

TRINITY INTERNATIONAL UNIVERSITY

TIU POLICY: Sexual Assault Policy

TIU POLICY #: P-304, P-901

STATUS: Approved, January 2014
Updated, July 2017

I. PURPOSE:

Trinity International University (University) is committed to maintaining a Christ-centered community, free of discrimination, including all forms of sexual intimidation and exploitation. Accordingly, the University will not tolerate any acts of sexual assault or sexual violence by or on its students, faculty, or staff. The University will also attempt to protect the University community from sexual assault or sexual violence by its vendors, consultants, and other third parties who interact with members of the University.

The purpose of this policy is to:

- Prohibit all forms of sexual assault or sexual violence;
- Create a University environment that is free from sexual assault and sexual violence;
- Encourage good faith complaints when sexual assault or sexual violence has occurred;
- Provide options for addressing and resolving complaints of sexual assault or sexual violence.

II. SCOPE:

This policy applies to all members of the Trinity International University community.

III. POLICY:

A. Overview

This policy is designed to encourage persons who believe that they have experienced sexual assault or sexual violence, or have witnessed sexual assault or sexual violence, of another community member to bring the conduct to the attention of appropriate individuals so that the University can take prompt corrective action, as appropriate, against any of its students, faculty, or staff. This applies on the University campus, any non-campus buildings or property, public property adjacent to the campus, and University sponsored events. All University community members are directed to implement and abide by the procedures outlined in this policy.

All complaints will be taken seriously and no one who reports in good faith, including third parties (e.g., vendors), will suffer retaliation or reprisal from the University. Complaints of sexual assault or sexual violence will be treated in confidence to the extent feasible, given the need to conduct a thorough investigation and take corrective action. If it is determined through an appropriate and prompt investigation that sexual assault or sexual violence has occurred, effective corrective action will be taken to eliminate the threat of sexual assault or sexual violence, attempt to ensure that it does not recur, and appropriately care for those who may have been harmed. Depending on circumstances and the severity of the conduct, corrective action may range from an oral or written warning to dismissal or expulsion.

B. Definitions

1. Sexual Assault - any actual, attempted or threatened physical sexual act with another person without that person's consent. It includes, but is not limited to, sexual acts perpetrated by force (expressed or implied), or duress, deception or coercion upon the victim. It includes acts referred to as "date rape" or "acquaintance rape," and specifically includes sexual acts involving a victim who is incapable of giving consent due to age, disability or impairment by alcohol or drugs. Sexual assault generally will constitute a crime punishable under Illinois statutes. In reported instances of sexual assault, law enforcement will be contacted by the Responsible Officer or the head of Campus Safety and Security. Sexual assault includes, but is not limited to rape.
2. Rape – as required by the Violence Against Women Act of 1994 (VAWA) the University employs the FBI definition for rape: *Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim:*
 - Acts on a person who is not conscious or able to give consent;
 - Indecent exposure;
 - Direct or indirect threats linked to sexual propositions or activity;
 - Coerced sexual activity;
 - Sexual battery, the unwanted touching of an intimate part of another person, such as a sex organ, buttocks, or breasts;
 - Use of intoxicants, including alcohol, intended to incapacitate the victim or impair the victim's ability to give consent.
3. Sexual Violence - includes domestic violence, dating violence and stalking.
 - a. Domestic Violence - is defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
 - b. Dating Violence - is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the

existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
 - The type of relationship;
 - The frequency of interaction between the persons involved in the relationship.
- c. Stalking - is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.
4. Complainant - an individual or a group of individuals who is alleging that they have been sexually assaulted.
 5. Confidential Advisor - an individual designated by the University who will maintain the anonymity of the complainant(s) but have the ability to pursue general rights and responsibilities as outlined in this policy on behalf of the complainant. Confidential Advisors will also report any incidents for inclusion in the annual campus safety and security reports but will not include any identifying information.
 6. Consent - explicit, informed, voluntary, and mutually understandable communication to willingly participate in specific sexual activity without pressure, threats, coercion, force, or intimidation. Either person must also be able to withdraw consent and cease any sexual activity at any time. A current relationship, having previous sexual encounters, or silence from the individual may not be taken as an indication of consent. Similarly, a passive response or sexual advances that are not resisted physically or verbally do not constitute consent. Someone who is not of legal age, has a mental disorder, or is physically or mentally incapacitated may not give consent. The use of alcohol or drugs may render an individual incapable of giving consent due to impaired judgment and the inability to make decisions or communicate intentions. Consent may not be given by someone who is unconscious or unaware, or for any reason is unable to communicate her/his intention.
 7. Investigating Officer - an employee appointed by the University who is trained to respond to formal and informal complaints of sexual assault.
 8. Respondent - an individual or group of individuals against whom an allegation of sexual assault is made.
 9. Responsible Officer - an administrator to whom a complaint is reported. Responsible Officers ensure the complaint is addressed according to policy and procedures and may or may not act with a grievance officer in resolving the situation. Complaints should be directed to the Responsible Officer(s) as identified below. When more than one Responsible Officer is listed, Complainants may report the complaint to either officer.
 10. Title IX Coordinator - the University will designate an individual to serve as the Title IX Coordinator with primary responsibility for oversight and enforcement of this Policy.

C. What to do in the Event of a Sexual Assault

Individuals who have been sexually assaulted or are in immediate danger should do the following:

1. Get to a safe place. After experiencing a traumatizing event such as sexual assault, it can be important to find a place where you feel comfortable and safe from harm. This could be your home, friend's room, local hospital, or police station, among others.
2. Remember sexual assault is never the survivor's fault. Use these resources to assist you in taking action.
3. Call for assistance. Call 9-1-1 or Campus Safety and Security (847-317-6401). If you would like assistance in filing a report with local police, please contact a Responsible Officer below. The University encourages individuals to call the police because your safety, health, and well-being are of the utmost importance. Calling the police does not relinquish your right to confidentiality or to not press charges.
4. Seek medical attention to check for injuries and to collect evidence. In Illinois, a rape kit can be obtained at a local hospital and an exam given by a Sexual Assault Nurse Examiner (SANE). A local hospital is Northwestern Lake Forest Hospital.
5. For the purposes of evidence collection, we suggest that you avoid drinking, eating, showering, brushing your teeth, combing your hair, changing your clothes. If you have done any of these things, evidence may still be collected and it remains important for you to seek medical attention. If you have changed your clothes, take the clothes you were wearing at the time of the assault to the hospital in a paper bag. If you have not changed your clothes, it may be a good idea to bring a change of clothes to the hospital.
6. Contact the Responsible Officer as listed in this policy as soon as possible via phone, email, or in person.
7. If you are unsure about filing a police report, consider contacting these confidential resources:

Confidential Resources On Campus:

- Counseling Center counsctr@tiu.edu 847-317-4067 (during business hours)
- Director of Discipleship and Pastoral Care, Scott Samuelson 847-317-4194 (during business hours)
- Health Services 847-317-6698

Confidential Resources Off Campus:

- Zacharias Sexual Abuse Center 847-872-7799
- A Safe Place for Help/ Lake County Crisis Center Hotline 847-249-4450

Confidential Advisor:

- Susan Corapi 847-317-7163

D. Procedures Applicable to Students, Faculty and Staff Members

Emergency Contact:

- Bannockburn Police Department: 9-1-1
- University Safety and Security Services 847-317-6401 (24 hours a day)

Title IX Coordinator:

- Paige Cunningham, Executive Director for Center for Bioethics and Human Dignity 847-317-7124, email: pcunning@tiu.edu or pcunningham@cbhd.org

Responsible Officer:

- Employees: Linda Brundidge, Human Resources Team Leader 847-317-7138
- Students:
 - Heather Logue, Associate Dean of Students 847-317-8192
 - Jana Holiday, Associate Dean of Students 847-317-4063
 - Felix Theonugraha, Dean of Students 847-317-7115

Investigating Officers:

- Bob Toporek, Campus Safety and Security 847-317-7126
- Teresa Cox, Director of Residence Life 847-317-7114
- Brett Mitchell, Area Coordinator Residence Life 847-317-7072

E. Training of Officers

The University shall train all Responsible Officers in responding to informal and formal complaints of sexual assault. At least annually, the Title IX Coordinator shall review all currently appointed officers and ensure their training is current.

F. Reporting Guidelines

To foster the safety and security of the entire community, if a member of the University community has a concern or has become aware of an instance of possible sexual assault involving a student, faculty or staff member, the appropriate Responsible Officer above must be immediately contacted. The individual(s) identified above will be responsible for acting as the Responsible Officer(s).

Through investigating and resolving reports of sexual assault the University is committed to respecting the rights of all parties involved. To this end, the University is prepared to provide help, support, and assistance to the alleged Complainant and the alleged Respondent. Until a determination of a violation has been reached, the word alleged is used to describe both the Complainant and the Respondent. University personnel will exercise sensitivity and discernment while striving to protect the privacy of the individuals involved.

An important element for an alleged Complainant to consider is the difference between using confidential resources or filing a report with a University official. Individuals wishing only to receive confidential help and support can use any of the confidential options listed below. Beyond receiving support and assistance, reporting to a University official means the alleged

Complainant is choosing to have the incident investigated and the alleged perpetrator confronted. Confidentiality will still be maintained as much as possible when the University investigates an alleged incident. For more information, please see “Statement on Confidentiality” below.

On Campus:

- Counseling Center 847-317-4067 (during business hours)
- Scott Samuelson 847-317-4194 (during business hours)

Off Campus:

- Zacharias Sexual Abuse Center 847-872-7799
- A Safe Place for Help/ Lake County Crisis Center Hotline 847-249-4450

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It is strongly recommended that any individual involved in the resolution of a sexual assault complaint seek personal support through relationships with a few trusted family members or friends. Responsible Officers will also assist alleged Complainant contact law enforcement personnel if needed.

All those involved in the process (Complainant, Respondent, Responsible Officers, Investigating Officers and others) are required to keep all information confidential, except as may be required by applicable law or court order.

G. Statement on Confidentiality

The University will make every effort to facilitate a safe and nondiscriminatory educational environment for all students. We recognize that assurance of confidentiality when making a report of sexual assault will strongly encourage reporting of other alleged incidents. Therefore, when investigating an alleged incident of sexual assault, the University will seek to honor any requests by an alleged Complainant to keep his or her name confidential.

At the same time, the University in order to facilitate a safe and nondiscriminatory educational environment, may find it necessary to pursue disciplinary action in a manner that require disclosure of the student’s identity to an alleged perpetrator. If such an event, the University will inform the alleged Complainant prior to making this disclosure and to take whatever interim measures are necessary to protect the alleged Complainant and ensure the safety of other students.

H. Formal Complaint Procedures

Any University student or employee who violates this sexual assault policy is subject to appropriate accountability. The standard used to determine responsibility is based on the preponderance of the evidence: whether it is more likely than not that the alleged Respondent has violated University policy.

1. The Complainant should file a complaint describing in detail the alleged sexual assault and the action the Complainant requests to resolve the matter. All written complaints must be signed and dated by the Complainant and, where known, should contain the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, a detailed description of the actions constituting the alleged sexual assault, and any other relevant information. If possible, names, addresses and phone numbers of witnesses or potential witnesses should also be included. University personnel may assist in writing the complaint if requested.
2. Within two (2) working days after receipt of the signed complaint, the appropriate Responsible Officer, or a designated Investigating Officer will review the complaint to determine if the complaint sufficiently describes the alleged sexual assault.
3. Within three (3) working days of receiving a complaint or amended complaint, at least two (2) persons, the appropriate Responsible Officer and/or Investigating Officer (the investigators), will notify the Respondent that a formal complaint has been received and an investigation has begun. The Responsible Officer and/or Investigating Officer will also give the Respondent a copy of this policy.
4. Within the next three (3) working days the Responsible Officer will meet with the Complainant to review the nature of the complaint and identify the scope and nature of the investigation. The Responsible Officer will also meet with the Respondent to present a copy of the complaint and this policy, to receive the Respondent's response to the complaint and to review with the Respondent the scope and nature of the investigation.
5. The Responsible Officer shall thoroughly investigate the complaint. Prior to completing the investigation, the Responsible Officer shall meet again with the Complainant and the Respondent separately to give an overview of the steps taken during the investigation, to ask the Complainant and the Respondent for the names of any others the Responsible Officer should speak with, and to request any additional information.
6. After completion of the investigation, the Responsible Officer shall meet with the senior administrator responsible for the involved faculty or staff member (if applicable) to review the investigators' report and reach a conclusion regarding the allegations and appropriate corrective action(s), if any.
7. It is the goal of these procedures that, to the extent possible, the above steps be completed within thirty (30) calendar days of receiving the formal complaint. The Responsible Officer shall forward to the Complainant and Respondent all of the following:
 - A summary of the investigative report including the conclusion reached as to whether sexual assault did or did not occur with respect to each allegation in the complaint;
 - A description of actions to be taken, if any, to resolve any sexual assault that occurred, and to prevent similar issues from occurring in the future;
 - A description of the Complainant's and Respondent's right to appeal either the finding or the appropriateness of the corrective action(s).

I. The Hearing Process

Complainants are encouraged to participate in the hearing. Any Complainant under Title IX, as well as under other applicable University policies listed above, is informed of and may appeal the outcome of the hearing. The following outlines various aspects of the hearing:

1. The parties are entitled to an expeditious hearing of the case, as outlined in the student handbook.
2. The hearing is informal in nature and does not adhere to formal rules or procedures, or rules followed by courts of law.
3. The parties are entitled to the following in regard to the hearing:
 - a. Written notification of the time and place of the hearing;
 - b. Information regarding the procedures as outlined here;
 - c. A written or electronic statement that outlines the violations.
4. Parties, Complainants and other witnesses are entitled to appear in person, to present their view of what took place. A party, Complainant or witness may choose not to appear at the hearing. In these instances, the hearing may be conducted based on the written evidence provided by the designated investigator.
5. If a lawyer is consulted, such a person may give any advice they believe pertinent.
6. Any individual found to be guilty of sexual assault or sexual violence may face any of the available sanctions outlined in the University handbooks up to and including dismissal from the University pending the option to appeal.

J. Appeal Rights

1. If the Complainant or Respondent is not satisfied with the results of the formal procedures and the final determination, the Complainant or Respondent may submit a written appeal to the Title IX Coordinator within ten (10) calendar days of the receipt of the determination.
2. The appeal will be considered by a committee appointed by the University comprised of three (3) different Responsible Officers and/or Investigating Officers not involved in the formal investigation. The Complainant and Respondent may each propose one committee member for consideration.
3. Within thirty (30) calendar days after receipt of the appeal, the committee will meet to review and evaluate the investigative report and determination, reach its conclusion by majority vote, and communicate its conclusion in the form of an advisory recommendation to the Title IX Coordinator. At the discretion of the committee, any party or witness may be asked to appear before the committee to clarify or supplement the record.
4. The Title IX Coordinator shall issue a decision in writing to the Complainant and Respondent within ten (10) calendar days of the receipt of the committee's recommendation. Such decision shall be the University's final decision in the case.

K. General Rights and Responsibilities

Complainant's Rights:

- An explanation of available options for redress, including changing dorm rooms, changing class sections, etc.;
- Freedom from harassment or retaliation by the alleged perpetrator (or supporters);
- An explanation of the complaint procedure and hearing process;
- Notification of no contact with Respondent, and assistance in obtaining an order of protection;
- Use of any available internal and external support services;
- Ability to speak on their own behalf during the investigation (including making a "survivor impact" statement);
- The presence of an advisor and/or a support person during the hearing;
- The opportunity to present witnesses who can speak about the charges (character witnesses excluded);
- Freedom from having irrelevant personal/sexual history discussed during the hearing;
- Information about the outcome of the hearing;
- Opportunity to appeal the outcome of the hearing.

Respondent's Rights:

- An explanation of the charge(s);
- Freedom from harassment or retaliation by the Complainant;
- An explanation of the complaint procedures and hearing process;
- Notification of no contact with the Complainant, and assistance in obtaining an order of protection;
- Use of any available internal and external support services;
- The presence of an advisor and/or a support person during the hearing;
- The opportunity to present witnesses who can speak about the charges (character witnesses excluded);
- Freedom from having irrelevant personal/sexual history discussed during the hearing;
- Information about the outcome of the hearing;
- Opportunity to appeal the outcome of the hearing.
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University Personnel Responsibilities:

- Ensuring that the Complainant and the Respondent are aware of the seriousness of the complaint;
- Explaining the University's relevant policy and investigation procedures;
- Making referrals to the Health and Counseling Center for counseling and referral services, if appropriate;
- Discussing with the Complainant/alleged survivor the individual's option of notifying the police, and offering assistance in notifying such authorities;
- Conducting or arranging for an investigation of the alleged prohibited conduct;
- Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct;
- Assuring that each complaint is assessed and resolved individually;
- When possible, the confidentiality of the Complainant and Respondent will be maintained. However, identity may need to be disclosed to conduct a thorough

investigation and/or to comply with the law and to provide individuals a legal right of defense.

L. Campus Awareness and Education

Awareness and educational efforts are important aspects toward preventing and responding to incidents that may arise. These include the following:

- Mandatory orientation sessions for new students and employees designed to educate and prevent outlined behaviors;
- Ongoing educational efforts for new students and employees, as well as reminders of the policy for current students and employees;
- Residence Life workshops on an annual and ongoing basis;
- Professional Residence Life training annually to respond and assist students in crisis situations and in protocols for emergency response;
- Flyers and other educational documents are posted yearly in prominent locations on campus;
- Workshops led by Counseling Center are available to all students and employees.

Regardless of whether a complaint has been received, the University may, at any time and at its sole discretion, initiate an investigation of or take action against any sexual assault incidents occurring within the University community. In a case of sexual assault where a criminal investigation has been commenced by law enforcement authorities, the procedures outlined in this policy and stated timelines may be adjusted as reasonably required to avoid interference with the criminal justice process. However, the University is required by law to conduct its own investigation and or take action against any complaints received.

*Parts of this policy are adapted from existing policies. All incorporated language is used by permission.