

## SEXUAL ASSAULT POLICY

Belhaven University (“University”) expects that all members of the University community – students, faculty, staff and friends – should be able to pursue their work and education in a safe environment, free from sexual coercion, violence, and intimidation of any kind. The University acknowledges the religious, moral, legal, physical, and psychological seriousness of all sexual assaults, including those commonly designated as “acquaintance rape.” Sexual assault conflicts with University’s vision and mission and is prohibited by law. Such behavior will not be tolerated, and all reported cases of sexual assault will be taken seriously and investigated promptly.

**Definition.** “Sexual assault” is defined as forcing, threatening, or coercing an individual into sexual contact against the individual’s free will with or without the individual’s consent. It includes, but is not limited to, any sexual act performed on an individual or any sexual act required to be performed by an individual against that individual’s free will. Sexual assault includes having sexual contact with a victim while knowing or having reason to know that the victim was incapacitated by drugs (including alcohol) or was otherwise unable to consent. Verbal misconduct or any misconduct that does not involve unwanted sexual touching, does not constitute sexual assault under the University’s policy but may constitute sexual harassment or another form of misconduct. Likewise, consensual premarital sexual contact, while not a violation of the University’s policy against sexual assault, conflicts with the University’s policy regarding “Sexual Conduct” and constitutes misconduct.

### A. Procedure

Any student who has been a victim of sexual assault should, as soon as possible:

1. Report the incident to the Dean of Students, a Resident Director or the Director of Security. Please note that Security is open 24 hours a day, seven days a week. In addition, victims of sexual assault may notify the civil authorities.
2. Seek medical attention and do not interfere with the preservation of evidence (e.g., do not bathe, change clothing, or disturb items in the room or other specific locale in which the assault took place).
3. Notify the Dean of Students. Upon request, by either party, the University will help to prevent any unwanted contact between the complainant and the accused, by, for example, making reasonable available changes to academic schedules or housing situations.
4. The University also recommends and encourages victims involved in such incidents to seek counseling and/or identify a support person. A support person plays an important role in providing personal encouragement to a victim in a crisis situation. Information regarding counseling options, both on campus and in the community, can be obtained from the Dean of Students.

Complaints of alleged sexual assault in which the alleged perpetrator is a student will be investigated and resolved using the Grievance Procedure for Sexual Assault and Harassment

detailed in *The Kilt*, as modified by the University in its sole discretion to respond to the circumstances of a particular case. The current applicable version, of these procedures, is maintained by the office of Student Life, and copies may be obtained there. Complaints of alleged sexual assault in which the alleged perpetrator is an employee or vendor will be investigated and resolved by the Chief Financial Officer and Vice President for Business Affairs.

Protection of the campus community is paramount, however; and the University may find it necessary to take appropriate disciplinary action with or without concurrence of the complainant, where a sexual assault is found to have occurred.

During any on-campus disciplinary action relating to a sexual assault, the complainant and accused are entitled to the same opportunities to have one advisor present during a campus disciplinary proceeding; neither party, however, shall have the right to have an attorney present during the proceeding. At the conclusion of an on-campus disciplinary action relating to a sexual assault, both the complainant and accused shall be informed of the outcome of any campus disciplinary proceeding alleging a sexual assault.

Disciplinary action at the University will normally proceed even if criminal proceedings have been initiated. University action will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced, or that no criminal charges have been brought. The procedures and burdens of proof in a disciplinary action are different from those applicable to a criminal trial. If civil authorities are notified, students can anticipate that the college may consult with and be in communication with such authorities.

## **B. Outcomes for Sexual Assault**

Students violating the University's policy against sexual assault may be subject to disciplinary action, up to and including suspension, dismissal, or expulsion.

## **C. Programing**

During mandatory hall meetings, Resident Directors will provide information to all students regarding sexual assault awareness. Including in this will be a program regarding safety and security.

For further information regarding sexual assault or other safety awareness programming, please contact the Dean of Students.