

# Zeta Beta Tau

*A Brotherhood of Kappa Nu, Phi Alpha, Phi Epsilon Pi, Phi Sigma Delta, Zeta Beta Tau*

## ZETA BETA TAU FRATERNITY SEXUAL ABUSE EDUCATION, PREVENTION, AND RESPONSE POLICY

### I. Policy Statement

#### A. As stated in the Fraternity Code:

1. The Fraternity will not tolerate or condone any form of sexually abusive behavior on the part of its Brothers, whether physical, mental, or emotional.
2. Brothers abide by the law. Each Brother must abide by all applicable federal, state, and local laws and regulations.
3. Brothers do not discriminate against, abuse, or mistreat any person on the basis of sexual identity, race, religion, national origin, or sexual orientation. Brothers respect the dignity of all people.
4. Brothers do not physically, mentally, psychologically, or sexually abuse or haze any human being.
5. Brothers do not put other Brothers or other people in harm's way.

#### B. To support these fundamental tenets of the Fraternity and to make Fraternity spaces the safest spaces on university and college campuses, the Fraternity hereby enacts this Sexual Abuse Education, Prevention, and Response Policy (the ***“Sexual Abuse Prevention Policy”***).

### II. Definitions

- A. ***“Disclosing Party”*** means any person making a Disclosure involving the person making the Disclosure.
- B. ***“Disclosure”*** means a Disclosure or allegation of an instance of Sexual Assault involving a Brother.
- C. ***“Respondent”*** means a Brother who is the subject of a Disclosure.
- D. ***“Sexual Assault”*** means any sexual contact that occurs without the explicit consent of both parties as well as any conduct characterized as sexual assault by applicable state or federal law.
- E. ***“Sexual Abuse Prevention Policy”*** has the meaning attributed to it in Section I.B.
- F. Capitalized terms not otherwise defined herein have the meanings attributed to them in the Fraternity Constitution or Code.

### III. Chapter Education, Prevention, and Allied Support

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- A. Each Chapter should regularly devote time during Chapter meetings to addressing the prevention of sexual violence. Such time may involve outside speakers, study of publications or media concerning the topic, or an open Chapter discussion of related issues.
  - B. Each Chapter with a facility should post in bathroom stalls the contact information for its university or college confidential sexual assault advocate or local sexual assault hotline.
  - C. Facilitated by the Chapter President, each Chapter should annually review their institutions and their state (or territory's) definitions of sexual assault, sexual harassment, sexual abuse, and revenge pornography.
- IV. Chapter Response to a Disclosure
- A. Any Brother receiving a Disclosure must act in conformity with trauma-informed practices in responding to the Disclosing Party. Among other things, the Brother must:
    - 1. Listen to the Disclosing Party, without judgment;
    - 2. Offer the Disclosing Party a referral to a confidential sexual assault advocate (the Dean of Students Office on campus will always be an appropriate resource); and
    - 3. Promptly notify the Chapter President and a member of the Fraternity Staff designated to receive notification of Disclosures.
      - a. *Fraternity Staff will promptly notify the Chapter Advisory Board and keep them informed regarding the subsequent process.*
  - B. Promptly upon being notified of a Disclosure, the Chapter President must:
    - 1. Ensure that Fraternity Staff has been contacted and consulted. Ensure that all steps outlined by Fraternity Staff are executed.
    - 2. Not engage in further communication with the Disclosing Party unless approved by Fraternity Staff.
    - 3. Create a report to the Dean of Students Office and/or the Title IX Office after consulting with Fraternity Staff. This report should only outline absolute facts, should not generalize information, should not assume guilt, and should ensure that the Chapter's willingness to support the investigation is stated.
    - 4. Meet with the Respondent (Brother who is the subject of a Disclosure) to:

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- a. Acknowledge that a Disclosure has been made which requires the application of this Sexual Abuse Prevention Policy;
  - b. Place the Brother on an interim suspension pending the outcome of a college/university, police, or hired third party investigation;
    - (1) Ensure that the Brother understands he must submit the findings of the investigation to the Chapter President to have his status with ZBT reconsidered.
  - c. Communicate that the Chapter will not be investigating the Disclosure, but may respond to the findings/final report, or any Title IX or criminal investigation of the Disclosure.
    - (1) Halt any investigation of sexual misconduct by the Chapter, its officers, its advisors, or its committees. This is strictly prohibited.
  - d. Provide the Respondent with a referral to the Chapter's university or college respondent services coordinator or a therapist that specializes in working with persons accused of sexual misconduct;
  - e. Set the expectation that, whether or not the Disclosure is well-founded, the Respondent will take the opportunity to reflect on and improve his behavior, grow in the values of the Fraternity, and avoid a similar situation in the future;
  - f. Require that the Respondent have no contact with any Disclosing Party unless and until permitted by Fraternity Staff;
  - g. Communicate that neither the Fraternity nor the Chapter will tolerate any retaliation against any Disclosing Party and that the Respondent's conduct in response to the Disclosure will be considered when deciding if or how the Respondent should be disciplined by the Fraternity or Chapter.
5. Upon being notified of a Disclosure, the Chapter must:
- a. Ensure the Chapter is educated on the retaliation policy;
  - b. Not conduct any investigation of the Disclosure;
  - c. Not seek to require that the Disclosing Party report the incident to law enforcement or any other authority;
  - d. Not initiate any procedure to hold the Respondent accountable; outside of referring the Disclosure to the Dean of Students' Office or Title IX Office.

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- e. Not make any public statement.
- C. Upon receiving a Disclosure, the Chapter must immediately consult with Fraternity staff to discuss potential accountability measures and/or options. Any Disclosure that results in criminal charges or university or college discipline of the Respondent must be communicated to the Chapter during the next SBRV vote on the Respondent, which vote must occur no later than the end of the semester in which the criminal charges or university or college discipline pertaining to the Disclosure occurred.
  - 1. In most cases, when a Respondent is found responsible for violating the college or university's sexual assault policy or an applicable law, the Chapter President should immediately expel the individual.
- D. The Chapter and/or individual Brothers should never use language such as "guilty," "innocent," "in violation of \_\_." Only trained and equipped investigators (the police, college/university Title IX investigators, or a hired third-party investigator with the proper law enforcement recognition) can make such claims when it comes to sexual assault.
- V. Fraternity Actions to Implement and Support this Policy
  - A. Following adoption of this policy on sexual assault prevention, staff will work with chapters to comply to policy.
  - B. The Supreme Council must appoint a Supreme Councilor to incorporate appropriate aspects of the Sexual Abuse Prevention Policy into the Fraternity Code and present an appropriately revised version of the Code for consideration at a future meeting of the Supreme Council.
  - C. The authority to interpret the Sexual Assault Prevention Policy rests exclusively with the Supreme Council.
  - D. The Sexual Assault Prevention Policy may be amended from time-to-time by a majority vote of the Supreme Council.