



2014-15 FACULTY & STAFF GUIDE

GUIDE TO HELPING STUDENTS WHO HAVE EXPERIENCED SEXUAL MISCONDUCT OR HARASSMENT



The College takes incidents of sexual misconduct, stalking, intimate partner violence, and sexual harassment seriously and, as appropriate, will investigate and resolve incidents through specified administrative procedures. The College will take whatever measures it deems appropriate and necessary in response to allegations of these kinds of behaviors in order to protect students' rights and personal safety.

WHAT IS SEXUAL MISCONDUCT?

Sexual misconduct includes the following:

- Non-Consensual Sexual Contact
- Non-Consensual Sexual Intercourse
- Sexual Exploitation (taking non-consensual or abusive sexual advantage of another), including but not limited to:
 - Intentional and repeated invasion of sexual privacy
 - Non-consensual video or audio recording, or electronic broadcasting of sexual activity
 - Intentionally allowing others to view/hear a sexual encounter without consent
 - Exposing oneself in non-consensual circumstances
- Intimate Partner Violence (IPV) – physical, sexual, or psychological harm by a current or former partner or spouse
- Stalking – repetitive, unwanted contact or any behavior that threatens or places fear in another person – may also be a form of sexual misconduct

Please see the Student Sexual Misconduct Policy in the *Gustavus Guide* for more details and definitions. A copy of the policy can be viewed at the Office of the Provost, Dean of Students Office, or online at: [gustavus.edu/deanofstudents/policies/gustieguide/sexual assault.php#misconduct](http://gustavus.edu/deanofstudents/policies/gustieguide/sexual%20assault.php#misconduct)

WHAT IS SEXUAL HARASSMENT?

Any behavior of a sexual nature that is unwelcome, offensive, or fails to respect the rights and dignity of others may constitute sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when:

- Submission to the conduct is an explicit (clear) or implicit (implied) term or condition of employment or academic progress;
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision and the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or academic progress or creates an intimidating, hostile, or offensive working or academic environment. Sexual harassment is conduct based on sex, whether directed toward a person of the opposite or same sex. The following are examples of sexual harassment:
 - o Use of demeaning terms that draw attention to an individual's sex or sexuality;
 - o Use of words of a sexual nature describing body parts or sexual acts, telling suggestive jokes or stories, and conversations about sexual exploits or sexual desires;
 - o Repeated unwelcome invitations to social engagements or work or school-related activities;
 - o Any indication that an employee's job security, job assignment, conditions of employment, or opportunities for advancement or a student's academic progress or success depend on the granting of sexual favors to any other employee, supervisor, or faculty member;
 - o Offensive physical conduct or physical closeness;
 - o Displaying sexually suggestive objects, pictures, cartoons, or representations of any action or subject that is sexual in nature and can be perceived as offensive.

Please see the Policy Against Harassment and Sexual Harassment for more details and definitions. A copy of the policy can be viewed at the Office of the Provost, Dean of Students Office, or online at gustavus.edu/facultybook/allcollegepolicies.

WHAT IS STALKING?

Stalking is one person's harassing, obsessive, or threatening behavior toward another person. As judged by a reasonable person, any repetitive, unwanted contact between a stalker and a victim or any behavior that threatens or places fear in that person constitutes stalking. Each state defines stalking by its state legal statutes. In Minnesota, stalking means "to engage in conduct which the actor knows, or has reason to know, would cause the victim under the circumstances to feel threatened, oppressed, frightened, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of relationship between the actor and victim. No proof of specific intent is required." [MN Statutes 2012, 609.749]

Are you being stalked?

Stalking is often difficult to identify at first. Initially a victim may not feel there is any cause for alarm and may feel flattered by the attention. If the behavior escalates and becomes more overt, this can present a threat to the victim. A person can be charged with stalking for willfully and repeatedly:

- Following or appearing within the sight of another person without that person's permission.
- Confronting another individual in a public or private place.
- Appearing at the work place or residence of another.
- Contacting by phone, email, or sending mail.

Anyone can be a victim of stalking. Stalkers sometimes use threats that only the victim would recognize.

Stalkers can be anyone:

- a stranger
- another student
- a co-worker
- an ex-partner
- a spouse
- Stalkers can be male or female.

WHAT IS INTIMATE PARTNER VIOLENCE?

Intimate Partner Violence (IPV), sometimes referred to as Dating or Relationship Violence, affects millions of college students. IPV can vary in frequency and intensity and is defined as physical, sexual, or psychological harm by a current or former partner or spouse. The main types of abuse include:

- **Physical violence**, which involves the intentional use of physical force with the potential for causing injury, harm, and even death. This can include scratching, pushing, shoving, throwing, grabbing, biting, choking, shaking, slapping, or use of restraints or one's body size or strength against you.
- **Sexual violence**, which includes attempted or completed sexual contact or intercourse through the use of physical force to compel a person to participate or as a result of incapacitation (see definition in the College's Sexual Misconduct Policy) or any other form of abusive sexual contact.
- **Threats of physical or sexual violence**, which include the use of words, gestures, or weapons to communicate intent to cause death, disability, injury, or physical harm.
- **Psychological or emotional violence**, which includes causing trauma to the victim by acts, threats of acts, or coercive tactics. It can also include humiliating the victim, controlling what the victim can do and cannot do, withholding information from the victim, deliberately doing something to make the victim feel diminished or embarrassed, isolating the victim from friends and family, and denying the victim access to money or other basic resources. Stalking is also a form of emotional abuse.

WHAT DO I HAVE TO REPORT?

Employees on campus have different reporting responsibilities and different abilities to maintain confidentiality or privacy. Only conversations with Sexual Assault Response Team (SART) members, counseling staff, professional health care staff, and Chaplains may be kept strictly confidential. These employees do not have a responsibility to report identifying information, but do contribute to College statistical reporting requirements.

The College considers certain faculty and staff to be “mandated reporters.” When students confide in these individuals, the mandated reporters are required to provide official notice to the Institution by making a formal report to the Dean of Students. Mandated reporters at Gustavus include:

- The President
- Vice Presidents
- Deans or Program Directors (e.g., Director of Residential Life)
- All faculty
- All administrators
- Professional Residential Life Staff (e.g., Director, Assistant Directors, Area Coordinators)
- Campus Safety
- Human Resources
- College Title IX Coordinator and Deputy Coordinators
- Academic Department Chairs
- Interdisciplinary Program Directors
- Faculty or administrators who are supervising off-campus programs or trips
- All staff who supervise student employees

These individuals must make a formal report and will contact the Dean of Students Office to do this. A formal report will include the name of the student bringing forward the complaint, details of the incident, the name of the affected student, and the name of the person who is being accused. This report should be made as soon as possible and normally within 24 hours.

All other faculty and staff are required to report to the Dean of Students that an incident occurred but are not required to tell the student’s private, personally identifiable information unless there is cause for fear for their safety, or the safety of others.

If you are unsure of your responsibility, contact the Title IX Coordinator or Deputy Coordinators for clarification (see Resources on back for contact information).

HOW DO I RESPOND?

If a student approaches you regarding any form of sexual misconduct or sexual harassment, do the following:

- **Believe** a student when they disclose to you that they were the victim of violence.
- **Refer** the student to the Sexual Assault Response Team (SART) for support and guidance – 507-933-6868.
- **Explain** to them that faculty and staff must report, depending on your role, to the College and that the College may be required to act if identifying information regarding the incident is shared.
- **Remind** the student to make informed choices before disclosing details to you.
- **Report** the incident to the Dean of Students Office according to your responsibility.
- **Support** the student's decision to seek help, talk with a counselor, or go for medical care.
- **Consult** with the Dean of Students or SART as needed on resources available on campus and how best to help the student.
- **Encourage** the student to report the incident to the police and let them know that SART can assist them with this.

WHAT DO I SAY?

It can be difficult to know how to respond or what to say when someone discloses they have been the victim of violence. Here are some possibilities:

- “I believe you.”
- “It’s not your fault.”
- “No one deserves to be hurt like this.”
- “I want to help. Can I call SART for you?”

WHAT HAPPENS WHEN A STUDENT CHOOSES TO MAKE A FORMAL REPORT TO THE COLLEGE?

The Dean of Students (DOS) or designee meets with the student and reviews:

- the Student Sexual Misconduct Policy
- the investigation process (see Figure 1, page 8)
- the student's rights
- boundaries of confidentiality
- confidential campus/community resources
- options for changes in academic and housing situations
- reporting the incident to the police
- need for health/medical services.

The student may choose to have a support person (SART, friend, faculty, family member) present with them during the review.

WHAT IS INVOLVED IN AN INVESTIGATION? HOW LONG DOES IT TAKE?

Investigations are conducted by trained employees who serve to gather information to ascertain whether the policy was violated or not. Investigations typically take 4–6 weeks to complete. All parties who witnessed or were involved in the incident in question are interviewed one or more times. Those interviewed have the right to have a support person present.

WHAT ARE A STUDENT'S RIGHTS IN AN INVESTIGATION?

If a student chooses to report the incident to the College, she or he has the following rights:

- To have a support person present to provide support and guidance
- To not be retaliated against for bringing forth a complaint
- To receive medical services to treat injuries
- To be notified of options for changes to housing and academic situations
- To be informed of the outcome of the disciplinary process
- To notify law enforcement
- To be notified of counseling services
- To have the information regarding the incident be kept private in accordance with privacy laws
- To not participate in the investigation.

Once an incident is reported to the College, the College is obligated to investigate. A student, however, has the right to not participate in an investigation. Conversely, there are also multiple options for a student to participate including serving as a witness only or serving as a complainant or co-complainant.

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graph TD; A[Incident Reported to Dean of Students] --> B[Dean of Students Conversation With Student]; B --> C[Investigators Interview All Involved Parties]; C --> D{Complainant}; C --> E{Witness}; C --> F{Respondent}; D --> G[Investigators Complete Investigative Report]; E --> G; F --> G; G --> H[Investigators Review Report With Dean of Students]; H --> I[DoS Presents Report To Respondent And Complainant]; I --> J[Report Finds Respondent In Violation]; I --> K[Report Finds Respondent Not In Violation]; J --> L[Respondent Does Not Contest]; J --> M[Respondent Contests]; K --> N[Complainant Contests]; K --> O[Complainant Does Not Contest]; L --> P[Sanctioning Board]; M --> Q[Hearing]; N --> Q; O --> R[Process Concludes]; P --> S[Appeal]; Q --> S; S --> T[Process Concludes];
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The flowchart illustrates the Student Conduct Process, divided into two main timeframes: 2-4 weeks and 2-3 weeks.

2-4 weeks:

- Incident Reported to Dean of Students
- Dean of Students Conversation With Student
- Investigators Interview All Involved Parties
- Complainant, Witness, Respondent (Decision Point)
- Investigators Complete Investigative Report
- Investigators Review Report With Dean of Students
- DoS Presents Report To Respondent And Complainant

2-3 weeks:

- Report Finds Respondent In Violation / Report Finds Respondent Not In Violation (Decision Point)
- Respondent Does Not Contest / Respondent Contests / Complainant Contests / Complainant Does Not Contest (Decision Point)
- Sanctioning Board / Hearing / Process Concludes (Decision Point)
- Appeal
- Process Concludes

FREQUENTLY ASKED QUESTIONS

- **Do my responsibilities change depending on who engaged in the misconduct or what kind of misconduct occurred?**

No, faculty and staff responsibilities regarding the support of students and the reporting of sexual misconduct do not change. The kind of sexual misconduct alleged does not change your reporting responsibilities. Your reporting responsibilities are based on your role on campus. As long as your role does not change, your reporting responsibilities do not.

- **What if I become aware of sexual misconduct through social media or second-hand?**

Faculty and staff responsibilities regarding the support of students and the reporting of sexual misconduct do not change based on the information source.

- **Is there some way for me to find out what happened after I make a report of an incident of sexual misconduct?**

The student complainant may choose to share further information with you but that is his or her choice. The College cannot share anything with you.

- **Will I face any retaliation for helping a student report an incident of sexual misconduct?**

No. The College prohibits retaliation.

- **Should I decide whether I think a Title IX violation occurred before reporting it?**

No. Your responsibility is to make a report at the level of detail required by College policy and to support the student. The Title IX coordinator or designee is the one who legally makes these decisions.

- **If I am a mandated reporter, what do I have to tell the Dean of Students and when?**

The College requires that you tell the Dean of Students the student's name and all facts and details known including the date of the incident, time, location and incident type. The College asks that you share this information with the Dean of Students as soon as possible and if at all possible within 24 hours of learning about it.

- **If I am a mandated reporter and a student asks me not to share their name with the Dean of Students, what do I do?**

Gently explain to the student that you have to share their name with the Dean of Students. However, s/he does not have to participate in the investigation. Reassure the student that the only people who will be told his/her name are those who can help the student. The Dean of Students ensures that only people who need to know will be told any information about an incident.

- **If I am neither a mandated reporter nor a confidential resource, what do I have to tell the Dean of Students and when?**

The College requires you to tell the Dean of Students that an incident occurred and nothing more. The College asks that you share this information with the Dean of Students as soon as possible and if at all possible within 24 hours of learning about it.

- **If I am not a mandated reporter and a student asks me to tell the Dean of Students his or her name and/or other details beyond that an incident of sexual misconduct occurred, can I?**

Yes. You should share whatever the student asks you to as part of your support for the student.

- **What is the difference between a college doing a Title IX investigation and a criminal investigation?**

A Title IX investigation is not discretionary. A school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence. A criminal investigation is initiated at the discretion of law enforcement authorities. A Title IX investigation will never result in the incarceration of an individual and therefore the same procedural protections and legal standards are not required. The end to a criminal investigation does not affect the school's Title IX obligations. Even if a criminal investigation is ongoing a school must do its own Title IX investigation within the recommended time frame.

BYSTANDER INTERVENTION

It is our shared responsibility to make Gustavus a safe community to work and study. Based on the simple premise of “if you see something, say something,” bystander intervention programs identify early warning signs of potentially dangerous behaviors and are designed to empower community members to directly intervene in social situations to prevent harm. Several studies have suggested that because they are preventive in nature, and because they target behavioral intervention strategies rather than attitude change, bystander intervention programs are the most effective way to reduce the incidence of violence. Gustavus is working to identify and implement bystander intervention programs on campus to empower and equip students, faculty, and staff to step up and make a difference.

Here are some things you can do immediately:

- If you see something, do something: doing something, no matter how small, is better than doing nothing. Every action or inaction makes a difference.
- Make your presence felt. If you don't feel comfortable or safe confronting the situation, ask another person to help intervene or to report the incident to Campus Safety at 507-933-8888.
- Being an active bystander is a single choice in one moment in time to use your voice, actions, or choices to make our Gustavus community safer.

SELF CARE

When someone that you care about tells you that they have been a victim of sexual misconduct or harassment, it can be difficult. You may have a range of reactions that could include...

Shock

- You may be very surprised to hear what has happened.
- You might have difficulty figuring out how to respond.

Anger

- You might feel angry at the perpetrator for hurting someone you care about.
- You might also feel angry at the survivor for not telling you sooner or for telling you something that is hard for you to hear. This can be especially true if the assault was committed by someone that you know.

Sadness

- You might feel sad for the survivor, for his or her family, or for what this assault may change about both of your lives.

Anxiety

- You might feel anxiety about responding the “right” way.
- You might feel anxiety about how this will impact your relationship.

Fear

- Depending on the circumstances of the assault, you might be concerned that something similar could happen to you.

Everyone has a different reaction when they find out that someone they care about has been sexually assaulted. There is no “wrong” way to feel. What is important is that you show the survivor that you care and that you can help support them.

Even though you were not the victim of the assault, hearing another’s story and helping to support them can impact you as well. Helping someone who has experienced a sexual assault can change the way that you see the world.

- Your belief in your personal safety might be shaken.
- You might find that you’re more easily irritated or have difficulty tolerating frustration.
- You might begin to feel distant and begin avoiding people and activities.

It is important to take care of yourself as well. Seek assistance from confidential sources such as a personal counselor or clergy person.

Information provided by RAINN (Rape, Abuse & Incest National Network) at rainn.org/get-information.

RESOURCES

Sexual Assault Response Team (SART)..... 507-933-6868
Gustavus Counseling Center..... 507-933-7027
Gustavus Health Service 507-933-7630
Dean of StudentsJoNes VanHecke
507-933-7526
jvanheck@gustavus.edu
College Student Conduct Coordinator..... Megan Ruble
507-933-7526
mruble@gustavus.edu
Saint Peter Police Department 507-931-1550
CADA 800-477-0466
(Community resource serving sexual assault and domestic violence victims)

College Title IX Coordinator



Kirk Beyer Director, Human Resources
507-933-7304
kbeyer@gustavus.edu

Deputy Coordinators



Stephen Bennett.....Associate Dean of Students
507-933-7526
sbennett@gustaus.edu



Paula O'Loughlin..... Associate Provost
507-933-7541
poloughl@gustavus.edu

REMEMBER

This is about protecting and supporting our students.
If you don't know WHAT to do,
contact one of the Title IX Coordinators.