

1. NAME OF REPORTER (FIRST NAME, LAST NAME)		2. JOB TITLE		3. PHONE NO.		4. EMAIL	
<b>INCIDENT INFORMATION</b>							
5. INCIDENT DATE (OCCURRED ON/JOR BETWEEN) FROM: _____ TO: _____			6. INCIDENT TIME (OCCURRED BETWEEN) FROM: _____ TO: _____			7. DATE REPORTED	8. TIME REPORTED
9. TITLE IX VIOLATION NON-CONSENSUAL SEXUAL INTERCOURSE    SEXUAL ORIENTATION DISCRIMINATION    NON-CONSENSUAL SEXUAL CONTACT    SEXUAL HARASSMENT    STALKING DATING VIOLENCE    DOMESTIC VIOLENCE    STATUTORY RAPE    INCEST    SEXUAL EXPLOITATION    RETALIATION    OTHER							
12. LOCATION OF INCIDENT (BUILDING NAME AND/OR ADDRESS)				13. OCCURED IN BUILDING OR STREET	14. OCCURED ON SCHOOL OWNED, CONTROLLED, OR LEASED PROPERTY?	15. OCCURED AT UNIVERSITY-SPONSORED ACTIVITY/EVENT?	
<b>REPORTING PARTY INFORMATION</b>							
16. REPORTER INFORMATION <input type="checkbox"/> VICTIM <input type="checkbox"/> WITNESS <input type="checkbox"/> SUSPECT <input type="checkbox"/> OTHER _____					17. REPORTER AFFILIATION		
18. NAME (LAST NAME, FIRST NAME, MIDDLE NAME)						19. D.O.B.	
20. HOME ADDRESS				21. CITY		22. STATE	23. ZIP CODE
24. PHONE NO.		25. SOCIAL SECURITY NO.		26. SEX	27. RACE		28. ETHNICITY
<b>COMPLAINANT (ALLEGED VICTIM) INFORMATION (IF COMPLAINANT IS DIFFERENT FROM REPORTING PARTY)</b>							
29. COMPLAINANT INFORMATION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> KNOWN (FRIEND, ACQUAINTANCE, DATE, CLASSMATE, ETC.)					30. COMPLAINANT AFFILIATION		
31. NAME (LAST NAME, FIRST NAME, MIDDLE NAME) <b>**IF COMPLAINANT IS NOT KNOWN OR NOT IDENTIFIED, PROVIDE GENERAL DESCRIPTION INFORMATION**</b>						32. D.O.B. (OR APPROX AGE)	
33. HOME ADDRESS				34. CITY		35. STATE	36. ZIP CODE
37. PHONE NO.		38. SOCIAL SECURITY NO.		39. SEX	40. RACE		41. ETHNICITY
42. HEIGHT	43. WEIGHT	44. HAIR COLOR	45. EYE COLOR	46. PHYSICAL FEATURES / CLOTHING DESCRIPTION			
<b>RESPONDENT (THE ACCUSED) INFORMATION</b>							
47. RESPONDENT INFORMATION <input type="checkbox"/> UNKNOWN OFFENDER <input type="checkbox"/> KNOWN OFFENDER (FRIEND, ACQUAINTANCE, DATE, CLASSMATE, ETC.)					48. RESPONDENT AFFILIATION		
49. NAME (LAST NAME, FIRST NAME, MIDDLE NAME) <b>**IF RESPONDENT IS NOT KNOWN OR NOT IDENTIFIED, PROVIDE GENERAL DESCRIPTION INFORMATION**</b>						50. D.O.B. (OR APPROX AGE)	
51. HOME ADDRESS				52. CITY		53. STATE	54. ZIP CODE
55. PHONE NO.		56. SOCIAL SECURITY NO.		57. SEX	58. RACE		59. ETHNICITY
60. HEIGHT	61. WEIGHT	62. HAIR COLOR	63. EYE COLOR	64. PHYSICAL FEATURES / CLOTHING DESCRIPTION			

**ADDITIONAL INFORMATION**

65. WERE POLICE NOTIFIED?	66. ARREST MADE?	67. AGENCY NAME	68. OFFICER NAME	69. CASE NUMBER	70. WERE EMS NOTIFIED?	71. INJURED OR WENT TO HOSPITAL?
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**DESCRIPTION OF INCIDENT**

**ANONYMITY POLICY:**

It is the policy of Bethel University to ensure that victims and witnesses to incidents of sexual misconduct and/or relationship violence are aware of their right to report criminal acts to the police, and to report University policy violations to the appropriate office. If a reporting person requests anonymity, the Title IX Coordinator will consider this request, but may not be able to allow anonymity, in cases of ongoing safety concern(s). Complainants should know that granting anonymity requests may interfere with and/or limit the University's ability to fully investigate the allegation.

**Please refer to Page 3 for Sexual Misconduct and Relationship Violence Definitions**

# SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE DEFINITIONS

**Sexual Assault** means engaging or attempting to engage in Non-Consensual Sexual Contact or Non-Consensual Sexual Intercourse (rape).

**Non-Consensual Sexual Intercourse** (rape) is any vaginal and/or anal penetration however slight: by a penis, object, tongue, or finger, and/or oral copulation (mouth to genital contact), by any person upon another without effective consent.

**Non-Consensual Sexual Contact** is any contact of a sexual nature: however slight: with the breasts, buttocks, groin, genitals, mouth, or body part of another, by any person upon another without effective consent. Sexual touching also includes an individual causing someone else to touch him or her with, or on, any of these body parts.

**Sexual Harassment/Quid Pro Quo** is unwelcome words and/or conduct of a sexual nature, and may include unwelcome sexual advances, requests for sexual favors, and other verbal or nonverbal conduct of a sexual nature. It may be based on or result from power differentials, the creation of a hostile environment (defined below), or retaliation.

**Sexual Harassment/Hostile Environment** means

- unwelcome words and/or conduct
- that are sexual in nature, sex-based, and/or gender-based
- that are so severe, pervasive, and objectively offensive
- that it effectively denies a person equal access to a Bethel University educational program or activity.

Sexual Harassment may include, for example, unwelcome sexual advances, requests for sexual favors, Sexual Assault, and Sexual Exploitation. To determine whether words and/or conduct constitute Sexual Harassment, Bethel will consider the totality of the circumstances, including without limitation: the context in which the conduct and/or words occurred; and the frequency, nature, and severity of the words and/or conduct. Depending on the severity of the words and/or conduct, a single incident (e.g., Sexual Assault) may be considered Sexual Harassment.

With respect to conduct by an employee or other non-student, "Sexual Harassment" means words and/or conduct of a sexual nature prohibited by Bethel University's Employee Handbook, Bethel University's Sexual Misconduct & Relationship Violence Policy, or both.

**Sexual Discrimination** is conduct directed at a specific person or a group of identifiable persons that subjects the person or group to treatment that adversely affects their

employment, education, or ability to participate in or benefit equally in any University program or activity, on the basis of sex. Sex Discrimination may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual Harassment, Sexual Assault, and Sexual Exploitation are all types of Sex Discrimination. A complaint of prohibited conduct will be treated as a complaint of Sex Discrimination in violation of Bethel's non-discrimination Statement if it was based on the sex of the Complainant. Complaints of Sex Discrimination will be handled in accordance with the procedures outlined below in this section of the Policy. Bethel prohibits Sex Discrimination in any Bethel University education program or activity, including employment and admissions.

**Sexual Exploitation** is non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other improper purpose. Examples of Sexual Exploitation include, without limitation: observing or audio or videotaping of persons who are undressing or undressed or engaging in Sexual Contact or Sexual Intercourse, without the consent of all persons involved and prostituting another person.

**Sexual Misconduct** is a term that encompasses (1) sexual harassment, (2) sexual exploitation, (3) sexual violence, including sexual assault and other non-consensual sexual contact (forcible or not), (4) sexual discrimination; (5) and all other words and/or conduct that constitute a sexual violence crime under this Policy. Forms of sexual misconduct include, but are not limited to, the following: attempts to commit sexual misconduct and facilitating, aiding, encouraging, and/or assisting a violation of this policy.

**Sexual Violence** is engaging in any physical sexual act perpetrated against a person without that person's effective consent.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred.

**Stalking** is 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 suffer substantial emotional distress. 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 with or about a person, or interferes with a person's property.

**Relationship Violence** is a term that encompasses Dating Violence, Domestic Violence, and Stalking.

**Dating Violence** is sexual or physical abuse or the threat of such abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person against whom the violence is perpetrated. Physical abuse can include, but is not limited to, such actions as grabbing, slapping, hitting, and pushing. The existence of a social relationship of a romantic or intimate nature may be determined by the length of the relationship, the type of relationship, the frequency of the interactions between the persons involved in the relationship, and other relevant contextual factors. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is sexual or physical abuse or the threat of such abuse committed by:

- a person who is the current or former spouse or domestic partner of the person against whom the violence is perpetrated;
- a person who shares a child in common with the person against whom the violence is perpetrated;
- a person who is cohabitating or has cohabitated as a spouse or in the context of a social relationship of a romantic or intimate nature with the person against whom the violence is perpetrated; or
- a person who has another type of intimate relationship, including as a parent, guardian, or other status defined by Tennessee law or University policy, with the person against whom the violence is perpetrated.

**Physical Abuse** can include, but is not limited to, such actions as grabbing, slapping, hitting, and pushing.

**Retaliation** is an act or attempted act to retaliate, intimidate, threaten, coerce, or seek retribution against any person because that person makes a good faith report under this policy or participates in any manner in an investigation, proceeding, hearing, or interim measure under this policy.

## ADDITIONAL DEFINITIONS

**Force** includes physical force (such as pushing, hitting, pinning down), threats (direct or indirect expressions of intent to inflict harm to self or others), intimidation (implied or indirect threats), and/or other forms of coercion.

**To coerce** is to attempt to cause another person to act or think in a certain way by use of force, pressure, threats, or intimidation; to compel is to coerce.

**Blacking Out** is an amnesia-like state that may be brought on by drugs, heavy drinking, or intoxication; blacking out is not necessarily incompatible with the ability to engage in simple or even complex behavior. Afterwards, the person has no recollection of all or part of the events that occurred during the blackout. There is a distinction between passing out (falling asleep or becoming unconscious) due to drug or alcohol use and blacking out in that a person in a blackout remains conscious and operative.

**Incapacitation** includes the inability to make a rational, reasonable decision. Incapacitation can result from the taking of GHB, Rohypnol, Burundanga (Scopolamine), Ketamine, or other sedatives or "date-rape" drugs, or excessive use of alcohol or other drugs. Evidence of incapacitation may include, but is not limited to, one or more of the following:

- slurred speech
- bloodshot eyes
- the smell of alcohol on the breath
- shaky equilibrium
- vomiting
- outrageous or unusual behavior
- unconsciousness
- elevated blood alcohol level
- blacking out

**Intoxication** refers to a state of stupefaction, exhilaration or euphoria resulting from the ingestion of alcohol or other chemical substances.

## RESPONSIBLE EMPLOYEES FOR TITLE IX REPORTING

In order for a student/employee to provide notice to the University of an incident of sexual misconduct or relationship violence, the student/employee must report the incident to a Responsible Employee.

Under Title IX, a "Responsible Employee" (RE) is an employee:

1. Who has the authority to take action to redress sexual misconduct/relationship violence;
2. Who has been given the duty of reporting incidents of sexual misconduct/relationship violence by students to the Title IX Coordinator or other appropriate school designee; or
3. Who a student/employee could reasonably believe has either the authority or the duty listed above.

Most employees to whom students/employees might reasonably report an incident of sexual misconduct or

relationship violence will be REs. Responsible Employees should explain to the student/employee making the report that REs are not confidential resources before a student/employee reveals something that they may want to keep confidential. If a person begins talking about the incident(s) with no warning, interrupt immediately (but nicely) and inform them that the conversation cannot be considered confidential. Assure them that you want to be supportive, but if they do not want the incident(s) to potentially be reported then they should make an appointment with a confidential resource. If the person has already told you enough information characterizing a possible sexual misconduct or relationship violence incident, you must make a Title IX report. In emergency situations, where a person's health or safety is in immediate danger, call 911.

The law considers it official notice to the institution if an RE "knew, or in the exercise of reasonable care should have known" about the sexual misconduct/relationship violence. This includes incidents that are reported directly; are witnessed or reported by a third party (parent, other student); are posted on fliers around campus or published in a local newspaper; etc. Each of these examples should be reported to the Title IX Coordinator.

All BU employees who are designated as supervisors, with a few exceptions (including licensed counselor(s) in the Office of Clinical Services, chaplain(s) and associate chaplain(s) in the Office of the Chaplains, and licensed physician(s), nurse(s), or other healthcare provider(s)), are considered "Responsible Employees." This includes some select undergraduate student employees such as resident assistants (RAs). For more information on reporting confidentially, please see the section below entitled "Confidential Resources."

Also considered Responsible Employees are:

- Security Officers and related employees
- Student Affairs/Activities Staff
- Human Resources Staff
- Athletics and Recreation Staff
- Academic Advisors
- Faculty, Instructors, and Teaching Assistants
- Graduate Assistants that are supervising other students
- Work Study students
- Individuals designated as Campus Security Authorities (CSAs)

NOTE: Faculty, instructors, and teaching assistants are not required to report sexual misconduct or relationship violence if this information is disclosed in the context of academic work and discussions. Additionally, Security Officers have a separate requirement to report incidents of sexual assault and other criminal acts of a serious nature to the McKenzie Police Department.

Responsible Employees are to report allegations of sexual misconduct/relationship violence that take place on or off campus to the Title IX Coordinator in order to give the University the best chance to investigate and potentially address and eliminate sexual misconduct/relationship violence. REs should NOT attempt to determine if the sexual misconduct/relationship violence actually did occur.

The information that should be reported includes all the relevant information that the individual has shared and that may be useful in the investigation. This includes names of the alleged perpetrator, the student/employee who experienced the alleged misconduct/violence, any other student/employee involved, and the date, time, and location of the alleged incident.

If the student/employee wants to tell an RE what happened, but does not want the complaint investigated or the student/employee's name disclosed, the RE will tell the student/employee that the University will consider the request, but cannot guarantee that the University will be able to honor it. A report to the Title IX Coordinator does not necessarily lead to a full investigation. Any action is typically determined based on the Complainant's choices. However, the Coordinator, and possibly the University Threat Assessment Team, will make a safety assessment to determine if there is a safety risk to the community. If it is likely that there is continued risk, the Title IX Coordinator may have to proceed with the investigation without the Complainant's consent. Let the student/employee know that conversations with REs are otherwise kept private to the extent possible and are only disclosed to those with a need or right to know. In reporting the details of an incident to the Title IX Coordinator, the RE will also inform the Title IX Coordinator of the student/employee's request for confidentiality. For more information on this, see the section below entitled "Title IX Requests for Confidentiality."

A Responsible Employee who receives notice of an incident of sexual misconduct or relationship violence SHALL NOT:

1. Pressure a Complainant to request confidentiality or make a full report;
2. Guarantee to a Complainant that the RE will keep information confidential;
3. Share information about the incident with a person who does not have a University-related need to know;
4. Share the Complainant's name with law enforcement or campus security without the Complainant's consent;
5. Investigate or otherwise attempt to resolve the report without the approval of the Title IX Coordinator.