

# Title IX Policy and Procedures

Policy, Procedures, and Information on Sexual Misconduct, Sexual Harassment, Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, Relationship and Dating Violence, Domestic Violence, and Stalking



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**Contact:** Title IX Coordinator

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Long Student Center, room 200

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Questions, complaints, or concerns about Title IX may be addressed to the Title IX Coordinator or to the Office of Civil Rights, U.S. Department of Education, 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114-3302, 816.268.0550, [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).

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## INTRODUCTION

Sexual misconduct and assault, including rape, are violations of Baker University's Standards of Conduct for Students and its sexual harassment policy as well as violations of the Kansas Penal Code. Members of the University community, guests and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When accused students are found to have violated this policy, serious sanctions will be imposed. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated. The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

While there are a number of laws and regulations that mandate how universities handle allegations of sexual misconduct and assault, it is impossible to set forth every scenario that could be a violation of this policy. Ultimately, the University has the discretion to determine whether or not the policy has been violated and impose appropriate sanctions for infractions.

## STUDENT RIGHTS

### REPORTING

- Accusing students have the right to notify law enforcement and to be assisted by campus authorities in doing so.
- Accusing students have the right to decline to report to law enforcement.
- Accusing students have the right to have their cases referred for administrative campus investigation and review.

### FAIR PROCESS

- All students have the right for reported grievances to be reviewed through the procedures outlined in this policy.
- Accused and accusing students have the same opportunity to have advocates of their choice (or offered through the University) present at any stage in the campus investigative and adjudicative process.
- Both the accused and the accusing students shall be informed of the outcome of any campus disciplinary hearing alleging sexual misconduct.
- Accusing students and witnesses may receive amnesty for minor student misconduct (such as alcohol or drug violations) that is secondary to the alleged incident.
- Accusing students and their supporters have the unfettered right to be free from retaliation.

### ADVOCACY AND SUPPORT

- Students shall be notified of campus counseling services and off-campus resources.
- All parties in the administrative conduct process are entitled to have others (support person, adviser, or advocate) present during investigatory interviews and hearings.
- Students will be offered procedural assistance from a trained Baker University support person.

### TEMPORARY MEASURES

- Accusing students will be notified of, and have the right to receive, no contact administrative orders and adjustments to academic and Residence Life arrangements, whether or not there is a formal complaint.

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# REPORTING

## FOR IMMEDIATE ASSISTANCE

Go to a safe location, and if injured, seek immediate medical attention. If you are sexually assaulted, you may seek assistance by contacting any of the following. Please note that this list is not exhaustive. Additionally, if you would like support in contacting any resource, please contact Dr. Cassy Bailey, Dean of Students, Title IX Coordinator.

### Emergency 911

#### Baldwin City Campus

- Dean of Students, Title IX Coordinator, 200 Long Student Union, **785.594.8431**
- Health and Counseling Services **785.594.8409**
- University Minister, Osborne Chapel lower level **785.594.4553**
- Sexual Assault and Abuse Care Center Advocate, 201 Long Student Union **785.843.8985**
- Baldwin City Police Department **785.594.3850**
- Security **785.594.8430**
- Sexual Assault and Abuse Care Center, Lawrence **785.843.8985**
- Lawrence Memorial Hospital **785.505.5000**

#### Kansas City Northland Campus

- Dean of Students, Title IX Coordinator, 200 Long Student Union, **785.594.8431**
- University Minister, Osborne Chapel lower level **785.594.4553**
- Kansas City Police Department - North Patrol **816.234.5540**
- Metropolitan Organization to Counter Sexual Assault Crisis Line **816.531.0233** or **913.642.0233**

#### Lee Summit Campus

- Dean of Students, Title IX Coordinator, 200 Long Student Union, **785.594.8431**
- University Minister, Osborne Chapel lower level **785.594.4553**
- Lee Summit Police Department **816.969.1700**
- Metropolitan Organization to Counter Sexual Assault Crisis Line **816.531.0233** or **913.642.0233**

#### Overland Park Campus

- Dean of Students, Title IX Coordinator, 200 Long Student Union, **785.594.8431**
- University Minister, Osborne Chapel lower level **785.594.4553**
- Overland Park Police Department: **913.895.6300**
- Metropolitan Organization to Counter Sexual Assault Crisis Line **816.531.0233** or **913.642.0233**

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## Wichita Campus

- Dean of Students, Title IX Coordinator, 200 Long Student Union, **785.594.8431**
- University Minister, Osborne Chapel lower level **785.594.4553**
- Wichita Police Department **316.350.3440**
- Wichita Area Sexual Center Assault Crisis line **316.263.3002**

## School of Nursing, Topeka Campus

- Dean of Students, Title IX Coordinator, 200 Long Student Union, **785.594.8431**
- University Minister, Osborne Chapel lower level **785.594.4553**
- Topeka Police Department **785.368.9551**
- Stormont Vail SANE/SART (sexual assault nurse examiner/sexual assault response team) **785.354.6107**
- Valeo Behavioral Health Care 24 hour crisis intervention **785.234.3300**

## State Resources

- For a listing of Kansas City hospitals specializing in Sexual Assault Nurse Exam/Forensic Evidence Collection, please visit [https://www.google.com/maps/d/viewer?mid=1y6pxOmsT9ld6fHclyCvLCHdbijg&hl=en\\_US](https://www.google.com/maps/d/viewer?mid=1y6pxOmsT9ld6fHclyCvLCHdbijg&hl=en_US)
- The Kansas Crisis Hotline is a toll-free, 24-hour statewide hotline linking victims of domestic violence and sexual assault to local services. The Kansas Crisis Hotline **1.888.363.2287**, <http://www.kcsdv.org/find-help/in-kansas/dv-sa-services.html>

## National Resources

- National Domestic Violence Hotline. Trained advocates are available 24/7 to talk confidentially about individuals experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.  
<http://www.thehotline.org/>  
**1.800.799.7233**  
TTY: **1.800.787.3224**
- National Suicide Prevention Hotline. Skilled, trained counselors are available 24/7 to listen to your problems and help you connect with mental health services in your area. Calls are confidential and free.  
<http://www.suicidepreventionlifeline.org/>  
**1.800.273.8255** or **1.800.784.2433**
- National Hopeline (if despondent). Calls are connected to certified crisis center nearest to the caller's location. Staff and volunteers are trained and certified in crisis intervention.  
<http://www.hopeline.com/> or <http://www.hopeline.com/gethelpnow.html>  
**1.800.442.4673** or **1.800.442.HOPE**.
- Rape, Abuse & Incest National Network (RAINN). Calls are completely confidential. Trained counselors provide support for rape, sexual assault, and incest victims.  
<https://rainn.org/get.help/national.sexual.assault.hotline>  
<https://ohl.rainn.org/online/> (online hotline)  
**1.800.656.HOPE** or **1.800.656.4673**

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In order to make informed choices when consulting campus resources, all parties should be aware of confidentiality, privacy, and mandatory reporting.

### **TO DISCUSS CONFIDENTIALLY**

If one desires that details of the incident be kept confidential, he or she should speak with on-campus mental health counselors, campus health service providers, or the University Minister. For Baldwin City campus students, University counselors and Health Center staff are available to help free of charge, and can be seen on an emergency basis. In addition, victims may speak on- and off-campus with members of the clergy and chaplains, and off-campus rape crisis resource people who can maintain confidentiality.

### **NON-CONFIDENTIAL REPORTING**

Students are encouraged to speak to officials of the institution to make formal reports of incidents. The University considers all other employees outside of those listed under “To Discuss Confidentially” to be “responsible employees” and therefore mandated reporters. Notice to them is official notice to the institution. Students have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual.

### **REMEDICATION OR PREVENTATIVE MEASURES**

The University reserves sole discretion and the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students’ rights and personal safety and the University community. Such measures include, but are not limited to, no contact orders, modification of living arrangements, restriction of access to residence hall, campus buildings, and campus grounds, counseling intervention requirements, interim suspension from campus pending a hearing, and reporting the matter to the law enforcement

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## FILING A COMPLAINT

Victims of sexual misconduct are encouraged to file a report with the Dean of Students Office/Title IX Coordinator and/or law enforcement. The report may be informational and not require immediate action, or may be in the form of a complaint for action to be taken immediately. Actions taken by the University or the police may be separate and independent. University information will be kept in as confidential a manner as legally permissible.

Victims of sexual misconduct usually have two avenues to consider in filing a complaint. These options are not mutually exclusive. The first offers a University process and the second a criminal process. One, both, or either, may be pursued:

1. An alleged victim who wishes to have his or her case reviewed administratively, within the institution, should contact the Dean of Students Office/Title IX Coordinator. The Dean/Coordinator will explain Baker University procedures.
2. An alleged victim who wishes to have his or her case handled criminally should contact law enforcement. A University staff member will accompany an accusing student through this process as requested. Contact the Dean of Students Office for a campus advocate.

## AMNESTY

Sometimes victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University officials. To encourage reporting, Baker University pursues a policy of offering victims of sexual misconduct immunity from being charged for policy violations related to the incident. While violations cannot be completely overlooked, the University will provide referrals to counseling and may require educational options, rather than punishment, in such cases.

## EVIDENCE

### PRESERVING EVIDENCE

Evidence of a sexual assault and the attacker's identity may be left on the victim's body. Therefore do not wash any way until you have been examined at a hospital emergency room. Victims of sexual assault should go in for the exam as quickly as possible because the evidence deteriorates quickly and may be important in proving the assault in criminal proceedings. Hospital staff is trained to collect forensic evidence, check for injuries and deal with the possibility of exposure to sexually transmitted diseases. A sexual assault nurse examiner (SANE) is a hospital staff member who handles sexual assault and is specifically trained to: provide comprehensive care to sexual assault survivors; demonstrate competence in conducting a forensic examination; have the ability to testify as an expert witness; and show compassion and sensitivity to survivors of sexual assault.

### EVIDENCE THRESHOLD

In order to maintain and preserve the educational nature of the University, actions taken under the Code of Conduct are not intended to imitate or to serve as a substitute for civil or criminal proceedings, nor are formal rules of evidence utilized in such cases applicable to proceedings of the University under the Code of Conduct. Baker University utilizes a preponderance of evidence as opposed to "beyond a shadow of doubt."

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## CONSENT

- Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity or contact.
- Individuals are physically free and capable to act.
- Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.
- A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Continued pressure can be coercive, and is also a violation of this policy.
- Silence or the absence of resistance alone is not consent.
- Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
- A current or previous dating relationship is not sufficient to constitute consent.
- Past consent of sexual activities does not imply ongoing future consent.

## FORCE AS A FACTOR IN CONSENT

- Force is the direct or indirect use of physical violence and/or imposing on someone physically to gain sexual access. There is no requirement that parties resist the sexual advance or request, but resistance is a clear demonstration of non-consent.

## INCAPACITATION AS A FACTOR IN CONSENT

- Consent must be “knowing” to be valid. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to voluntary or involuntary use of alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is incapacitated has violated this policy.
- Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).
- Possession, use and/or distribution and/or administering of any incapacitating drugs, is prohibited and is a violation of this policy.
- It is not an excuse that the accused party of sexual misconduct was intoxicated, and therefore, did not realize the incapacity of the other.

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# SEXUAL MISCONDUCT VIOLATIONS

## SEXUAL HARASSMENT

Sexual Harassment is conduct that is (1) sexual in nature; (2) is unwelcome; and (3) either (i) in the case of a student, denies or limits a student's ability to participate in or benefit from a school education program; or (ii) in the case of an University employee, is sufficiently severe and pervasive as to change or alter the individual's working conditions. Conduct that satisfies these elements violates this policy and also is a form of prohibited discrimination. If any one of these three elements is missing, the conduct is not sexual harassment, although it may violate other University policies.

No policy can anticipate each and every comment or behavior that may constitute prohibited sexual harassment. The following includes a non-exhaustive list of conduct and/or comments that may violate the University's policy prohibiting sexual harassment:

- Making sexual propositions or pressuring for sexual favors
- Touching of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures or written materials, including but not limited to e-mail or internet materials
- Performing sexual gestures or touching oneself sexually in front of others
- Derogatory or stereotypical comments about members of one sex versus another
- Sexual jokes or innuendo

## NON-CONSENSUAL SEXUAL CONTACT

Sexual touching includes, but is not limited to, any bodily contact with breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner. Non-consensual sexual contact is defined as:

- any intentional sexual touching
- however slight with any object
- by a person upon another person without regard to gender of either party
- that is without consent and/or by force

## NON-CONSENSUAL SEXUAL INTERCOURSE

Sexual intercourse includes, but is not limited to, vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact. Non-consensual sexual intercourse is defined as:

- any sexual penetration or intercourse (anal, oral, or vaginal)
- however slight
- with any object
- by a person upon another person without regard to gender of either party
- that is without consent and/or by force
- Administering alcohol or drugs (such as "date rape" drugs) to another person



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## SEXUAL EXPLOITATION

Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-consensual Sexual Contact, and Non-consensual Sexual Intercourse.

Examples of sexual exploitation include, but are not limited to, engaging in the following activities without the other person(s) consent:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual acts without the consent of the person observed)
- Taking pictures or recording another in a sexual act, or in any other private activity (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent)
- Exposing one's genitals or breasts in non-consensual circumstances or inducing another to expose his or her genitals or breasts
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection
- Administering alcohol or drugs (such as "date rape" drugs) to another person

## RELATIONSHIP AND DATING VIOLENCE

Relationship and Dating Violence is defined as any hurtful or unwanted physical, sexual, verbal, or emotional act inflicted by a casual or intimate dating partner who is or has been in a social relationship of a romantic or intimate nature with the victim with the intention, either real or perceived, of causing pain or injury to another person. The existence of such a relationship shall be determined based on consideration of the following factors: the length of the relationship; the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

## DOMESTIC VIOLENCE

Domestic Violence is defined as any hurtful or unwanted physical, sexual, verbal, or emotional act inflicted by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated; a person similarly situated to a spouse of the victim under the domestic or family violence laws; or any other person against an adult or youth victim who is protected from that person's acts with the intention, either real or perceived, of causing pain or injury to another person.

## STALKING

Stalking is defined as any person who engages in a course of conduct demonstrating unwanted or obsessive attention toward another whether in-person, remotely, or electronically wherein it would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress to include, but not be limited to engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her own safety; or the safety of others; or suffer substantial emotional duress.

## RETALIATION

The accusing and accused student and their supporters have the unfettered right to be free from retaliation. Retaliation is defined as any adverse reaction taken against a person for alleging harassment, supporting a party bringing a grievance, or for assisting in providing information relevant to a claim of harassment and will be investigated immediately and adjudicated separately. Retaliation includes, but is not limited to intimidation, threats or menacing behavior, coercion, or discriminatory actions. Retaliation is a serious violation and may result in immediate removal from the University.

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## RECOMMENDED CARE PROCEDURES

### RECOMMENDED PROCEDURE TO TAKE IF YOU ARE A VICTIM OF RELATIONSHIP/DOMESTIC VIOLENCE

- If you are in immediate danger, call 911 for help
- Contact the Dean of Students/Title IX Coordinator for support, or to file a complaint against the perpetrator
- Contact law enforcement (not required)
- Devise a safety plan and notify friends and family members of your safety plan
- Seek medical treatment if you have been physically hurt by the other person
- Seek counseling services which can provide resources and support regarding how to handle relationships that involve violence

### RECOMMENDED PROCEDURES TO TAKE AFTER A SEXUAL ASSAULT

- If you are in immediate danger, call 911 for help
- Immediate medical attention is recommended to treat any injuries that may have been sustained, including any possible sexually transmitted infection, and to collect or establish information related to the rape or assault. Immediate medical needs can be taken care of by a hospital. University officials may accompany the person, at his/her request or consent, and render whatever assistance needed.
- Seek counseling services which can provide resources and support regarding sexual assault
- At the Baldwin City campus, counseling for both a person who has been the victim of sexual assault and those accused may be provided by the Baker Counseling Center staff or those who are in a position to assist. In the event that long-term assistance is necessary, referrals to the appropriate outside resources may be made.
- Contact law enforcement (not required)
- Contact the Dean of Students for support, or to file a complaint against the perpetrator

### RECOMMENDED PROCEDURES TO TAKE IF YOU ARE BEING STALKED

- If you are in immediate danger, call 911 for help
- Clearly communicate an unwillingness to engage in further contact with the stalker
- Set firm personal boundaries with the person engaging in the stalking behavior
- If you are not comfortable with face-to-face interaction with the stalker, write a letter to the person
- Keep a journal of all contacts that the stalker has made with you and keep records of other interactions
- Devise a safety plan and let your friends know about it.
- Contact the Dean of Students for support, or to file a complaint against the perpetrator
- Contact law enforcement (not required)
- Seek medical treatment if you have been physically hurt by the other person
- Seek counseling services which can provide resources and support regarding how to handle stalking

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## TITLE IX REVIEW and INVESTIGATION PROCEDURES

### INITIAL REVIEW

The Title IX Coordinator will explain Baker University conduct procedures, including: the difference between the administrative procedure and criminal reporting; no contact orders and remedial action; and confidentiality and privacy. Generally, the next step will be for the staff member to meet with the accused student (at a different time) to notify him or her of the allegation and possible remedial actions.

Reports made to Baker University Health and Counseling personnel, University minister, or those not deemed “responsible employees” by definition in the above Reporting section will be shared confidentially with the Campus Title IX per federal reporting requirements (Clery Act). All personally identifiable information is kept confidential.

The University has an obligation to investigate allegations of sexual misconduct as provided for in this policy.

### RELUCTANT VICTIM/ACCUSING STUDENT

Accusing students may wish to not make a formal complaint and/or participate in disciplinary action. Title IX per federal law requires Universities to investigate all reports of Sexual Misconduct. The Title IX Coordinator may obtain corroborating information of violations reported and at that time may deem it necessary to move forward with the student conduct process without the involvement of the accusing student. The Title IX Coordinator is required to document the initial report for general Clery Act statistics. There will be no personally identifiable information included in this report; the accusing student’s identity will remain anonymous.

### INVESTIGATION

In cases involving student grievances referred for administrative action, the University will use an investigative model. This model allows much of the investigation to be completed prior to the final hearing. Trained investigators will interview accusing and accused students and witnesses, share the reports with the accused and accusing students, and allow for one or more responses from each.

Investigators will prepare a summary report with finding and sanctioning recommendations for the University Conduct Board. Accused and accusing students will have an opportunity to preview the report and offer comment.

All investigations will be kept as confidential as possible and if information is disclosed, it will only be on a “need to know” basis.

### CONDUCT PROCESS

The Formal Process is used when the accusing student bringing the complaint wants to file a complaint of sexual misconduct against another member of the community and/or if the university, after conducting an initial investigation, determines there is sufficient evidence to make a charge of sexual misconduct. The case will be referred to the University Conduct Board as described below.

### HEARING PROCEDURE

The University Conduct Board will generally question the investigators in the hearings and accept or reject the recommendations. If they reject the recommendations or adjust the sanctions they must do so within the framework of the policy and cite clear evidence in order to make adjustments.

The University Conduct Board may return the report to the investigators for modification. Accused and accusing students may make opening and closing statements primarily to address issues raised in the report. If a finding of “responsible” is assigned, the University Conduct Board may review a written impact statement, which may also include desired sanction outcomes. Such statements will be shared with the responsible student.

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## STANDARD OF EVIDENCE

In order to maintain and preserve the educational nature of the University, actions taken under the Code of Conduct are not intended to imitate or to serve as a substitute for civil or criminal proceedings, nor are formal rules of evidence utilized in such cases applicable to proceedings of the University under the Code of Conduct. Baker University utilizes a preponderance of evidence as opposed to “beyond a shadow of doubt.”

## PAST HISTORY

The past sexual history or sexual character of a party will not be considered in hearings unless such information is determined to be highly relevant by the Board Chair. All such information sought to be admitted by a party or the University will be presumed irrelevant until a determination of relevance is made, in advance of the hearing, by the Chair, and in consultation with the Board. Demonstration of pattern, repeated, and/or predatory behavior by the responding student, including in the form of previous findings in any legal or campus proceeding, may be relevant to the finding, not just the sanction. The parties will be notified in advance if any such information is deemed relevant and will be introduced in the hearing.

## SANCTION STATEMENT

Not all forms of sexual misconduct are equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the accusing student and the accused student of sexual misconduct.

- Any student found responsible for violating the policy on Non-consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from Conduct probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating the policy on Non-consensual or Forced Sexual Intercourse will likely receive a sanction of suspension or expulsion.
- Any student found responsible for violating the policy on Sexual Exploitation or Sexual Harassment (and related violations) will likely receive a sanction ranging from Conduct warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating policies on Dating Violence, Domestic Violence, or Stalking will likely receive a sanction of suspension or expulsion.

## FINAL OUTCOME

Accused and accusing students may see the decision letters, receive survivor impact statements (if included), and view and respond to written appeals.

## APPEALS

All parties in a sexual misconduct hearing have the opportunity to appeal within a specific time limit. Students found responsible may appeal without concern that the review body will issue a harsher finding or sanction. Reporting parties may appeal the decision and the sanction. See Student Conduct procedures for further details.

[www.bakeru.edu/studenthandbook](http://www.bakeru.edu/studenthandbook)

## INVESTIGATION TIMELINE

Baker University aims to complete all investigations within a 60 day time period. Exceptions may include concern for campus or student safety or multiple complaints or incidents. In any case, all parties involved will be provided with periodic status updates during the grievance process. The University will treat all parties equitably throughout the process.

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## RISK REDUCTION TIPS

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## EDUCATIONAL PROGRAMS

Educational programs will be provided to University students, faculty, and staff about the issues of sexual misconduct. Programs will define the offenses, outline procedures for reporting, and resources available for support. This policy shall supplement all other University policies relating to sexual abuse and harassment, all of which shall remain in effect. All policies shall be applied consistently in such a manner as to effectuate their collective purposes and may be amended from time to time as deemed necessary or desirable by the University.