

Kentucky Wesleyan College

Policy & Procedure Manual

Sexual Harassment & Assault

Approval: Vice President for Finance

Policy Type: College

Policy Owner: Vice President for Finance

Responsible Office: Human Resources

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1. Purpose

1.1. The purpose of this policy on sexual harassment is: 1) to increase the awareness of, and sensitivity to, problems associated with sexual harassment; 2) to prevent sexual harassment at Kentucky Wesleyan College; and 3) to provide a process to redress grievances concerning, and complaints of, sexual harassment. Furthermore, this policy is adopted and implemented with the express purpose of providing protection and relief for victims of sexual harassment, while at the same time insuring fair treatment for those accused of sexual harassment. Additionally, this policy is intended to establish equitable procedures for filing complaints, investigating charges, and resolving complaints of sexual harassment.

2. Scope

2.1. All members of the College community are required to comply with the policy and procedures outlined to address complaints. In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education, Office for Civil Rights. Any complaint of sexual harassment filed under this KWC policy shall be processed even if the complainant also files a complaint or suit with an outside source. Retaliation against anyone who makes a complaint or participates in the complaint process will not be tolerated.

3. Policy

3.1. Sexual Harassment

3.1.1. KWC is committed to providing a working and learning environment that is free from sexual harassment and it is the policy of the College that sexual harassment in any form will not be tolerated. Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. All

members of the College community, employees, and students are required to promptly report conduct that could be in violation of this policy.

- 3.1.2. KWC will take measures to periodically educate and train employees and volunteers regarding conduct that could constitute a violation of this policy. All management and supervisory personnel are expected to participate in such education and training and to be knowledgeable concerning the policy.
- 3.1.3. The College will (1) respond to every complaint of sexual harassment reported, (2) take action to provide remedies when sexual harassment is discovered, (3) impose appropriate sanctions on offenders in a case-by-case manner, and (4) to the extent possible, protect the privacy of all those involved in sexual harassment complaints. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

3.2. Sexual Assault

- 3.2.1. KWC is committed to providing an atmosphere of higher learning in which students can achieve their goals and potential. The College is committed to creating and maintaining a community in which all persons who participate in college programs and activities, as well as all guests and visitors while on college property, can work together in an atmosphere free from all forms of assault, exploitation, or intimidation, including that which is sexual in nature. Because the personal safety of the students, staff and faculty is a priority, KWC will not tolerate sexual assault or sexual misconduct. Kentucky state law also prohibits such conduct. Perpetrators of this behavior are subject to disciplinary action as well as criminal and civil penalties. Guests and visitors are held responsible for their actions while on College property and students are responsible for the supervision of their guests.
- 3.2.2. Sexual assault is an act of violence. The victim of an assault may be in a state of shock and disbelief, and may be feeling a variety of emotions such as fear, anger, helplessness, shame, and/or guilt. A victimized person may not know who to trust or where to turn for help. Any person who has been sexually assaulted has many options in seeking assistance. A number of resources are available both on and off campus to assist assault victims. Although it is the person's option whether to seek legal, medical, and/or psychological services, persons are encouraged to utilize these resources in order to make the most informed choices regarding prosecution, physical safety, and emotional recovery. Please see Addendum 2 for additional support information.
- 3.3. Dissemination -- This policy will be made available to all employees and students. Periodic notices sent to students and employees about KWC's Sexual Harassment and Sexual Assault Policy will include information about the complaint procedure and will refer individuals to designated offices/officials for additional information.

4. Definitions

- 4.1. **Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - 4.1.1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience;

- 4.1.2. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- 4.1.3. Such conduct is sufficiently severe and pervasive so as to alter the conditions of, or have the purpose or effect of substantially interfering with, an individual's work or academic performance by creating an intimidating, hostile, or offensive working or educational environment.
- 4.1.4. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the College's educational mission.
- 4.2. **Sexual Misconduct/Sexual Abuse** - Attempting or making sexual contact with a person against his/her will OR with a person who is physically, mentally, or legally unable to give consent. Sexual misconduct includes, but is not limited to, inappropriate touching or fondling of intimate body parts.
- 4.3. **Sexual Assault / Rape** – Sexual intercourse or penetration (anal or vaginal) with another person by means of forcible compulsion, or with a person incapable of consent by reason of age and/or mental or physical incapacity. Physical/Mental incapacity includes, but is not limited to, persons who are unconscious, under the influence of drugs or alcohol, or otherwise unable to communicate consent.
- 4.4. **Consent** - The positive cooperation in an act; an attitude in accordance a behavior; an exercise of free will. The person giving consent or permission must act freely and voluntarily AND have knowledge of the nature of the act involved.
- 4.5. **Forcible Compulsion** – Includes physical force or the threat of physical force, expressed or implied, which places a person in fear of immediate death or physical injury or kidnap of self or another person. A victim is not required to fight back. Placing a person in a continual state of fear and/or subjecting that person to an environment of emotional, verbal, or physical duress is sufficient to constitute force.

5. Procedures

5.1. Amendments to Procedures

- 5.1.1. The College specifically reserves the right to modify and/or amend any or all of the procedure(s) outlined herein at any time, at its discretion. In the event KWC determines that circumstances warrant modification and/or amendment of any part of these procedures, timely notice of same shall be delivered, in writing, to all relevant and affected parties.
- 5.1.2. KWC has adopted procedures to promptly and fairly address concerns and complaints about sexual harassment. Complaints may be submitted informally or formally. If a complaint implicates or involves both this policy and any other College complaint or grievance policy or procedure, the College may, in its discretion, suspend the procedures relating to other complaints or grievance policies pending completion of the sexual harassment complaint procedures.

5.2. Reporting Suspected Sexual Harassment

- 5.2.1. Any individual who believes he/she may have experienced sexual harassment, or who believes that he/she has observed sexual harassment taking place, should report this information immediately to the Sexual Harassment Officer, appointed by the President. If the complainant does not feel comfortable reporting the matter to the Title IX/Sexual Harassment Officer, he/she may also report the alleged harassment to any one of the following: Vice President of Student Services, Vice President of Academic Affairs or the Director of Human Resources. All reports/complaints, whether informal or formal, received by any of these individuals must, in turn, immediately be reported to the Title IX/Sexual Harassment Officer. Unless otherwise provided herein, investigation of sexual harassment complaints shall be the responsibility of the Title IX/Sexual Harassment Officer (the "Investigator").

5.3. Investigation of Complaints

- 5.3.1. Unless otherwise provided herein, responsibility for the investigation of both formal and informal sexual harassment complaints shall be with the Sexual Harassment Officer (the "Investigator"). The President has the authority to appoint, in his/her sole discretion, an alternate investigator as circumstances require. The procedures outlined herein shall control in the event an alternate investigator is appointed under any provision of this policy.
- 5.3.2. Complaints will be addressed as confidentially as possible, considering the specific circumstances of the allegations, to protect the rights of both the complainant and the person accused. The Investigator may gather information from any source deemed necessary in an effort to fully investigate and resolve the complaint.

5.4. Investigator Conflict of Interest

- 5.4.1. The complainant, alleged offender and/or the Investigator may allege that the Investigator has a substantial conflict of interest. In that event, details supporting the alleged conflict of interest must be submitted in writing to the President within five (5) business days of the date the person alleging the conflict has notice of the Investigator's identity. The President will determine whether a conflict may exist, and, if so, he/she shall appoint an alternate investigator in an expeditious manner. The President's decision is final. In the event a request for an alternate investigator is made and/or an alternate investigator must be appointed, the specific time lines provided in the policy shall be suspended pending that appointment.

5.5. Informal Complaint Process

- 5.5.1. An individual who feels he/she has been sexually harassed may desire to resolve his/her complaint informally (i.e., without formal disciplinary action being taken against the accused individual and without the formal investigation process). An example of an informal complaint is one where the complainant requests only that an appropriate university official counsel the accused individual to cease and desist the alleged conduct, and requests no other specific action(s) be taken against the accused.
- 5.5.2. Persons making informal complaints of sexual harassment agree and understand that no formal disciplinary action will be taken against the alleged offender based on an informal complaint. If the complainant chooses, he/she may at any time prior to resolution of the

informal complaint amend the informal complaint to a formal complaint. The timeline for resolving the complaint may be revised when it is changed from an informal to formal complaint.

- 5.5.3. If the alleged offender elects not to participate in resolving an informal complaint, the nonparticipation will not be considered as damaging evidence but will not change or waive KWC's responsibility to investigate and to make decisions based on available information.
- 5.5.4. The Investigator may, if the circumstances warrant, request that the alleged offender's immediate supervisor counsel him/her regarding the alleged conduct, and/or may recommend counseling, training, education, and/or other non-disciplinary actions be implemented or undertaken. Attempts to resolve an informal complaint will be completed within 60 days from the date of receipt of the complaint by the Investigator. The complainant and the alleged offender will be informed in writing of the outcome of the informal process. An informal complaint resolution may not be appealed, but a formal complaint on the same incident may be filed after an informal complaint has been resolved.
- 5.5.5. Note: The College will attempt to balance the wishes of a complainant who does not want to file a formal complaint with the College's responsibility to respond to serious allegations and take prompt, appropriate corrective action. A complainant who chooses not to proceed with a formal complaint will be asked to state that preference in writing.

5.6. Formal Complaints of Sexual Harassment

- 5.6.1. Formal and informal complaints must be delivered by the complainant to one of the reporting persons referenced above under 6.2.1. The formal complaint must be filed as soon as possible after the alleged incident occurred or after attempts to resolve the situation informally have been unsuccessful. A standard form for documenting and submitting the complaint is provided in Addendum 1 to this policy.
 - 5.6.1.1. The formal complaint must be in writing, signed by the complainant, and shall include the following information:
 - 5.6.1.2. Details concerning the incidents or conduct giving rise to the complaint;
 - 5.6.1.3. Dates and location of incidents;
 - 5.6.1.4. Any witnesses to the alleged incidents or conduct;
 - 5.6.1.5. Action requested to resolve the complaint and prevent future violations of the policy.
- 5.6.2. Notification to Person Accused/Supervisor: The alleged offender will be provided with a copy of the complaint by the Investigator within five (5) business days of the Investigator's receipt of said complaint. The Investigator may notify the supervisor of the accused person regarding the complaint, in order that the supervisor may take appropriate temporary and/or remedial actions during the investigation. (Example: temporary assignment, leave of absence, etc.)

5.6.3. Investigative Process

- 5.6.3.1. The alleged offender will be required to submit a written response to the complaint within five (5) business days of receipt of a complaint, a copy of which will be provided to the complainant by the Investigator.
- 5.6.3.2. The Investigator will interview the complainant and the alleged offender, may also interview witnesses, supervisors, and/or any other persons who may have information about the alleged incident, and may review personnel or other records relevant to the complaint. The complainant and the accused person shall be permitted to suggest witnesses and/or other evidence, which shall be considered by the Investigator. All individual interviews will be recorded.

5.6.4. Investigative Findings

- 5.6.4.1. Within sixty (60) days of receiving the formal written complaint, the Investigator will assess whether a violation of the policy has occurred and will submit findings in writing to the complainant and the person accused. If the Investigator finds by a preponderance of the evidence (that it is more likely than not) that the alleged sexual harassment has occurred, the Investigator shall notify the accused person, his/her immediate supervisor, if applicable, and the Vice President of Student Services, if the complainant or the accused is a student, the Director of Human Resources, if the complainant or the accused is a staff or faculty member, and the President.
- 5.6.4.2. The supervisor of the alleged offender shall be responsible for acting on the findings of the Investigator. In accordance with College disciplinary policies/procedures, the supervisor shall consult with and/or notify the appropriate College administrative official(s) regarding formal disciplinary actions to be taken against the person accused.

5.6.5. Disciplinary Action

- 5.6.5.1. Within ten (10) business days of receiving the Investigator's findings, the supervisor shall meet with the accused person to discuss the findings and recommendations and shall determine appropriate disciplinary action.
- 5.6.5.2. In making a decision regarding discipline, the supervisor shall consider properly established records of previous conduct and the seriousness of the violation. A complaint made more than twelve (12) months after the incident shall not be the basis for formally disciplining any person accused of sexual harassment. However, where there are allegations of sexual harassment made within the twelve (12) month period and a pattern or practice of sexual harassment exists or prior complaints of sexual harassment have been confirmed, the supervisor shall consider the totality of information in determining appropriate discipline, and may also take formal disciplinary action. The supervisor may also review any part of the investigative records. Appropriate discipline may range from an oral reprimand up to and including termination/dismissal for cause or any other appropriate remedial action.
- 5.6.5.3. Both the accused person and Investigator will be notified in writing of the decision of the supervisor. The Investigator will, in turn, notify the complainant

regarding the resolution of the complaint, what corrective action, if any, will be taken, and/or, in general, whether any discipline will be imposed.

5.6.6. Conflict with Legal or Other Administrative Process

5.6.6.1. In the event a separate investigation is being conducted by persons not affiliated with KWC through other legal or administrative channels, the College reserves the right to postpone or defer final action pursuant to its Sexual Harassment Policy until such time as a final decision has been made with regard to the separate legal or administrative action. The College will inform the complainant and the accused in writing of the delay of any decision but will endeavor to complete the process in an expeditious manner, considering all the circumstances. Temporary disciplinary measures may remain in place in the interim.

5.6.7. Appeal of Formal Complaint Resolution/ Disciplinary Action

5.6.7.1. Either the complainant or person accused may file an appeal of any decision concerning the resolution of the complaint. An appeal by either party must be made in writing and delivered to the Office of the President within five (5) business days of receipt of the notice of resolution/disciplinary decision. The written appeal must state in detail the reason(s) for the appeal and shall address one or more of the following:

5.6.7.1.1. If the appeal alleges the findings of the investigator included relevant, factual errors or omitted relevant facts, the appeal shall specify each and every alleged factual error, and/or details of each, and every relevant fact that was omitted from the investigation;

5.6.7.1.2. If the appeal alleges substantive procedural errors, the person appealing shall identify each and every instance of said substantive procedural error;

5.6.7.1.3. If the appeal alleges relevant and substantive issues or questions concerning interpretation of College policy, the person appealing shall state, in detail, the issues/questions supporting this allegation;

5.6.7.1.4. If the appeal alleges new information or evidence, the person appealing shall specify the reasons why said information was not available or provided to the Investigator during the investigation, including specific reasons ;

5.6.7.1.5. If the appeal alleges either that the action(s) or inaction(s) of the supervisor in response to the findings of the investigator will not prevent future violation(s) of this policy, the person appealing shall specify, in detail, the reasons and basis for this belief/allegation.

5.6.7.2. No disciplinary or other action based on the complaint shall be taken against the alleged offender during the appeal process, although temporary, interim measures may remain in place. As indicated herein, the College, in its discretion, may at any point in the complaint process elect to place the alleged offender on disciplinary probation, if a student, or on administrative leave, with or without pay, or implement a temporary reassignment, if an employee, staff or faculty member.

5.6.7.3. Sexual Harassment Appeal Committee

- 5.6.7.3.1. Appeals shall be submitted to a Sexual Harassment Appeal Committee whose members shall be selected and appointed by the President. The Committee will include at least one male and one female and be composed of an odd number of members to insure a majority consensus is feasible.
- 5.6.7.3.2. Member Appointments: Both the complainant and the alleged offender shall be provided with an opportunity to submit written objections within 5 business days to the appointment of any Committee member(s) on the basis of that member's inability to act impartially. If the President determines that a Committee member cannot act impartially, then an alternate appointment shall be made. The Committee shall be appointed in a timely manner, considering all relevant circumstances. The President's decision regarding Committee appointments is final.
- 5.6.7.3.3. Hearing/Committee Recommendation: The Committee will conduct a formal hearing and will allow the complainant and the accused person ("the parties") to present information which, in the Committee's discretion, is relevant to the allegations. If the appeal involves allegations described in "Filing an Appeal" above, the Committee will likewise consider the statement(s) of the supervisor. The Committee shall have sole discretion regarding the personal appearance of any witness, whether to consider only the parties' statements and review only the written record, or any other matter regarding the conduct of the hearing. The hearing will not be considered a judicial hearing but rather an internal hearing at which the complainant and the alleged offender are present. Legal counsel will not be permitted to be present during any part of the Committee hearing. The formal hearing shall be recorded.
- 5.6.7.3.4. The Committee's deliberations shall be closed to all persons other than the Committee members and shall not be recorded. Its recommendation will be determined by a majority vote, shall be in writing, and delivered to the President. It may be accompanied by a minority opinion. The appeal will be conducted and completed in an expeditious manner, considering all the circumstances.
- 5.6.7.3.5. President's Review and Recommendation: The President shall review the recommendation and may either affirm, amend, or return the recommendation for further deliberation and recommendation by the Committee. The President's review and decision will be conducted in an expeditious manner, considering all the circumstances, shall be a final decision, and will be reported in writing to the complainant, person accused, the supervisor, and the Investigator.

5.6.8. Written Record of Complaints, Investigations, and Resolutions/Decisions

- 5.6.8.1. Written records, as well as any investigative recordings, related to complaints will be marked "CONFIDENTIAL" and will be retained in a separate and secure (locked) file in the office of the Sexual Harassment Officer. Records shall be retained as required by state law.
- 5.6.8.2. Written records relating to a finding that sexual harassment has occurred may be placed in an accused student's/employee's official file and may include: (1) any document that has been mutually agreed to by the College and the person accused of harassment; (2) a letter issued by the responsible administrator to the accused person

at the conclusion of a formal investigation, which notifies the accused of actions, decisions and/or other recommendations concerning the complaint; or (3) a settlement agreement between the parties.

- 5.7. If follow up is required pursuant to the final action/recommendation, procedures should be implemented to notify or remind the appropriate persons of any future review or action to be taken.

ADDENDUM 1
KENTUCKY WESLEYAN COLLEGE
SEXUAL HARASSMENT & ASSAULT
COMPLAINT FORM

If you believe you have been sexually harassed or assaulted by any member of the college community or while participating in a college sponsored activity, you are encouraged to bring it to the attention of the Title IX/Sexual Harassment Officer (SHO), and/or other person listed in the KWC Sexual Harassment/Sexual Assault Policy. This form is to be used for reporting to the Title IX/Sexual Harassment Officer. If you would like to also initiate a criminal investigation of a sexual assault, call the local Police Department, 911 or (270) 687-8888 as soon as possible.

The Title IX/SHO 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 allegations(s), your name is essential to the process. If you feel strongly about confidentiality, the Title IX/SHO 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/SHO or any other college official is available to assist you in stopping the unwelcome and unwanted conduct.

Name of person filing complaint: _____

Address: _____

Telephone Number: _____ Date of Birth (if minor): _____

Alleged Offender at who this complaint is directed:

Date(s) and Location(s) of incidences: _____

Details concerning the incidents or conduct leading to the complaint (additional details may be provided on an additional sheet of paper)

Witnesses to the incidents: _____

Did you attempt to resolve the complaint by contacting the individuals(s) against which the complaint is directed (not required for making complaint): YES _____ NO _____

If yes, how? _____

Complainant's Choice of Resolution Option

After reviewing a copy of the KWC Sexual Harassment & Assault Policy, I choose to pursue resolution of my complaint through the following process: (initial one space)

_____ Informal Complaint

_____ Formal Complaint

_____ I do not wish my complaint to be pursued; however, I have been advised that, because the college is legally required to investigate all egregious acts of sexual harassment, the college reserves the right to investigate my complaint if it is deemed necessary to protect the interests of the college or the community. I will be advised if the college elects to conduct an investigation.

I declare that the facts set forth in this complaint form are true and accurate pursuant to the penalty of perjury under the laws of the State of Kentucky.

Signature of Complainant: _____

Date: _____

Send form to: KWC Title IX/Sexual Harassment Officer, 3000 Frederica Street, Owensboro, KY 42301

ADDENDUM 2
KENTUCKY WESLEYAN COLLEGE
SEXUAL HARASSMENT & ASSAULT
CRISIS RESPONSE

Sexual assault is an act of violence. The victim of an assault may be in a state of shock and disbelief, and may be feeling a variety of emotions such as fear, anger, helplessness, shame, and/or guilt. A victimized person may not know who to trust or where to turn for help. Any person who has been sexually assaulted has many options in seeking assistance. A number of resources are available both on and off campus to assist assault victims. Although it is the person's option whether to seek legal, medical, and/or psychological services, persons are encouraged to utilize these resources in order to make the most informed choices regarding prosecution, physical safety, and emotional recovery.

If you are the victim of a sexual assault, please know that you are in no way to blame for the criminal behavior. If you notice behaviors in other persons that indicate Sexual Harassment or Assault may have occurred, you are required to report the suspicion to the Sexual Harassment Officer.

Here are some guidelines to help you in the aftermath of a sexual assault:

1. **GO TO A SAFE PLACE** as soon as possible.
2. **TRY TO PRESERVE ALL PHYSICAL EVIDENCE.** Do not wash, bathe, use the toilet, or change clothing if it can be avoided. If changing clothes is a must, put all clothing worn at the time of the assault in a paper bag, *not plastic*. A plastic bag can be used if paper is not available. However, do not seal the bag tightly, as that can cause a breakdown of the evidence.
3. **IF YOU BELIEVE YOU WERE GIVEN A DATE RAPE DRUG,** wait to urinate until you arrive at the hospital. However, if you can't wait, collect your first urine in a clean container with a lid and take it to the emergency room or police station with you. Also, be sure to tell the emergency room personnel your symptoms and that you believe you were given a date rape drug so they can take the necessary sample.
4. **CONTACT SOMEONE** for support and information (family, friend, Resident Life staff member, College staff, College Chaplain, or campus security). For on-campus services, contact Health Services at (270) 852-3288 or the Student Life Office at (270) 852-3285. For off-campus counseling and support services, contact Counseling Associates at (270) 686-7999, Rape Victim Services at (270) 926-7273, or OASIS (Abuse/Assault) at (270) 685-0260.
5. **SEEK MEDICAL ATTENTION** to address physical health needs, to ensure that you are disease- and injury-free, and to collect important evidence in the event of a later decision to take legal action. Hospital emergency rooms provide evidentiary exams, which include testing and treatment for sexually transmitted infections, pregnancy, and physical trauma. For the purpose of effective evidence collection, physical examination at a local emergency room must take place as soon as possible and no later than seventy-two (72) hours after the assault. Emergency medical care can be received at Owensboro Mercy Hospital Emergency Department call (270) 688-2000. For victims assaulted in the Commonwealth of Kentucky, these exams are free of charge. Should you need transportation, Campus Security (270) 929-8609 can assist you. If you choose not to have an evidentiary exam conducted, please consider an appointment at a health department, Health Services ((270) 852-3288, or with your regular physician.

6. **CONSIDER COUNSELING** for support and to help you deal with a variety of feelings that often follow an assault. Contact Counseling Associates at (270) 686-7999, Rape Victim Services at (270) 926-7273, or OASIS (Abuse/Assault) at (270) 685-0260 for confidential counseling services.
7. If you choose to **REPORT THE ASSAULT**, you can contact law enforcement by calling 911 or campus security at (270) 929-8609. A call to campus security does not mean that you must bring criminal charges. The decision to file an official police report is yours to make. If the assault did not occur on campus, campus security can assist you in determining how and where to file a police report. Timely notification helps the police in conducting their investigation and it provides a better chance of successful prosecution. You are encouraged to report the sexual assault and have it documented, even if you are not sure about filing formal criminal charges. Regardless of whether you report the incident to the police, you are still encouraged to seek medical attention to ensure your own personal safety.

Reporting an assault and receiving medical treatment does not require that the victim press charges. It does, however, allow the collection of data and information that can be used should the victim choose to press charges.

If you **NEED ASSISTANCE OR ADVOCACY**, contact your Residence Life staff member, Student Life at (270) 852-3285, College Chaplain (270) 903-1102, or Counseling Associates at (270) 686-7999 for accompaniment to medical and/or legal proceedings and/or referral for other support services.

Medical Assistance to Sexual Assault Victims

If you have been assaulted, it is recommended that you call 911 immediately to get medical assistance and protection.

Please seek medical attention to address physical health needs to ensure that you are disease and injury-free as well as to collect important evidence in the event of a later decision to take legal action. Hospital emergency rooms provide evidentiary exams, which include testing and treatment for sexually transmitted infections, pregnancy, and physical trauma. For victims assaulted in the Commonwealth of Kentucky, **these exams are free of charge**. Should you need transportation, campus security can assist you. If you choose not to have an evidentiary exam conducted, please consider an appointment at a health department, Health Services, or with your regular physician to address issues relating to sexually transmitted infections, pregnancy prevention counseling and physical trauma.

ADDENDUM 3
KENTUCKY WESLEYAN COLLEGE
SEXUAL HARASSMENT & ASSAULT
Legal or Judicial Reporting Options and
College Reporting Procedures

Pursuit of disciplinary action against an alleged assailant (if the accused is also a KWC student) may result in disciplinary action if the assailant is found to be in violation of this policy. For assistance, please contact the Office of Student Life at (270) 852-3285, the Title IX Coordinator, or refer to the Student Grievance Procedure contained herein.

Criminal Prosecution

Reporting a sexual offense to the police begins the legal process for prosecution. The sooner an assault is reported to the police, the more likely valuable evidence can be collected. If you decide to file a criminal report, please contact campus security ((270) 929-8609 or the local law enforcement agency where the crime occurred. For Owensboro, contact the Owensboro Police Department at (270) 687-8888, the Daviess County Sheriff at (270) 685-8444 or the Kentucky State Police at (270) 685-3927.

Civil Complaint

A civil suit for damages may be brought against the assailant regardless of whether criminal or campus judicial charges are pursued. If you wish to explore this option, please contact a private attorney.

Reporting Requirement

Although you are not *required* to report sexual assault to the police, you are encouraged to give serious consideration to this option. Please be aware that if you go to the hospital, the staff will most likely report the assault to the police. It is up to you, however, to decide if you want to talk to the officer or not. Reporting an assault to the police does not mean you have to prosecute. You may not wish to prosecute or you may not feel prepared to make that decision right now. However, a delayed report could result in loss of physical evidence which would be vital in the court proceedings should you change your mind about prosecution.

Risk Reduction

KWC recognizes the need for healthy and successful relationships. Prevention of sexual assault begins with those who are committing the offenses, but can be supplemented by the use of methods to reduce the risk of potential victimization. All persons can play a role in combating sexual assault by holding perpetrators accountable for their actions, supporting the rights and choices of those who have been assaulted, and making full use of campus resources to educate themselves on this serious problem. Unfortunately, sexual assault can still happen, even when you take all the necessary precautions. The following guidelines can significantly decrease your risk of assault. **It is important to realize that if you have been sexually assaulted and you did not follow these guidelines, the assault is still not your fault.**

- Know your sexual limits and communicate them clearly.

- Avoid the use of substances, including alcohol that may cloud your judgment of a situation or a person. If you should choose to use alcohol or drugs, please be aware of your limits and develop a safety plan before engaging in an activity.
- Be assertive and confident. Confrontational words and behaviors can effectively deter some assailants.
- When someone pressures you sexually, don't be afraid to say "No."
- Be as direct as possible about your intentions/expectations. If you feel you are being misinterpreted, restate your position.
- Have a heightened awareness of your surroundings, particularly in new or unfamiliar situations.
- Try to determine potential threats or challenges to your personal safety and mentally prepare yourself for a variety of intervention strategies: make a scene; alert a friend; leave the situation, etc.
- Trust your intuition. If a particular person or situation makes you feel uncomfortable, unsafe, or uncertain, choose an alternative.
- IF YOU DECIDE TO FIGHT BACK, remember that the vulnerable targets of an assailant's body are the eyes, nose, throat, stomach, and groin. However, please be aware that physical resistance is not always a wise option, as it may further aggravate the assailant.
- Never leave your beverage unattended or accept a drink from an open container. When you go to a party or club, go with a group of friends. Arrive together; watch out for each other; and leave together.
- Don't be afraid to "make waves" if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don't hesitate to state your feelings and get out of the situation. A few minutes of social awkwardness or embarrassment are better than the trauma of a sexual assault.

Because sexual misconduct can have serious social, academic, and legal consequences for the perpetrator as well as the victim, **reduce your risk of committing a sexual offense by following these simple rules:**

- Avoid use of substances that may cloud your judgment. Also, avoid sexual activity with someone whose judgment is impaired by drugs or alcohol.
- Be aware of others' limits and expectations. Respect their boundaries.
- If someone says No to your sexual advances, recognize that it is not a rejection of you as a person.
- Make sure you have a person's complete consent before engaging in sexual activity. Never pressure or force a person to have sex.
- If you feel you are getting "mixed messages" from a potential sex partner, ask for clarification.

- Pay attention to verbal indicators, tone of voice, body language, etc. If any one of these things indicates reluctance or uncertainty, STOP and walk away.
 - Know that a person who initially desires sex has the right to change their mind at any time, and you are obligated to respect that decision. While you may not be able to control your sexual desires, you ARE able to control your actions.
 - Don't assume that a person wants to have sex with you just because they dress provocatively or flirt with you. Also, don't assume that just because a person has had sex with you before, they are willing to have sex again.
 - Realize that a person can consent to kissing or other sexual activity WITHOUT consenting to intercourse and/or oral sex.
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ADDENDUM 4
KENTUCKY WESLEYAN COLLEGE
SEXUAL HARASSMENT & ASSAULT
State Laws Pertaining to Sexual Offenses and Stalking

The following are summaries of some of the laws in Kentucky relating to sexual offenses and stalking.

First Degree Rape: A person who engages in sexual intercourse with another person by forcible compulsion or engages in sexual intercourse with another person who is incapable of consent because he/she is physically helpless or is less than 12 years old, is guilty of first degree rape. The crime is punishable by at least ten (10) years but no more than twenty (20) years in prison, unless the victim is under the age of 12, or the victim is seriously physically injured, in which case the crime is considered a Class A felony, which carries a sentence of at least twenty (20) years but no more than fifty (50) years, or life, in prison.

First Degree Sodomy: A person is guilty of first degree sodomy when he/she engages in deviate sexual intercourse with another person by forcible compulsion or engages in deviate sexual intercourse with another person who is incapable of consent because he/she is physically helpless or is less than 12 years old. The punishment for first degree sodomy is at least ten (10) years but no more than twenty (20) years in prison, unless the victim is under the age of 12, or the victim is seriously physically injured, in which case the crime is considered a Class A felony, which carries a sentence of at least twenty (20) years but no more than fifty (50) years, or life, in prison.

First Degree Stalking: To stalk is to engage in an intentional course of conduct directed at a specific person or persons which seriously alarms, annoys, intimidates or harasses the person(s) and which serves no legitimate purpose. A person is guilty of stalking in the first degree when he/she intentionally stalks and makes an explicit or implicit threat with the intent to put the person(s) in reasonable fear of sexual contact, serious physical injury or death, and:

1. A protective order has been issued to protect the same victim and the perpetrator has actual notice of the protective order; or
2. A criminal complaint is currently pending by the same victim, and the perpetrator has been given actual notice of the complaint; or
3. The perpetrator has been convicted of or pled guilty within the prior 5 years to a felony or Class A misdemeanor against the same victim; or
4. The act was committed while the defendant had a deadly weapon on or about his/her person.

Stalking in the first degree is punishable by at least one (1) but not more than five (5) years in prison.

Stalking in the Second Degree: A person is guilty of stalking in the second degree when the person intentionally stalks another person and makes an explicit or implicit threat with the intent to place the victim in reasonable fear of sexual contact, physical injury, or death. Second degree stalking is a Class A misdemeanor and is punishable by at least 90 days to one (1) year in prison.
