

SEXUAL ASSAULT AND MISCONDUCT POLICIES

Students who have been sexually assaulted, have witnessed a sexual assault or have information about a sexual assault are urged to report the information to the Beloit College Security Office or the Office of Residential Life, and to the Beloit Police Department.

[Sexual Assault Policy](#)

[Sexual Misconduct Policy](#)

[Personal Harassment Policy](#)

[On Campus Resources and Reporting Options](#)

[Off Campus Resources and Reporting Options](#)

[Rights of the Complainant and Accused](#)

POLICY SUMMARY

Sexual assault and sexual misconduct, including non-consensual intercourse and non-consensual sexual contact seriously infringe on the rights of others, violate the standards of acceptable behavior at Beloit College and may be illegal in the State of Wisconsin. Beloit College expects all members of the college community and their guests to conduct themselves in a responsible manner, showing respect for others and for the community at large. Beloit College is subject to, abides by, and supports the Wisconsin State statutes and local ordinances regarding criminal sexual assault and sexual contact.

Beloit College policy requires a non-intoxicated, verbal, mutually understood “Yes” for sexual contact or intercourse to be considered consensual. Non-verbal actions should not be considered invitations for intercourse or sexual contact. Consequently, returning to an individual’s room, being physically aroused, removing clothing, stroking, assenting to dancing or cuddling, obtaining contraception, etc. are not the same as a non-intoxicated, verbal, mutually understood “Yes” and therefore do not constitute consent.

Students who have been sexually assaulted, have witnessed a sexual assault or have information about a sexual assault are urged to report the information to the Beloit College Security Office or the Office of Residential Life and to the Beloit Police Department.

Beloit College will do all that is reasonably possible to offer safety, privacy, sensitivity, and support to persons reporting sexual assault and sexual misconduct, as well as offer educational programming to decrease the risk of sexual assault and sexual misconduct on campus. The college urges students to learn about the steps that can be taken to prevent sexual assault and sexual misconduct. Should the college believe that a threat exists to the safety or security of a person filing a complaint, or to others, it will take reasonable steps to attempt to mitigate that threat.

SEXUAL ASSAULT POLICY

Beloit College policy requires that sexual intercourse and/or sexual contact be consensual. A non-intoxicated, verbal, mutually understood “Yes” defines consent at Beloit College.

Beloit College recognizes that sexual assaults occur under a variety of circumstances:

- On- and off-campus
- Between people of any gender or sexual identity
- Between students, faculty, staff, alumni, and visitors to campus
- Between family members or close relatives
- Where consent existed and was retracted
- When impaired by drugs and/or alcohol
- Regardless of any previous interaction or relationship

No matter what the circumstances, sexual assault violates the standards of acceptable behavior at Beloit College.

If you are a victim of sexual assault or misconduct, please refer to:

[On Campus Resources and Reporting Options](#)

[Off Campus Resources and Reporting Options](#)

STATE OR FEDERAL LAW

Beloit College students are subject to the Wisconsin State Statutes and federal laws regarding sexual assault and other sex related acts, and violation of state or federal laws may be the laws of student discipline code. Wisconsin law makes no reference to the gender of either the victim or assailant. Sexual assault victims of any gender are protected by the law, and assailants of any gender can be prosecuted under the law. For more information, review the Wisconsin State Statute 940.225 at <http://www.legis.state.wi.us/rsb/stats.html>. Sex with a person under the age of 18 in Wisconsin is a violation of state law and of the college's policy. Persons under the age of 18 cannot give consent to sexual interactions.

BELOIT COLLEGE'S DEFINITION OF CONSENT

Beloit College defines consent more strictly than Wisconsin or Federal law. Beloit College requires that consent to sexual activity be informed, freely and actively given through mutually understood words which indicate a willingness to participate in mutually agreed upon sexual activity. **Beloit College policy requires a non-intoxicated, verbal, mutually understood "Yes" for sexual contact or intercourse to be considered consensual.** Consenting to sexual activity requires non-intoxicated, verbal communication that is free of threats, intimidation or other coercion.

Silence or inaction does not constitute consent. Non-verbal actions should not be considered invitations for intercourse or sexual contact. Consequently, returning to an individual's room, being physically aroused, removing clothing, stroking, assenting to dancing or cuddling, obtaining contraception, etc. are not the same as a non-intoxicated, verbal, mutually understood "Yes" and, therefore, do not constitute consent.

Having sex with someone you know to be, or whom you should know to be, below their normal cognitive function is a violation of the Beloit College Sexual Assault policy; sexual contact with anyone who is inebriated, mentally or physically impaired, or incapacitated is a violation of this policy. People who have a mental illness or deficiency, are unconscious for any reason, or are physically unable to communicate are assumed to be incapable of giving consent.

CONSENT UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

If a person chooses to drink alcohol or use other drugs, s/he assumes the risk of impaired thinking and communication. Sex under the influence is a hazardous activity and a violation of College policy. College policy recognizes that someone who is under the influence of drugs and/or alcohol may be physically unable to communicate and therefore may be unable to give consent. Consenting to sexual activity requires non-intoxicated, verbal, mutually understood communication, free of threats, intimidation or other coercion. Being drunk is never an excuse for raping or assaulting someone. Having sex with someone you know to be, or whom you should know to be, below their normal cognitive function is a violation of the Beloit College Sexual Assault policy; sexual contact with anyone who is inebriated, mentally or physically impaired, or incapacitated is a violation of this policy.

In the case of each party being impaired by drugs or alcohol, the hearing officer will seek to understand which party initiated sexual contact and was therefore seeking consent, and which party was most impaired. Both factors will weigh into the hearing officer's decision-making about whether college policy was violated.

DEFINITION OF SEXUAL ASSAULT

1. Non-Consensual Sexual Intercourse (or Rape):

Non-Consensual Intercourse includes vaginal penetration however slight, by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation, mouth to genital contact or genital to mouth contact without a non-intoxicated, verbal, mutually understood "Yes".

2. Non-Consensual Sexual Contact:

Non-Consensual Sexual Contact is any touching however slight, with any object or body part, of the breasts, buttocks, groin, or genitals, or touching either directly or through clothing, or making a person touch another or themselves on the breasts, buttocks, groin or genitals, either directly or through clothing without a non-intoxicated, verbal, mutually understood "Yes". Non-Consensual Sexual Contact includes disrobing or exposure of breasts, buttocks, groin or genitals to any individual, without a non-intoxicated, verbal, mutually understood "Yes". This behavior is often referred to as "fondling."

If this is an issue of sexual harassment, please refer to: ([Harassment Policy](#))

SEXUAL MISCONDUCT POLICY

Sexual misconduct is when an individual takes non-consensual, unjust, or abusive advantage of another for their own advantage or benefit or to advantage or benefit anyone other than the one being exploited and that behavior does not otherwise constitute rape, sexual assault, or sexual harassment.

No matter what the circumstances, sexual misconduct violates the standards of acceptable behavior at Beloit College.

If you are a victim of sexual assault or misconduct, please refer to:

[On Campus Resources and Reporting Options](#)

[Off Campus Resources and Reporting Options](#)

EXAMPLES OF SEXUAL MISCONDUCT include but are not limited to:

- Crossing physical or sexual boundaries
- Prostituting another student (e.g., the act or practice of engaging in sex acts for hire)
- Non-consensual photos, text, video and/or audio recordings and/or non-consensual distribution of such materials
- Engaging in unsolicited acts of voyeurism
- Knowingly transmitting a STD to another student(s)
- Coercing someone into sexual activity

ON CAMPUS RESOURCES AND REPORTING OPTIONS

CONFIDENTIAL RESOURCES

Beloit College provides trained sexual assault counselors on campus who can legally keep a sexual assault discussion confidential. This gives the complainant complete control over their decisions to report. The counselors will supply students with information regarding medical care and counseling options.

There is a confidential responder on-call at all times during business hours Monday=Friday, 8:00 a.m.-4:30 p.m.

[Teresa Leopold](#), Trained Rape Crisis Counselor: 608-363-2661

[Tara Girard](#), Director of the College Health Center: 608-363-2331

[Nicole Bengtson](#), Beloit College Counselor: 608-363-2643

[Briana Cox](#), Beloit College Counselor: 608-363-2643

[Sheila Evanoff](#), Beloit College Counselor: 608-363-2643

[Andrew Jadczyk](#), Beloit College Counselor: 608-363-2643

[Sherry Miller](#), Beloit College Counselor: 608-363-2643

Nights & Weekends

Contact Security who can put you in contact with one of the above individuals:
608-363-2355

(These people are not required by law to file an official report if told about sexual misconduct/assault unless the individual is under the age of 18).

REPORTING YOUR ASSAULT TO BELOIT COLLEGE

If you have been sexually assaulted, the college urges you to report it.

A report is written documentation of sexual assault/misconduct. It contains the name(s) of those involved, the date, time, and location of the alleged event, and a short written summary of what is

reported. The individual making the report has the right to give as much or as little information as they wish. When a student reports a violation of the sexual assault/misconduct policy, the college will investigate to the extent it can with the information provided. Responders will consult with the complainant about their wishes regarding how the investigation should proceed; the college may investigate even if the complainant decides not to participate.

The College will work with students to facilitate needed changes to living, academic, transportation, and working situations as requested and needed, regardless of whether campus security or local police authorities are involved and whether or not the offense happened on or off campus. The College will provide protective measures for the victim if requested and reasonably available.

There is no statute of limitations for college complaints, but potential complainants are reminded that the college's ability to effectively investigate complaints can be impaired or negated as time passes.

All reports of sexual assault/misconduct are kept on file in the Office of Residential Life and/or the Security Office for use in reports required by the Clery Act (<http://www.beloit.edu/security/>). Reported incidents will show up in campus crime statistics without identifying the person filing the report; in this way, a victim's identity will be protected. Any accommodations or protective measures provided to the victim will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Beloit College will provide written notification to students and employees about existing services available for victims, both within the institution and in the community.

This written notification will include, but is not limited to, the following existing information on services:

- Counseling and mental health services
- Current health services
- Victim advocacy
- Legal assistance
- Visa and immigration services
- Student financial aid
- Other services that may be available at the institution and in the community

This written notification will include information on how to request accommodations and protective measures regarding options for and the availability of changes to academic living, transportation, and working situations.

Who to call

If the accused is a Beloit College student, the following individuals will ensure a report is filed when they are made aware of an alleged incident of sexual assault/misconduct.

- Beloit College security officers 608-363-2355
- [Sarah Coyer](#), Assistant Director of Residential Life 608-363-2350

- [John Winkelmann](#), Associate Dean of Students and Director of Residential Life 608-363-2350
- Any “on call” student life staff member (excluding Teresa Leopold since she is a trained sexual assault counselor)
- [Jennifer Walsh](#), Director of Student Engagement and Leadership 608-363-2301
- Any hall director: [Maggie Bell](#), [Nikki Charlestin](#), [Alyssa Lamberton](#) 608-363-2350
- Title XI Coordinator, [Cecil Youngblood](#), 608-363-2404
- Any employee of the college, including faculty and staff 608-363-2000 (ask to be transferred you to the appropriate person)

The above listed people are required to file a report if told about sexual misconduct/assault. After hours, these individuals can be reached through campus security.

Title IX Coordinator as resource

Beloit College’s Title IX Coordinator, Cecil Youngblood, can be used by any community member as a resource for understanding and navigating the investigative and judicial process. Faculty or staff supporters should consult the Coordinator with questions about how to best support students going through the reporting/investigation process. The Title IX Coordinator is not a confidential resource.

You may call Cecil at 608-363-2404 or youngblc@beloit.edu, or visit his office on 3rd floor Pearsons.

What happens after you report

This is the general framework for how an investigation is conducted:

- Initial meeting with complainant to review rights and options
- Written notification given to complainant of services available to them
- No contact orders are issued by the college – additional orders of protection and restraining orders may be issued by the court (college can assist students in this process)
- Complainant writes an account of the incident
- Initial meeting with accused party, review of rights and options
- Accused writes an account of the incident
- Meet with witness(es) and those with knowledge of events
- Clarify information from witness statements with complainant and accused
- Follow-up meeting with complainant to review process and outline thoughts about possible outcomes
- Follow-up meeting with accused to discuss the incident and possible outcomes
- Conclude investigation, issue written summary of findings and outcomes

Preponderance of evidence as a standard

Evidence and information collected during the investigation of a sexual assault will be evaluated using preponderance of evidence standard. In other words, if the evidence and information collected during the investigation suggest it was more likely than not a sexual assault occurred the hearing officer will conclude the policy was violated and will find the accused student responsible.

Preserving evidence

It is important to preserve any evidence that might be used during an investigation of an alleged sexual assault. Electronic evidence is often helpful, including texts, emails, facebook posts, chats, pictures, and any other electronic communication and should be downloaded and preserved. Physical evidence on your body or clothing can be documented with photos. Medical staff at the hospital can collect other evidence and provide adequate follow up care.

RIGHTS OF STUDENTS ACCUSED OF VIOLATING COLLEGE POLICY

1. To receive notification of the behavior which has allegedly violated college policy.
2. To have an opportunity to respond to the claim that college policy has been violated.
3. To supply the investigative team with information or witnesses.
4. To receive an impartial decision about the alleged policy violation, and be notified of the outcome.
5. To have the option to appeal the decision or outcome.

RIGHTS OF STUDENTS INVOLVED IN SEXUAL ASSAULT AND SEXUAL MISCONDUCT INVESTIGATIONS

Rights of the complainant in a sexual assault or sexual misconduct investigation

1. To have complaints of sexual misconduct/assault investigated by the college.
2. To report the violation directly to the police, with or without assistance from campus personnel.
3. To consult with the Title IX Coordinator, Cecil Youngblood, as a resource for understanding these rights and the investigation process.
4. To be notified in writing of available counseling, mental health or student services for students reporting sexual assault, both on and off campus.
5. To have a judicial proceeding be conducted by officials who at a minimum receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to consider the results of an investigation in light of a student appeal that protects the rights of all involved and promotes accountability.
6. To be notified that at any point during the complaint/investigation/Judicial Appeals Board process, the complainant has the right to have the support of any willing member of the Beloit College community, friend, faculty or staff of their choice. The support person has the right to attend any function at which the complainant's presence is required. The support person may be a licensed attorney. Any person attending meetings or hearings in support of the complainant may advise the complainant but may not participate directly in the proceedings. (Note: Beloit College is represented by counsel in most sexual assault matters.)*

7. To not have prior sexual history admitted during any disciplinary hearing. History of prior complaints, investigations, and cases may be admitted in an investigation and/or appeal.
8. To be notified in writing of the outcomes, if any, in the case, of the institution's procedures to appeal the result of the disciplinary proceedings as outline in the appeals section of the Student Handbook, and of any change to the result when such results become final.**
9. To appeal a disciplinary decision by a hearing officer(s) as outlined in the appeals section of the Student Handbook.

Rights of the accused in a sexual assault or sexual misconduct investigation

1. To be informed in writing of the accusations/complaints that were filed.
2. To be informed that complaints of sexual misconduct/assault will be investigated by the college, and possibly by the police.
3. To consult with the Title IX Coordinator, Cecil Youngblood, as a resource for understanding these rights and the investigation process.
4. To be notified of available counseling, mental health or student services for students accused of sexual assault, both on or off campus.
5. To have a judicial proceeding be conducted by officials who at a minimum receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to consider the results of an investigation in light of a student appeal that protects the rights of all involved and promotes accountability.
6. To be notified that at any point during the complaint/investigation/Judicial Appeals Board process, the accused has the right to have the support of any willing member of the Beloit College community, friend, faculty or staff of their choice. The support person has the right to attend any function at which the accused's presence is required. The support person may be a licensed attorney. Any person attending meetings or hearings in support of the complainant may advise the complainant but may not participate directly in the proceedings. (Note: Beloit College is represented by counsel in most sexual assault matters.)*
7. History of prior complaints, investigations, and cases may be admitted in an investigation and/or appeal.
8. To refuse to answer some or all questions. The investigation will proceed with or without the participation of the accused.
9. To be notified in writing of the outcomes, if any, in the case, of the institution's procedures to appeal the result of the disciplinary proceeding as outlined in the appeals section of the Student Handbook, and of any change to the result when such results become final.**
10. To appeal a disciplinary decision by a hearing officer(s) as outlined in the appeals section of the Student Handbook.

*Typically students seek support from a faculty or staff member who knows them well, such as an advisor or mentor. Faculty or staff who agree to serve in this role may wish to consult with others who have supported students in previous judicial situations. Consult with Title IX Coordinator, Cecil Youngblood, for more information.

**Require simultaneous notification, in writing, to both the accuser and the accused.

Possible sanctions and outcomes

If it is more likely than not sexual assault or misconduct has happened (in other words, if the preponderance of the evidence suggests that misconduct occurred), a student will be found responsible for violating college policy and the investigating officer will consider a range of sanctions and outcomes.

Disciplinary sanctions possible for a person found responsible of violating the sexual assault and sexual misconduct policies include but are not limited to:

Suspension, expulsion, probation, counseling, deferred suspension, removal from campus, and/or any combination of the previous.

When determining appropriate disciplinary action, the investigating officers will consider the sexual assault or misconduct complaint as a whole, the disciplinary background of the accused individual(s), and the totality of the circumstances, including the nature of the conduct and the context in which it occurred.

Any retaliation against a person who reports alleged sexual assault or misconduct or against a witness or other participant in an investigation is strictly prohibited and will be considered a violation of this policy. It is also a violation of this policy to make a false accusation of sexual assault or misconduct or knowingly provide false information pertaining to a sexual assault or misconduct complaint.

A broader explanation of the college's judicial system can be found on [pages 79-84](#).

If the accused is a faculty or staff member

In cases of personal harassment, sexual assault or sexual misconduct by staff or faculty members toward students, there exists a Personal Harassment Committee. The contact for this committee is Heather McLean, Director of Human Resources. ([See Harassment Policy](#)). To file a complaint off-campus, please contact the Beloit Police Department.

OFF CAMPUS RESOURCES AND REPORTING OPTIONS

LEGAL OPTIONS

Report incident to the Beloit Police Department

Sexual assault is a criminal matter and may be reported to the Beloit Police Department. Beloit College strongly recommends that students filing a complaint have a staff member or a friend with them when a report is made to the police. There are trained counselors on campus and off campus that can assist students with their decision to report an assault to the police.

File a civil suit against the assailant

A civil suit against the accused is another legal option. Consultation with a lawyer is the best way to learn about this option.

SUPPORT RESOURCES

Seek medical treatment

If you have been assaulted, you may need medical treatment for injuries and may wish to have potential physical evidence collected. The Beloit Memorial Hospital or Janesville Mercy Hospital can request an advocate from the Sexual Assault Recovery Program (SARP) to be with you at the hospital.

Transportation to the hospital can be provided by security or by any member of the RA staff.

Contact the Sexual Assault Recovery Program ([SARP](#))

SARP is a community based program whose trained advocates respond to the emergency room to support the victim. They will assist and guide the victim through the legal system as well as provide free sexual assault crisis counseling. The 24 hour crisis hotline is 1-866-666-4576.

Contact the National Sexual Assault Hotline 800.656.HOPE or 800-656-4673.

Revised July 2017