



2017-18 FACULTY & STAFF GUIDE

# GUIDE TO HELPING STUDENTS WHO HAVE EXPERIENCED SEXUAL MISCONDUCT OR HARASSMENT

GUSTAVUS ADOLPHUS COLLEGE

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 procedures. The College will take the measures it deems necessary in response to allegations 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

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 Human Resources, 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 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/CADA) advocates, Counseling Center, Health Service, 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.

All employees, faculty, administrators, coaches, and staff are mandated reporters and expected to report acts of sex and/or gender discrimination **including sexual misconduct** to the Title IX Coordinator. (Collegiate Fellows, Peer Assistants, and Gustie Greeters are also mandated reporters). Once an incident is reported to the College, the College is obligated to investigate.

## 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/CADA) 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 Title IX Coordinator and Campus Safety according to your responsibility.
- **Support** the student's decision to seek help, talk with a counselor, or go for medical care.
- **Encourage** the student to report the incident to the police and let them know that SART/CADA can assist them with this.
- **Recognize** that these are complex situations and please treat all parties involved with dignity.

## 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/CADA for you?”

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

The Title IX Coordinator or Deputy Coordinator meets with the student and reviews:

- the Student Sexual Misconduct Policy
- the investigation process (see Figure 1, page 6)
- 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/CADA, friend, employee, family member) present with them during the review.

## **WHAT IS INVOLVED IN AN INVESTIGATION?**

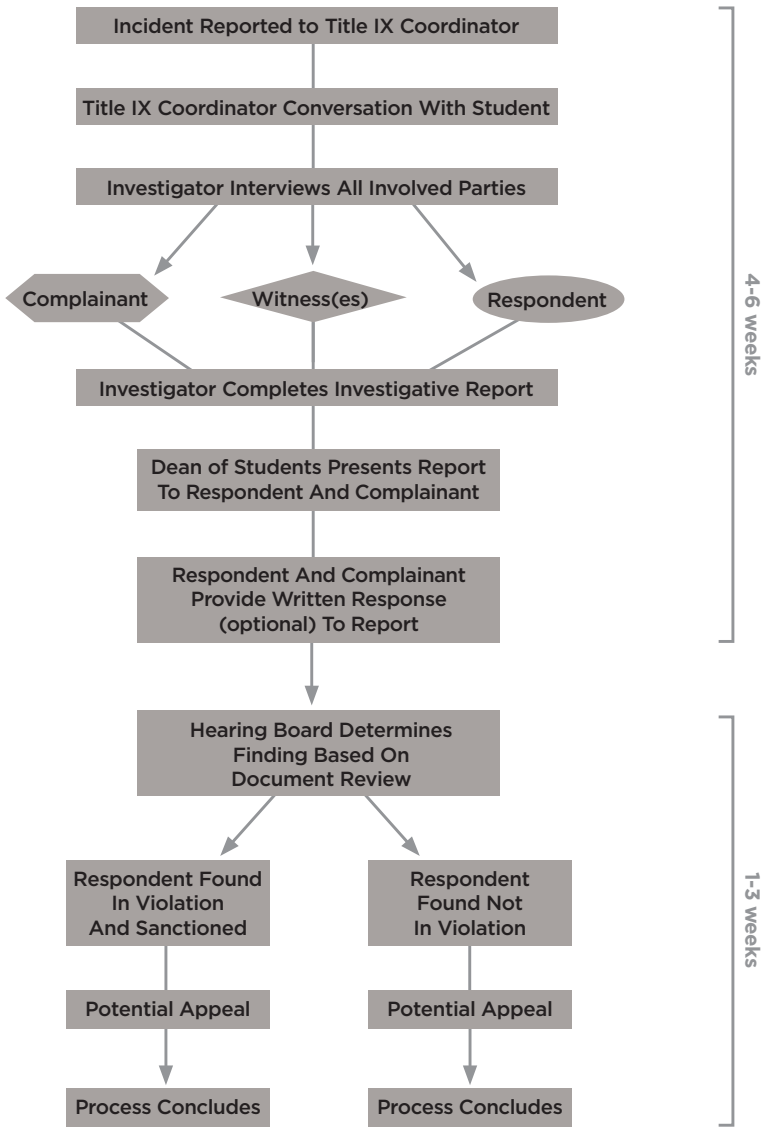
Once an incident is reported to the College, the College is obligated to investigate. Investigations are conducted by a neutral, trained investigator who gathers information to help decision makers ascertain whether or not a policy was violated. Parties who witnessed or were involved in the incident in question are interviewed one or more times. Those interviewed have the right to have a support person and/or advisor present. Any student has the right to decline a request to participate in an investigation.

## **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 and/or advisor 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.

THE INVESTIGATION PROCESS



## 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 change.

- **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. FERPA governs the College's ability to share further information 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.

- **What do I have to tell the Title IX Coordinator and when?**

The College requires that you tell the Title IX Coordinator 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 Title IX Coordinator as soon as possible and if at all possible within 24 hours of learning about it.

- **If a student asks me not to share their name with the Title IX Coordinator, what do I do?**

Gently explain to the student that you have to share their name with the Title IX Coordinator. However, they do not have to participate in the process. Reassure the student that the only people who will be told their name are those who can help the student. The Title IX Coordinator ensures that only people who need to know will be told any information about an incident.

- **If I am not a mandated reporter/responsible employee and a student asks me to tell the Title IX Coordinator 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.

## **WHAT IS SART/CADA?**

The College's Sexual Assault Response Team (SART/CADA) includes faculty, staff, and other advocates who provide support 24 hours a day, seven days a week to survivors of sexual misconduct, stalking, and intimate partner violence.

Gustavus students can reach a confidential Sexual Assault Advocate by calling 507-933-6868. Gustavus advocates (SART Sexual Assault Response Team) are available on campus Monday-Friday during business hours and can be reached by office phone or email. Evening and weekends an advocate from CADA (Committee against Domestic Abuse) will be available to assist. All advocates are confidential, provide information and assist with resource referrals.

NOTE: SART/CADA offers support in whatever course of action a student chooses and, beyond reporting statistical data (non-personally identifying information), WILL NOT act on anything unless the student requests it.

SART/CADA 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

## 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 identifies early warning signs of potentially dangerous behaviors and is designed to empower community members to directly intervene in social situations to prevent harm. Several studies have suggested that because it is preventative in nature, and because it targets behavioral intervention strategies rather than attitude change, bystander intervention is an effective way to reduce the incidence of violence.

### Here are some things you can do immediately:

- If you see something, say 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](http://rainn.org/get-information).*

## **TITLE IX COORDINATOR RESPONSIBILITIES**

The Title IX Coordinator is responsible for overseeing the College's response to Title IX reports and complaints, identifying patterns of behavior related to the complaints, and oversight of the policy, procedures, and investigations.

The Title IX Coordinator is also responsible for trainings provided to students, faculty, and staff on Title IX reporting responsibilities. Questions or concerns relating to Title IX issues can be directed to the Title IX Coordinator.

## **NONDISCRIMINATION POLICY**

Within the limits of its facilities, the College shall be open to all applicants who are qualified according to its admission requirements.

1. The College shall make clear to all applicants the characteristics and expectations of students that it considers relevant to its program.
2. Under no circumstances may an applicant be denied admission or financial aid because of race, color, creed, religion, age, sex, sexual orientation, national origin, marital status, disability, veteran status, status with regard to public assistance or other categories protected by federal, state, or local anti-discrimination laws.
3. Financial aid administered by the College shall be disbursed on the basis of financial need and academic promise and/or academic ability.

## College Title IX Coordinator

Patty Dawson.....Title IX and Sexual Misconduct Prevention Coordinator  
507-933-6360  
[pdawson@gustavus.edu](mailto:pdawson@gustavus.edu)

## Deputy Coordinators

Julie Bartley.....Associate Provost  
507-933-7541  
[jbartley@gustavus.edu](mailto:jbartley@gustavus.edu)

Tommy Valentini.....Head Men's Tennis Coach  
507-933-6446  
[tvalentini@gustavus.edu](mailto:tvalentini@gustavus.edu)

## RESOURCES

Sexual Assault Response Team (SART/CADA)..... 507-933-6868  
CADA Direct Line..... 800-477-0466  
(Community resource serving sexual assault and domestic violence victims)

Gustavus Counseling Center..... 507-933-7027

Gustavus Health Service ..... 507-933-7630

Dean of Students .....JoNes VanHecke  
507-933-7526  
[jvanheck@gustavus.edu](mailto:jvanheck@gustavus.edu)

College Student Conduct Coordinator..... Megan Ruble  
507-933-7526  
[mruble@gustavus.edu](mailto:mruble@gustavus.edu)

Campus Safety ..... 507-933-8888

Saint Peter Police Department..... 507-931-1550