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A Capstone
entitled

Evaluating and Improving Title IX and Related Federal Mandate Compliance as They Relate to
Sexual Violence at Berea College

by
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Submitted to Graduate Faculty as partial fulfillment of the requirements of Master of Public Health
degree

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Dedication:

For survivors, for advocates, for those who are both all at once, and for love.

Acknowledgements:

I'd like to thank the members of my Capstone Committee for their guidance and time. Also, I'd like to thank the Berea College community for their openness, contributions, and for always welcoming me back. I'd also like to extend gratitude to my MPH professors who allowed me to pick their brains and to try new things under their guidance.

I'd love to thank my beautiful wonderful family. My mother taught me value collective struggle and to help. My big sister showed me how to prove naysayers wrong. My dad, my mom, my sister, and my brothers wrapped me and love and cushioned me from the greatest blows that life might deal.

My dearest friends took up that work when I went to college and made me feel welcome in the world. Thank you, Beloved Bereans.

Thank you, William, for all of your help, support, frowning, and encouragement through this arduous process. Most of all, thank you for finding me.

Introduction

Research shows that between one-fifth to one-quarter of college women will experience rape over the course of their college career (Lane, 2009). Two to three percent of those rapes will be forcible rape (Krebs, 2009). Sexual violence and the fear of sexual violence on campus disproportionately burden students who identify as women (Lane, 2009). Sexual violence, including sexual harassment and sexual assault, creates a hostile environment where it is difficult for victims to produce their best work. Sexual harassment impedes learning and reduces the quality of life of the students who are being harassed (Cherner-Ranft, 2003). This burden affects a student's access to the quality of public education guaranteed to them by federal law (Cherner-Ranft, 2003).

In 1972, Congress passed Title IX as part of the Higher Education Amendments of 1972. It provided a federal avenue through which students and staff could seek resolution on issues of gender discrimination perpetrated by educational institutions that received federal funding (Cherner-Ranft, 2003). In 1998, Congress passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, an amended version of an earlier campus security law. It required colleges and universities to annually distribute a campus security report and to take other measures to prevent violent crime on college campuses (Janosik, 2005).

In its Great Commitments, Berea College affirms its dedication to shaping campus culture with programs that value “love over hate, human dignity and equality, and peace with justice”. Berea College also dedicates itself to providing an environment in which students and staff can work towards personal growth. These commitments to equitable access to education aim to create an antithesis to the hostile environment that endangers students. The students, staff, and alumni maintain that a meaningful commitment to creating an environment in the spirit of its Great Commitments translates into action.

This paper seeks to examine Berea College's current policies and programs as they relate to Title IX and sexual violence. The aims of the first half of this paper are to: 1.) describe the scope of sexual violence on the campuses of institutes of higher education (IHE), with a focus on Berea College's campus in relation to its mission, and to 2.) detail the best practices in policy, training, and programming to achieve the highest level of Title IX compliance in accordance with federal and professional recommendations. The second half of this paper will seek to 3.) identify the strengths and weakness of Berea College's current policies, programs, and governance structure and provide policy, programming, and adjudication recommendations based on those structures that are currently in place, 4.) identify the potential cost, both human and financial, in pursuing a more comprehensive level of Title IX compliance, 5.) identify the benefits of utilizing the recommendations provided herein, or similar recommendations, to improve campus climate, and 6.) to conclude with identification of further areas of study for evaluating the success of programming and policies related to Title IX.

Literature Review of the Nation's Current Climate

Defining Sexual Harassment, Sexual Violence, and Sexual Assault

Discrimination based on gender is an impediment for women seeking education beyond high school. Gender-based discrimination has many different facets and it has a negative impact on the women who experience the discrimination in any form that it takes (Cherner-Ranft, 2003). The U.S. Equal Employment Opportunity Commission defines sexual harassment as physical or verbal instances of unwanted sexual contact or proposals and general disparaging remarks about a particular gender that are so frequent and/or severe that they create a hostile environment (Kleiner, 1996).

In comparison to sexual harassment, sexual violence is a more specific array of activities as they pertain to college campuses. Those activities include stalking, harassment, domestic violence, sex trafficking, sexual exploitation by helping professionals (professors, psychologist, campus police, staff), and still other "sexual actions or words" that harm another person (MNCASA, 2013). Sexual

assault encompasses a still smaller range of activities. For the purposes of this paper, sexual assault will be used in reference to rape or attempted rape, unwanted physical sexual contact, non-consenting voyeurism, and flashing (OWH, 2011). Throughout the course of this paper I will focus largely on sexual assault statistics to illustrate the problem. However, when I discuss policy the term sexual violence may be more appropriate as it is a broader term that encompasses sexual assault, sexual harassment, and can be discussed in the context of a community.

Understanding Sexual Violence on College and University Campuses

For women who choose to attend college there is not just a greater risk that they will be sexually assaulted while attending college than other women during that same time period, the risk for college women is four times greater than their peers who do not attend college (Anonymous, 2013). This risk can be attributed to many different things, but college campuses are densely populated, which facilitates a high number interpersonal interactions, often in party settings that include drugs or alcohol (Payne, 2009). College women are at particular risk because their demographic dates and participates in social activities regularly and most incidences of sexual assault are perpetrated by peers (Lane, 2009). Studies have shown that alcohol or drugs is a factor in the majority of campus sexual assaults (Chesney-Lind, 1998). The College Alcohol Study (CAS) showed that 82% of students who experienced rape during the school year were under the influence of alcohol or drugs (Krebs, 2009). These facts suggests that majority of campus assault occur in the context of parties or in date settings (Armstrong, 2006).

According to a national study from 1987, 25% of college men report perpetrating an act that qualifies as sexual assault and another study stated that 57% of college men have sexually assaulted a woman they were on a date with (Abbey, 1998). As I mentioned previously, the majority of sexual assaults on campus are perpetrated by someone the victim already knows, and some statistics suggest that as many as 84% of sexual assault occur between acquaintances (Abbey, 1998). College men who have committed sexual assault are more likely to believe “rape myths” and strongly value traditional

gender roles (Abbey, 1998). One study found that of the men who had committed at least one sexual assault, 71% had committed multiple assaults. The median number of assaults committed by men in the study who had committed sexual assault was three (Abbey, 1998).

Despite the large numbers of women being victimized on campus, many women are hesitant to report their assaults to campus or police authorities. Victims of sexual assault are less likely to report to the police if they feel that they do not have evidence that an assault occurred; if they know their attackers; if they had been consuming drugs or alcohol; if they fear academic censure for engaging in illegal activities; or if they fear reprisal from their attacker's friends or family (Brubaker, 2009). There is further reluctance to report because victims feel that they lack social support (Schmidt, 2003). This reluctance to report sexual assaults come from the victim blaming, or the act of placing blame for the sexual assault on the victim's mistakes, that follows the publicizing of a sexual assault (Armstrong, 2006). In fact most sexual assaults will go unreported, and if reported are not always counted by authorities (Anonymous, 2013).

In a study of the barriers that campus-based advocates face as they respond to sexual assault and attempt to prevent sexual assault, researchers found that many duties of campus-based advocates overlap with those of community advocates. Those duties include "crisis intervention, facilitating decision making, accompanying victims, serving as a liaison between response agencies, safety planning and referrals, and other advocacy services" (Payne, 2009). However, their ability to perform those duties to the best of their abilities is often obstructed by campus policies or a lack thereof; leaving them unable to provide the quality of victim support and campus education they would like (Payne, 2009). Some of the greatest concerns to sexual assault victim advocates were the underreporting of sexual assault, the lack of adequately trained response professionals, funding, the difficulty collaboration between the groups charged with dealing with sexual assault on and off campus, and the transient nature of the student population (Payne, 2009).

The Detrimental Effects of Sexual Violence

It is of particular concern to public health officials that sexual assault on campus be curbed, as it affects the physical and mental well-being of students on college campuses, and disproportionately affects women. Sexual harassment, including sexual assault, creates a hostile environment where it is difficult for victims to produce their best work. Sexual harassment impedes learning and reduces the quality of life of the students who are being harassed (Cherner-Ranft, 2003). This burden affects a student's access to the quality of public education guaranteed to them by federal law (Cherner-Ranft, 2003).

One of the most obvious concerns to public health officials is the possibility that a sexual assault will create physical injury that can necessitate a need for medical treatment and/or a hospital stay to treat injuries, transmission of STIs, and/or the issuing of an emergency contraceptive (Anonymous, 2013). In addition to physical effects, the psychological effects of sexual assault can also be debilitating (Rothman, 2007). The mental toll that sexual assault takes on students who have been sexually assaulted sometimes results in social withdrawal and the inability to maintain academic performance (Anonymous, 2013).

There are even detrimental effects for women who have not been victimized. College women's personal fears of being sexually assaulted exceed the rate of sexual assault and beyond that fear of sexual assault is positively correlated with college women's fears of other crimes (Lane, 2009). The constant fear of being a victim of a violent crime is an unreasonable burden to bear, but many college women must live with a significantly higher fear of being assaulted than their male peers (Lane, 2009).

A Culture of Sexual Violence

There are many factors as to why women at institutions of higher education are at higher risk for sexual assault than their peers who are not attending college. All of the factors come together to create, at the institutional level, what is commonly referred to as "rape culture," or a climate that is highly patriarchal, in which sexual violence is not discouraged (and at times encouraged), where

sexual assault goes unpunished, and where victims of sexual harassment and assault are antagonized by their peers (Brubaker, 2009) (Abbey, 2009). Rape cultures are often identified by their widespread belief in “rape myths” or ideas about gender and sexuality that create an environment that normalizes sexual assault (Armstrong, 2009).

In order to identify what rape culture looks like, I will compare two institutions that share disproportionately high rates of sexual assault when compared to the general population. College campuses and military service academies both report high rates of sexual assault, in large part due to the similarities of culture that the two types of institutions share (Brubaker, 2009). Both are settings in which young adults are living on their own for the first time, this changes the dynamics of residents social interactions, leaving peer opinions to act as a locus for right and wrong and what is a “normal” social interaction (Brubaker, 2009).

Additionally, both settings are historically male-dominated and patriarchal (Brubaker, 2009). Both institutions are built on a belief in the value of all-male social settings that are masculine in nature and built on beliefs that denigrate and dominate women (Chesney-Lind, 1998). On college campuses, students who perpetrate sexual assault, including students who commit gang rape, feel that other students receive their actions more positively than their peers actually do (Abbey, 1998). In Schwartz and DeKeseredy’s modified ‘male peer-support’ model this belief stems from a culture of male-dominance and is particularly culpable in the epidemic of acquaintance rape (Chesney-Lind, 1998). A male-dominated culture simultaneously prizes virile (dominant and/or proving sexual prowess) interactions with other young women and men, and offers few consequences for young men who commit sexual assault and few comforts to women who have been assaulted (Brubaker, 2009).

Students have come to accept the climate of sexual harassment that permeates college and university campuses' acceptance of the violent nature of the climate as “just a part of college life” (Allen, 2006). According to a paper published in 2013, “sexual assault is a predictable outcome of a synergistic intersection of both gendered and seemingly gender-neutral processes operating at

individual, organizational, and interactional levels” (Armstrong, 2013).

Berea College’s Sixth Commitment and the Current Climate

Berea’s Sixth Commitment states that it has committed itself to creating a “...democratic community dedicated to education and equality for women and men”. In this section of the paper I will discuss the perceptions and realities of sexual harassment and assault at Berea College, and will be drawing my information primarily from three surveys discussed in the 2008 report, Berea College Student and Sexual Harassment and Sexual Assault: a working paper for Strategic Question #5 (AGSHSA). This document can be found in the appendix.

The first survey is about sexual harassment based on a similar survey conducted by the American Association of University Women in January 2006. The Berea sexual harassment survey was conducted in April 2006. Three hundred students, or 21% of the student body, responded. (AGSHSA 6).

The second survey is a survey about sexual assault carried out by Jill Bouma’s Sociology Research Methods class, with assistance from the Office of Institutional Research. Between 2005 and 2007, it surveyed 472 students about their perceptions of and experiences with sexual assault. (AGSHSA 7).

The third survey is from the *National College Health Assessment*. It was carried out by the American College Health Association in spring 2006. It surveyed 507 students and provides further information about sexual assault on campus. (AGSHS 7).

In aggregate, these surveys indicate that Berea still has work to do as it attempts to create an environment that nurtures students’ physical and emotional potential and frees them to be active learners in peace and justice.

Sexual Harassment and Sexual Violence at Berea College

In the Berea sexual harassment survey (n=300), when asked how much sexual harassment

was present on Berea College's campus, 24% of students responded that there "a lot" of sexual harassment on campus. Another 51% of the respondents answered that there was "some, but not a lot" of sexual harassment on campus. Two percent of students "often worry" about being sexually harassed and 16% of students indicate being occasionally worried about sexual harassment (AGSHSA, 6).

One-hundred and ninety-eight (66%) of the students also reported experiencing "unwanted and unwelcome sexual behavior at least once" while they have been attending Berea College. Of those 198 students, 91% answered additional questions about 239 discrete occurrences of unwanted or unwelcome sexual contact. Nine percent declined to answer any additional questions.

The survey indicated that while most of the unwanted sexual contact was nonphysical, 43% of respondents had experienced being "touched, grabbed or pinched in sexual way" at least once in their time at Berea College. Seven percent of respondents reported being asked to exchange sexual activity for something. Seven percent of respondents also reported being forced to do something sexual other than kissing. In 86% of those instances of unwanted sexual behavior the perpetrator was another student, and ninety percent of all unwanted occurrences were perpetrated by a male (AGSHSA, 7).

According to the survey issued by Bouma's class (n=472), 50 (10.6%) of the respondents indicated that they had been sexually assaulted while a student at Berea College. Twelve out of those 50 students identified their experience as rape. However, between 2002 and 2005 there were only seven forcible sex offenses reported to Public safety, and an additional four sex offenses reported to College administrators only. This indicates a large gap between the number of students who are sexually assaulted and the number that report it to campus authorities (AGSHSA, 7).

The National College Health Assessment (n=507), indicates that Berea College's women *and* men reported experiencing more sexual violence within the last school year than the national average across every single question (see table below). The AGSHSA reaches the conclusion that the

numbers indicate that Berea students experienced more sexual touching against their will, more attempted sexual penetration against their will, and more sexual penetration against their will. In addition to sexual violence, Berea College students reported more emotional, physical, and sexual violence in their relationships (AGSHSA, 8).

National College Health Assessment, N=94,806	Berea College, N=507	
Experienced sexual touching against their will?	10.2%	8.4%
Experienced attempted sexual penetration against their will?	3.7%	2.7%
Experienced sexual penetration against their will?	2.5%	1.4%
Reported an emotionally abusive relationship?	19.9%	12.1%
Reported a physically abusive relationship?	3.5%	1.9%
Reported a sexually abusive relationship?	3.7%	1.5%

Student Perceptions of Berea College's Response to Sexual Harassment and Sexual Violence Reports

Of the 66% of students who reported experiencing unwanted and unwelcome sexual behavior in the sexual harassment survey, the vast majority (62%) told no one about their experience. For the students who did share their negative experience, most shared with their friend or roommate. Far fewer shared with a labor supervisor, academic advisor, faculty member, collegiums member, or a College staff member. Ninety-three percent of those who were sexually harassed never reported the incident. The most common reason for this decision being that “they felt that it was no big deal or that they could handle it on their own” (AGSHSA, 9). However, 17% chose not to report the incident because “they were afraid, they did not believe any action would be taken, or believed reporting was not worth the trouble” (AGSHSA 9).

Fifteen of the students surveyed did report incidents of unwanted behavior, for a total of 17

reported incidents. They were most likely to talk to a residence hall staff member, and Public Safety became involved in seven of those cases. Most of the students were informed of the next steps being taken by the person they chose to report to. According to the report, in four of seventeen incidents students reported being “completely satisfied”, seven of the seven incidents the students involved were “somewhat satisfied”, and in six of the seventeen incidents the students involved were “not satisfied at all” (AGSHSA, 9).

In the sexual assault survey issued by Bouma’s class, the vast majority of students reported that they felt comfortable discussing the incident with a friend (80%) or family member (64%). Respondents were also asked which college offices they felt most comfortable reporting to. The top two offices were the “Counselor from Counseling Services” (62%) and a “Berea College Public Safety Officer”(35%). The students were least likely to report to their labor supervisor, student chaplain, campus chaplain, and/or a professor (AGSHSA, 9).

Of the 50 students who reported being sexually assaulted, 44% of them spoke with a roommate, friend, or family member about their experience. 30% of sexual assault victims spoke with a Berea College staff member. The other 26% of the sexual assault victims did not speak with anyone immediately after the assault. Only 10 of the 50 victims reported their assault to Public Safety. 8 of the 10 students answered additional questions about their post-assault experience, 2 declined to answer more questions. The majority of the victims who decided to report their sexual assault did so because they wanted to protect themselves or others from the same experience. Several students reported being unsatisfied with the adjudication process and reported that they felt that the accused student had “only received probation”, was “still on the loose”, or that they’d been told that “nothing could be done because it wasn’t rape” (AGSHSA, 9).

Of the sexual assault victims who responded as to why they chose not to report the sexual assault, nearly a third blamed themselves for the assault because they were impaired at the time, felt they had exhibited poor judgment, or they had miscommunicated their intentions. A small number of

the students did not recognize their experience as a sexual assault at that time. Several of the students did not believe that the incident was serious enough to report (AGSHSA, 10).

Seven students chose not to report because they felt that if they reported their assault that the reporting process was too burdensome or that college administration would not do anything. Five of the students chose not to report because they were afraid that the assailant would find out. Four of the students were concerned that other students would find out about the assault. The Strategic Planning Council Administrative Group felt that those responses were indicative of a lack of trust in the policy, reporting procedures, and authorities (AGSHSA, 10).

The vast majority (87%) of students who responded to the sexual assault survey believed that sexual assault was underreported at Berea College. Students gave several suggestions for why people were might not report their sexual assaults:

- The assailant will find out and retaliate
- Others on campus will find out and it will affect the victim's reputation
- Peers will not be supportive or will be angry at them for reporting
- Nothing will be done because the College wants only to protect its image as a safe campus
- Campus authorities encourage silence by being intimidating, not protecting the victim, and/or making the victim uncomfortable
- Campus authorities mishandle cases

(AGSHSA, 10)

When asked if they would report an assault in the future, the majority of students who had not been sexually assaulted felt that they would report to Public Safety or to the police. For students who had been sexually assaulted the majority of students *would not* report to Public Safety and the remaining students were split on reporting and being unsure. Nearly half of those same students reported that they would report another sexual assault to the local police (AGSHSA, 10).

According to the data from the *ACT College Outcomes Survey* conducted in 2005-2006 school year, Berea College graduating seniors reported less satisfaction than their counterparts at similar institutions in regards to the services provided to victims of crime and harassment. However, on the same scale they reported experiencing more “freedom from harassment” than students at similar schools (AGSHSA, 14). Overall, Berea College students seemed to feel a distrust that current policies and procedures could maintain confidentiality and many students who chose to report a sexual assault were not satisfied with the results of the adjudication process in their case. Student provided suggestions as to why they believed that sexual violence was under reported at Berea that could be examined when reviewing future policy.

Current Programming

In a survey of the information provided to students about sexual assault and sexual harassment, Campus Life, Residential Life, Counseling Services, and Public Safety all reported conducting education outreach programs. Residential Life reported conducting 23 programs on “health relationships” in the residence halls in the 2006-2007 school year. The number of those programs that included content on interpersonal violence was unspecified. Faculty members reported that the content was also conducted in thirteen different classes. According to the same survey, 66% students reported that they had received information on interpersonal violence from the College (AGSHSA, 14). In the National College Health Assessment Survey, approximately two-thirds of Berea College students reported that the most trusted sources of information regarding health issues were faculty/coursework, leaflets/pamphlets/flyers, and their parents. The least trusted sources of information were students’ friends, resident assistants (RAs), and the internet (AGSHSA, 14).

The assessment conducted by the Strategic Planning Council Administrative Group attempted to predict patterns in the sexual assault and sexual harassment on Berea College’s campus. They concluded that the majority of students who reported sexual harassment did so in an attempt to get the behavior to stop. Berea College students reported experiencing more emotionally abusive

relationships than students nationally; they also reported nearly a 75% increase in physically abusive relationships as the national average. In the same survey, Berea College students also reported experiencing sexually abusive relationships at more than the twice the rate of the national average (AGSHSA, 16).

Report Conclusions and Recommendations

The results of this survey indicate that not only are female students being denied the environment Berea envisions in its Great Commitments, but that male students are also not being allowed to achieve the promise of Berea's Great Commitments. Additionally, Berea College students who have experienced unwanted or unwelcome sexual behavior feel like it is "no big deal" when research indicates that sexual harassment and sexual assault have very serious consequences for victims.

The Strategic Planning Council Administrative Group's report offered six recommendations they felt would improve Berea College's sexual assault policies and response based on their findings.

There were six recommendations:

1. Every four years, the Office of Institutional Research and Assessment should administer a sexual harassment survey and a sexual assault survey using the College's definitions of sexual harassment and sexual assault.
2. College policies and procedures related to sexual harassment and sexual assault should be reviewed by the Office of the Vice President for Labor and Student Life.
3. The Office of the Vice President for Labor and Student Life should review the *Student Handbook* to ensure that consistent, definitive and needed information on College policies on sexual harassment and sexual assault are included.
4. The Office of the Vice President for Labor and Student Life should develop an informative statement on the College's philosophy on unwanted and unwelcome behavior of a sexual nature. This statement should provide suggestions to students on ways to

handle this behavior and suggestions to faculty and staff on how to assist students dealing with this type of behavior.

5. The role and responsibilities of all Berea College employees as agents of the College should be clarified. Agents of the College have a responsibility to report criminal activity. College employees need to be informed of this responsibility. In addition, College employees should be informed of campus policies and procedures regarding sexual harassment and sexual assault.

There must be a serious devotion to the translating the Great Commitments into action and protecting Berea College students. Translating the promise of education and equality for women and men can begin with an examination of Berea's current sexual assault policies. The most obvious step is to assess how well Berea College addressed the recommendations of the Strategic Planning Committee's report from 2008. A mandatory second step is an assessment of Berea's sexual assault policies and their compliance with national best practices and federal law.

Requirements of Title IX and Related Federal Laws

Title IX's Origins and Scope

In 1972, Congress passed Title IX as part of the Higher Education Amendments of 1972 to create an avenue through which students could seek redress of their grievances and pursue claims of gender discrimination (Cherner-Ranft, 2003). Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding (Cherner-Ranft, 2003). Because most educational institutions receive federal funding, Title IX covers fifteen million college and university students and approximately 3,600 college and universities (Cherner-Ranft, 2003).

In debates about the need for Title IX, the originator of the amendment, Senator Birch Bayh,

said that the “corrosive and unjustified” discrimination against women in education required “this comprehensive amendment...the heart of this amendment is a provision banning sex discrimination in educational programs receiving federal funds” (Cherner-Ranft, 2003). The Senator’s two methods by which enforcement could occur are terminating the federal funds to an institution that creates a hostile environment for women and/or allowing the Attorney General to sue and intervene in some cases (Cherner-Ranft, 2003).

The Office of Civil Rights of the United States Department of Education (OCR) is in charge of enforcing Title IX and can withdraw funds from federally funded institutions. It is responsible for investigating complaints and determining whether sexual harassment occurred and if the school had notice (Cherner-Ranft, 2003). In 1997, the OCR issued a document called “Sexual Harassment Guidance”, which established that the school is liable for peer-to-peer sexual harassment (which includes sexual assault) if there are three factors present: “1.) a hostile environment exists in the school’s programs or activities, 2.) the school knows or should have known of the harassment, and 3.) the school fails to take immediate and appropriate corrective action” (Cherner-Ranft, 2003). Through the guidelines the school is not responsible for the initial act of sexual harassment, but is responsible if they fail to rectify the situation (Cherner-Ranft, 2003).

Many students do not seek redress through the Office of Civil Rights (OCR), despite the fact that the OCR has the authority to conduct an investigation and subsequently withdraw funds from discriminatory institutions (Kaplin, 2008). This may be for two different reasons, the first being that seeking redress through the OCR does not provide individual payment and second is that in the over-forty years that Title IX has been in the place the OCR has never withdrawn funds from an academic institution (Kaplin, 2008).

Title IX’s Requirements

As we learn more about patterns in sexual assault on college campuses the requirements for Title IX are filled out by policy makers in order to make them more effective. The U.S. Department of Education, Office for Civil Rights outlines the current requirements of Title IX of the Education Amendments of 1972 in “Know Your Rights: Title IX Prohibits Sexual Harassment and Sexual Violence Where You Go to School”. Under the requirements for Title IX the schools responsibilities for addressing Title IX include:

- A school has a responsibility to respond promptly and effectively. If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.
- Even if a student or his or her parent does not want to file a complaint or does not request that the school take any action on the student’s behalf, if a school knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolved the situation.
- A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the school of its duties under Title IX to resolve complaints promptly and equitably (OCR, 1)

Title IX requires that schools receiving federal funding must have certain policies and procedures in place to prevent sexual harassment and sexual violence and to resolve complaints. Each school is required to have a policy against sex discrimination, stating that it does not discriminate on the basis of sex in its education programs and activities. That policy must then be distributed to the campus and made permanently accessible to students, faculty, and staff. The policy must state that all complaints concerning Title IX violations can be directed to the school’s Title IX coordinator or to the Office of Civil Rights (OCR, 1).

Every school is required by federal law to have a Title IX Coordinator. The law states that “at least” one person must be designated as Title IX Coordinator, which implies that the position may be

split among several staff members. The Title IX Coordinator must be identified in the school's sex discrimination policies and students and employees must be notified of the name of the coordinator and their contact information. The Title IX Coordinator is responsible for investigating sex discrimination complaints, and "identifying and addressing any patterns or systemic problems that arise during the review of such complaints" (OCR, 1).

Schools must include in the information they disseminate to students and employees the procedures for filing a Title IX complaint, these complaints are specific to cases of sex discrimination which includes sexual harassment and sexual violence. Under Title IX, schools are allowed to resolve these complaints using the disciplinary procedures already in place, but they must provide prompt and equitable resolution of the complaint. People who choose to file a complaint and those alleged perpetrators have a right to present their case. Presentation of a case must allow for "adequate, reliable, and impartial investigation of complaints, the right to have an equal opportunity witness and other evidence, and the right to the same appeal processes" (OCR, 2). The school must inform the victim how long it will take them to investigate the claim, notify them of the outcome, and the timeframe within which they can file an appeal. Additionally, it is stated explicitly that colleges cannot require a complainant to agree to a non-disclosure agreement in writing or verbally (OCR, 2).

One of the earlier limitations of Title IX was its tendency to place the burden of gathering evidence on victims. Federal guidance now states that the complainant has the right for their case to be resolved using a "preponderance of evidence" meaning that it is more likely than not that Title IX was violated. At the conclusion of their complaint a school must inform the victim in writing of the outcomes. That written document must include whether and what sanctions were placed on the perpetrator when they directly relate to the perpetrators contact with the complainant. Procedures to address the complaint may include non-punitive measures or informal procedures. The complainant must be informed that they can choose to end an informal process at any time and the federal

government states that some grievance procedures are not appropriate in cases of sexual assault (OCR, 2).

The Clery Act's Scope, Requirements, and Its Limitations

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a law rooted in 1990's Campus Security Act and it is meant to require that college administrations consistently report crimes that occur on campus in a way that is clear to guardians and students so that they can evaluate their decision to matriculate there and protect themselves from crime-related risks (Janosik, 2005). More specifically, the Clery Act requires college and universities to annually distribute a campus security report, inform students of crime prevention programs, notify students of sexual assault reporting methods (Gregory, 2003), inform "accusers and accused" of the campus judicial process and the outcomes, track sex offenders, and inform law enforcement of crimes (Brubaker, 2009).

According to the Office of Civil Rights, the Clery Act requires institutes of higher education (IHE) inform the complainant and the accused of the outcomes of the investigation (OCR, 2). In 2013, President Obama signed into law the Violence Against Women Act (VAWA) with a provision explicitly written in regards to sexual violence on college campuses. The Campus SaVE Act adds new categories to the requirements of Clery Act Reporting. First, it requires that sexual violence offenses be divided into forcible and non-forcible. It also adds new crimes that must be reported under the Clery Act: domestic violence, dating violence, and stalking. They also add "national origin" and "gender identity" to the hate crime categories. There is also a mandate that if a report is made and the crime still serves a threat to other employees and students on campus that the victim's name can be withheld (ACE, 1).

The United States Department of Education is responsible for monitoring institutional

compliance to the Clery Act and they may issue a \$27,500 penalty per violation, or suspend institutions that fail to comply from receiving funds for federal student financial aid programs (Vanderbilt, 2013). Research on Clery Act reporting has indicated there are barriers for schools as they attempt to submit accurate reports. One of the obstacles for schools seeking compliance with the Clery Act is the difficulty in establishing working definitions for terms related to that act such as “student”, “campus”, “crime” and there is no standardized model for reporting (Anonymous, 2013). In a study by the National Institute of Justice, out of 1000 schools only 37% of the submitting schools reported their data as required. Those that did not attributed the failure to comply with a “difficulty in interpreting the reporting requirements and distinguishing between specific types of offenses (Brubaker, 2009). This inability to accurately report crime statistics is significant, as it indicates an inability by institutions to provide accurate data to their students or pursue reasonable prevention efforts.

Requirements of the Violence Against Women Act’s Campus SaVE Provision

The VAWA places further stipulations on institutional policies that are distributed to the campus. It requires that schools include information on victims’ options in getting help from law enforcement, and information on victims’ right and institutional responsibilities regarding punitive measures for perpetrators. VAWA also standardizes investigation and conduct of student discipline proceedings in that that must contain a “statement of the standard of evidence” used in investigating complaints (ACE, 1).

The VAWA mandates that officials who conduct disciplinary proceedings be trained on how to investigate and conduct hearings so that the safety of the victims is protected and the procedures that dictate disciplinary review boards “[promote] accountability” (ACE, 1). Additionally, policies must identify the “sanctions or protective measures” that may be taken if officials determine that

there was an intrapersonal violence violation (ACE, 1). The VAWA also mandates that institutional policy state how it protects victim confidentiality and removes personal indicators from records (ACE, 2).

Additionally, training and education opportunities that were recommended by the OCR are mandated by the VAWA. In accordance with new federal law, new students and new employees must receive “primary prevention and awareness programs” in order to adhere to a preventive model of interpersonal violence prevention. Training provided to new campus members must include a statement that outline prohibited offenses, when and where people are subject to the jurisdiction of the institutions regarding those offenses, the definition of consent, training on bystander interventions, tools for recognizing abusive behavior and avoiding abuse, and ongoing prevention campaigns (ACE, 3).

Title IX and the Clery Act are well-intentioned federal policies that have yet to reach their full potential as preventative measures. In order to provide the community with the full benefits of these laws, federal policies must begin to emphasize a community-driven approach to sexual assault (Isis, 2005). As schools build their programs and federal policies are improved, the victims of sexual assault must not be forgotten. Institutions should work to ensure that women are supported by the campus community and emphasize policies that stress “survival beyond victimization” (McMahon, 2008). Overall, preventative measures need to shift emphasis from women and instead educate women and men in order to create a better campus community (Armstrong, 2006).

Berea College’s Current Compliance with Title IX, Related Federal Laws

When I visited the Berea College campus in March I asked students where I could find a printed copy of the Student Catalog. The student said that there were no printed copies that the Student Catalog was solely available on the internet. I requested more information about the Student

Catalog's availability from one of the Title IX coordinators and did not receive a response.

Safercampus.org allows campus community members to upload their IHE policies regarding sexual violence. Berea's policies were uploaded by Beverly Penkalski, Executive Assistant to the Office of the Vice President for Labor and Student Life. In the safercampus.org questionnaire Penkalski reference the online document exclusively. The online document recommends that student use the search box on the Student Catalog's web page to navigate the document.

In order to evaluate compliance I used the online document, it is stated in the safercampus.org questionnaire that this document is the "official text of the Berea College Catalog & Student Handbook". I used the search terms, "sexual assault", "sexual harassment", "sexual violence", and "rape" to compile the related policies. I also received recommendations to include excerpts from the Faculty Catalog from Berea College professors. I used all of those sections to evaluate Berea College's policies for compliance with the federal mandates of Title IX, the Clery Act, and the Campus SaVE Act. The sections that I reviews are included in the appendix.

When I searched the official version of Berea College's catalog online for "sexual assault" the very first section is entitled "Responding to a Sexual Assault". That passage in the catalogue is four sentences on two lines. "If you have been sexually assaulted, recognize that it is not your fault. Contact someone you trust for help. Seek medical attention. Preserve the physical evidence." There are no instructions on who to contact for help. There is no guidance for where to seek medical attention. There is no explanation of what constitutes physical evidence and how it can be preserved. This two line passage may be the very first thing that a Berea College student sees post-assault. This passage signals a disconnect between providing victims services, distributing Berea College's Sexual Assault Policies, and providing information to the general campus.

There are ways to connect those dots in policy and in programming. In 2002, Heather Karjane, Bonnie Fisher, and Francis Cullen published their 250 page, comprehensive investigation of data taken from over 2,438 institutions of higher education (IHE) titled "Campus Sexual Assault:

How America’s Institutions of Higher Education Respond” (Karjane, 2002). Their research was sponsored by the National Institute of Justice (NIJ) in order to meet Congress mandated examination of sexual violence at IHE (McMahon, 2008). Patricia McMahon synthesized the data and recommendations from that comprehensive 2002 report into a template that “summarizes the critical areas identified by the NIJ that an IHE policy must contain to comply with federal laws” in her 2008 paper, “Sexual Violence on the College Campus: A Template for Compliance With Federal Policy” (McMahon, 2008). The recommendations of Karjane’s report contain nearly identical recommendations to the mandates of the “Dear Colleague Letter” issued by the OCR in 2011. I have chosen to utilize McMahon’s template to ease visual understanding on compliance and discuss it in the context of the “Dear Colleague” letter and the “Know Your Rights” document issued by the OCR. Additionally, I have included a new section in this template to include recommendations made to Berea College by the Strategic Planning Council following a close examination of Berea’s rates of interpersonal violence compared to national rates (AGSHSA).

<u>Model Policy for the Prevention and Response to Sexual Assault Template</u>			
Identified within IHE policy parameter/criteria?	Yes(Y)	No(N)	Comments
I. Definition of sexual assault includes:			
Explanation of consent	Y		Sec. “What constitutes consent?”
Descriptive scenarios of sexual assault including non-stranger sexual assault		N	No descriptive scenarios of sexual harassment, assault, general violence
Definition of terms		N	Missing: affirmative consent, sexual violence, rape
II. Design of the sexual assault policy incorporates:			
A. Clear statement of commitment to deter sexual assault	Y		(B) Offenses Against Persons, Nondiscrimination Policy

B. Provisions for public acknowledgement of commitment	Y		Via Berea College Catalog online
C. Identified methods for policy distribution to campus community	Y		Via Berea College Catalog online
D. Ease of policy accessibility to entire campus	Y		Online, could be improved with inclusive language; less legalese, examples; ease of navigation
III. Provisions for training for:			
A. Resident assistants and resident coordinators	Y		3-4 hours of training provided by counseling services and collegiums
B. Students, faculty, and staff		N	Inconsistent/limited opportunities , no mandatory significant training for Title IX Coordinators
IV. Methods to support student reporting include:			
A. Information about what students are to do if sexually assaulted	Y		Basic Advice to Assist Victims; Resources Available to Provide Support, Information and Services, Frequently Asked Questions
B. IHE response to a report of a sexual assault	Y*		Split across several different sections rendering it nearly incoherent
C. Plan to protect victim confidentiality		N	Only through reporting to servicers who must always maintain confidentiality
D. Availability of anonymous victim reporting		N	
E. Clear response if victim has violated alcohol or drug policy		N	Language unclear
V. Prevention efforts and resources for victims			
A. Published availability of resources that support:	Y		Resources Available to Provide Support, Information, and Services
1. Sexual assault prevention programs		N	Not published in policy, inconsistent application

2. Campus safety within residence halls	Y		Residence Hall Safety and Security
3. Campus safety on campus	Y		Campus Safety and Security
4. Victim's health and on-campus forensic services	Y		Resources Available to Provide Support, Information, and Services
5. Victim's mental health	Y		Resources Available to Provide Support, Information, and Services; Basic Advice to Assist Victims
VI. Identification of methods/policies that prevent reporting			
A. Annual evaluation of students' knowledge of:			
1. Who to notify when a sexual assault has occurred		N	
3. IHE response to a sexual assault		N	
4. IHE policy for victim confidentiality		N	
5. IHE policy for victim protection		N	
6. IHE response to victim's use of illegal drugs or under age alcohol consumption		N	
VII. Encourage victim reporting with inclusion of methods that:			
A. List services to aid victim	Y		Resources Available to Provide Support, Information, and Services; Basic Advice to Assist Victims
B. Demonstrate victim safety		N	
C. Outline campus law-enforcement protocols		N	
D. Provide for health needs of the victim	Y		Police report does not have to be filed to receive medical attention, policy states otherwise
E. Outline prevention education for the campus community		N	

F. Show strong visible commitment to assure victim confidentiality		N	
VIII. Guidelines to investigate and punish perpetrators include:			
A. Methods to address dual jurisdiction		N	
B. Set procedures for investigating sexual assault		N	
C. Identified procedures for discipline and punishment of perpetrators		N	
IX. Policy demonstrates:			
A. Public record documenting IHE implementation of the policy		N	
B. Record of assessment of effectiveness of policy		N	
C. Record of policy implementation		N	
D. Periodic review for currency of policy		N	
X. Berea's Strategic Planning Council Recommendations:**			
A. Every 4 years the OIRA should administer a sexual harassment and sexual assault survey, gather data, analyze data, and report the information to Strategic Planning Council and entire campus		N	Data is collected and not reported
B. Berea College policies and procedures related to sexual harassment and sexual assault should be reviewed by Office of Vice President for Labor and Student Life (OVPLSL)	Y		
C. OVPLSL Life should review the Student Handbook to ensure that consistent, definitive, and needed information on College policies on sexual harassment and sexual assault is included.		N*	2010 review states this occurred. I couldn't find an index or the phrase "date rape" or definitions for "rape" in catalog, etc.
D.OVPLSL should develop an informative state on the College's philosophy on unwanted or unwelcome behavior of a sexual nature. Should provide suggestions to faculty, students, and staff on how to deal with this behavior.		N*	2010 review states this has been accomplished. Links to "Special Procedures" are dead, Title IX coordinator received limited, if any, training
E. The role and responsibilities of all Berea College employees are agents of the College	Y		

should be clarified.			
F. Educational efforts by the College must continue to address the emotional, social, and community issues surrounding unwanted and unwelcome behavior of sexual nature.		N*	The 2010 reviews states this had been accomplished. All listed programs are inactive or irregular.

There are 38 standards on compliance identified in McMahon's template. Out of the 38 standards, Berea College's published policies do not meet 23 of those standards. Out of the 6 standards recommended by Berea's Strategic Planning Council, 4 are not met. Currently, out of 44 standards total Berea College's published policies, 27 standards are not met. Berea College is approximately 61% compliant and if this were translated to a letter grad, Berea College would receive a D-. This template is not a descriptive analysis of College policy, which will be completed below, but it gives a good impression of where Berea College policies may be lacking. For instance, a large part of Berea's noncompliance is made up of the lack of publicized specifics regarding the investigation of sexual violence complaints, and the lack of public assessment of policies and data involving sexual violence. At 61%, Berea College has a good basis to improve their sexual violence prevention work.

The creation and dissemination of formal policy is a critical area of focus if Berea College wants to make its policies compliant with federal law and with best practices. My review of the current policies were drawn from the Student Catalog and the Faculty Catalog/Manual. Both of these documents appear exclusively online and do not contain page numbers. Herein, I refer to each policy with the page title. This paper has an appendix that includes all policies referenced. According to the policies published in the Student Catalog, it is unclear whether or not Berea College is currently meeting its responsibility to address sexual harassment and sexual violence. Because the procedures for investigation the complaint, or punishment for students found guilty of violating campus conduct rules regarding sexual violence it is unclear how "promptly and effectively" Berea College responds to Title IX complaints.

However, it does meet the Title IX requirement that there must be a policy against sex discrimination and that policy must be distributed to the campus community. Currently, Berea College has several formal statements denouncing sexual harassment and other forms of sexual violence in its Student Catalog and in its Faculty Catalog. The policy also directs Title IX complaints to an anonymous Title IX Coordinator. While leaving the Title IX Coordinator unnamed is not in line with best practices to improve sexual assault reporting, it is minimally compliant with federal standards (OCR, 2011). The “Dear Colleague Letter” states that in order to be fully compliant an IHE must include the name, title and contact information for the Title IX Coordinator/s. It also requires that if the position is split amongst multiple people that each person’s role and responsibilities are detailed (OCR, 2011). Currently, Berea College has three separate Title IX coordinators and none of them are mentioned in the student handbook, nor are their roles designated anywhere on the Berea College website.

Currently, Berea College is not completely meeting its federally mandated responsibility to make procedures for students to file complaints of sex discrimination known (OCR, 2). One impediment to compliance is the separation between the faculty manual and the student manual. In the faculty manual there is a section not included in the student manual, “Procedures for Reporting, Investigating, and Hearing Alleged Violations of Certain College Policies”. Within this section there is in-depth information in regards to the reporting, investigating, and the resolution of complaints of harassment. However, because the student section and the faculty section are not linked there is information contained therein that is unavailable utilizing the search bar in the Student Catalog. Within this section of policy there are specific details about the amount of time that complainants should expect an investigation to take, the amount of time within which complainants and the accused can file an appeal, and other time-spans specific to the investigation of Title IX complaint. The Student Catalog should be amended to contain the information included in that section of the Faculty Manual.

Additionally, this section of Faculty Manual states that “the standard of proof in a formal hearing is whether, based on all the evidence presented, a reasonable person would conclude that it is more likely than not that the alleged Violation did occur”. This policy is not compliant with current federal policy that states that the Title IX complaints should seek a “preponderance of evidence” in formal hearing settings. The “standard/burden of proof” requires complainants to produce evidence to support their accusations, while “preponderance of evidence” operates from the belief that it is more likely that not that there was a violation (OCR, 2011). The mandates for the investigation of Title IX violation complaints are further explored in the OCR “Dear Colleague Letter”.

In regards to the resources made available to victims, Berea College provides several resources and describes their function. However, the information made available in the Student Catalog for victims wishing to receive a SAFE exam (also called a “rape kit”) and related medical care does not include extensive information to sexual assault victims seeking hospital services. The “Resources Available to Provide Support, Information and Services” policy does not state that according to Kentucky law, KRS 216B.400, victims who wish to receive medical care will receive basic treatment and samples will be collected at that time, but the victim does NOT have to report to the police to receive those services free of charge (LRC, 2013). Additionally, there is no information available about the tools made available to victims at the hospital if they elect to undergo a medical examination. Kentucky’s SART Advisory Committee has developed a guide called “Sexual Assault Forensic-Medical Exams Toolkit Compliance Guide: SAFE Exams for Victims Without Reporting to Law Enforcement” and it further details federal and state mandates of emergency rooms responses to sexual assault victims. This guide can be used to supplement Berea’s current policy detailing resources made available to victims at the hospital.

The most obvious dearth of services and policies at Berea College is the lack of prevention related education programs being disseminated to the campus community. The “Dear Colleague Letter” mandates that full compliance with Title IX requires schools to be proactive in their sexual

violence prevention efforts. The OCR recommends that IHE develop policies and programs specific to sexual violence prevention that are distributed separately from other campus safety materials (OCR, 2011). Additionally, in the recommendations made to the College by its own Strategic Planning Council (AGSHSA), it is suggested that prevention programs and policies target the attitudes of students as individuals, campus culture, and other outside influences. In a review of those recommendations conducted two years later, the reviewers feel that Berea College has achieved this goal. They go on to cite programs that no longer exist on Berea College's campus, are infrequent, unsupported, or are currently inactive. In that analysis, they mention a temporary suspension of those programs due to the loss of a single Berea College staff member. Currently, there are no programs specific to sexual violence prevention mentioned in the Student Catalog (AGSHSA, 2010).

Through the federal laws that mandate IHE response, victims of sexual violence, specifically victims of sexual assault can seek adjudication of the issue. They can be directed to resources to cope with victimization. Unfortunately, despite the fact that these two federal policies span decades, the rates of campus sexual assault are not on the decline (McMahon, 2008). Berea's statistics are not completely unlike national statistics and remain unaffected by decades of federal policy. An IHE seeking to deter sexual violence must go above and beyond the mandates of federal law and also try to comply with best practices created by prevention professionals and Victim Advocates.

Recommendations for Improving Campus Climate: Policies, Programs, and Practitioners

Sexual assault on college campuses is an issue that affects the campus community and extends beyond the boundaries of the campus and life as an undergraduate student. On an individual level, students who suffer a sexual assault are not able to contribute to the campus community and their academics often suffer (Anonymous, 2013). Campuses select students for the contributions they might make to a campus and not just because of their academic prowess, and the negative implications of high rates of sexual violence extends beyond the individual into the values and

community that the college is attempting to form.

The college years are formative for young adults. The behaviors and habits that they form as young adults will be the basis for their lifelong behaviors (Allen, 2006) and how they interact in society at large. It is important that primary prevention efforts be initiated for male students in particular, as the rate of recidivism for sexual assault perpetrators is high (Abbey, 1998). Not disabusing young men of the notion that sexual harassment and sexual assault are normal creates young professionals who feel privileged or entitled, attitudes which foster participation in white collar crime and future sexual assaults (Chesney-Lind, 1998). Students and the surrounding community are invested in reducing sexual assault, because they would generally prefer that dangerous individuals be removed from the community (Schmidt, 2003). Sexual violence affects students, both perpetrator and victim. However, it extends beyond those individuals to interpersonal relationships with others, campus climate, and those attitudes can be reflected in societies widespread reluctance to address sexual violence on college campuses.

The Centers for Disease Control believes that the key to preventing sexual violence (and other interpersonal violence) is promoting health relationships through “individual, relationship, community, and societal change” (NISVS, 2010). This model of examining a public health issue beyond the individual into a larger scope, is called the social-ecological model. While some models contain five steps, the CDC uses a four-level social-ecological model to frame its violence prevention work in the context of how individuals interact with society and vice versa (CDC, 2013).

In order for prevention strategies to be effective, they must be composed of programming and policies that cover all levels of the social-ecological model:

- At the individual level, relating to biological and personal history, identification of factors that might increase one’s risk of being the victim of or perpetrating sexual violence are

examined. At this level, prevention is meant to affect the attitudes, beliefs, and behaviors of individuals. (i.e. age, race, sex, sexuality, income)

- At the relationship level, people creating violence prevention programs examine interpersonal relationships that might increase the risk of being exposed to sexual violence. The targets of interventions at this level are the friendships, family relationships and history, and other social relationship that might influence an individual's beliefs and behavior and increase their risk of victimization or perpetration.
- At the community level, settings (i.e. school, work, neighborhoods) as the place where social relationship occur and how the setting might facilitate sexual violence are examine. At this level interventions are designed to affect "climate, processes, and policies in a given system". At this level social norms are examined and campaigns are utilized to create community attitudes about sexual violence.
- At the societal level, society at large is examined to understand what about society encourages certain types of violence and what in the same society discourages violence. Cultural and social norms are examined at all levels, but here the norms that bind a nation are examined.

These four levels of examination contain different types of programming with different focuses. At each level there is an opportunity to create methods of primary (before a sexual assault), secondary (immediately following an assault), and tertiary prevention (beyond the immediate response to an assault) (CDC, 2013).

A campus that has the foundations of a strong response to sexual violence is responding to it at all social-ecological levels and creating responses to prevent violence, respond immediately when violence occurs, and create mechanisms for that treat the aftershocks of violence (NISVS, 2010). In

order to strengthen a community's capacity to confront intimate partner violence at all levels of the social-ecological model and at all levels of prevention, there must be a focus on building the capacity of current policies, programs, and practitioners (NISVS, 2010).

Policies

Berea College's review of the recommendations by its Strategic Planning Committee have not been fully realized. There are several recommendations that relate directly to implementing more definitive policies regarding sexual violence. The recommendation that the Office of Vice President of Labor and Student Life (OVPLSL) review policies and make them easily accessible is only partially completed. In order to fulfill its recommendation that policies are transparent I recommend combining sections of the Student Catalog and Faculty Catalog so that everyone is receiving the exact same information, particularly the section in the Faculty Catalog entitled "Procedures for Reporting, Investigating, and Hearing Alleged Violations of Certain College Policies". Additionally, some of the definitions that were recommended for inclusion are not contained in the Student Catalog. My recommendation is the section on Sexual Harassment on page 10 of the 2010 status report be utilized as a model to rewrite the Sexual Harassment section currently included in the Student Catalog. This section should also be utilized as a model to cover other forms of sexual violence. The definitions are clear and the examples are even more explicit.

Creating a confidential reporting system through the Clery Act removes the fear of disciplinary action for students who may have been drinking on campus and provides another venue to report assault (Allen, 2006). However, Berea's current policies mandate that 3rd party "mandatory reporters" report sexual assaults and that those reports be the basis of further investigation. Mandatory reporters are those acting in an official capacity at Berea College, including most faculty and staff, and student Resident Assistants. The creation of multiple reporting options, including an anonymous reporting option, allows victims to keep control of what information they share and

allows staff to participate in Clery reporting (Karjane, 2002). If policies prioritize the victim's needs post-victimization, they will allow the victim to have agency and encourage/increase reporting (Karjane, 2002). Creating a variety of reporting options is a form of secondary prevention that targets individuals, relationships, and impacts the community response to sexual assault by prioritizing victim agency.

Practitioners

Today, Berea College has three separate staff/faculty members tasked as Title IX coordinators. Their roles are not specified in the Student or Faculty Catalogs. Best practices recommend the appointment of a joint Title IX coordinator and Clery Act coordinator from current federal funds. This coordinator would be responsible for communicating with local law, local community advocates, and educating mandatory reporters on informing victims of their rights (Janosik, 2005). The Title IX coordinator could also focus on prevention program creation, which includes programs targeted towards young men as opposed to programs that focus on the behavior of young women (Lane, 2009).

The election of a Title IX coordinator shows a good faith effort to create a safer campus environment and directly confronts that notion that sexual assaults on campus may be ignored. The appointment of someone who coordinates interpersonal violence (IPV) prevention programming full time and makes investigation of complaints would be an excellent turning point in the improving services currently available to Berea College students. A full-time (less so part-time) Title IX coordinator could also support staff and students who require additional information about Title IX or school policy (Karjane, 2002). The creation of a dedication office is crucial to reviving and sustaining past programming mentioned in the Strategic Council's recommendations.

Currently, Berea College has a reasonable amount of training for Resident Assistants and it is

conducted by professional Victim Advocates and counselors. The existence and requirements of this program were confirmed by a collegium member and a member of the counseling center. Residential Life Staff must complete “Safety and Security Day”. During the day of training the student staff learn what their responsibilities are in regard to the safety and security of residence halls. Student staff learn emergency protocols. Students also complete a role play session with counseling service where they practice being first responder for issues of sexual assault. Staff are also trained in regards to their duties as mandatory reporters. During the sexual assault response training student staff are advised to “react, refer, report, [and] release”. Student Residential Life Staff undergo approximately three to four of mandatory training in direct relation to responding to sexual assault. However the bystander intervention-based sexual assault prevention training, Green Dot, is optional.

Berea College also has training and educational opportunities available for faculty/staff charged with adjudication of sexual violence cases, and other departments on campus with related duties. Judicial board members attend a series of sessions where they review the sexual misconduct cases in comparison to other cases that require disciplinary committee attention. Dr. Sue Reimondo, of the Berea College’s Counseling Services reviews the response and works directly with staff to prepare them to talk to victims. Additionally, the staff at Counseling Services trains professional staff members (Public Safety, Labor & Student Life, Center staff) as first responders and mandatory reporters.

Conversations with staff and faculty indicate that Berea College may not have the capacity at this time to implement educational efforts on a large scale. However, they do have solid models for education in the form of the training completed by the Residential Life Staff and the training services provided by Counseling Services. These models are important because best practices acknowledge that students (non-RAs) are most often the first responders in cases of sexual assault and in as victims deal with trauma (Karjane, 2002). Utilizing the current student-first responder programming to

expand implement “wide-reaching” comprehensive education opportunities contribute to a community-level, culture change on the Berea College campus (Karjane, 2002).

Programs

Finally, compliance could be improved by deemphasizing reporting and increasing the emphasis on creating programs by rewarding institutions that successfully reduce crimes rates (Gregory, 2003). The development of services and programs is considered across all studies to be an effective partner to the reporting procedures and the noncompliance penalties. These are programs and organizations that previously current exist on campus, are dormant on campus, or previously existed on campus that with more support, could provide primary, secondary, and tertiary prevention programming at all levels of the social-ecological model.

Previously, I mentioned the necessity for a full-time Title IX Coordinator. However, the creation and appointment of a full-time Title IX coordinator is not just a matter of best practices, it also builds confidence in the institution. In one of the stops on my campus visit, a student expressed his disbelief that College Administration took sexual violence seriously due to the failure to hire a staff member solely responsible for investigating sexual violence claims. Berea College must take a “proactive administrative stance” to gain student trust and begin to change campus culture. As administrators publically acknowledge and address the severity of sexual violence through action, it changes the cultural silence and shame surrounding the issue at the societal-level (Karjane, 2002).

One way to instill confidence in the student population would be to facilitate the development of wide-reaching educational programming by hiring a full-time coordinator and creating a designated space for program development, policy review, and peer education to take place. A “Gender Equity and Social Justice Center” could be a place where wide-reaching education program are developed, peer educator and advocates are trained, all-male groups are formed and fostered, and

integrated risk messages are created (Karjane, 2002). Additionally, Berea College has the unique opportunity to provide support to such a space by offering students a chance to develop career-ready violence prevention skills. With the support of a coordinating office and officer, faculty and staff interested in supporting sexual violence prevention would be have a foundation to continue their efforts or reinvigorate programs or organizations that have gone extinct without consistent support.

This Spring, Peggy Rivage-Seul in coordination with Mae Sumarek, Director of the Bluegrass Rape Crisis Center, and her staff taught the Women and Gender Studies(WGS) junior/senior seminar with an emphasis on feminist activism. In addition to studying academic theory, students in the course underwent 40 hours of crisis intervention training to be credentialed as advocates for sexual assault victims. With support, these students could become an integral component of a fully functional peer education program. While Berea's 2008 research indicated that Berea students do not fully trust peer educators, that may be more indicative of the low visibility of sexual assault prevention programming, and less indicative of the potential of a peer educator program. A consistent course like Dr. Rivage-Seul's, could be the beginnings of an "active, institutionally supported" peer education and victim advocacy program (Karjane, 2002). Students who have received formal training and coursework could potentially support the work of a "Gender and Equity Center" or Title IX coordinator as primary prevention practitioners and support multiple levels of social-ecological work. Lastly, S.A.R.T trained students would possess the knowledge to have an effect on how individual students interact with each other by being equipped with the skills to have uncomfortable conversations with their peers.

There are interventions that can serve as primary prevention before assaults occur and secondary prevention during or immediately following an assault. The main goal of bystander intervention programs is to promote a sense of community responsibility (Katz, 2013). Bystander intervention programs work to increase the awareness of individual students and then provoke action

at critical times (Katz, 2013). The Green Dot program was established in nearby Lexington, KY. It is an intervention that has been used on the Berea College campus in the past and is currently being used today. The Counseling Center staff estimate that approximately 55 students and 7 staff members are currently being trained in the Green Dot. The Green Dot program emphasizes the need to have opinion leaders on campus (athletes, student leaders, popular students) participate in the program in order for it to serve as an effective community-level intervention by changing the tone of conversations around campus. On the individual-level the Green Dot program empowers students to take action to stop sexual violence on the relationship-level Green Dot can change how students interact with each other in social setting where they are most vulnerable to victimization and perpetration. Focusing resources on targeting opinion leaders within in the student body could make a difference in decreasing sexual assault at Berea College.

We discussed earlier that sex segregation in male-dominated institutions like the military and higher education contribute to “rape culture” and the prevalence of rape. Best practices states that among the trainings targeted at young women that it is essential that there are programs specifically targeting men (Karjane, 2002). Programs that target men are most effective when they focus on men as “helpers” or allies (Piccigallo, 2012). Programs that approach me this way receive a less defensive reception than programs that approach men as potential assailants (Piccigallo, 2012). In my survey of Berea College’s programs I came across two student groups that seemed to function as extracurricular activities due to the informal commitment requirements and structure. M.A.R.S (Men Against Rape and Sexual Assault) is a sexual assault organization specifically designated for male participants and leadership. The other program, F.R.E.E (Fighting Rape Through Education and Encouragement), is co-educational. These two programs could potentially offer a wide-variety of programming that is available sporadically on campus. Those organizations are defunct or dormant now, but with the support of a Title IX, “Gender and Social Justice Center”, or students trained as

S.A.R.T ,they could be reinvigorated for campus use and serve as multi-session educational opportunities.

My final programming recommendation is a program that was mentioned by several people on my campus visit in March. Students and staff remembered the format and content, but not the name of a play that dealt with sexual violence on Berea's campus. Sex Signals: Cool?, the original play, was created by Professor Adanna Barton in Berea's Theater Department as an interactive performance targeting first year students. The 2010 performance was staged in coordination with the theater honor society (Alpha Psi Omega), Counseling Services, and the Bluegrass Rape Crisis Center. Additionally, student groups M.A.R.S and F.R.E.E and multi-disciplinary facilitators helped implement the discussion following the performance. This program provides prevention information at levels and targets all levels of the social-ecological model from changing perceptions and attitudes to changing societal attitudes.

Additionally, Sex Signals targets one of the most vulnerable populations on a college campus, college freshman. Uniquely, Sex Signals could be easily incorporated into the Berea College's Convocation Series mandating its attendance for all campus freshman and allowing upperclassmen who participate to receive credit as well. Additionally, if convocation performers generally receive monetary compensation then inside and outside consultants could be compensated for labor above and beyond their normal duties. Finally, Sex Signals could be used to share an integrated risk message to the campus community that challenges high risk behaviors of all genders and focuses on a risk reduction model without victim blaming (Karjane, 2002).

Limitations

This programming and policy review has its limitations. The information obtained from the Strategic Planning Council to draw picture of Berea's current relationship with sexual violence was

collected several years ago. Also, I drew my information from other articles with results of data drawn from several surveys, but not the raw data survey itself. I do not know the exact questions used in the Berea College survey, nor do I know the race, gender, or age of the respondents. Having the answers to those questions allows me to draw a more comprehensive picture of the students most at risk at Berea College.

Best practices recommends that some programming be targeted to ethnic minorities and marginalized sexualities. (Karjane, 2002). However, I did not review data on the rates of victimization for students of color or LGTBQ students in comparison to the general student populations. Additionally, there is little research that is focused on targeting programs for ethnic minorities or LGTBQ students.

Conclusion

As the federal government works to improve its mandates surrounding campus sexual violence using evidenced-based best practices of smaller program, there is an opportunity for college campuses to be thought leaders in the field of sexual assault prevention in academic settings. Some colleges have already made the choice to be leaders in the field of Sexual Assault Prevention. Both Columbia University and Yale University have created a separate, specially-trained, board solely responsible for adjudicating sex crimes on campus (Schmidt, 2003). Stanford University has been working to improve its reporting mechanisms (Brubaker, 2009). In response to the sharp uptick in reports of sexual assault the administrators state “once the school wakes up and realizes that the victims feel free to come forward...that’s when change starts happening” (Brubaker, 2009). This sentiment is an excellent foundation for starting to combat the epidemic of campus sexual assault. It would seem that Berea College’s Great Commitments challenge Berea to join these institutions in being very deliberate when attempting to reduce the rate of sexual assault on their campus.

As Berea College makes amendments to its policies and programs to become more fully compliant with old mandates and new, there are several areas of research it should pursue. Berea College should pursue more information about the demographics of victims. There should be investigation into which reporting mechanisms increase voluntary victim reporting at Berea College. Additionally, and perhaps most importantly there should be investigation into the adjudication process. Cases should be tracked from initial reports to outcomes. The most common outcomes should be identified. Questions about the influence of outcomes on reporting should be explored by campus administration. Most of all Berea College should ask itself if it's policies and procedures support victims at all levels.

Berea College is in a prime position to make the most protective policy, training, and staffing changes. There is the political will in students, staff, and local organization driven to participate in facilitating any changes. That is proven by the collaboration between Dr. Peggy Rivage-Seul and the Bluegrass Rape Crisis Center, and through the thorough examination of those faculty and staff working to create more inclusive and effective version of Great Commitment 6. The reexamination of Great Commitment 6 will also illuminate Berea College's moral impetus and cultural imperative to act based on its foundational educational commitments. A great deal of research has been produced in the last decade to promote programs and policy changes that produce measurable solutions as the issue of sexual assault on college campuses faces national scrutiny. While there is still room for further examination of data, the statistics on sexual assault show that there is little room to delay pursuit of full compliance and proactive initiatives.

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Appendix

Sections of Berea College Student Catalog and Faculty Catalog Reviewed

* Responding to a Sexual Assault:

<http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Responding-to-a-Sexual-Assault#>

* What is Sexual Assault?:

<http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/What-is-Sexual-Assault#>

* Sexual Assault Reporting Guidelines and Information:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information#mc_add_page

* Special Hearing Procedures for Charges of Sexual Harassment and Sexual Assault:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Community-Judicial-Code/Provisions-for-Hearing-Panels-of-the-Campus-Conduct-Hearing-Board-CCHB-and-the-Student-Life-Council-SLC/Special-Hearing-Procedures-for-Charges-of-Sexual-Harassment-and-Sexual-Assault#mc_add_page

* Examples of Sexual Harassment:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Copy-of-Sexual-Harassment/Examples-of-Sexual-Harassment#mc_add_page

* Sexual Harassment:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Copy-of-Sexual-Harassment#mc_add_page

* Explanation of Sexual Harassment:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Copy-of-Sexual-Harassment/Explanation-of-Sexual-Harassment#mc_add_page

* Policy on Sexual Harassment:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Copy-of-Sexual-Harassment/Policy-on-Sexual-Harassment#mc_add_page

* Reporting Sexual Harassment:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Copy-of-Sexual-Harassment/Reporting-Sexual-Harassment#mc_add_page

* Sexual Harassment Contains These Two Elements:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Copy-of-Sexual-Harassment/Sexual-Harassment-Contains-These-Two-Elements#mc_add_page

* Harassment/Sexual Harassment Complaints:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Complaints-from-Students/Harassment-Sexual-Harassment-Complaints#mc_add_page

* Frequently Asked Questions:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Frequently-Asked-Questions#mc_add_page

* Basic Advice to Assist the Victim:

<http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Basic-Advice-to-Assist-the-Victim>

[Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Basic-Advice-to-Assist-the-Victim#mc_add_page](#)

* Purpose of the Guidelines:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Purpose-of-the-Guidelines#mc_add_page

* Confidentiality:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Confidentiality#mc_add_page

* Reporting Requirements:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Reporting-Requirements#mc_add_page

* (B) Offenses Against Persons:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Conduct-Regulations-A-Way-of-Living/Unacceptable-Actions-Rules-of-Conduct/B-Offenses-Against-Persons#mc_add_page

* What constitutes consent?:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/What-constitutes-consent#mc_add_page

* Resources Available to Provide Support, Information and Services:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Resources-Available-to-Provide-Support-Information-and-Services#mc_add_page

* Information about Judicial and Legal Options:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Information-about-Judicial-and-Legal-Options#mc_add_page

* Appeals:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Community-Judicial-Code/Provisions-for-Hearing-Panels-of-the-Campus-Conduct-Hearing-Board-CCHB-and-the-Student-Life-Council-SLC/Appeals#mc_add_page

* Specific Appeals Processes:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Complaints-from-Students/Specific-Appeals-Processes#mc_add_page

* (A) Violence:

http://bera.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Conduct-Regulations-A-Way-of-Living/Unacceptable-Actions-Rules-of-Conduct/A-Violence#mc_add_page

* Weapons Policy:

http://bera.smartcatalogiq.com/en/current/Catalog/Policies-and-Procedures/Weapons-Policy#mc_add_page

* Services:

http://bera.smartcatalogiq.com/en/current/Catalog/The-College/Campus-Services/College-Health-Service/Services#mc_add_page

* Harassment Policy:

http://bera.smartcatalogiq.com/en/current/Catalog/Policies-and-Procedures/Copy-of-Harassment-Policy#mc_add_page

* Commentary::

http://berea.smartcatalogiq.com/en/current/Catalog/Policies-and-Procedures/Copy-of-Harassment-Policy/Commentary#mc_add_page

* Consensual Relationship Policy:

http://berea.smartcatalogiq.com/en/current/Catalog/Policies-and-Procedures/Copy-of-Consensual-Relationship-Policy#mc_add_page

* Responsibilities to Community: A Statement of Ideals and Expectations:

http://berea.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Conduct-Regulations-A-Way-of-Living/Responsibilities-to-Community-A-Statement-of-Ideals-and-Expectations#mc_add_page

* Student Labor Grievance Procedure:

http://berea.smartcatalogiq.com/en/current/Catalog/Policies-and-Procedures/Student-Labor-Grievance-Procedure#mc_add_page

* Nondiscrimination Policy:

http://berea.smartcatalogiq.com/en/current/Catalog/Policies-and-Procedures/Non-Discrimination-Policy#mc_add_page

* The Aims of General Education:

http://berea.smartcatalogiq.com/en/current/Catalog/Academics/The-Academic-Program/General-Education-Program/The-Aims-of-General-Education#mc_add_page

* Preamble:

http://berea.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Conduct-Regulations-A-Way-of-Living/Preamble#mc_add_page

* Preface:

http://berea.smartcatalogiq.com/en/current/Catalog/The-College/Preface#mc_add_page

* Contact Information:

http://berea.smartcatalogiq.com/en/current/Catalog/Student-Handbook/Student-Rights-and-Responsibilities/Sexual-Assault-Reporting-Guidelines-and-Information/Contact-Information#mc_add_page

* Faculty Manual, Procedures for Reporting, Hearing, and Investigating Alleged Violations of Certain College Policies

<http://catalog.berea.edu/current/Faculty-Manual/Selected-Institution-Wide-Policies/Procedures-for-Reporting-Investigating-and-Hearing-Alleged-Violations-of-Certain-College-Policies>

Berea College Strategic Council 2008 Report

***Berea College Students and
Sexual Harassment and Sexual Assault:
a working paper for Strategic Question #5***

“How can Berea College best address its commitment to provide an educational and working environment that acknowledges and affirms the equality of women and men?”

***(March 17, 2008)
(Revised September 25, 2008)***

Strategic Planning Council Administrative Group on Sexual Assault/Sexual Harassment

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- Faculty member – Brad Christensen
- Staff member - Chris Miller
- Student member – Melissa Macy
- Student Life (*ex officio*) – Gus Gerassimides
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Introduction

When the Strategic Planning Committee (SPC) was developing the work plan for Strategic Planning Question #5 (*How can Berea College best address its commitment to provide an educational and working environment that acknowledges and affirms the equality of women and men?*), SPC members raised concerns regarding sexual assault and sexual harassment of or by Berea College students. SPC determined, after sharing anecdotal evidence, that a campus-wide review was necessary. The committee charged the SPC Administrative Group on Sexual Harassment/Sexual Assault (AGSHSA) in December 2006 to consider the following questions:

- Question 1. What do data and student survey results show us about occurrences of sexual harassment or sexual assault of Berea College students?
- Question 2. What are existing student perceptions about Berea College's response to charges of sexual harassment and/or sexual assault?
- Question 3. What are current practices, procedures, and policies in these areas? Are there gaps in the college's policies and procedures in these areas?
- Question 4. What information on sexual harassment and/or assault is currently available in the Berea community, i.e. how transparent are those policies and practices?
- Question 5. Are there patterns of sexual assault or sexual harassment on campus?

During the Spring 2007 term, the AGSHSA reviewed the published college policies and procedures and appropriate survey data. The group also talked with students, faculty members and administrative staff members and compiled a list of current campus activities related to prevention of and response to sexual harassment and sexual assault.

This working paper, "Berea College Students and Sexual Harassment and Sexual Assault: a working paper for Strategic Question #5" is structured with a section on each question the AGSHSA was charged to review. Included is an outline of the data reviewed and research conducted as well as the group's findings and recommendations. An Appendix to this working paper includes relevant data and materials reviewed.

Recommendations

Recommendation 1: Every four years, the Office of Institutional Research & Assessment should administer a sexual harassment survey and a sexual assault survey using the College's definitions of sexual harassment and sexual assault. The surveys should gather data that will assist the College in assessing the effectiveness of campus programs in responding to and reducing sexual harassment and sexual assault incidents. The Office of Institutional Research and Assessment should analyze the data and report the information to the Strategic Planning Committee and the entire campus (faculty, staff, and students).

Recommendation 2: College policies and procedures related to sexual harassment and sexual assault should be reviewed by the Office of the Vice President for Labor and Student Life. The review should address the following:

- The need for student, faculty and staff understanding of the College's guided learning principles and their application to and impact on the College's response to charges of sexual harassment or sexual assault.
- The need for policies and procedures related to sexual harassment and sexual assault to be easily accessible to students, faculty and staff. It is recommended that the policies and procedures governing sexual harassment and sexual assault be available through a multitude of mediums, including the *Student Handbook*, published materials, and the web pages of college departments (Health Services, Counseling

Services, Labor, Campus Life, etc.).

- The importance that all information on sexual harassment and sexual assault distributed by the College be consistent, with common language used across all publications and all departments.

Recommendation 3: The Office of the Vice President for Labor and Student Life should review the *Student Handbook* to ensure that consistent, definitive and needed information on College policies on sexual harassment and sexual assault are included. The following should be addressed:

- The legal definition of sexual harassment used in the *Student Handbook* should remain. However, students indicate confusion about the application of this definition of sexual harassment. The legal definition of sexual harassment should be clarified. For instance, examples of what could be sexual harassment should be given. The *Employee Handbook* includes examples of what could be sexual harassment and can be used as a guide.
- The distinction between inappropriate behavior of a sexual nature and sexual harassment should be clarified. It should be made clear that unwanted and unwelcome behavior of a sexual nature is an unacceptable action that is covered under the *offenses against persons* section of the *Student Handbook* and, reporting should be encouraged.
- The College's policies and procedures pertaining to maintaining the confidentiality of students involved in sexual harassment and sexual assault complaints should be included in the *Student Handbook* along with information on limitations to the maintaining of confidentiality.
- The terms "assault", "acquaintance rape," and "rape" should be included in the *Student Handbook* index.
- The limitations the College faces in following-up on a student complaint when the student does not wish for the accused to be notified of his or her identify should be clarified.
- The Sexual Assault Protocol in the *Student Handbook* should include more information on reporting options and the process and outcomes for each option.
- The Sexual Assault and the Sexual Harassment sections should include information on the rights of the accused.

Recommendation 4: The Office of the Vice President for Labor and Student Life should develop an informative statement on the College's philosophy on unwanted and unwelcome behavior of a sexual nature. This statement should provide suggestions to students on ways to handle this behavior and suggestions to faculty and staff on how they can assist students dealing with this type of behavior. The information and related trainings should be widely available to all members of the College community – students, faculty and staff. The informative statement should address and/or provide information on:

- resources and departments (Counseling Services, Campus Ministry, the Collegium) available to provide counseling and assistance to students;
- staff and faculty reporting responsibilities when counseling students regarding unwanted and unwelcome behavior of a sexual nature;
- limitations faced when the student with the concern does not want his or her identify revealed, and;
- the importance of respecting the rights and confidentiality of all parties involved

Recommendation 5: People Services should work to ensure that Berea College employees understand their role and responsibilities as agents of the College. Agents of the College have a responsibility to report criminal activity. People Services should inform college employees, particularly campus security authorities, of this general responsibility. Information on campus policies and procedures regarding sexual harassment and sexual assault and the duty to report criminal activity in these areas should also be shared.

Recommendation 6: Educational efforts by the College must continue to address the emotional, social and community issues surrounding unwanted and unwelcome behavior of a sexual nature, sexual harassment and sexual assault. The following findings from the *Berea College Students and Sexual Harassment and Sexual Assault a working paper for Strategic Questions #5* should be considered by those coordinating these educational efforts:

- Educational efforts should include an examination of behavioral patterns in students' families of origin as well as local cultural norms that perpetuate sexual violence. Given that a higher percentage of Berea College students report experiencing sexual assault (verbal or physical) and abusive relationships (emotional, physical, sexual), addressing the origins of attitudes and beliefs that lead to abusive behavior is critical.
- Educational programming should address the basics of appropriate interpersonal interactions and mutual self-respect. Many students are coming to campus with little knowledge and fewer experiences of respectful, healthy interpersonal relationships, which puts them in danger of repeating those behaviors on campus.
- Students should be made aware of what inappropriate behaviors are and how these can escalate into sexual harassment or sexual assault.
- Students would benefit from learning how to protest clearly and how to ask for the unwanted and unwelcome behavior to stop.
- Education outreach and programming imparting health information related to sexual assault should take into consideration that students perceive health educators and faculty members as the most reliable sources for health information.
- Education programs should focus on how a student can assist a friend who has experienced sexual harassment or sexual assault and how they can guide the friend to available support services.

Question 1: What do data and student survey results show us about occurrences of sexual harassment or sexual assault of Berea College students?

Sexual harassment

Data regarding the number of sexual harassment incidents reported to College officials is not readily available. According to the campus Title VII/Title IX coordinator, less than five incidents of sexual harassment involving students have been reported to her in the past four years. The Student Life Judicial Officer reports that sexual harassment is rarely the only charge considered when a student is formally charged with a violation of the Community Judicial Code.

For the purpose of the report, the AGSHSA will use the Berea College definition of sexual harassment (Appendix A) which is:

Sexual harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical behaviors related to a person's gender, sexual identity, or sexuality when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic advancement or employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

In January 2006, the American Association of University Women (AAUW) Education Foundation released its research report *Drawing the Line: Sexual Harassment on Campus*. SPC, working with the Office of Institutional Research & Assessment, developed a sexual harassment survey based on the AAUW survey. The Berea sexual harassment survey was sent to all students in April 2006. 300 students (21%) responded to the sexual harassment survey (Appendix D).

The Spring 2006 sexual harassment survey data gives us some information on the type and frequency of unwanted and unwelcome behavior of a sexual nature. For the purpose of the survey the AAUW definition of sexual harassment was used, "Sexual harassment is UNWANTED and UNWELCOME sexual behavior which interferes with your life. Sexual harassment is NOT behaviors that you LIKE or WANT (for example wanted kissing, touching, or flirting)." This AAUW definition is not the same as the College's definition of sexual harassment but was used in the survey so that we could compare Berea data (n=300) with the AAUW data (n=2,036). Thus, the sexual harassment survey measured whether or not unwanted and unwelcome sexual behavior occurred. The survey did not measure whether sexual harassment, as defined by Berea College, occurred.

The major findings from the sexual harassment survey include:

- 51% of the respondents selected "some, but not a lot" and 24% selected "a lot" when asked "how much sexual harassment do you *think* there is at Berea College?"
- Students *think* sexual harassment happens "a lot" (32%) and "some, but not a lot" (30%) at off-campus school-sponsored activities. Outside on school property rated the largest number of "a lot" responses (35%).
- Only 2% "often" *worry* about being harassed while 16% indicate being "occasionally worried."
- 66% reported *experiencing* unwanted and unwelcome sexual behavior at least once while on campus. In 86% of the incidents, the person performing the behavior was another student.
- 83% reported that they did not report the incident because it was "no big deal" or they handled the situation themselves.
- Nonphysical (no bodily contact) category of "made sexual comments, jokes, gestures, or looks" was the most common type of unwanted and unwelcome behavior of a sexual nature (62%).
- 43% of the respondents have experienced being touched, grabbed, or pinched in a sexual way at least once in their college career.
- 7% report being asked to do something sexual in exchange for something, and 7% report being forced to do something sexual other than kissing.

Of the 198 students who responded that they had experienced unwanted and unwelcome behavior of a sexual nature at least once, 91% answered additional questions about a total of 239 incidents. The vast majority of the incidents involved another student (86%) and nonphysical contact (52%) or both nonphysical and physical contact (31%). 65 of the incidents happened outside on school property and 44 happened in the residence halls. The person performing the unwanted behavior was male 90% of the time.

Sexual assault

The Berea College Department of Public Safety reports crime statistics in the *A Guide to Safety and Health on Campus* brochure (Appendix C) distributed to all students and college employees annually. According to the October 2006 brochure (2002-2005 data), seven forcible sex offenses were reported to Public Safety and an additional four sex offenses were reported to College administrators only.

During the fall 2005 term, Jill Bouma's Sociology Research Methods class, in collaboration with the Office of Institutional Research staff, designed and conducted an applied study of sexual assault on campus. The study included a sexual assault survey sent to all students in January 2006 (Appendix D). A third of Berea College student (n=472) responded to the sexual assault survey. The results of the study were presented to the Collegium in April 2006 (Appendix E). During the spring 2007 term, Dr. Bouma and several of the student research associates met with the AGSHSA to review the data and discuss their observations.

Based on the data gathered in the January 2006 sexual assault survey, sexual assaults are underreported to Public Safety and College administrators.

- 9% of respondents (50 out of 472) answered *yes* to the question “Have you ever been sexually assaulted (unwanted sexual physical contact including rape) while a student at Berea during an academic term?”
- 12 of the 50 students responded *yes* to the question “Were you raped?”

The *National College Health Assessment* (Appendix F) conducted by the American College Health Association in spring 2006, provides additional data regarding sexual assault. In every category, Berea respondents (n=507) reported experiencing more sexual violence *within the last school year* than the national average (n=94,806). This is true for both Berea men and women.

- 11 men and 41 women experienced sexual touching against their will (Berea 10.2% vs. 8.4% nationally)
- Two men and 17 women experienced attempted sexual penetration against their will (Berea 3.7% vs. 2.7% nationally)
- One man and 12 women experienced sexual penetration against their will (Berea 2.5% vs. 1.4% nationally)

In the NCHA survey, the percentage of Berea respondents experiencing an abusive relationship within the last school year was considerably higher than the national average.

- 25 men and 76 women reported an emotionally abusive relationship (Berea 19.9% vs. 12.1% nationally)
- Five men and 13 women reported a physically abusive relationship (Berea 3.5% vs. 1.9% nationally)
- Five men and 14 women reported a sexually abusive relationship (Berea 3.7% vs. 1.5% nationally)

Question 1: Findings

Berea students consider most types of unwanted and unwelcome behavior of a sexual nature to be “no big deal” and commonplace. The sexual harassment survey found that 66% of Berea respondents reported experiencing unwanted and unwelcome behavior of a sexual nature at least once during their college careers which is slightly less than the AAUW survey reported for private institutions (68%). The NCHA survey data shows that Berea College students are more likely to experience an abusive relationship than students nationally. Few incidents of sexual harassment and assault are reported to college administrators.

Question 2: What are existing student perceptions about Berea College’s response to charges of sexual harassment and/or sexual assault?

Sexual harassment

According to the sexual harassment survey data (Appendix D), the majority of respondents who have experienced unwanted and unwelcome behavior of a sexual nature told no one (62%) about the incident. This was true for both men (60%) and women (51%). If a student did talk with someone, the vast majority told a friend or a roommate. Only a few students talked with their labor supervisor or academic advisor, a faculty member, Collegium member, or other College staff member.

When asked whether they reported the incident to someone in order for action to be taken, 93% responded *no*. For both men and women, the most common reason for *not* reporting an incident of unwanted and unwelcome behavior of a sexual nature was that they felt it was not a big deal or they were able to deal with it themselves. However, 17% (n=28) of the respondents *did not report* the incident because they were afraid, they did not believe any action would be taken, or believed reporting was not worth the trouble. A few students expressed the belief that nothing could be done about on-campus construction workers or people driving by making comments. The vast majority of students (78%) were satisfied with their decision not to report. 21% of the respondents were not sure if they were satisfied with their decision.

The 15 students who did officially report a total of 17 incidents were most likely to talk with a residence hall staff member. In seven cases, Public Safety was involved at some point. Four students were “completely satisfied” with the outcome, seven were “somewhat satisfied,” and six were “not satisfied at all.” In most cases, the student reporting the incident was aware of the follow-up actions taken by the person she/he reported it to and the outcome.

Sexual Assault

The sexual assault survey (Appendix D) asked students (n=472) to rate their comfort level “discussing a sexual assault (unwanted sexual physical contact including rape) that happened to me” with various people. The most positive responses were for “friend” (80% strongly agreed or agreed) and “family member” (64% strongly agreed or agreed). The top two college offices were “Counselor from Counseling Services” (62%) and “Berea College Public Safety Officer” (35%). Over half the students would feel comfortable discussing a sexual assault with local police (54%). The most negative responses (disagree or strongly disagree) were for with their labor supervisor (46%), student chaplain (43%), campus chaplain (43%), or professor (42%).

In the sexual assault survey, 50 students reported being sexually assaulted. Following the assault, the victim was most likely to talk with a friend, roommate, or family member (44%). Victims talked with a Berea College staff member (i.e., Health Services, Counseling Services, Collegium, Public Safety, chaplain, faculty member, advisor, or labor supervisor) only 30% of the time. The rest of the victims (26%) talked with no one immediately following the assault.

Only 10 (20%) of the sexual assault victims reported the incident to Public Safety or the Berea Police. Eight of the 10 responded to the three-part question asking them why they decided to report, what happened after the initial report, and whether the outcome was satisfactory. Most of the victims made the report because they did not want it to happen again to them personally or to another person. Once the report was made, nearly all of the victims were aware of the steps taken by College officials. Only three reported being satisfied with the outcome. Two cases were still in process, so the victims did not know the outcome. The three victims who reported not being satisfied explained by stating that the accused only received probation, the accused was “still on the loose,” and that “they” [unclear who this may be] said nothing could be done because it wasn’t rape.”

36 sexual assault victims provided information on why they did not report the incident. 10 victims considered themselves somehow at fault (e.g. using alcohol or drugs; poor judgment; miscommunication). Eight did not consider the incident serious enough to report and two did not realize it was assault at the time.

16 victims (44%) did not report the assault to campus authorities for reasons that may be related to institutional policies and procedures. Seven said that nothing would be done or that it was too much trouble to make a report. Five were afraid that the assailant would find out they had made a report. Four victims were concerned that friends and peers would find out about the assault. All of these reasons may be interpreted to mean that some students do not trust campus procedures or authorities, especially in the area of confidentiality.

87% of the sexual assault survey respondents believe there are more cases of sexual assault than are reported. Some of the students provided reasons for the underreporting:

- the assailant will find out and retaliate
- others on campus will find out and it will affect the victim’s reputation
- peers will not be supportive and will be angry at them for reporting
- nothing will be done because the College wants only to protect its image as a safe campus

- campus authorities encourage silence by being intimidating, not protecting the victim, and/or making the victim uncomfortable
- campus authorities mishandle cases

When asked if in the future they would report an assault, 59% of the students who had *not* been sexually assaulted would report to Public Safety and 75% would report to the local police.

For students who indicated being sexually assaulted, the responses were more evenly divided. In regards to Public Safety, 31% would report, 38% would not report, and 31% are unsure about reporting. For the local police, the responses were 47% would report, 21% would not report, and 32% were unsure.

According to the *ACT College Outcomes Survey* given to graduating seniors at graduation rehearsal, Berea College seniors are less satisfied with “services for victims of crime and harassment” and “freedom from harassment” than seniors at other 4-year colleges (Appendix G).

The AGSHSA met with a group of RAs and Student Chaplains who agreed with survey findings regarding student perceptions about the College’s response to charges of sexual harassment and assault. Students are very concerned about confidentiality – “if one person knows, everyone knows.” Freshman women, the most likely victims of assault (and harassment), have not been on campus long enough to develop trust in College authorities including RAs and Student Chaplains. The RAs and Student Chaplains expressed confusion about the Campus Security Authorities. Who are they and what are they required to report if a student talks with them? Additional information needs to be provided about the role of the Campus Security Authorities.

Question 2: Findings

Based on data from the sexual harassment survey, most students do not talk with someone about incidents of unwanted and unwelcome behavior of a sexual nature because they did not consider them serious or because they have dealt with the situation on their own. Only a few students report incidents to college officials, and a small number of these cases file charges with the Judicial Board. When asked if they were satisfied with the outcome after reporting, 24% answered “completely satisfied” and 41% were “somewhat satisfied.”

According to the sexual assault survey, if a student were to be sexually assaulted, she/he would be most likely to talk with a friend or a Counseling Services Counselor. Students report that if they were assaulted they would feel more comfortable talking with local police than with Public Safety. Only 30% of the 50 students who indicated in the sexual assault survey that they had been assaulted talked with a college official. Over a quarter of the students spoke with no one about the incident.

Students may be reluctant to report incidents of sexual harassment or sexual assault because they believe nothing will be done to the assailant and that their confidentiality will not be protected. There is a perception that the College does not want students to report sexual harassment and assault incidents because this is counter to the College’s safe campus image.

Question 3: What are current practices, procedures, and policies in these areas? And, are there gaps in these practices, procedures and policies?

Sexual harassment

The *Student Handbook and Calendar* details the College’s sexual harassment policy and the reporting process and can be found quickly by using the *Handbook* index. The College’s policy on sexual harassment states that “all Berea College employees and students are expected to conduct themselves in

accordance with the high human and spiritual values that arise from the College's commitments and traditions. Berea College specifically prohibits sexual harassment of students, employees, or visitors, and is committed to investigating and resolving all such complaints. Also prohibited is retaliation through discrimination, intimidation, threat, coercion, or any other means against anyone who has reported sexual harassment or filed a grievance alleging sexual harassment."

The *Handbook* provides a detailed explanation of sexual harassment which "involves unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical behaviors related to a person's gender, sexual identity, or sexuality..." It defines *quid pro quo* (this for that) harassment and "hostile environment" harassment. It also provides examples of verbal, visual, and physical harassment.

The College is "committed to investigating and resolving all complaints of sexual harassment." There are separate procedures for investigating and resolving complaints depending upon who the complaint is against – student or college employee. The Title VII/Title IX Coordinator is the contact point for reports of harassment, including sexual harassment.

The "Offenses Against Persons" section of the Student Conduct and Community Judicial Code in the *Handbook* states that "these prohibited acts are punishable by a range of sanctions, from mediation to suspension or expulsion, depending on the nature of the harassment." The *Handbook* provides information on the various judicial procedures.

Once a student contacts the Title VII/IX Coordinator regarding a unwanted and unwelcome behavior of a sexual nature, the Coordinator discusses the incident with the student, reviews the sexual harassment definition, and talks with the student about the options for resolving the situation, including mediation and filing a complaint. If the student requests mediation or wishes to file a complaint and the accused is another Berea College student, the complaint is referred to the Student Life Office for action and follow-up. If the student decides to file a complaint, the process follows the judicial procedures outlined in the *Student Handbook*.

Sexual Assault

The *Berea College Student Handbook* "Sexual Assault Protocol" section and the *Guide to Safety and Health on Campus* brochure provide similar definitions of sexual assault. According to the *Handbook* "sexual assault is a broad category of actions in which sexual acts and/or sexual harassment is performed without consent or upon a person who is not able to give consent (e.g. in the case where one is intoxicated and unable to effectively give consent.)" The *Guide* states "a forcible sex offense is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent." The *Handbook* provides more detail on what constitutes consent. Both sources emphasize that a person can withdraw consent at any time.

The *Handbook* states in the "Rights of the Victim" section that the College encourages reporting because this is the only way action can be taken against an accused assailant(s). Victims may report to a Collegium member, Public Safety, Berea Police, a Counselor at Counseling & Health Services, or to any College official. The *Guide* provides additional options (and phone numbers) for reporting a rape including the Rape Crisis Hotline, Berea College Physician, and an on-call physician at St. Joseph Berea Hospital.

The *Guide* says "in instances where the perpetrator of such a crime is a Berea College student, the College will take disciplinary action which may include suspension or expulsion.... In addition to potential criminal prosecution, such a charge will be heard under the provisions of the Community Judicial Code as set forth in the *Handbook for Students*." The *Guide* states that a student may "bring charges under the College's judicial system or simply make a formal report without filing charges." The

Handbook provides more detail regarding the disciplinary/legal procedures including the victim's right to take no action and off-campus legal options.

Counseling Services, Public Safety, and Student Life have worked together to create a more detailed Sexual Assault Protocol which includes the guidelines that should be followed when a College official has been made aware of a sexual assault. The Collegium member on call is notified immediately, and this person contacts Counseling Services and Public Safety. The Collegium member encourages the victim to seek medical attention or talk with the Rape Crisis Center. Eventually, the Collegium member refers the victim to Deborah McIntosh, who explains choices regarding the filing of charges.

The appropriate college offices work together to respond to reported incidents of sexual assault. The process is very flexible so that it may accommodate the victim's choices. However, this flexibility makes the process difficult to make transparent to students. This lack of transparency may contribute to the student perception that the College does not want incidents reported.

Question 3: Findings

As discussed under Question 2, students are reluctant to report unwanted and unwelcome behavior of a sexual nature, and sexual assault incidents. Students do not understand the College's process and procedures for handling such reports and are concerned that confidentiality will not be maintained. Students do not understand that often action on the part of the College to resolve the complaint will require the accused to know about the complaint and the complainants identify. The *Student Handbook* needs to make the process more transparent, including the process, confidentiality and possible outcomes for each option.

Question 4: What information on sexual harassment and/or assault is currently available in the Berea community, i.e. how transparent are those policies and practices?

The information collected in the Spring 2006 *National College Health Assessment* (NCHA, Appendix F) indicates that students are presented with information on sexual assault and harassment through a variety of avenues, including educational outreach programs conducted by Campus Life, Residential Life, Counseling Services, and Public Safety. These topics are also covered in the course content of at least thirteen classes. (This list was compiled from responses to an inquiry to all faculty members regarding whether or not the topics of sexual assault and/or harassment were included in course content. Since the response was voluntary, it should not be assumed that this list is exhaustive.) Residential Life reported that 23 programs under the category "Healthy Relationships" were conducted in the residence halls alone during the 2006-2007 academic year. However, it is not known how many of these programs included specific information about sexual assault and/or harassment. Campus Life, Counseling Services, and Public Safety directly addressed these issues through a variety of programs, many of which were campus-wide events. According to the NCHA, 66.9% of Berea College survey participants acknowledged receiving information on sexual assault/relationship from the College.

In the *Your First College Year* survey (Appendix H), 15.2% of Berea College respondents reported feeling "unsafe on this campus" in comparison to 8.8% of students from nonsectarian colleges, 11.4% from private 4-year colleges, and 12.2% from public universities.

According to the data presented in the *ACT College Outcomes Survey, 2005-2006* (Appendix G), Berea College graduating seniors reported less satisfaction on the following safety-related items than graduating seniors from comparable four-year institutions:

- Regarding "services for victims of crime and harassment," Berea College respondents report less

satisfaction than their counterparts at other colleges. On a Likert scale from 1 (very dissatisfied) to 5 (very satisfied) the mean for Berea College students was 3.23 compared to 3.35 for other 4-year colleges.

- Using the same Likert scale, the mean for Berea students reporting satisfaction with “freedom from harassment on campus” was 3.53 versus 3.66 for students at other 4-year colleges.
- A mean of 3.29 was reported by Berea students in response to “rules governing student conduct” compared to a mean of 3.57 reported by students at comparable 4-year colleges.

According to the NCHA survey (Appendix F), sources of information regarding health issues vary in believability. 84% of the Berea College students who completed the survey stated they believed information received from health center medical staff. This number increased to 88% when the information was provided by health educators. Faculty and coursework were perceived as a believable source of information by 69% of students. Leaflets, pamphlets, and flyers were credible sources according to 68% of students, and 61% of students considered parents a believable source of health information. Conversely, friends (28%), resident assistants/advisors (38%), campus peer educators (43%), and the internet (24%) were not considered reliable sources for health information by the majority of survey respondents.

Question 4: Findings

According to the *Your First College Year* survey and the *ACT College Outcomes* survey, a greater percentage of Berea students, compared to their counterparts at other 4-year institutions, report feeling unsafe on campus and dissatisfied with the College’s policies on campus safety issues, including sexual assault and harassment, and services for victims. Moreover, there appears to be a disconnect between the programming efforts aimed at educating students on safety issues and the students’ perceptions of the believability of the information provided. Resident assistants, peer educators, and friends are not perceived to be reliable sources of health related information. Additionally, students perceive the current policies and procedures to prevent sexual assault and harassment to be inadequate.

Question 5: Are there patterns of sexual assault or harassment on campus?

According to the data collected from the sexual harassment survey (Appendix D), the most common type of unwanted and unwelcome behavior of a sexual nature experienced was nonphysical (no bodily contact). This category included unwelcome behaviors such as “made sexual comments, jokes, gestures, or looks,” which 62% of the respondents reported experiencing. Coupled with the fact that 83% responded that they did not report the incident because it was “no big deal” or they handled the situation themselves may indicated that the incident was an isolated event and the unwelcome behavior stopped when confronted. However, the Committee found it troubling that offensive comments, gestures, looks and jokes were considered “no big deal” by so many students and that a common reason given by many of those who admitted to doing this behavior was “I thought it was funny.”

According to the Judicial Liaison the majority of students who report harassment insist that they do not want to get the accused student “in trouble” but simply want the unwelcome behavior to stop. Although the intent of harassing comments may be harmless (“I thought it was funny,”), the consequences can be very damaging to both the victim and the “unintentional” harasser.

The patterns of sexual assault and relationship violence reported by Berea students is alarming when compared to national averages. In the NCHA survey, the percentage of Berea respondents to report experiencing an abusive relationship within the last school year was considerably higher than the national average. This is true of both men and women.

- 19.9% of the Berea College respondents reported experiencing an emotionally abusive relationship compared to 12.1% nationally.
- 3.5% of the Berea College respondents reported a physically abusive relationship while the national average was 1.9%
- 3.7% of the Berea College respondents reported a sexually abusive relationship compared to the

national average of 1.5%

Even though Berea College students are more likely to experience an abusive relationship than students nationally, few incidents of sexual assault are reported to college administrators.

Question 5: Findings

The data suggest that Berea College students live in a culture lacking clear boundaries and knowledge of what is acceptable, appropriate behavior. Offensive comments and behaviors are simply part of the culture. Students report experiencing sexually harassing behavior and comments as early as middle school and indicate that it is pervasive by the time they reach high school. They report that their college experience is no different. Additionally, the data suggest students live in a culture where sexual violence is more prevalent in comparison to reports from students from other colleges. Given the fact that students are bombarded with unhealthy examples of sexual behavior in popular television shows, music lyrics and videos, efforts to create a shift in cultural attitudes will require patient, persistent, and repeated efforts.

Berea College Strategic Planning Council Recommendations 2010 Review

**Status Report on Strategic Planning Council Recommendations
In Response to the Sexual Harassment and Sexual Assault Working Paper
Relative to Strategic Initiative #5 on Gender (October, 2010)**

Recommendation 1: Every four years, the Office of Institutional Research & Assessment should administer a **sexual harassment survey** and a sexual assault survey using the College's definitions of sexual harassment and sexual assault. The surveys should gather data that will assist the College in assessing the effectiveness of campus programs in responding to and reducing sexual harassment and sexual assault incidents. The Office of Institutional Research and Assessment **should analyze the data and report the information to the Strategic Planning Committee and the entire campus (faculty, staff, and students).**

Status: Such data is collected annually through the American College Health Association National College Health Assessment survey conducted by Campus Life and Wellness in collaboration with OIRA. The spring 2010 survey had a response rate of 42.3% and contained questions on "Violence, Abusive Relationships and Personal Safety" including questions about experiencing sexual touching without consent, sexual penetration without consent, sexual penetration attempt without consent, stalking, and about emotionally, physically and sexually abusive relationships. Survey data have not been broadly reported by OIRA and the ACHA survey does not include direct questions about sexual harassment, per se.

Recommendation 2: College policies and procedures related to sexual harassment and sexual assault should be reviewed by the Office of the Vice President for Labor and Student Life. The review should address the following:

- The need for student, faculty and staff understanding of the College's guided learning principles and their application to and impact on the College's response to charges of sexual harassment or sexual assault.
- The need for policies and procedures related to sexual harassment and sexual assault to be easily accessible to students, faculty and staff. It is recommended that the policies and procedures governing sexual harassment and sexual assault be available through a multitude of mediums, including the *Student Handbook*, published materials, and the web pages of college departments (Health Services, Counseling Services, Labor, Campus Life, etc.).
- The importance that all information on sexual harassment and sexual assault distributed by the College be consistent, with common language used across all publications and all departments.

Status: The recommended review has been completed. Language used in campus publications has been standardized and a concerted effort made to ensure that information provided by various offices is consistent and clear. Policies, guidelines and procedures have been reviewed for consistency, clarity and transparency, and revised as necessary. The new on-line Student Handbook contains sections on sexual harassment and sexual assault and includes guidelines for responding to reports and assisting victims. (See the appended relevant sections.) The Student Handbook dedicated search engine allows users to enter any related term and be linked immediately to the relevant text. Departmental web pages for Labor and Student Life, Campus Christian Center, Health Service, Counseling and Disability Services, Campus Life, Black Cultural Center, Public Safety, and Residence Life also provide live links to these sections.

Recommendation 3: The Office of the Vice President for Labor and Student Life should review the *Student Handbook* to ensure that consistent, definitive and needed information on College policies on

sexual harassment and sexual assault are included. The following should be addressed:

- The legal definition of sexual harassment used in the *Student Handbook* should remain. However, students indicate confusion about the application of this definition of sexual harassment. The legal definition of sexual harassment should be clarified. For instance, examples of what could be sexual harassment should be given. The *Employee Handbook* includes examples of what could be sexual harassment and can be used as a guide.
- The distinction between inappropriate behavior of a sexual nature and sexual harassment should be clarified. It should be made clear that unwanted and unwelcome behavior of a sexual nature is an unacceptable action that is covered under the *offenses against persons* section of the *Student Handbook* and, thus, should be reported.
- The College's policies and procedures pertaining to maintaining the confidentiality of students involved in sexual harassment and sexual assault complaints should be included in the *Student Handbook* along with information on limitations to the maintaining of confidentiality.
- The terms "assault", "date rape," and "rape" should be included in the *Student Handbook* index.
- The limitations the College faces in following-up on a student complaint when the student does not wish for the accused to be notified of his or her identity should be clarified.
- The Sexual Assault Protocol in the *Student Handbook* should include more information on reporting options and the process and outcomes for each option.
- The Sexual Assault and the Sexual Harassment sections should include information on the rights of the accused.

Status: *Student Handbook* information has been revised to include all but the last bullet point above. However, revisions to the *Community Judicial Code* specify rights of both the accused and the complainant in a judicial hearing. A dedicated search engine allows users to search the handbook according to key words, e.g., rape, assault, sexual assault, harassment, sexual harassment, etc. Additionally, the *Student Life Council* has proposed a revision of judicial hearing procedures. Rights of both the accused and the complainant are clarified, and confidentiality issues related to charges and hearings are addressed. The proposal also requires that a confidentiality pledge be made by hearing board members and establishes special procedures for the hearing of sexual assault and sexual harassment charges. The proposal will go before the *General Faculty Assembly* for discussion and vote this fall.

Recommendation 4: The Office of the Vice President for Labor and Student Life should develop an informative statement on the College's philosophy on unwanted and unwelcome behavior of a sexual nature. This statement should provide suggestions to students on ways to handle this behavior and suggestions to faculty and staff on how they can assist students dealing with this type of behavior. The information and related trainings should be widely available to all members of the College community – students, faculty and staff. The informative statement should address and/or provide information on:

- resources and departments (Counseling Services, Campus Ministry, the Collegium) available to provide counseling and assistance to students;
- staff and faculty reporting responsibilities when counseling students regarding unwanted and unwelcome behavior of a sexual nature;
- limitations faced when the student with the concern does not want his or her identity revealed, and;
- the importance of respecting the rights and confidentiality of all parties involved

Status: *The revised statements on "Sexual Assault Reporting Guidelines & Information"* <http://www.berea.edu/cataloghandbook/sturegs/srr/sexualassault.asp> (also appended to this document)

and “Sexual Harassment”

<http://www.berea.edu/cataloghandbook/sturegs/srr/sexualharassment.asp> (also appended to this document) are available in the on-line *Student Handbook* and linked to selected departmental web sites. Information was presented at a meeting of the General Faculty Assembly and training was provided during spring, 2010 to every College employee. The Division of Labor and Student Life provides annual training for Student Life, Labor, Campus Life, Campus Christian Center, Public Safety, Black Cultural Center, Residence Life, Seabury Center and Athletics, College Health Services, Counseling and Disability Services staff. Presenters at such trainings often include representatives of the Rape Crisis Center, the Rape and Sexual Assault Nurse Examiner Program, and the Berea Police. Invitations are extended to select others across campus, e.g., CELTS staff attended this year’s training. Annual Residence Life student staff training includes a session on this topic. Sexual harassment/sexual assault training is included in the orientation for new labor supervisors and periodically included as a session in the “Inside Supervision” lunch series. The Director of People Services discusses these topics with all new hires and each new employee receives a pamphlet on sexual harassment and a flier regarding responsibility to report criminal activity including sexual assault. Staff and Faculty Handbooks also include the harassment policy. Training for members of hearing boards (i.e., the Campus Conduct Hearing Board) now includes a separate session dealing with responsibilities and issues associated with the adjudication of sexual assault and sexual harassment complaints.

Recommendation 5: The role and responsibilities of all Berea College employees as agents of the College should be clarified. Agents of the College have a responsibility to report criminal activity. College employees need to be informed of this responsibility. In addition, College employees should be informed of campus policies and procedures regarding sexual harassment and sexual assault and their duty to report criminal activity in these areas.

Status: This topic is covered in the orientations, trainings, and publications described above.

Recommendation 6: Educational efforts by the College must continue to address the emotional, social and community issues surrounding unwanted and unwelcome behavior of a sexual nature, sexual harassment and sexual assault. The following findings from the *Berea College Students and Sexual Harassment and Sexual Assault: A working paper for Strategic Questions #5* should be considered by those coordinating these educational efforts:

- Educational efforts should include an examination of behavioral patterns in students’ families of origin as well as local cultural norms that perpetuate sexual violence. Given that a higher percentage of Berea College students report experiencing sexual assault (verbal or physical) and abusive relationships (emotional, physical, sexual), addressing the origins of attitudes and beliefs that lead to abusive behavior is critical.
- Educational programming should address the basics of appropriate interpersonal interactions and mutual self-respect. Many students are coming to campus with little knowledge and fewer experiences of respectful, healthy interpersonal relationships, which puts them in danger of repeating those behaviors on campus.
- Students should be made aware of what inappropriate behaviors are and how these can escalate into sexual harassment or sexual assault.
- Students would benefit from learning how to protest clearly and how to ask for the unwanted and unwelcome behavior to stop.
- Education outreach and programming imparting health information related to sexual assault should take into consideration that students perceive health educators and faculty members as the most reliable sources for health information.
- Education programs should focus on how a student can assist a friend who has experienced sexual harassment or sexual assault and how they can guide the friend to available support

services.

Status: New student orientation routinely includes a common program (“Sex Signals”) addressing relationship issues and covering these topics. In the fall of 2010, this program, attended by all new students, was presented by a team of Berea upper-class students. Following the program, a group of faculty and staff held topical discussions with students in their residence halls. Student groups MARS (Men Against Rape and Sexual Assault) and FREE (Fighting Rapes through Education and Encouragement) have been active on campus in providing education, programs and forums on these topics. Annual Student Life Division programs such as “Take Back the Night”, “The Clothesline Project” and “Vagina Monologues” provide campus-wide focus on these issues which are also the topic of many residence hall programs devised by student staff. The Student Life Division had developed a coordinated “Violence Prevention” program initiative for 2010-11. Implementation was suspended when its coordinator, a member of the Residence Life Collegium, left the college for another position.

October 12, 2010

Sexual Assault Reporting Guidelines & Information (From the 2010-11 Berea College Catalog and Student Handbook)

Purpose of the Guidelines

The Sexual Assault Guidelines outline the procedures to be followed when a student reports a sexual assault. The primary purpose of the guidelines is to ensure the victim’s health and safety while offering appropriate response to all parties involved, including the campus community at large.

The Berea College community has ethical and moral values that all members of the community are expected to meet. Central to those values is the belief that all members of the College community have the right to be treated with respect and to participate in community life with dignity. Sexual assault is not only a criminal offense, but also a violation of these rights.

What is Sexual Assault?

Sexual assault is a broad category of actions in which sexual acts and/or sexual harassment is performed without consent or upon a person who is not able to give consent (e.g. in the case where one is intoxicated and unable to effectively give consent). Berea College recognizes that sexual assault is not gender specific as both men and women can be a victim or perpetrator of sexual assault. Sexual assault is unwanted sexual contact where a person’s consent has not been given. It may include unwanted kissing, touching or fondling, touching intimate parts of the body or even the clothing covering intimate body parts. It need not, but may, include penetration as in rape.

What constitutes consent?

Consent is the act of willingly agreeing to engage in specific sexual behavior.

Silence or non-communication must never be interpreted as consent. Additionally, a person in a state of diminished judgment cannot consent. Consent requires that a person be able to freely choose between

two options: yes and no. A person is incapable of giving consent if s/he is asleep, unconscious, or otherwise unable to communicate. No one who has been threatened, coerced or drugged can consent. A person is unable to give consent when s/he is under the influence of alcohol and/or drugs, or is not competent to give consent due to mental illness. A current or prior sexual or dating relationship does not constitute consent.

A person can withdraw consent at any time during the course of a sexual encounter. Pursuing sexual contact in any form with an unwilling or un-consenting partner is sexual assault. Both parties must understand consent, with responsibility for discerning correct judgment resting upon the person making the sexual advance.

Confidentiality

For a student who wishes his/her assault to be handled in a private, confidential manner, it is essential that he or she contact College Health Services and/or Counseling Services (x3212), a minister at the Campus Christian Center (x3926), or the Bluegrass Rape Crisis Center (1-800-656-4673), where, by law, medical providers and counselors can maintain confidentiality. If the student reports a sexual assault to other College faculty or staff, including student staff members, that person is obligated by federal legislation, including the Campus Security Act, to report the incident to Public Safety.

Responding to a Sexual Assault

If you have been sexually assaulted, recognize that it is not your fault. Contact someone you trust for help. Seek medical attention. Preserve the physical evidence.

Resources Available to Provide Support, Information and Services

For Medical Attention:

Even if you don't think you have any physical injuries, you should consider having a medical exam as soon as possible:

- to check for internal injury;
- to receive treatment for possible sexually-transmitted diseases or pregnancy; and
- to conduct a sexual assault exam to collect and preserve any physical evidence should you decide to press charges at the time or in the future. The emergency rooms at Saint Joseph Berea Hospital and at Patty A. Clay Hospital (in Richmond) can provide these exams.

For Confidential Counseling, Guidance, and Treatment:

Speaking with a trained counselor or advocate in a confidential environment can help you deal with what has happened and better understand the options available to you. College Health Services can provide confidential medical exams, including tests for STD's and pregnancy. Unless required by law, (i.e., the victim is a minor) these individuals will not take any action without your written consent.

College Health Services

ext. 3212 8:00am – 5:00pm M-F

Counseling Services

ext. 3212 8:00am – 5:00pm M-F

(After hours, and on weekends and holidays, call Public Safety and ask to speak to the Counselor on call.)

[Blue Grass Rape Crisis Center](#)

24-hour hotline: 800-656-4673

For Support and Assistance:

We strongly recommend reporting a sexual assault to a College representative. Reporting is the only way the College can take action against the alleged perpetrator. A College representative is any faculty or staff member, including student staff, a Collegium member, RA, professor, coach or labor supervisor. These individuals can refer you to the counseling, personal and judicial/legal resources available to you, and are obligated by federal legislation under the Campus Security Act to report an assault to Public Safety. You may also choose to contact Public Safety or the Berea Police Department directly.

Public Safety

ext. 3333

Collegium

ext. 3115 (8 am – 5 pm) or ext. 3333 (after hours)

Berea Police Department

986-8456

Reporting Requirements

Faculty, staff, and student staff members are obligated by the Campus Security Act to report to Public Safety information shared by the victim about the assault.

Once a sexual assault is reported, Public Safety is obligated to contact the victim for a statement and possibly to conduct an investigation. Because sexual assault is a crime under Kentucky law, Public Safety may notify the Berea Police Department to assist with subsequent investigation by BPD.

However, the victim has the right to make a handwritten statement to Public Safety stating that they choose not to have the police involved.

In cases of perceived danger, the College is obligated to make a public statement to alert the campus community. Any public statement to the campus to alert and protect the community from imminent danger will be coordinated by the Office of Labor and Student Life.

Basic Advice to Assist the Victim

Following are some helpful tips for supporting and assisting a person who has been sexually assaulted:

- Help the person feel empowered. Pressuring him or her to take or not take action may further contribute to feelings of helplessness or powerlessness. Even if her/his decisions are in contrast with your own personal feelings about the situation, allowing the person to choose the next steps helps her/him begin to regain a sense of control.
- Make sure that the person knows that the decision to take judicial or legal action rests with her/him.
- Make sure that the person knows that a medical exam is recommended to protect against the possibility of contracting an infectious disease, including AIDS, an unwanted pregnancy and/or the possibility of internal damage.
- Explain that showering, brushing teeth, chewing gum, douching, changing clothes, drinking fluids

or urinating before a medical exam may destroy important physical evidence.

- Make sure that the person knows that having a medical exam does not commit her/him to pressing charges; but enables her/him to do so in the future, if s/he so chooses. Remind the person that it's possible to collect evidence and receive antibiotics and emergency contraception for up to 96 hours after the assault. Beyond that time, a medical exam to test for sexually transmitted diseases, pregnancy or internal injuries is still important and recommended.

Information about Judicial & Legal Options

(Also see [Community Judicial Code](#))

It is important for you to be familiar with various options, including College judicial and/or legal options:

- Anyone who has been sexually assaulted has the right to pursue legal and disciplinary remedies and to secure counseling services. This includes the right to pursue College judicial action, criminal prosecution and/or civil litigation. Electing to pursue judicial action through the College does not commit the victim to pursue criminal or civil action, or vice versa. A victim also has the right to take no action.
- Should a victim wish to pursue criminal prosecution and/or civil litigation, the Department of Public Safety can provide assistance and information. Additionally, the [Blue Grass Rape Crisis Center](#) (800-656-4673) can provide a legal advocate to guide the victim through the legal process.

What happens when a person wants to pursue judicial action through the College?

1. A Judicial Officer will coordinate an investigation of the reported incident in order to determine the appropriate charges.
2. If judicial charges are filed, the Judicial Officer will prepare the case and gather relevant information. A Judicial Liaison will assemble a hearing body and be responsible for ensuring that the official procedures are followed.
3. If a hearing is held, the alleged perpetrator will be informed of the outcome by the hearing body. The alleged victim will be informed of the outcome by the Judicial Liaison. To protect the privacy of those involved in the hearing, the campus community as a whole will NOT be notified of the outcome of the hearing.

Can someone attend the judicial hearing with me?

Students may select a Personal Observer from within the College community (i.e. enrolled students, faculty or staff). This person is not an active participant in the hearing process; but may be present with the student to provide support.

Will I have to see the other person during the judicial hearing if I don't want to?

No. The Judicial Liaison will work with both parties to create a setting that's as neutral as possible.

Frequently Asked Questions

How can physical evidence be preserved?

It is normal for someone who has been sexually assaulted to want to feel "clean"; however, bathing and other actions can destroy important physical evidence. You should refrain from showering, drinking, eating, douching, urinating, chewing gum or changing clothes until a medical exam can be done. If clothing has already been removed, it should be placed in a paper bag or pillowcase (not a plastic bag).

What happens if I go to the ER?

1. You have the choice to go to the Emergency Room for a sexual assault exam (cost normally covered by the Victim's Fund established by the state) or medical attention (Emergency Room expenses will be billed to the student).
2. You may also choose to have a medical exam done by College Health Services during office hours (8:30am – 5:00pm M-F). This cost is covered by the student health fee. If you go to the ER for a sexual assault exam, the hospital staff is required to call a Bluegrass Rape Crisis Center advocate and the police.
3. If a sexual assault exam is requested, the victim must indicate that she/he is considering pressing charges so that a Rape Kit is made available to preserve evidence collected from the exam. This in no way obligates the victim to press charges but ensures that critical evidence is collected should a decision to press charges be made any time in the future. (Note: There is no statute of limitations on the crime of rape; however, rape kits are typically disposed of after 6 months).

The victim will be encouraged to provide a statement to the police officer before leaving the hospital. This statement accompanies the completed Rape Kit but it is not an agreement to press charges. A victim has the right to refuse to speak with a police officer or may choose to do so at a later date.

Do I have to talk to Public Safety and/or to a Police Officer?

No. You have the right to refuse to speak with Public Safety and/or to a police officer. You also have the right to speak with Public Safety and/or a police officer at a later date. Please keep in mind that critical evidence may be lost should you wait to make a statement and/or press charges and that a full investigation cannot be done without your cooperation.

What is involved in a sexual assault examination?

Either the ER doctor or, if requested, a Sexual Assault Nurse Examiner (SANE) will conduct a thorough medical examination to assess for injury and collect evidence that can be used if charges are pressed. The exam takes 2-3 hours and requires a lengthy list of samples to be collected for analysis, including pubic hair, finger nails, vaginal or penile and anal fluids, pictures of bruises or wounds, etc.

If I had been drinking at the time of the assault, will I get in trouble for drinking if the sexual assault is reported?

The College is committed to caring for and supporting anyone who has been sexually assaulted regardless of the circumstances surrounding the assault. If there are alcohol, visitation, or other policy violations connected to an assault situation, accommodations can be made so that you are not penalized for these infractions.

What should I do if I am worried about seeing the other person around campus?

If you are concerned about your safety or reasonable comfort as you participate in campus events, class, or labor, the College will try to adjust housing assignments, class and labor schedules, etc. Depending on the circumstances, the College may also issue a Cease and Desist order limiting further contact between the individuals involved.

Contact Information

Public Safety

985-3333

Berea Police Department

986-8456

Saint Joseph Hospital Berea

985-3151

Counseling Center

985-3212 8:00am – 5:00pm M-F

(After hours, weekends and holidays call Public Safety and ask to speak to the Counselor on call.)

Bluegrass Rape Crisis Center (BRCC)

1-800-656-4673 (Bluegrass Rape Crisis Center 24-hour hotline)

Effective Date: 3-10-2010**Sexual Harassment (from the 2010-11 Berea College Catalog and Student Handbook)****Policy on Sexual Harassment**

All Berea College employees and students are expected to conduct themselves in accordance with the high human and spiritual values that arise from the College's commitments and traditions. The College is committed to study, reflection, work, and social interaction that manifest these high values and foster healthy human and spiritual development. This requires an environment of mutual respect free of religious, racial, or sexual discrimination and free from harassment.

Berea College specifically prohibits sexual harassment of students, employees, or visitors, and is committed to investigating and resolving all such complaints. Such conduct will result in disciplinary action up to and including dismissal, whether the offender is faculty, staff, administrator, student, or trustee. The policy applies also to vendors, contractors, or other persons doing business with the College, in which case-appropriate recommendations and business decisions will be made. Also prohibited is retaliation through discrimination, intimidation, threat, coercion, or any other means against anyone who has reported sexual harassment or filed a grievance alleging sexual harassment.

In prohibiting sexual harassment in all its forms, Berea seeks to preserve and enhance academic freedom for all members of the campus community. Nothing in this policy is intended to limit the freedom of inquiry, teaching, or learning necessary to the College's educational purposes, or to inhibit scholarly, scientific, or artistic treatment of subject matter appropriate to an institution of higher education.

Explanation of Sexual Harassment

Sexual harassment is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964; as amended, by Title IX of the Education Amendments of 1972; and, in Kentucky, by the Fair Employment Practices Act, KRS 344.010- .500, 207.170.

Sexual harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical behaviors related to a person's gender, sexual identity, or sexuality when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic advancement or employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work or academic environment.

Items 1 and 2 above describe what is known as quid pro quo (this for that) harassment. This type of

harassment involves promise of reward or threat of punishment, explicitly or implicitly, for sexual cooperation. In quid pro quo one incident is enough to constitute sexual harassment.

Item 3 above describes what is known as “hostile environment” harassment. Though this type of harassment is not always recognized, and often goes unreported and unpunished, it is nevertheless an offense under federal and College guidelines. Generally, a pattern of behavior is required to create a hostile environment, though such behavior may be so egregious that a single incident is enough to create such an environment.

Sexual Harassment Contains These Two Elements

1. Sexual harassment is behavior that is unwanted and unwelcome
2. Sexual harassment is behavior related to the gender, sexual identity, or sexuality of the person

Sexual harassment is behavior that is unwanted and unwelcome by the recipient. Because sexual conduct only

becomes unlawful when it is unwelcome, it is important to note that most courts have not considered intent relevant in determining whether sexual harassment has occurred. Acquiescence is not evidence of consent. Acquiescence, especially to a person with authority to give or withdraw such things as employment or grades, or when the two individuals have unequal power, should not be considered evidence that the behavior is welcome.

Sexual harassment often occurs in situations where one person is in a position of power or authority over another, but it can occur where there is no evident power differential. Both women and men can be harassed, and harassment can be same-sex harassment. Gender harassment is sex-based behavior that is non-sexual in nature.

Gender harassment does not involve sexual compliance but its effect is to dominate or degrade an individual or group of people. The Equal Employment Opportunity Commission guidelines recommend that the “totality of the circumstances” be considered in determining whether sexual harassment has occurred. Thus, the appropriateness or legitimacy of behavior or objects is largely determined by the context and purpose of their presence in a particular situation. Harassment may be verbal, visual, or physical. Verbal harassment may include comments on one’s appearance or body; questions about one’s intimate relationships; graphic, obscene, degrading comments or jokes. Suggestive sounds, ridicule, written or oral invitations and advances that are inappropriate and unwelcome may be harassment. Visual conduct that can be harassing includes such actions as leering, staring at certain body parts, displaying sexual objects, offensive posters or pictures.

Physical harassment includes any unwelcome hugging or touching, and certainly pinching, fondling, or kissing. Forced sexual contact, the most extreme of which is rape, is clearly physical harassment.

Examples of Sexual Harassment

The following types of conduct and situational examples illustrate only some of the ways in which sexual harassment may occur in violation of College policy:

- Physical assault
- Direct or subtle solicitation of sexual activity
- Direct or subtle solicitation of sexual activity or sex-related behavior with a promise of reward or threat of punishment
- Unwelcome physical contact such as touching, or physical interference which limits participation in or benefit from work or academic performance;
- Unwelcome remarks about a person’s clothing or body;
- Explicit sexual questions, innuendoes, gestures, jokes, stories, and anecdotes;
- Display of sexually offensive posters, pictures, words, graffiti or messages;

Situational examples of conduct that may illustrate sexual harassment include:

- Connie is attending an open house in a crowded room. She encounters several male students.

As she moves past, one of the males turns his body next to hers and rubs across her breast. When she protests, he turns to his friends and laughs aloud saying: "She's a real ice queen."

- Matt walks into a line at Food Service where he is pinched from behind by a female who says: "Nice buns!"
- A female student who has received A's and B's in all of her courses unexpectedly receives a poor grade on her essay. She makes an appointment with the professor and meets at his office to discuss her concerns. The professor closes the office door and suggests that she might improve her grade if she "treats him right."
- Bob keeps a baseball bat in his residence hall room with the words "fag basher" painted on it. In an altercation with a gay student on the same floor, Bob grabs his bat and waves it around in an attempt to intimidate Jay;
- While visiting his girl friend at a residence hall, Stuart sees a poster with his name on it along with several other male students. Next to each name is a number from 1 to 10 with a caption stating "Stud Poll" reflecting the results of an informal floor ballot among female students on the sex appeal of the students;
- A male labor supervisor is known for his inclination to make sexual advances or remarks to women, frequently trying to touch them if they are alone or in an out of the way place. Others in the workplace are aware of this behavior but ignore it or feel it is none of their business;
- A male coach remarks to a female colleague: "You're awfully cranky today, must be that time of the month again."

Reporting Sexual Harassment

Berea College is committed to investigating and resolving all complaints of sexual harassment. Complaints made against employees are handled according to procedures established for such. (A statement of these procedures may be obtained from Dreama Gentry, Title VII/Title IX Coordinator, at the contact info below.)

Complaints against students fall under the jurisdiction of the Student Conduct Regulations and Community Judicial Code outlined in those sections of this publication.

All reports of sexual or other types of harassment should be made to the Title VII/Title IX Coordinator, Dreama Gentry. Questions or complaints related to sexual harassment should be directed to her at the GEAR-UP office in the Middletown School, 439 Walnut Meadow Road, via email at dreama_gentry@berea.edu, or by phone at 859 985-3853. (see [Non-Discrimination Policy](#) for information on reporting Disabilities Discrimination, and [Harassment](#).)

Effective Date: 9-1-2009

safercampus.org Berea College Submission

<http://safercampus.org/school/berea-college>

Berea College

Profile

City:

Berea

State:

Kentucky

Enrollment:

1,613 Students

Demographic information:

58% female, 42% male; 0% American Indian or Alaska Native, 1% Asian, 14% Black or African American, 2% Hispanic/Latino, 0% Native Hawaiian or other Pacific Islander, 63% white, 5% two or more races, 8% race/ethnicity unknown, 7% non-resident alien

Public/Private:

Private

Policy

Does the school have a separate policy that addresses sexual assault?:

Yes

Is the sexual assault policy included in the student handbook?:

Yes

Is the sexual assault policy included on the school website?:

Yes

School sexual assault policy:

2010. <http://www.berea.edu/cataloghandbook/sturegs/srr/sexualassault.asp>

School resources

Does the college provide counseling services for students?:

Yes

If yes, is this counseling unlimited for sexual assault survivors? :

Yes

If counseling is available, is there a fee for sexual assault survivors? :

No

Do survivors have the option to report confidentially or anonymously? :

Either

Does the school have at least one full time staff person who works only on sexual violence prevention and education?:

No

Does the school offer programs geared towards risk reduction? (whistles, escort services, self-defense classes etc.):

Yes

What programs related to sexual assault awareness, education, or prevention does the school offer?:

self-defense classes taught by on-campus professor; first-year orientation program; individual

residence hall programming; Take Back the Night; Vagina Monologues; rape walk through introductory health & wellness course; first-year orientation program

Awareness activities

Activities that focus on awareness of sexual assault, but not on prevention

Does the school sponsor awareness activities?:

Yes

If yes, are these awareness activities mandatory for all students?:

No

Prevention activities

Activities that focus on primary prevention of sexual assault

Are students required to sign a statement or otherwise attest that they have read the policy?:

No

Does the school offer programs aimed at primary prevention of sexual violence?:

Yes

If yes, are these prevention programs mandatory for all students?:

No

Crisis Services

Does the school provide survivors with crisis services 24 hours a day, every day of the school year? :

Yes

Is emergency contraception available to survivors in school health centers?:

Available for a fee

Are antibiotics available to survivors in student health centers?:

Available for a fee

Is HIV prophylaxis available to survivors at student health centers?:

Available for a fee

Disciplinary procedures

Does the school provide a clear, comprehensive outline of disciplinary procedures?:

No

Does the school have an amnesty policy?:

No

Does the school state that the accuser's dress and past sexual history may not be discussed at the disciplinary hearing?:

Yes

Are the rules regarding who may be present at a disciplinary hearing the same for accuser and accused?:

Yes

Are disciplinary proceedings confidential except for the outcome?:

Yes

Does the school state that the accuser and accused must both be informed of outcome of the disciplinary proceeding?:

Yes

Do procedures include provisions protecting students wrongly accused of sexual assault?:

Unknown

Can both accuser and accused appeal when new information is available or there was a procedural error?:

Yes

Can students appeal to someone other than the person or persons who made the first decision?:

Unknown

Does one individual have the authority to determine whether a violation of school policy occurred?:

No

Does one individual have the authority to determine, change, or over-rule a sanction?:

No

Oversight

Does the sexual assault policy say who is responsible for making sure that the policy is followed as written?:

No

Does the policy say how changes to the policy can be made or how students can raise concerns?:

No

Accessibility

Does the policy cover sexual assault of a man?:

Yes

Are all relevant services available to students regardless of gender identity, ethnic background, or sexual orientation?:

Yes

Are members of the non-school community who are sexually assaulted by students or staff able to receive any school services?:

No

Security

Is there a person or office responsible for overseeing campus security and ensuring the

collection of crime reports?:

Yes

Does the school send out timely warnings?:

Yes

Does the school maintain a daily crime log?:

Yes

Is the log available to students?:

Yes

Are comprehensive statistics on the previous year's crime reports distributed to students every year? :

Yes

Do the crime statistics your school reported for last year resemble what you have heard about the number of rapes on campus?:

No

Does the campus have blue lights installed?:

Yes

Do dorms have electronically controlled access?:

Yes

Does the campus use security cameras? :

Yes

Clery Act Requirements

Does the school list procedures a student should follow if an offense occurs?:

Yes

Does the school list procedures regarding whom at the school to contact if an offense occurs?:

Yes

Does the school notify students of on- and off-campus sexual assault victim services?:

Yes

Does the school explain the importance of preserving evidence after an attack?:

Yes

Does the school inform the student of their right to notify campus police after an attack?:

Yes

Does the school inform the student of their right to notify local police after an attack?:

Yes

Does the school state that it will assist the student with notification of local police, if desired?:

Yes

Does the school notify students that it will assist victims with changes in academic and living arrangements if available?:

No

Does school have an individual or office designated to ensure that the security policies are actively implemented as described? :

Yes

Comments

Comments on three or more ways in which the school's policy adequately addresses sexual violence.:

1. Two years ago, we edited the procedure to allow the victim to choose whether or not the attacker is in the room with them during the judicial hearing.

2. At Berea, an A1 is considered an offense of physical violence, which means automatic suspension or expulsion. Up until two years ago, sexual assault was not deemed an offense of physical violence.

3. It allows for the victim to choose whether or not the crime is handled through the campus police or the city police.

Comments on three or more ways the school's policy can be improved.:

1. The procedure is a bit vague, & rather hap-hazard. There is no real standard. It alters depending on who you work with.

2. Students are not incredibly informed about policies & procedures, & even less about who they can go to/will work with in the duration of the process of reporting.

3. Not much is actually done to those who do commit assault on this campus.

4. The amnesty policy is not secure. It states that arrangements "may" be made to protect the victim but not "will." There have been cases where victims have had to work alongside their attacker during the same shift because the college refused to be "inconvenienced."

Full text of sexual assault policy and related policies or procedures

Full text of sexual assault policy and related policies or procedures:

Sexual Assault Reporting Guidelines & Information

Purpose of the Guidelines

The Sexual Assault Guidelines outline the procedures to be followed when a student reports a sexual assault. The primary purpose of the guidelines is to ensure the victim's health and safety while offering appropriate response to all parties involved, including the campus community at large.

The Berea College community has ethical and moral values that all members of the community are expected to meet. Central to those values is the belief that all members of the College community have the right to be treated with respect and to participate in community life with dignity. Sexual assault is not only a criminal offense, but also a violation of these rights.

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A person can withdraw consent at any time during the course of a sexual encounter. Pursuing sexual contact in any form with an unwilling or un-consenting partner is sexual assault. Both parties must understand consent, with responsibility for discerning correct judgment resting upon the person making the sexual advance.

Confidentiality

For a student who wishes his/her assault to be handled in a private, confidential manner, it is essential that he or she contact College Health Services and/or Counseling Services (x3212), a minister at the Campus Christian Center (x3926), or the Bluegrass Rape Crisis Center (1-800-656-4673), where, by law, medical providers and counselors can maintain confidentiality. If the student reports a sexual assault to other College faculty or staff, including student staff members, that

person is obligated by federal legislation, including the Campus Security Act, to report the incident to Public Safety.

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to check for internal injury;

to receive treatment for possible sexually-transmitted diseases or pregnancy; and

to conduct a sexual assault exam to collect and preserve any physical evidence should you decide to press charges at the time or in the future. The emergency rooms at Saint Joseph Berea Hospital and at Patty A. Clay Hospital (in Richmond) can provide these exams.

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Public Safety

ext. 3333

Collegium

ext. 3115 (8 am – 5 pm) or ext. 3333 (after hours)

Berea Police Department

986-8456

Reporting Requirements

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Basic Advice to Assist the Victim

Following are some helpful tips for supporting and assisting a person who has been sexually assaulted:

Help the person feel empowered. Pressuring him or her to take or not take action may further contribute to feelings of helplessness or powerlessness. Even if her/his decisions are in contrast with your own personal feelings about the situation, allowing the person to choose the next steps helps her/him begin to regain a sense of control.

Make sure that the person knows that the decision to take judicial or legal action rests with her/him.

Make sure that the person knows that a medical exam is recommended to protect against the possibility of contracting an infectious disease, including AIDS, an unwanted pregnancy and/or the possibility of internal damage.

Explain that showering, brushing teeth, chewing gum, douching, changing clothes, drinking fluids or urinating before a medical exam may destroy important physical evidence.

Make sure that the person knows that having a medical exam does not commit her/him to pressing

charges; but enables her/him to do so in the future, if s/he so chooses. Remind the person that it's possible to collect evidence and receive antibiotics and emergency contraception for up to 96 hours after the assault. Beyond that time, a medical exam to test for sexually transmitted diseases, pregnancy or internal injuries is still important and recommended.

Information about Judicial & Legal Options

(Also see Community Judicial Code)

It is important for you to be familiar with various options, including College judicial and/or legal options:

Anyone who has been sexually assaulted has the right to pursue legal and disciplinary remedies and to secure counseling services. This includes the right to pursue College judicial action, criminal prosecution and/or civil litigation. Electing to pursue judicial action through the College does not commit the victim to pursue criminal or civil action, or vice versa. A victim also has the right to take no action.

Should a victim wish to pursue criminal prosecution and/or civil litigation, the Department of Public Safety can provide assistance and information. Additionally, the Blue Grass Rape Crisis Center (800-656-4673) can provide a legal advocate to guide the victim through the legal process.

What happens when a person wants to pursue judicial action through the College?

A Judicial Officer will coordinate an investigation of the reported incident in order to determine the appropriate charges.

If judicial charges are filed, the Judicial Officer will prepare the case and gather relevant information. A Judicial Liaison will assemble a hearing body and be responsible for ensuring that the official procedures are followed.

If a hearing is held, the alleged perpetrator will be informed of the outcome by the hearing body. The alleged victim will be informed of the outcome by the Judicial Liaison. To protect the privacy of those involved in the hearing, the campus community as a whole will NOT be notified of the outcome of the hearing.

Can someone attend the judicial hearing with me?

Students may select a Personal Observer from within the College community (i.e. enrolled students, faculty or staff). This person is not an active participant in the hearing process; but may be present with the student to provide support.

Will I have to see the other person during the judicial hearing if I don't want to?

No. The Judicial Liaison will work with both parties to create a setting that's as neutral as possible.

Frequently Asked Questions

How can physical evidence be preserved?

It is normal for someone who has been sexually assaulted to want to feel "clean"; however, bathing and other actions can destroy important physical evidence. You should refrain from showering, drinking, eating, douching, urinating, chewing gum or changing clothes until a medical exam can be

done. If clothing has already been removed, it should be placed in a paper bag or pillowcase (not a plastic bag).

What happens if I go to the ER?

You have the choice to go to the Emergency Room for a sexual assault exam (cost normally covered by the Victim's Fund established by the state) or medical attention (Emergency Room expenses will be billed to the student).

You may also choose to have a medical exam done by College Health Services during office hours (8:30am – 5:00pm M-F). This cost is covered by the student health fee. If you go to the ER for a sexual assault exam, the hospital staff is required to call a Bluegrass Rape Crisis Center advocate and the police.

If a sexual assault exam is requested, the victim must indicate that she/he is considering pressing charges so that a Rape Kit is made available to preserve evidence collected from the exam. This in no way obligates the victim to press charges but ensures that critical evidence is collected should a decision to press charges be made any time in the future. (Note: There is no statute of limitations on the crime of rape; however, rape kits are typically disposed of after 6 months).

The victim will be encouraged to provide a statement to the police officer before leaving the hospital. This statement accompanies the completed Rape Kit but it is not an agreement to press charges. A victim has the right to refuse to speak with a police officer or may choose to do so at a later date.

Do I have to talk to Public Safety and/or to a Police Officer?

No. You have the right to refuse to speak with Public Safety and/or to a police officer. You also have the right to speak with Public Safety and/or a police officer at a later date. Please keep in mind that critical evidence may be lost should you wait to make a statement and/or press charges and that a full investigation cannot be done without your cooperation.

What is involved in a sexual assault examination?

Either the ER doctor or, if requested, a Sexual Assault Nurse Examiner (SANE) will conduct a thorough medical examination to assess for injury and collect evidence that can be used if charges are pressed. The exam takes 2-3 hours and requires a lengthy list of samples to be collected for analysis, including pubic hair, finger nails, vaginal or penile and anal fluids, pictures of bruises or wounds, etc.

If I had been drinking at the time of the assault, will I get in trouble for drinking if the sexual assault is reported?

The College is committed to caring for and supporting anyone who has been sexually assaulted regardless of the circumstances surrounding the assault. If there are alcohol, visitation, or other policy violations connected to an assault situation, accommodations can be made so that you are not penalized for these infractions.

What should I do if I am worried about seeing the other person around campus?

If you are concerned about your safety or reasonable comfort as you participate in campus events, class, or labor, the College will try to adjust housing assignments, class and labor schedules, etc. Depending on the circumstances, the College may also issue a Cease and Desist order limiting

further contact between the individuals involved.

Contact Information

Public Safety

985-3333

Berea Police Department

986-8456

Saint Joseph Hospital Berea

985-3151

Counseling Center

985-3212 8:00am – 5:00pm M-F

(After hours, weekends and holidays call Public Safety and ask to speak to the Counselor on call.)

Bluegrass Rape Crisis Center (BRCC)

1-800-656-4673 (Bluegrass Rape Crisis Center 24-hour hotline)

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<http://www.berea.edu/cataloghandbook/sturegs/srr/sexualassault.asp>