

2014-15 STUDENT GUIDE  
**RESPONDING TO  
SEXUAL MISCONDUCT,  
INTIMATE PARTNER  
VIOLENCE, & STALKING**

Members of the Gustavus Adolphus College community, guests, and visitors have the right to be treated with respect and should be free from sexual misconduct, stalking, and intimate partner violence. While our campus is safe, it is not immune to issues such as these.

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

# GETTING SUPPORT FOR YOURSELF

## Confidentiality and Reporting

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.

The following are mandated reporters and are required to report all personally identifiable information and other details disclosed about the incident to the Dean of Students: President, Vice Presidents, all Faculty, Administrators, Deans and Program Directors, Residential Life professional staff, Campus Safety, Human Resources, Title IX Coordinators, Department Chairs, Interdisciplinary Program Directors, Faculty/Administrators supervising off-campus trips or programs, and all staff who supervise student employees.

All other employees are required to report to the Dean of Students that an incident occurred but are not required to share the student's personally identifiable information.

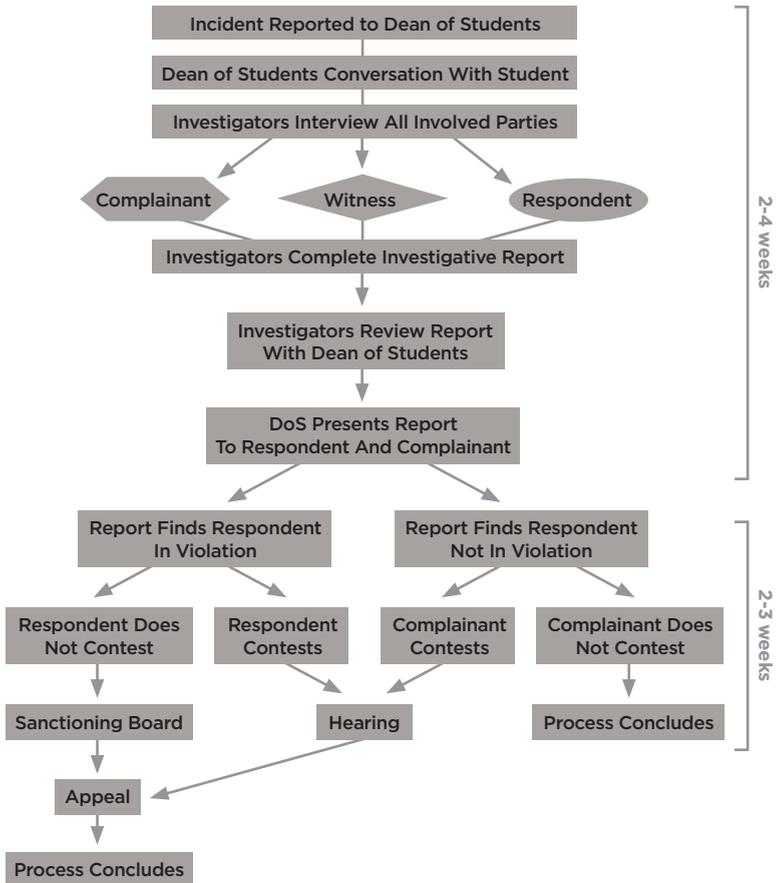
## Sexual Assault Response Team

The College's Sexual Assault Response Team (SART) includes faculty and staff who provide confidential support 24 hours a day to survivors of sexual misconduct, stalking, and intimate partner violence. A SART member can talk with the survivor about available options for support and safety. NOTE: SART offers support and help in whatever course of action you choose and WILL NOT act on anything unless you request it. SART can be reached by calling 507-933-6868.

SART will review:

- Talking confidentially with a campus counselor
- Obtaining medical care from Health Service or at an external clinic
- Requesting a Campus No Contact Order
- Reporting the incident to the College for investigation
- Going to the hospital for a forensic exam (for evidence gathering)
- Receiving assistance for academics, housing/living situation and transportation
- Discussing topics related to personal safety
- Reporting the incident to the police for investigation or to obtain an Order for Protection or Harassment Restraining Order

## THE INVESTIGATION PROCESS



## HOW DO I MAKE A REPORT TO THE COLLEGE?

A student who wishes that a concern regarding sexual misconduct perpetrated by another student be investigated should make a formal report to the Dean of Students (507-933-7526). Notice of a formal complaint can be made in person, orally, or in writing to the Dean of Students.

A student also has the right to report the incident to the College Title IX Coordinators. To locate the names of these individuals, refer to the Resource Page on the back cover of this brochure or contact the Dean of Students Office (507-933-7526), Office of the Provost (507-933-7541), or the Human Resources Department (507-933-7304).

### Anonymous Report

Individuals are welcome to utilize the College’s anonymous “Silent Witness” website to report information about sexual misconduct but reporters should understand that anonymous reported incidents can be more difficult to investigate.

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

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

- the Student Sexual Misconduct Policy
- the investigation process (see the flow chart on page 3)
- 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 meeting.

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

Investigations are conducted by neutral, 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 HAPPENS IF A STUDENT DOES NOT WANT TO PARTICIPATE IN AN 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, during the hearing, there are also multiple options for a student to participate including serving as a witness only or serving as a complainant or co-complainant.

## **KNOW YOUR RIGHTS**

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

## 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/sexualassault.php#misconduct](http://gustavus.edu/deanofstudents/policies/gustieguide/sexualassault.php#misconduct).

## WHAT IS MEANT BY “CONSENT”?

- Consent is active, clear and voluntary.
- Silence alone should not be interpreted as consent.
- Consent can be given by words or actions that offer clear, mutually understandable permission regarding willingness to engage in sexual activity.
- Consent to any one form of sexual activity does not imply consent to other forms of sexual activity.
- If a student is incapacitated (not oriented to the who, what, when, where, why, or how of a sexual interaction) they are not capable of giving consent.

## **WHAT TO DO IF YOU EXPERIENCE SEXUAL ASSAULT?**

### **Step 1: Go to a safe place and get support**

If you are not in a safe setting, go to a safe place and contact a friend, a trusted relative, a CF or Campus Safety for assistance in dealing with the situation.

### **Step 2: Contact SART for support**

Talk confidentially with trained staff from SART to discuss available options for support and safety.

### **Step 3: Preserve any Physical Evidence**

If the assault happened recently, put the clothes you were wearing in a paper bag; Refrain from using the bathroom, showering, changing your clothes, or brushing your teeth until you can be seen by a medical professional.

### **Step 4: Get medical care**

If the assault was of a physical nature (e.g., there was penetration of any kind or a physical injury including bruising, bite marks, etc.), get appropriate medical care. SART can assist you in getting medical help.

### **Step 5: Consider Accessing Campus/ Community Services for Support and Assistance**

Students have a variety of campus and community options for support and other kinds of assistance. See back cover for a list of confidential on-campus and off-campus resources for counseling or support.

### **Step 6: Consider Reporting to the College or Police**

The College strongly encourages and supports a student's right to report the incident to the College or to the police; staff can assist the student in making contact with the police.

## STALKING

Stalking is one person's harassing, obsessive, or threatening behavior towards 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 TO DO IF YOU EXPERIENCE STALKING?**

**Tell someone.** Do not attempt to deal with the situation alone. Tell a friend or family member about the stalking and document the stalker's behavior. List date, time, place, what happened, any witnesses, and give a copy of the information to a friend or relative for safekeeping. SART staff can work with you confidentially to discuss your options.

**Contact SART** to obtain support and guidance to cope with stalking. **SART can be reached at 507-933-6868.**

**Contact the police**, and file criminal charges and/or obtain a restraining order. It is unlikely that the situation will go away by itself. **The police can be contacted by dialing 911 (on campus 9-911) or for non-emergencies 507-931-1550.**

**Develop a support system.** Keep in touch with friends who are supportive and understanding.

**Never underestimate the stalker's potential for violence.** Take threats seriously. Not all threats are verbal; some nonverbal threats may include sending unwanted notes, cards, or gifts.

**Do not attempt to communicate with the stalker.** The stalker may misinterpret this communication as a form of encouragement.

**Consider changing your phone number.**

**Consider changing your phone message to an automated greeting** on your cell phone or have a friend record your greeting to mask your identity.

**If you are being followed**, go to a safe area, **DO NOT GO HOME.** GO to the nearest police station or busy place and call for help.

## **Stalking - Safety Suggestions:**

While you are not to blame for the stalking behavior, there are some strategies to use to prevent stalking that may help:

1. Report threatening calls or unwanted e-mails to Gustavus Campus Safety if the calls are made on a campus phone; if it's your cell phone, report the incident to your phone company. Immediately after the call, phone Campus Safety or the police to report the call and have them trace the number.
2. Seek an Order of Protection or Harassment Restraining Order.
3. Report threats by mail to the Dean of Students, the Gustavus Post Office Director, or the FBI.
4. Be cautious with tutors. Do not answer unknown ads for tutoring sessions. Never meet a tutor alone in your room. Always arrange to meet in a public place, such as the library or computer lab. Work with Academic Support Center, the Writing Center, and your professors to connect with tutors.
5. Whenever possible, travel in a group or with a friend.
6. LOCK ALL DOORS, at home, in your residence hall room, and in your car. Use deadbolt locks whenever possible.
7. Inform everyone—your employer, family, friends, neighbor, etc.—about the stalker and the events taking place. Everyone needs to know to be able to help.
8. Save all physical evidence, written materials, notes, letters, and envelopes. Take a picture of the stalker, if it can be done safely. This will prove the stalker was in your vicinity. BE CAREFUL. If the stalker feels threatened, the behavior may escalate.

## **Obtaining a Restraining Order**

An Order for Protection or Harassment Restraining Order is issued through the courts to assist in keeping the stalker from harassing you. It prohibits the stalker from contacting you or your family members over the phone, through the mail and in person. **For more information contact SART 507-933-6868; or the St. Peter Police Department 507-391-1550.**

## Staying Safe in Cyber Space

Students have unprecedented access and knowledge of the Internet. Personal information is readily available and can put a student at risk for stalking. Here are some common sense tips to stay safe in cyber space:

**Guard your anonymity** Don't give out personal information on the Internet such as your name, school, location, email address, or phone number. If you do, use an email address that does not reveal your identity. Remember: all emails can be traced.

**Set your social media profile to private.** Only those who you have chosen as friends will have access to your profile and posts.

**Exercise caution and common sense.** Take your time and make others earn your trust. If you suspect someone is lying, he or she probably is. The person at the other end may not be who or what he or she claims.

**Watch for red flags.** Be wary if the person you meet online:

- Provides inconsistent information about age, interests, job, etc.
- Refuses to speak on the phone after establishing ongoing, on-line intimacy
- Fails to give direct answers to direct questions.

## 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 TO DO IF YOU EXPERIENCE INTIMATE PARTNER VIOLENCE (IPV)?

If you are in an abusive relationship, consider some of the following strategies:

- Talk with someone from SART or Gustavus Counseling Services for free and confidential support.
- Get support from friends you can trust.
- Memorize important phone numbers of people to call in emergency
- Keep information about domestic violence in a safe place, where your abuser won't find it, but where you can get it when you need to review it
- Stay in touch with friends. Get to know your neighbors. Don't cut yourself off from people, even if you feel like you want to be alone

## HOW TO SUPPORT A FRIEND

If a friend approaches you regarding being victimized, do the following:

**Believe** them when they disclose to you that they were the victim of violence.

**Tell** them it was not their fault.

**Refer** them to the Sexual Assault Response Team (SART) for support and guidance.

**Support** their decision to seek help, talk with a counselor, or go for medical care.

**Consult** with SART, the Counseling Center, or the Dean of Students on resources available on campus and how best to help your friend.

**Encourage** them to report the incident to the police and let them know that SART can assist them with this.

### What to 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?"

## **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 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.

## RESOURCES

Sexual Assault Response Team (SART) ..... 507-933-6868  
Gustavus Counseling Center ..... 507-933-7027  
Gustavus Health Service ..... 507-933-7630  
Dean of Students ..... JoNes 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@gustavus.edu



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