B-CU Victims’ Rights Policy

(As mandated by the Violence Against Women Reauthorization Act—VAWA)

Definitions

“Domestic violence” includes asserted violent misdemeanor and felony offenses committed by the victim’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

“Dating violence” means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

“Stalking” means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress.

(As defined by the Campus Sexual Violence Elimination Act (“Save Act”) provision, Section 304)

Consent

For sexual assault/violence, Bethune-Cookman University uses the Florida State Statue definition of consent:

794.011 Sexual battery.

(1) As used in this chapter:

(a) “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) “Mentally defective” means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) “Mentally incapacitated” means temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

Victims’ Rights and Responsibilities

1. Victims have the option to, or not to, notify and seek assistance from law enforcement and campus authorities;

2. Victims should make every effort to preserve all evidence of the crime. For example, do not shower or discard clothing.

3. Victims may seek counseling through B-CU Counseling Services—(386) 481-2462

4. Victims may seek appropriate health care through Student Health Services—Adams-Alumni Infirmary, (386) 481-2920.

Reporting Procedures
Currently enrolled students who are campus victims of sexual assault/violence, rape, acquaintance rape, dating violence, domestic violence or stalking may report incidents to the following:

Department of Public Safety (DPS)
(386) 481-2900

Title IX Coordinator
(386) 481-2051

Associate VP/Dean of Students
(386) 481-2494

Senior Woman Administrator, Athletics
(386) 481-2212

Campus Conduct Hotline (24-hour reporting system)
Confidential, independent and anonymous call-in service
1-866-943-5787

National Sexual Assault 24/7 Crisis Hotline (RAINN)
1-800-656-HOPE (4673)

**Confidentiality**

Reports will be handled in a confidential manner to the extent permitted by law, including but not limited to, the exclusion of personally identifiable information during record-keeping procedures.

**Investigation/Disciplinary/Hearing Procedures**

Should the victim choose to report the crime to the Department of Public Safety, a prompt and thorough investigation will occur.

Upon complete investigation of the crime by the Department of Public Safety (DPS), a report will be given to the Office of Student Conduct for prompt review and schedule of hearing. Any objection to a hearing must be submitted in writing by the victim/accuser to the Office of Student Conduct. Otherwise, a hearing will be conducted by the Student Conduct Board in a manner that protects the safety of the victim/accuser and promotes accountability. The accuser and accused are entitled to have witnesses or an advisor, such as University faculty, staff or students, present during the hearing or any related meeting. No attorneys or parents will be allowed to attend disciplinary proceedings. A preponderance of the evidence standard will be used during the hearing process to determine appropriate sanctions. The accused and accuser will be notified simultaneously and in writing of the outcome of the hearing.
Sanctions/Protective Measures

Following the final determination of rape, acquaintance rape, domestic violence, sexual assault or stalking, all or some of the sanctions or protective measures may apply:

1. Suspension or expulsion of the responsible party from the University;
2. Change in class schedule or living situation for the accused or accuser upon request;
3. On-campus escort services by the Department of Public Safety as deemed appropriate;
4. No-contact orders for the accused and accuser issued by the Office of Student Conduct;
5. Counseling services option for the accused and accuser.

Appeals

For appeals, the accuser and accused may file an appeal if he/she is dissatisfied with the outcome of the hearing. Appeals must be submitted in writing to the Associate Vice-President and Dean of Students or designee within five (5) business days of receipt of outcome letter. The Associate Vice-President and Dean of Students or designee will issue the appeal decision in writing to the student within 30 days or less.