

The drafting committee of Isabella C., Lili B., Marie K., Reema A., and Izzy C., has submitted this draft Campus Sexual Misconduct Policy for consideration:

Goal: Prevent sexual misconduct of all kinds on campus along with providing protection from false accusations. These are extremely serious claims, and we will treat them as such. We are proposing strict and strong punishments, with the goal to prevent offenses. All students should be allowed to continue their progress towards graduation at a pivotal point in life in a safe environment.

Premise: Upon becoming students, they will sign legal waivers, requiring them to cooperate with these sexual misconduct policies and investigations. They will be required to sign legal waivers pertaining to this sexual misconduct policy prior to entering onto campus at the start of their school year. When necessary, they will be required to produce all materials pertinent to an ongoing investigation, including phone records, etc.

Section 210.0 - Definitions:

- (1) **Sexual misconduct** is any offensive touching of the body parts of another person or sexual penetration of another when consent is not provided. This is a broad term that encompasses sexual harassment, sexual violence, and rape.
 - (a) A person is any human being who is on the campus premises.
- (2) **Consent** is a knowing and voluntary expression to engage in a sexual act prior to and during it:
 - (a) The knowing and voluntary expression to engage in a sexual act is defined by the subjective opinion of the accuser;
 - (b) Silence or an absence of resistance does not imply consent;
 - (c) Consent can be withdrawn at any time;
 - (d) Substantial impairment of an individual indicates they lack the capacity to give knowing consent; Impairment is defined as:
 - (i) A person is impaired and therefore lacks the requisite capacity to give consent when their mental or physical capacity is disturbed by intoxicants they or others have introduced into their body
 - (e) Past consent does not imply future consent;
 - (f) Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
 - (g) Coercion, force, duress, deception, or threat invalidates consent; and
 - (h) Consent is ineffective if a person knowingly takes advantage of a power differential to procure sexual conduct, including, but not limited to:
 - (i) Mental disease or defect;
 - (ii) Legal incompetence; and
 - (iii) Power strata within the societies on campus
- (3) **Honor Code Probation** will involve the person being monitored closely to determine if there have been any other violations
 - (a) Monitoring will be conducted by administration and other forms of campus leaders including, but not limited to:
 - (i) Presidents of student clubs; and
 - (ii) Presidents of sororities and fraternities
 - (b) Honor Code Probation will not include academic violations:
 - (i) Such violations will be determined and imposed by the appropriate administrative committee and are separate from Honor Code Probation
- (4) **Appropriate measures**: any reasonable action(s) to stop or bring awareness to the situation without endangering one's life.
- (5) **Overwhelming evidence**: evidence of anything that was seen or experienced, including, but not limited to:
 - (a) Witnesses;
 - (b) Photographic or video evidence; and
 - (c) Biological evidence, including but not limited to:
 - (i) Semen;

- (ii) Blood; or
 - (iii) Saliva
- (6) Date-Rape Drug: any substance that is used to rape or sexually assault another person, including, but not limited to:
 - (a) Ketamine;
 - (b) Rohypnol; or
 - (c) GHB
- (7) Retaliation includes intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any rights or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.
 - (a) This interference does not need to involve sex discrimination or sexual harassment, but may arise out of the same facts or circumstances as a report or complaint of sexual harassment, sexual violence, or rape.
 - (b) A reasonable belief by a party of civil, criminal, or other legal action, internal or external to the university, does not constitute retaliation.

Section 210.1

- (1) A person is guilty of sexual harassment if they commit any of the following:
 - (a) Including but not limited to:
 - (i) Stalking;
 - (ii) Exploitation; or
 - (iii) Offensive sexual verbal or physical advances
- (2) A person is guilty of sexual violence if they commit any non-consented sexual contact resulting in physical or emotional injury.
- (3) A person is guilty of rape when non-consensual sexual penetration occurs, whether orally, anally, or vaginally.

Section 210.2 - Punishment

- (1) Rape
 - (a) Accused student will be placed on suspension from attending in-person classes and campus activities and placed on Honor Code Probation pending investigation
 - (i) Student will be permitted to continue to attend classes and submit work through alternative methods like Zoom until the conclusion of the investigation
 - (b) If clear and obvious evidence of rape is presented through an investigation, the student will be permanently expelled from school and immediately required to leave campus.
 - (c) If the investigation determines that one has not committed rape, the student will be allowed to return to regular classes and campus.
- (2) Sexual Violence
 - (a) Accused student will be placed on Honor Code Probation pending the conclusion of the investigation
 - (b) If clear and obvious evidence of sexual violence is presented through an investigation the student will be required to:
 - (i) Continue on Honor Code Probation for 1 year after the conclusion of the investigation;
 - (ii) Have a Title 9 flag on their transcript;
 - (iii) Attend no less than 6, but no more than 12 hours of Title 9 training throughout the next semester; or
 - (iv) Attend no less than 60, but no more than 100 hours of community service within 1 year
 - (c) If a student is accused and found guilty of committing another act of sexual violence the student will be expelled.
- (3) Sexual Harassment
 - (a) Accused student will be placed on Honor Code probation pending the conclusion of the investigation

