options, advice and/or referrals. You are not obligated to use your name; however, should you want disciplinary action taken, if appropriate, in response to your allegation(s), your name is essential to the process. If you feel strongly about confidentiality, the Title IX Officer can put the person "on notice" and attempt to stop the behavior through an educational process on the law and policy on sexual harassment and the inappropriateness of the person's conduct. Whatever your decision, the Title IX Officer or any other Bethany University official is available to assist you in stopping the unwanted conduct.

- iii. **Sexual Harassment Complaint.** A "complaint" of sexual harassment is defined as a signed, written statement informing the University that sexual harassment may have occurred and providing information sufficient for further inquiry. This may be submitted via the campus website form, as a signed class evaluation with specific comments, or as a personal statement submitted to the Title IX Officer. Complaints require an investigation by the Title IX Officer and may result in disciplinary or corrective action if it is found that harassment has taken place.
- iv. **Sexual Harassment Report:** A report of sexual harassment is defined as an anonymous or confidential communication concerning a possible incident of sexual harassment. A report may be filed on a complaint form, but is unsigned. The informal procedure below under C. ii. c. will be followed to address confidential communications.
- v. **Sex Offense.** Sex offenses include sexual harassment and sexual

assaults. The University Sex Offense Policy includes procedures for reporting either type of offense.

### C. Procedures

i. Reporting- Both Title IX and the Higher Education Amendments of 1992 require universities and colleges to prevent, report and investigate sexual offenses that occur on campus. Bethany University encourages all victims of sexual harassment and assault to report offenses as soon as possible after their occurrence, in accordance with the following procedures, in order for appropriate and timely action to be taken.

ii. Procedure to be used in addressing harassment

1. **Informal procedure** for reporting sexual harassment. (It is not necessary to pursue an informal complaint before lodging a formal complaint.)

a. Complainant addresses respondent directly stating that the behavior is unwelcome and inappropriate

b. Complainant takes another party with him/her to address the respondent

c. Complainant sees a designated University official who mediates or acts as liaison between complainant and respondent. This can lead to an implementation of disciplinary action. (Note: Anyone who wishes to report incidents of sexual harassment is urged to consult directly with the Title IX Officer but may choose to inform another University official instead. Such persons may be able to achieve an informal resolution of a report of sexual harassment, but must always consult with the Title IX Officer for guidance on University policy and appropriate resolution, and inform the Title IX Officer of any actions taken to resolve the report. If a student or employee wishes to file a complaint of sexual harassment, the complainant should be referred immediately to the Title IX Officer.)

2. **Formal procedure** for filing a complaint of sexual harassment

a. Officially designated Title IX Officer (possibly involved at informal level, but complainant need not pursue informal procedure first) after receiving the complaint, does an intake interview, taping and/or transcribing the session to provide copies to the complainant. The Title IX Officer is responsible for receiving and conducting the administrative investigation of all reports of sexual harassment and assault filed on campus by students and employees and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues

b. Title IX Officer pursues fact-finding interviews with respondent and others as necessary. Same procedure followed as with intake interview. The Title IX Officer is not limited to evidence presented by the complainant or the respondent, but

may broaden the investigation as necessary to arrive at an appropriate finding.

c. Respondent may be put on leave immediately without penalty. Respondent may also be put on notice at any point during the complaint investigation procedure.

d. Campus Security is notified that persons are to have no contact on Bethany campus. e. Counseling support made available as an option to both parties during this process.

f. University Administrative Officers, including Residence Directors, in conjunction with the Title IX Officer, may arrange for the person accused of the harassment or assault or the complainant to be moved temporarily to another dwelling if the complainant and respondent live in close proximity, or for class schedules to be changed without penalty.

g. Officer comes to a finding (insufficient evidence or sufficient evidence to warrant sanction, disciplinary or corrective action, if it is found that harassment or assault has taken place). Complainant is informed first of finding and recommendation followed by the respondent. If sufficient evidence leads to a sanction, recommendation for intervention goes to respondent's supervisor, if an employee.

h. Sanctions / Remedies: Examples of sanctions and remedies may include: restitution, loss of privileges, restrictions, eviction from Bethany University housing, interim suspension, exclusion from campus, being put on notice, suspension or time off without salary, dismissal or expulsion. Mediation (i.e., bringing the parties together) cannot be required in any individual case.

i. Appeals may be made to a Title IX Advisory Council. If either the complainant or the respondent appeals a finding, the other party must receive a copy of the appeal and have the opportunity to respond in writing to be included with the information passed on to the Advisory Council. Upon appeal, complainant and respondent will be notified of advisory council membership by the Title IX Officer. If the complainant or respondent raises a concern in writing about a conflict of interest for a committee member, or if a committee member wishes to excuse him or herself, the president will appoint another interim council member.

j. Advisory Council: A committee appointed by the President, composed of one male and one female faculty – not necessarily tenured, one male and one female full-time staff member, one graduate and one undergraduate student one of which must be female, who receive professional training at the beginning of each term and serve on the council for a specific term of service: faculty and staff for 2 years on a staggered rotation and students for a one year term. The President names the committee chair. The council is to meet monthly to review

policies and issues.

k. Timeliness: The following timelines will be followed as closely as possible, though for extenuating circumstances in the particular complaint, certain deadlines may need to be extended. Communication of the revised dates and reasons for the delay will be made to all parties by the Title IX Officer.

- 1) Complaints must be filed within one calendar year of the most recent incident noted in the complaint,
- 2) 10 business days from formal complaint to finding
- 3) 5 business days for appeal
- 4) 10 business days for review of appeal including distribution to the other party in the complaint and response.

l. Note: This process is not a legal proceeding and does not take the place of legal action or complaints to outside agencies.

- 1) Students and employees may file reports with the local police
- 2) Students may file a complaint with the Office for Civil Rights in San Francisco.
- 3) Employees may file with the Equal Employment Opportunity Commission in San Jose
- 4) The University strongly encourages victims of sexual assault to call the police as soon as possible.

iii. Procedure for Sexual Assault (See definition preceding)

a. Reporting Options: A sexual assault may be reported to the Scotts Valley Police Department, Campus Security or any of the following University designated officials: the University President, a Vice President, a Director of any University Office or an Associate Dean.

b. Considerations: Reports of Assault are passed on to the Title IX Officer, who leads an investigation. The TIXO makes a report to the appropriate source.

- 1) For Students: Dean of Students
- 2) For Faculty: Vice President for Academic Affairs
- 3) For Staff : Vice President for Business and Finance
- 4) For Senior Administrators: Trustee Polity Committee.
- 5) For employees who are also Credentialed Ministers, referral to the District may be indicated.

c. Procedures:

- 1) Investigation: TIXO Interviews appropriate parties, examines germane evidence
  1. Report: Written and submitted to appropriate body or University officer, with a determination that a violation has or has not occurred.
  2. If a violation has been determined, a recommendation of remedy for complainant

and sanctions for the accused should be included.

3. Copies of report should be given to complainant first, followed by the respondent and kept on file in TIXO files.

4. Appeal may be made to the Advisory Council by the complainant or respondent.

2) Administrative Action: The finding of the Title IX Officer, unless overturned on appeal, is final. Findings and recommendations may not be overturned by administrative action.

1. Students: The Dean of Students receives determination, recommendation and implements remedies and sanctions.

2. Faculty: The VP for Academic Affairs receives determination, recommendation and implements remedies and sanctions.

3. Staff: Vice President for Business and Finance receives determination, recommendation and implements remedies and sanctions.

4. Administration: Trustee polity committee receives determination, recommendation and implements remedies and sanctions.

5. For ministers, referral to denominational authorities may be indicated.

d. Sanctions / Remedies: Examples of sanctions and remedies may include: restitution, loss of privileges, restrictions, eviction from Bethany University housing, being put on notice, interim suspension, exclusion from campus, suspension or time off without salary, dismissal or expulsion. Mediation (i.e., bringing the parties together) cannot be required in any individual case.

e. Confidentiality: The terms and conditions under which anonymity and confidentiality are to be protected and when it cannot be protected need to be spelled out. Basically, when the complaint becomes formal, the name of the complainant and the nature of the complaint must be communicated to the respondent. Otherwise, it is strictly a need to know basis, and all parties involved in reporting, investigating and adjudicating are to hold information in the strictest confidence.

f. Records: Permanent records will be kept in the student's file in the student development office for students and in the Human Resource File for employees. The Title IX Officer will also keep permanent records of the complaint, investigation and resolution.

g. Due Process: Accused persons have the right to know the identity of the complainant, the nature of the complaint and they have the right to respond.

- h. Options outside the institution: Criminal prosecution, civil suits, OCR, WASC.
- i. The Board of Trustees will receive report of formal complaints.
- iv. Training regarding Sexual Offense Policy and Process: Online training available and required for all employees and students. Additional special training in Title IX regulations must be implemented for Senior Administrators, Staff Supervisors/Directors and Associate Deans.

<sup>i</sup> Designated officials: The President or a Vice President, Directors of any University Office and Associate Deans

**Bethany University  
Sexual Offense Complaint Form**

If you believe you have been sexually harassed or sexually assaulted by any member of the Bethany University community while participating in a University sponsored activity, you may use this form to file a complaint with the Title IX Officer, and/or another University official (President, Vice Presidents, Directors and Associate Deans.) This form is to be used for reporting to the Title IX Officer. If you want to pursue a criminal investigation of a sexual assault, call the Scotts Valley Police Department at 911 as soon as possible.

The Title IX Officer is available to provide you with answers to questions you may have about the process and your options, advice and/or referrals. You are not obligated to use your name; however, should you want disciplinary action taken, if appropriate, in response to your allegation(s), your name is essential to the process. If you feel strongly about confidentiality, the Title IX Officer can put the person “on notice” and attempt to stop the behavior through an educational process on the law and policy on sexual harassment and the inappropriateness of the person’s conduct. Whatever your decision, the Title IX Officer or any other Bethany University official is available to assist you in stopping the unwanted conduct.

\_\_\_\_\_  
\_\_\_\_\_

Name of Complainant (Optional) \_\_\_\_\_

Name of Alleged \_\_\_\_\_

Complainant’s Phone or ext. \_\_\_\_\_

Date of Complaint \_\_\_\_\_ Date of Incident(s): \_\_\_\_\_

Description of Complainant:

Description of Alleged:

\_\_\_ Female

\_\_\_ Female

\_\_\_ Male

\_\_\_ Male

\_\_\_ Undergraduate Student

\_\_\_ Undergraduate Student

\_\_\_ Graduate Student

\_\_\_ Graduate Student

\_\_\_ Staff

\_\_\_ Staff

\_\_\_ Faculty

\_\_\_ Faculty

\_\_\_ Other

\_\_\_ Other

Complaint (additional pages may be attached if necessary):

**Send Complaint Form to: Title IX Officer, Bethany University, 831/438-3800, email:**

**[jboulton@fc.bethany.edu](mailto:jboulton@fc.bethany.edu)**