

Student Resource Guide on Sexual Misconduct

Policies, Procedures, and
Support Services



IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

Go somewhere where you will feel safe.

If you are comfortable, seek medical attention.

Various resources are available to students and employees both on and off campus. In an emergency, contact the Office of Public Safety or call 911.

For immediate medical attention, the following off-campus resources are recommended.

Survivors of sexual assault are urged to seek medical attention as early as possible. The professional staff in sexual assault treatment centers are trained to assist survivors of sexual violence and ensure the individual's personal safety. Additionally, both University of Louisville Hospital and The Center for Women and Families have sexual assault forensic exam capabilities for evidence collection within 96 hours. There does not have to be police involvement to receive these services. Evidence from a sexual assault can be held for up to 30 days by law enforcement while you decide on a course of action. For on-campus confidential medical attention, survivors of sexual assault may visit Bellarmine Health Services in Newman Hall. Health Services is staffed by three nurse practitioners and a full-time registered nurse. The majority of services offered through Health Services are free to students. Appointments with Health Services may be made by calling 502.272.8313.

Choose how to proceed. You have options, and are encouraged to contact the Title IX Coordinator to discuss your options:

Do nothing until you are ready; Request support and/or accommodations;

Pursue resolution by Bellarmine; and/or

Initiate criminal proceedings; and/or

Initiate a civil process against the perpetrator.

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

If you wish to have an incident investigated and resolved by Bellarmine, students and employees should contact the Title IX Coordinator. Bellarmine procedures will be explained. Those who wish incidents to be handled criminally should contact local police where the assault occurred. A campus official is available to accompany students in making such reports if desired. Contact the Title IX Coordinator for more information.

University of Louisville Hospital
530 S. Jackson Street
Louisville, KY 40202
502-562-4064

The Center for Women & Families
927 South Second Street
Louisville, KY 40201
www.thecenteronline.org
1-844-BE-SAFE-1

SAFE: <https://www.thecenteronline.org/get-help/sexual-assault-services/sexual-assault-forensic-exams/>

On and off campus resources are available for you to choose from.

On campus resources

Title IX Coordinator: 502.272.7337

Counseling Center: 502.272.8480 *

Public Safety: 502.272.7777

Health Service: 502.272.8493 *

Campus Ministers *

Off campus resources

Center for Women and Families: 1.844.237.2331 *

National Sexual Assault Hotline: 1.800.656.4673 *

National Domestic Violence Hotline: 1.800.799.7233 *

To make a criminal report, you may contact Louisville Metro Police
5th Division at 502.574.7636

**Denotes confidential resources, unmarked resources will file a mandatory report. All faculty & staff are mandatory reporters.*

ABOUT CONFIDENTIALITY

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources.

Confidential Reporting

If a student/employee would like the details of an incident to be kept confidential, they make speak with licensed mental health counselors through the Bellarmine Counseling Center, Bellarmine health service providers and staff, Bellarmine clergy working within Campus Ministry. All members of our campus community can access the Center for Women and Families that will keep all information confidential.

Mandatory Reporting

All Bellarmine faculty/staff members, including Resident Assistants (RAs) are mandated reporters for all the details of which they are aware about in an incident. The information they receive will be shared with the Title IX Office, where it will be kept private. Resources and resolution options will be provided.

POLICY

Bellarmino University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Bellarmine University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of sex, and for allegations of retaliation. Bellarmine University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

Sexual Misconduct, including sexual harassment, sexual violence, sexual exploitation, domestic violence, dating violence, and stalking are violations of Bellarmine University Discrimination and 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 Kentucky Law.

For the full policy visit:
<https://www.bellarmino.edu/title-ix>

SEXUAL MISCONDUCT VIOLATIONS

Sexual misconduct offenses may create a hostile environment on campus and is often an umbrella category for sexual harassment, quid pro quo, sexual assault, dating violence, domestic violence, stalking, and retaliation

Quid Pro Quo

- a. an employee of Bellarmine University,
- b. conditions the provision of an aid, benefit, or service of Bellarmine University,
- c. on an individual's participation in unwelcome sexual conduct; and/or

Sexual Harassment

- a. unwelcome conduct,
- b. determined by a reasonable person,
- c. to be so severe,
- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to Bellarmine University's education program or activity.

Sexual Assault

- a. **Sex Offenses, Forcible:**
 - i. Any sexual act directed against another person,
 - ii. without the consent of the Complainant,
 - iii. including instances in which the Complainant is incapable of giving consent
- b. **Forcible Rape**
 - i. Penetration,
 - ii. no matter how slight,
 - iii. of the vagina or anus with any body part or object, or
 - iv. oral penetration by a sex organ of another person,
 - v. without the consent of the Complainant.
- c. **Forcible Sodomy**
 - i. Oral or anal sexual intercourse with another person,
 - ii. forcibly,
 - iii. and/or against that person's will (non-consensually), or
 - iv. not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity
- d. **Sexual Assault with an Object**
 - i. The use of an object or instrument to penetrate,
 - ii. however slightly,
 - iii. the genital or anal opening of the body of another person,
 - iv. forcibly,
 - v. and/or against that person's will (non-con sensually),
 - vi. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e. **Forcible Fondling**
 - i. The touching of the private body parts of another person (buttocks, groin, breasts),
 - ii. for the purpose of sexual gratification,
 - iii. forcibly,
 - iv. and/or against that person's will (non-consensually),
 - v. or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

f. **Sex Offenses, Non-forcible**

Incest

1. Non-forcible sexual intercourse,
2. between persons who are related to each other,
3. within the degrees wherein marriage is prohibited by the Kentucky State law.

Statutory Rape:

1. Non-forcible sexual intercourse,
2. with a person who is under the statutory age of consent of Kentucky.

Dating Violence

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,
- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Kentucky or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Kentucky.

Stalking

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- i. **Course of conduct** means two or more acts, including, but not limited to, acts in which the Respondent 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.
- ii. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

CONSENT

Consent is: • knowing, and • voluntary, and • clear permission • by word or action • to engage in sexual activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).

A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Bellarmine University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Bellarmine University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Consent is...



Freely Given



Specific



Clear



Reversible



Enthusiastic



Ongoing

INCAPACITATION

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. A Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

FORCE

Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, nonconsensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

COERCION

Coercion is unreasonable pressure for sexual activity. When someone makes clear that they do not want to engage in certain sexual activity, 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.

YOUR RIGHTS

- The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Bellarmine University officials.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Bellarmine University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
- The right to a Bellarmine University-implemented no-contact directive or a no-trespass order against a nonaffiliated third party, when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.

Your Rights are not limited to those listed above. You can find more listed in [Bellarmine's Sexual Misconduct Policy](#).

SUPPORTIVE MEASURES

Bellarmino University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Bellarmine University's education program or activity, including measures designed to protect the safety of all parties or Bellarmine University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

Bellarmino University will maintain the privacy of the supportive measures, provided that privacy does not impair Bellarmine University's ability to provide the supportive measures. Bellarmine University will act to ensure as minimal an academic impact on the parties as possible. Bellarmine University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact directive) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Campus ban issuance
- Timely warnings to the university community
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Chief Title IX Officer

Violations of no contact directives will be referred to appropriate student or employee conduct processes for enforcement and/or adjudication

PROCEDURES

Notice/Complaint:

A University official will aid the person reporting misconduct with accessing resources both on and off campus. If a formal resolution is desired and requested by the complaint, and deemed within jurisdiction of the university, the title IX office will be coordinating an investigation. All investigations will be done by campus officials who receive annual training related to sexual harassment, dating violence, sexual assault, and stalking. The training they receive also trains the individuals to conduct an investigation that protects the safety of all involved parties and promotes accountability and due process. Title IX- related resolutions are not subject to public record, and therefore the university will protect the confidentiality of the victim. Any published information will be done without any inclusion of identifying information about the victim.

Investigations

Trained investigators will provide a prompt, thorough, reliable, fair, and impartial investigation. They will interview both parties and any witnesses to the event, gather all possible evidence and prepare a report with their findings. Both parties will have full access to all of the investigators' findings.

Resolution Options

In informal resolutions the parties agree to resolve the issue through alternative resolution mechanisms. The respondent accepts responsibility for policy violations without a hearing and agrees to participate in a resolution process. If an informal resolution is not pursued and the Chief Title IX Officer determines a hearing is necessary a hearing panel will be assigned.

Hearing

After the investigative report is reviewed and responded to by the parties involved there will be a live hearing with three people on the hearing panel. Parties have a right to participate in the hearing.

Standard of Evidence

The university utilized preponderance of the evidence (50% chance or greater) that the respondent committed the breach of conduct to move forward with disciplinary action.

Final Determination

The hearing panel will reach a decision about findings of responsibility and potential subsequent disciplinary actions. A written notice will be provided to the parties involved detailing the determination of the investigation. Most resolutions processes will be reached within 60-90 business days.

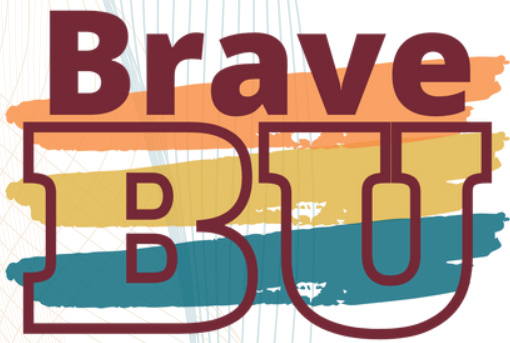
Appeals

The notice will provide the procedure for appealing the decision. All parties are included in any appeal reconsideration and have equal rights of participation in the appeal process. The appellate hearing will be conducted by a panel of three hearers.

BRAVEBU

BraveBU is a group of students committed to fostering a culture on campus that empowers faculty, staff, and students to create a safer and healthier campus community and to support members of our campus community through community partnerships, education, and awareness focusing on gender-based violence. Just as Knights are courageous, strong, and loyal, Bellarmine community members have a rich tradition of loyalty and commitment to each other. BraveBU programs will raise awareness and encourage each Bellarmine Knight to support a "community of care" for their peers.

BraveBU seeks to encourage all Bellarmine students, faculty, and staff to take steps to prevent harm to fellow community members. We all have a shared responsibility to keep our community safe.



Connect with BraveBU

Instagram:
@bravebu_

Engage:

<https://engage.bellarmino.edu/organization/bravebu>

Email:
bravebu@bellarmine.edu

What can BraveBU do?

- Provide Resources
- Offer Support
- Facilitate Community Discussions
- Host trainings, workshops, and awareness events

Connect with a BraveBU Ambassador or an advocate from the Center for Women and Families to provide ongoing support before, during, and after a report.

BraveBU Ambassadors

BraveBU Ambassadors are student leaders who are trained and committed to interpersonal violence prevention. Ambassadors can facilitate discussions, workshops, and training. Ambassadors promote positive behaviors through their interactions and through social media. Ambassadors can offer peer support and connect to campus and off-campus resources.

PREVENTION

What Can You Do?

Bellarmino University provides training on awareness and risk reduction for sexual violence and harassment, dating violence, stalking, and consent in compliance with the Violence Against Women Act and the Clery Act

Bystanders

Bellarmino University offers bystander intervention programming in order to ensure that every member of our campus community is actively invested in creating a safe campus environment. Participants are instructed on safe options for preventing harm and intervening when a risk of sexual misconduct is present.

Relationship Rights

The right to live free from violence and abuse.

The right to feel safe and respected in all of your relationships.

The right to say NO.

The right to privacy both on and offline.

The right to do things you enjoy.

The right to end a relationship for any reason.

Barriers to Seeking Help

Shame, embarrassment, fear, normalization of abuse, low self-esteem, distrust of police or institution, language barriers, social/peer pressure, and cultural or religious reason could all prevent a person from seeking help. *While we acknowledge these barriers we encourage all campus community members to seek the support they deserve.*

Key Contacts

BraveBU can only do so much. While we focus on education on prevention and trauma informed responses, we know all people and their support systems need a variety of resources to pull from to help create a community of care.

Resources

On Campus

Chief Title IX Officer: 502.272.7337

Counseling Center: 502.272.8480 *

Public Safety: 502.272.7777

Health Services: 502.272.8493 *

Father John & Father George *


Off-Campus

Center for Women and Families: 1.844.237.2331 *

National Sexual Assault Hotline: 1.800.656.4673 *

National Domestic Violence Hotline: 1.800.799.7233 *

*Denotes confidential resources, other resources will result in mandatory report. All faculty & staff are mandatory reporters.



Title IX Process: Investigation



1 All parties are provided advisors.

2 Interviews are conducted with involved parties and witnesses as deemed appropriate.

3 Investigators compile all documentation.

4 Provide a draft report for both parties to review.

- ▶ Parties may request additional information to be asked or provided

5 Investigators consider all information and provide a full investigative report with:

- ▶ Primary allegations
- ▶ Discrepancies of parties
- ▶ Credibility assessments

This report is sent to the Title IX Office for review

6 Title IX Officer may:

- ▶ Dismiss case for not meeting Title IX requirements
- ▶ Deem case as Title IX, full case file shared with parties and alternative resolution may be offered
- ▶ If an alternative resolution cannot be met, the case will move forward to a formal hearing process

BraveBU

 @bravebu_

 bravebu@bellarmine.edu

Counseling Center

 502.272.8480

 counselingcenter@bellarmine.edu

 Nolen C. Allen Hall,
Suite 403

Title IX Office

 502.272.7337


 nbegin@bellarmine.edu

Student Concern Report
<https://tinyurl.com/BUConcern>

Center for Women & Families

 812.944.6743

 info@cwfempower.org

 927 S 2nd St,
Louisville,
KY

Title IX Process: Hearing




- 1 A trained panel of 3 faculty and staff will be assigned.
- 2 Chief Decision Maker will review all information, may seek additional information from parties.
- 3 A pre-hearing meeting will be held with Chief Decision Maker to ensure all parties are aware of the formal hearing, may ask for clarifying information
- 4 Hearing will take place. Parties have the right to fully participate.
- 5 Panel members will determine a finding of responsibility and sanction outcome if applicable. Chief Title IX Officer will provide decision in writing to the parties.

Each party will have the opportunity to appeal decision based on policy.

- 6 If appeal is requested and granted:
 - ▶ A secondary panel will review appeal information and make determination (paper review, not live hearing)
 - ▶ Then both parties will be made aware of appeal decision, if applicable

BraveBU

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