

SOUTH FLORIDA STATE COLLEGE SEX/GENDER-BASED HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT GUIDING PRINCIPLES

GUIDING PRINCIPLES ON SEX/GENDER HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT

INTRODUCTION

South Florida State College (SFSC) holds that no applicant, employee, or student is illegally or inappropriately discriminated against because of race, color, religion, gender, national origin, ethnicity, age, disability, marital status, political affiliation, sexual orientation, genetic information, or pregnancy in admission to, or employment in, any of its education programs or activities. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should report these concerns by following the procedures outlined in the publication entitled:

SEX/GENDER-BASED HARASSMENT, DISCRIMINATION, AND SEXUAL MISCONDUCT RESOLUTION PROCEDURES

Investigation and Resolution Guidelines

Introduction

This document has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This statement is intended to define community expectations and SFSC's procedures to establish a mechanism for determining when those expectations have been violated.

The College's sex/gender harassment, discrimination, and misconduct policies are not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that relate to academic exploration of matters of public concern.

The College uses the preponderance of the evidence (also known as "more likely than not") as a standard for proof of whether a violation occurred. In resolution proceedings, legal terms like "guilt," "innocence," and "burdens of proof" are not applicable, but the College never assumes a responding party is in violation of College policy. Resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

TITLE IX COORDINATOR

Title IX Coordinator/Title IX Deputy Coordinator

The College's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination, and misconduct policy and procedures. The Coordinator reports to the president of the College, and is housed in the Office of the Vice President, Student Services. Questions about these guidelines should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College Title IX Coordinator:

Christi Bobo, Ed.D.:

Title: Title IX Coordinator

Location: South Florida State College – Highlands Campus
Building B, Room 160
600 W. College Drive
Avon Park, FL 33825

Phone: 863-784-7039

Email: Christianna.Bobo@southflorida.edu

Don Kesterson:

Title: Director, Human Resources, Deputy Title IX Coordinator

Location: South Florida State College – Highlands Campus
Office of Human Resources
Building I, Room 103
600 W. College Drive
Avon Park, FL 33825

Phone: 863-784-7336

Email: Donald.Kesterson@southflorida.edu

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: 800-421-3481
Fax: 202-453-6012
TDD#: 877-521-2172
Email: OCR@ed.gov
Web: ed.gov/ocr

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the College president.

OVERVIEW OF EXPECTATIONS WITH RESPECT TO PHYSICAL SEXUAL MISCONDUCT

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous consent does not imply consent to sexual activity in the future. Silence or passivity—without actions demonstrating permission—cannot be assumed to show consent. Consent, once given, can be withdrawn at any time. There must be a clear indication that consent is being withdrawn.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No.” Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a “No.”

OVERVIEW OF EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student, supervisor-supervisee) are prohibited.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift the student out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes Resident Advisors (RAs) and students over whom they have direct responsibility. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor, as required, can result in disciplinary action for an employee.

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below with no

intention to victim-blame, but with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- 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.
- Give thought to sharing your intimate content, pictures, images, and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.
- 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 relay their intentions to you.
- Understand and respect personal boundaries.
- **DO NOT 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. Your partner’s consent should be affirmative and continuous. 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.
- Do not take advantage of someone’s drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Do not abuse that power.
- Do not share intimate content, pictures, images, and videos that are shared with you.

- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

- 1. Sexual Harassment**
- 2. Non-Consensual Sexual Contact (or attempts to commit same)**
- 3. Non-Consensual Sexual Intercourse (or attempts to commit same)**
- 4. Sexual Exploitation**

SEXUAL HARASSMENT

Sexual harassment is:

- unwelcome
- sexual, sex-based, and/or gender-based verbal, written, online, and/or physical conduct

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator or a Deputy Title IX Coordinator. Remedies, education, and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of *quid pro quo* harassment, retaliatory harassment, and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it:
 - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational [and/or employment], social, and/or residential program.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature

- By a person having power or authority over another constitutes sexual harassment when:
 - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance.
 - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual-based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; and/or gender-based bullying.

NON-CONSENSUAL SEXUAL CONTACT

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force.

Sexual Contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force.

Intercourse includes vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

SEXUAL EXPLOITATION

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy

- Prostituting another person
- Non-consensual digital, video, or audio recording of nudity or sexual activity
- Unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity
- Engaging in voyeurism
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex)
- Knowingly exposing someone to or transmitting an STI, STD, or HIV to another person
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances, inducing another to expose their genitals
- Sexually based stalking and/or bullying may also be forms of sexual exploitation

ADDITIONAL APPLICABLE DEFINITIONS:

- Consent
 - Consent is
 - clear, and
 - knowing, and
 - voluntary [or affirmative, conscious and voluntary],
 - words or actions,
 - that give permission for specific sexual activity.
 - Consent is active, not passive.
 - Silence, in and of itself, cannot be interpreted as consent.
 - Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.
 - Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
 - In order to give consent, one must be of legal age.
 - Sexual activity with someone you know to be or should know to be incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
 - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party.

- Incapacitation is 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).
 - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of rape drugs. (Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy. More information on these drugs can be found at womenshealth.gov/a-z-topics/date-rape-drugs.)
- Force: Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).
 - Coercion is unreasonable pressure for sexual activity. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 - NOTE: There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- Use of alcohol or other drugs will never function to excuse any behavior that violates this policy.
- This policy is applicable regardless of the sexual orientation and/or gender identity of individuals engaging in sexual activity.

OTHER MISCONDUCT OFFENSES (WILL FALL UNDER TITLE IX WHEN SEX OR GENDER-BASED)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of sex or gender
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another

4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy)
5. Bullying, defined as:
 - a. Repeated and/or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally
 - d. Speech or conduct not otherwise protected by the First Amendment
6. Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other. Examples include:
 - a. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based in jealousy is a violation of the Intimate Partner Violence policy.
 - b. An ex-girlfriend shames her female partner, threatening to out her as a lesbian if she doesn't give the ex another chance. Psychological abuse is a form of Intimate Partner Violence.
 - c. A graduate student refuses to wear a condom and forces his girlfriend to take hormonal birth control, though it makes her ill, in order to prevent pregnancy.
 - d. Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

7. Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress

Examples of Stalking:

1. A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them, even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.
2. A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and would appreciate the gift deliveries to stop. The student then

started leaving notes of love and gratitude on the graduate assistant's car, both on-campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together."

8. Any other College policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

RETALIATION

Retaliation is defined as any conduct that threatens or endangers the health or safety of another person aimed against an individual for an allegation, for supporting a reporting party, or for assisting in providing information relevant to an allegation is a serious violation of College procedure.

SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated the Sex/Gender Harassment, Discrimination, and Misconduct Policy. Factors considered in sanctioning are defined in the SFSC Student Handbook, Faculty Handbook, Employee Handbook]. The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

Student Sanctions

- Reprimand / Warning
- Requirement of Restitution
- Academic Penalty
- Discretionary Sanctions
- Loss of Privileges
- Fines
- Dean's Hold or Other Departmental Holds
- Suspension
- Dismissal
- Expulsion
- Other Actions

Employee Sanctions

- Warning – Written or Verbal
- Performance Improvement Plan
- Required Counseling
- Required Training or Education
- Demotion
- Loss of Annual Pay Increase
- Suspension without Pay
- Suspension with Pay
- Termination

CONFIDENTIALITY, PRIVACY AND REPORTING POLICY

Confidentiality and Reporting of Offenses Under This Policy

All College employees (faculty, staff, administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, there are no confidential reporting resources. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at the College:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with the following individuals:

- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - BayCare Student Assistance Program
 - Employee Assistance Program

The Employee Assistance Program is available to help, free of charge, and can be seen on an emergency basis during normal business hours.

Formal Reporting Options

All College employees have a duty to report if a minor child is involved. Reporting parties may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy Coordinators. Employees must share all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subjects research, or events such as Take Back the Night marches or speak-outs do not provide notice that must be reported to the Coordinator by employees. Remedial actions may result without formal College action.

If a victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the victim may make such a request to the Title IX Coordinator or Deputy Coordinators, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases indicating pattern, predation, threat, weapons, and/or violence, the College will likely be unable to honor a request for confidentiality. Confidentiality cannot be guaranteed. In cases where the victim requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action. A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Reports to the Title IX Coordinator can be made via email, phone, or in person at the contact information below:

Mark Bukowski Ph.D.:

Title: Interim Title IX Coordinator

Location: Office of Dean, Student Services
Building B, Room 167
600 W. College Drive
Avon Park, FL 33825

Phone: 863-784-7127

Email: Mark.Bukowski@southflorida.edu

Mark Bukowski Ph.D.:

Title: Dean, Student Services, Deputy Title IX Coordinator

Location: South Florida State College – Highlands Campus
Office of Dean, Student Services
Building B, Room 274
600 W. College Drive
Avon Park, FL 33825

Phone: 863-784-7107

Email: Mark.Bukowski@southflorida.edu

Don Kesterson:

Title: Director, Human Resources, Deputy Title IX Coordinator

Location: South Florida State College – Highlands Campus
Office of Human Resources
Building I, Room 103
600 W. College Drive
Avon Park, FL 33825

Phone: 863-784-7336

Email: Donald.Kesterson@southflorida.edu

ADDITIONAL INFORMATION

Federal Statistical Reporting Obligations

Certain campus officials—those deemed Campus Security Authorities—have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant

responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are considered by the institution to represent a serious or continuing threat to students or employees. The College will ensure that a victim's name and other identifying information is not be disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Additional Provisions

a. Attempted violations

In most circumstances, the College will treat attempts to commit any of the violations listed above as if those attempts had been completed.

b. False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

c. Amnesty for Victims and Witnesses

The College community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to College officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to College officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (e.g., a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The College may consider amnesty for students who offer help to others in need. While policy violations cannot be

overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

d. Parental / Guardian Notification

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA).

QUESTIONS AND ANSWERS

Here are some of the most commonly asked questions regarding the College's sexual misconduct policy and procedures.

Does information about a report remain private?

The privacy of all parties to a report of sexual misconduct must be respected, except insofar as it interferes with the College's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. The College will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to conduct action by the College, though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

In all resolutions of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken, without using the name or identifiable information of the alleged victim. Certain College administrators are informed of the outcome within the bounds of student privacy (e.g., the president of the College, dean, student services, director of public safety and risk management). The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an "Annual Security Report" of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?

No, not unless you tell them. Whether you are the reporting party or the responding party, the College's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. College officials will directly inform parents when requested to do so by a student, in a life-threatening situation, if the student is a minor under the age of 18, or if an

individual has signed the permission form at registration which allows such communication.

Will the responding party know my identity?

Yes, if the College determines there is reasonable cause to believe a violation has occurred and investigates the matter. The responding party has the right to know the identity of the reporting party. If there is a hearing, the College does provide options for questioning without confrontation, including closed-circuit testimony, Skype, Zoom, using a room divider, or using separate hearing rooms.

Do I have to name the responding party?

Yes, if you want formal disciplinary action to be taken against the responding party. You can report the incident without the identity of the responding party, but doing so may limit the institution's ability to respond comprehensively.

What do I do if I am accused of sexual misconduct?

DO NOT contact the reporting party. You may immediately want to contact someone who can act as your advocate; anyone may serve as your advocate. You may also contact the Title IX Coordinator Office, which can explain the College's procedures for addressing sexual misconduct reports. You may also want to talk to a counselor in the counseling center or seek other community assistance. See below regarding legal representation.

Will I (as a victim) have to pay for counseling/or medical care?

If a victim is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc. A SAFE exam is provided at local hospitals at no cost.

What about legal advice?

Victims of criminal sexual assault need not retain a private attorney to pursue criminal prosecution because representation will be handled by the District Attorney's (Prosecutor's) office. You may want to retain an attorney if you are considering filing a civil action or are the responding party. The responding party may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus resolution proceeding. Both

the responding party and the reporting party may also use an attorney as their advisor (or advocate) during the campus' resolution process. Attorneys are subject to the same restrictions as other advisors (or advocates) in the process..

How is a report of sexual misconduct decided?

The College investigates allegations of sex-/gender-based harassment, discrimination or misconduct to determine whether there is evidence to indicate a policy violation is "more likely than not." This standard, called the preponderance of the evidence, corresponds to an amount of evidence indicating a policy violation is more than 50% likely.

What about changing residence hall rooms?

You may request a room change if you want to move. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. If you prefer that the responding party be moved to another residence hall, that request will be evaluated by the Title IX Coordinator or deputy to determine if it can be honored. Other assistance and modifications available to you might include:

- Assistance from College support staff in completing a room relocation
- Arranging to dissolve a housing contract
- Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance
- Taking an incomplete in a class
- Assistance with transferring class sections
- Temporary withdrawal
- Assistance with alternative course completion options
- Security Safe escorts to and from on-campus locations
- On- or off-campus counseling assistance
- Transportation assistance or support
- Other accommodations for safety, as necessary

What should I do about preserving evidence of a sexual assault?

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a

victim of a criminal sexual assault, you should go to the hospital Emergency Room, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, seven days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). If a victim goes to the hospital, local police will be called, but s/he is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

For the victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

No. The severity of sexual misconduct is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct. The College may consider amnesty from any consequences for minor policy violations that occur during or come to light as the result of a victim's report of sexual misconduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct resolution?

The use of alcohol and/or drugs by either party will not diminish the responding party's responsibility. On the other hand, alcohol and/or drug use is likely to affect the reporting party's memory and, therefore, may affect the resolution of the reported misconduct. A reporting party must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence, and/or witnesses to prove that policy was violated. If the reporting party does not remember the

circumstances of the alleged incident, it may not be possible to impose sanctions on the responding party without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a responding party.

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter.

What should I do if I am uncertain about what happened?

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's Title IX Coordinator.

Revised Jan. 17, 2023