

***Shenandoah University’s Sexual Harassment, Discrimination, and Misconduct
Policy***

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Shenandoah University's Sexual/Gender Harassment, Discrimination and Sexual Misconduct Policy

Statement Against Discrimination

All members of the Shenandoah University community including guests and visitors have a reasonable expectation to be free from all forms of sex/gender harassment, misconduct, and discrimination. Sexual harassment includes quid pro quo (this for that) and hostile environment harassment. Sexual misconduct occurs when two individuals engage in any sexual acts and one individual does not consent to the sexual act or withdraws/withholds consent to a sexual act. Examples of sexual misconduct can include acts of sexual harassment, sexual assault (which includes both non-consensual sexual contact, non-consensual sex), sexual exploitation, domestic violence, dating violence, and stalking. Gender/Sex discrimination occurs when one party is treated differently or singled out because of his or her gender in any education program or activity.

Sexual harassment, discrimination and misconduct violate Shenandoah University policy and federal civil rights law, including the Title IX Education Amendments of 1972. As a recipient of federal funds, the University complies with Title IX of the Education Amendments of 1972 (Title IX). Title IX provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Introduction

All members of the campus community, including visitors and guests, are expected to conduct themselves in a manner that does not infringe upon the rights of others. The university believes in zero tolerance for sex/gender-based misconduct both on and off campus. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. All university employees, staff, and faculty are responsible employees. Responsible employees are required by federal law to report to the Title IX Coordinator any allegations of sexual misconduct that are reported to them. The only employees exempted from this reporting requirement are as follows: The staff at the Wellness Center, the staff and volunteers at the [Not] Just Women's Center, Rev.

Justin Allen, Rev. DeLyn Celec, the counseling staff located in Cooley Hall and Sarah Celec, the Safety & Health Programs Coordinator. These exempted employees are not required to make any reports to the Title IX Coordinator and are considered a confidential resource.

Shenandoah University is committed to investigating and adjudicating reports of sexual harassment, misconduct, and discrimination according to the policies of the University. The University will provide support to both the victim and the responding party throughout the investigative and adjudicatory processes.

The university uses the preponderance of the evidence (also known as “more likely than not”) as a standard for proof of whether a violation occurred. In campus resolution proceedings, legal terms like “guilt,” “innocence” and “burdens of proof” are not applicable, but the university never assumes a responding party is in violation of university policy. Both parties will present their facts and the Title IX Coordinator will determine whether it is more likely than not that an act of sexual misconduct, harassment, or discrimination occurred. Campus resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

This policy uses the term “victim” instead of “survivor”. This is intentional on our part. Rather than assuming a victim is a survivor, we believe each victim needs to decide at their own pace, whether and how they will become survivors. It is not for us to presume it. Once a victim enters the process, we refer to them as the “reporting party”. Reports brought by individuals other than the recipient of the unwelcome behavior are referred to as “third-party reports” and those bringing them are deemed “third-party reporters”. The person facing an accusation is referred to throughout as the “responding party”.

Lastly, the university’s sex/gender harassment, misconduct, and discrimination 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 touch on academic exploration of matters of public concern.

Confidentiality, Privacy and Reporting

A. Confidentiality and Reporting of Offenses Under This Policy

All university employees (faculty, staff, administrators) are expected to immediately report actual or suspected sexual misconduct, sexual harassment, or sex/gender discrimination 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, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. 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 university:

B. Confidential Reporting

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

- Wilkins Wellness Center medical staff in Racey Hall- call (540) 665-4530 or email wwcenter@su.edu
- Counseling Center clinical staff in Cooley Hall, Room 303- call (540) 665-4530 or email wwcenter@su.edu
- [Not Just] Women’s Center peer-mentor staff in Cooley Hall, Room 201- call (540) 665-3463
- Sarah Celec, Safety and Health Programs Coordinator in Cooley Hall, Room 206- call (540)-665-7339 or email scelec112@su.edu
- Rev. Justin Allen in Goodson Chapel, Room 17- call (540) 535-3546 or email jallen3@su.edu
- Rev. DeLyn Celec in Goodson Chapel, Room 17- call (540) 535-3546 or email dcelec@su.edu
- The Laurel Center, located in downtown Winchester- call (540)667- 6466 or email tlc.info@thelaurelcenter.org

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. These employees will submit anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client, patient or parishioner.

C. Formal Reporting Options

All university employees have a duty to report, unless they fall under the “Confidential Reporting” section above. 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. 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.

Not all reports will result in formal university action. In some instances, a conduct conversation can be had with the parties. The conduct conversation is a tool used to correct inappropriate behavior and restore appropriate interactions between members of the community.

If a victim wishes to pursue an investigation and requests accommodations or protective measures, those measures will be kept confidential to the extent it will not impair the university’s ability to provide the accommodations or protective measures.

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 university 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 university will likely be unable to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the university to honor that request, the university will offer interim supports and remedies to the victim and the community, but will not otherwise pursue action. A reporting party has the right, and can expect, to have reports taken seriously by the university 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:

Amber Ellis

Title IX Coordinator

Cooley Hall, Room 210

(540) 665-4921

aellis3@su.edu

nosexualmisconduct@su.edu

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of university policy and can be subject to disciplinary action, including termination, for failure to comply with university policies.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Title IX Coordinator

The University's Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the Director of Student Conduct and is housed in the office of Residence Life and Student Conduct. Questions about this policy 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 university Title IX Coordinator:

Amber Ellis

Title IX Coordinator

Cooley Hall, Room 210

(540) 665-4921

aellis3@su.edu

nosexualmisconduct@su.edu

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at:

https://cm.maxient.com/reportingform.php?ShenandoahUniv&layout_id=1. The form may be found at the bottom of the webpage, under "Student Services", specifically

“Sexual Misconduct Policy.” Note that these anonymous reports may prompt a need for the institution to investigate.

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
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

In the event an incident involves alleged misconduct by the Title IX Coordinator, reports should be made to the Vice President for Student Life or designee. Her office is located in Brandt Student Center, Room 119. The phone number is 540-665-4862.

Sexual Misconduct Definitions

Sexual misconduct offenses include, but are not limited to:

- A. Sexual Harassment**
 - a. Hostile Environment**
 - b. Quid Pro Quo**
- B. Sexual Assault**
 - a. Non-Consensual Sexual Contact (or attempts to commit same)**
 - b. Non-Consensual Sexual Intercourse (or attempts to commit same)**
- C. Sexual Exploitation**
- D. Domestic Violence (Intimate partner violence)**
- E. Dating Violence (Intimate partner violence)**
- F. Stalking**
- G. Other Misconduct Offenses (will fall under Title IX when sex or gender-based)**

A. 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 University program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training will be provided in response.

There are two types of sexual harassment that may be disciplined. They include harassment that creates a hostile environment and quid pro quo (this for that) harassment.

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 university's educational, employment, social and/or residential program.

A totality of the circumstances test will be used to determine if the conduct is severe, pervasive, or persistent. The following factors will be analyzed to determine if a hostile environment has been created:

- Frequency of conduct
- Nature and severity of the conduct
- Physically threatening
- Humiliating
- Identity and relationship between alleged harasser and the subject or subjects of the harassment
- Age and sex of the alleged harasser and the subject of the harasser
- Size of the school
- Location of the incidents
- Context
- Effect on the alleged victim's mental or emotional state

- Whether the Conduct was directed at more than one person
- Whether the conduct unreasonably interfered with alleged victims educational or work performance.
- Whether the statement is an utterance, epithet which is offensive or offends by discourtesy or rudeness.
- Whether the speech or conduct deserves protection of academic freedom or First Amendment Protection.

b. *Quid Pro Quo* Harassment

Quid pro Quo harassment occurs when

- A person who has power or authority over another
- Makes unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature AND
- 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.

Quid pro quo includes receiving employment or academic status in exchange for sexual favors OR when a person is denied deserved employment or academic status because he or she refused a sexual request.

A totality of the circumstances test will be used to determine if the conduct is *quid pro quo* harassment. The following factors will be analyzed to determine if *quid pro quo* harassment has been created:

Some examples of possible Hostile Environment and *Quid Pro Quo* Sexual Harassment include:

- A pattern of conduct causing discomfort or humiliation, for example, unnecessary touching, gestures of a sexual nature, or remarks of a sexual nature, including comments about dress, jokes, or anecdotes.
- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door

- Two supervisors frequently ‘rate’ several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.
- A student yells across the dining hall to an acquaintance from class "Hey baby, nice ass!"
- A student walks past someone they’ve never met and says, "Hey handsome! How are you today?" and when ignored, follows up with, "What, don't wanna talk? Be nice! Smile!" Gestures like this may seem harmless and a way of initiating discussion, but when unwanted they act as microaggressions that, when taken in the aggregate with other harassment someone may experience, can be intimidating and offensive and make an environment feel unsafe.
- Student engages in wolf whistling, panting, or other sexualized sounds aimed at peers, as well as physical cues such as clapping or honking their car horn at people on campus.

B. Sexual Assault (non-consensual contact and/or intercourse)

Sexual assault is defined as any sexual act directed at another person when force is used, or consent is not obtained, or the person consents but is incapable of giving consent (for further clarification, please refer to the discussion of consent, incapacitation, and force, which can be found on page 17 of this policy). Sexual Assault can be broken down into two large subsets, non-consensual sexual contact and non-consensual sexual intercourse.

a. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- any intentional sexual touching of another person,
- on the breasts, buttock, groin or genitals
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

b. *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.

C. 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;
- Attempting to cause incapacitation of another for sexual purposes;
- 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;
- Distributing intimate or sexual information about another person;
- 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.

D. Domestic Violence (intimate partner violence)

Domestic Violence is defined as

- Force, Threats, or any act that results in bodily harm, mental /emotional harm, or reasonable apprehension of death or sexual assault and
- The acts listed above must be committed between two of the following persons:
 - Spouse, former spouse, parents, step-parents, children, step-children, siblings, half siblings, grandparents, grandchildren whether or not he or she resides in the same home as the victim;
 - Mother-in-law, father-in law, sister-in-law, brother-in- law but only if these parties reside in the same home with the reporting party
 - Any two individuals who currently cohabit together or who have cohabited together within the past 12 months. Cohabitation is determined by looking at a totality of the circumstances to include: 1) duration, continuity, and permanency of the relationship, 2) consortium and 3) sharing of familial or financial responsibilities;
 - Two individuals who have a child in common, whether or not the individuals have been married or have resided together at any time.

E. Dating Violence (intimate partner violence)

Dating Violence is defined as

- Use of physical, emotional, or sexually abusive behaviors to gain control in an intimate relationship and
- The abuse is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reporting party.

The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Examples of both domestic violence and dating violence:

- 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.
- 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.
- 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.
- Married employees are witnessed in the parking garage, with one partner slapping and scratching the other in the midst of an argument.

F. Stalking

Stalking is defined as

- Engaging in a course of conduct
- Directed at a specific person
- The conduct causes reasonable fear for
- His or her safety, including fear of death, sexual assault, or bodily injury to themselves or a household member OR
- causes the person to suffer severe emotional distress

Examples of Stalking:

- A student repeatedly shows up at another student's on-campus residence. The student brings flowers, candy, and cards despite being told those items are not welcome. The student will often leave these with the other student's roommate. The student even waits for the other student outside of classes and shows up to their on-campus place of employment requesting that they go out on a date together.
- A graduate student working as a 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."

G. Other Misconduct Offenses (will fall under Title IX when sex or gender-based)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- 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;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
- Bullying, defined as
 - Repeated and/or severe
 - Aggressive behavior
 - Likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - That is not speech or conduct otherwise protected by the 1st Amendment.
- Any other university 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 prohibited. Retaliation is any consequence or action taken in response to someone participating in a protected activity such as filing a report or being part of the investigation process. Retaliation against a responding party, a reporting party, a person who provides support to the reporting party, or a person who assists in providing information relevant to an allegation is a serious violation of university policy.

The Title IX Coordinator will investigate any reported acts of harassment or intimidation, including any act of reprisal, interference, restraint, or penalty – overt or covert – against any student, faculty, or staff who is a party to a complaint or associated with the proceedings described in this policy, including witnesses and members of the hearing panel.

Hindering, lying or tampering with an investigation is prohibited. Any individuals found responsible for interfering with an investigation are subject to the same sanctions as an individual responsible for a sexual misconduct violation

Examples:

1. Jim plays for a men's athletic team at the university and Tammy plays for a women's athletic team at the university. The men and women's teams like to hang out together and have social events. During one of these social events, Tammy and Jim begin drinking and eventually have sex. Tammy cannot remember what happened. All she remembers is having a few drinks and waking up in her bed the next morning. Tammy goes to speak to the Title IX Coordinator. Tammy decides to file a report of sexual misconduct. Tammy tells her teammates about her decision. Her teammates tell the players on the men's team. Tammy's teammates and Jim's teammates no longer want to talk to her, her coach gradually quits playing her during games, and Tammy begins to receive texts from various team players that she is a traitor and needs to drop her allegations. Her coach even states that she needs to drop her allegations for the good of the athletic department.

This would be retaliation under this policy.

2. Jake brings a sexual misconduct claim against John. John is found not responsible after a thorough investigation. Jake is a member of the Literary Arts Club. John would like to join the Literary Arts Club and goes to speak with the club's president. Jake finds out about John wanting to join the club. Jake goes immediately to the president and states that the club should not allow a rapist to join the club and proceeds to tell the president what happened between Jake and John. Jake also tells a few other members of the club that John wants to be a member and if John is allowed to be a member then they will be allowing a rapist into the club. The members go to the president of the club and express their concern over the issue. The president does not allow John to join the club.

This would be retaliation.

3. Amber and Jill are both students under Professor Smith. Professor Smith hired Jill as a student worker to tutor some students who are struggling. One day, Amber confides in Professor Smith that she believes Jill touched her inappropriately one night while she was asleep. Professor Smith refers the matter to the Title IX Coordinator who then performs a thorough investigation. Jill is found not responsible. Amber tells Professor Smith about the outcome and Professor Smith is dissatisfied. Professor Smith dismisses Jill from her tutoring position with the school because of the allegation Amber made about Jill.

This would be retaliation.

Overview of Consent, Incapacitation, and Force

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. When determining if an action is coercive or seductive, the university will look to four factors: frequency, intensity, isolation and duration of the conduct in question.

Coercion need not be physical force, threats, duress, or intimidation but can be in the form of mental or emotional manipulation, such as making another feel guilty or selfish for not consenting.

Some examples of coercion:

- "I won't let you leave until we have sex"
- "If you cared about me, you would have sex with me."
- "You don't want to be thought of as a prude, do you?"

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," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "no."

Additional applicable definitions:

1. Consent is defined as

- clear, and
- knowing, and
- voluntary [or affirmative, conscious and voluntary],
- words or actions,
- that give permission for specific sexual activity.

2. Key Concepts for Consent:

- 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.

3. Incapacitation and Consent

- 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 <http://www.911rape.org/>].

4. Force and Consent

- 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.

Examples:

1. Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never had done it but for Bill's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn't want it, she could have

left.

Bill is responsible for violating the university Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.

2. Jiang is a junior at the university. Beth is a sophomore. Jiang comes to Beth's residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation?
Jiang would be held responsible in this scenario for Non Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.
3. Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John

may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to his Academic Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the university expects.**

Policy Expectations with Respect to Consensual Relationships

Faculty members should refer to their faculty handbooks for the most up to date policy on consensual relationships.

Staff members should refer to their staff handbooks for the most up to date policy on consensual relationships.

Sanctions

The following sanctions may be imposed upon any member of the community found to have violated this policy.

A. Student Sanctions

The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

- Educational task: student must complete an assignment that benefits self, campus or community. This sanction can include training on sexual harassment and appropriate interactions with peers and partners.
- Referral: requires the student seek appropriate guidance or resources for his/her success.
- Community restitution project: work projects on or off campus.
- Restitution: reimbursement by the student to cover the cost of repair or replacement of damaged or misappropriated property.
- Relegation to final room selection: student loses the opportunity to participate in the annual room selection (lottery) process.

- Removal from university housing: required removal from university housing with final approval from the director of residence life & student conduct (or designee) and without the refund of room fees. Once assigned this sanction, a student must move within a designated time frame (usually 48 hours unless otherwise permitted by the director of residence life & student conduct), after which the removed student cannot enter university housing without permission from the director of residence life & student conduct (or designee).
- Removal of property: The university can require removal of property that contributes to a harmful environment, for example a hostile sexual environment.
- University housing relocation: requires the student to move to another room, hall or quad with approval from the director of residence life & student conduct (or designee) Student must relocate within 24 hours, after which he/she cannot enter the building from which he/she was removed throughout the term of the sanction without permission from the director of residence life & student conduct (or designee). Written warning: official record that a student has been warned about behavior
- No-contact order: student is prohibited from having any direct or indirect contact or contact via a third-party with a particular person. Violation may result in suspension.
- Restriction of activities or privileges: participation in any and/or all organized university activities other than required academic endeavors are restricted for a designated period of time.
- Conduct probation: period of self reflection during which a student is on official warning that subsequent violations of university rules, regulations or policies are likely to result in more severe sanctions, including suspension or dismissal from the university.
- Conduct suspension: a temporary cancellation of a student's enrollment at Shenandoah University with approval from the vice president for student life (or designee). Once assigned this sanction, a student is immediately removed from classes and banned from university property. A student cannot enter university property during his/her term of suspension without prior permission from the vice president for student life (or designee) nor graduate. Any classes taken at another institution suspended typically cannot be transferred to Shenandoah University unless given special permission by the Vice President of Student Life and the Academic Dean. If a student lives in campus housing, he/she has 24 hours to vacate his/her campus residence.
- Campus ban: student is banned from being present on either the entire campus or specified areas of the campus.

- Dismissal from the university: a permanent cancellation of a student's enrollment at Shenandoah University with approval from the vice president for student life (or designee). Once assigned this sanction, students are immediately removed from classes and banned from university property. A student cannot enter university property once dismissed without prior permission from the vice president for student life (or designee) nor re-enroll or graduate from Shenandoah University.
- Additional stipulations: additional sanctions a student must complete and/or follow.

B. Employee Sanctions

- Censure - A written condemnation by Shenandoah University administration of a negative action or behavior by an employee. It is placed in the employee's file and sets the expectation that such an action/behavior will not happen again.
- Probation – Places an employee in a probationary status for a pre-determined period of time as a result of their previous negative actions. The employee would be made aware that for the duration of the probationary period he or she would be under close scrutiny, and any repeat of those past prohibited actions would result in further sanction; in all likelihood dismissal.
- Educational Experience - As a consequence of the employee's actions, their continued employment is contingent on them submitting to and actively participating in mandatory education and/or counseling that addresses their particular behaviors; i.e. EAP counseling, education/training on topics such as sexual harassment, personal boundaries, gender respect, etc.
- Suspension – As a result of the employee's negative behavior he or she would be prevented from conducting his or her job and from even being on campus property for a pre-determined amount of time. The suspension can be paid or unpaid depending on the circumstances. The employee is still considered an employee and would have their job once the term of suspension was ended. Suspension is generally recognized second only to dismissal in severity.
- Dismissal - This is the forced termination of the individual's employee relationship with Shenandoah University. It is the most severe sanction.

C. Sanctioning for Sexual Misconduct

- Any person found responsible for violating the non-consensual sexual contact policy (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion (student) or probation to dismissal (employee),

depending on the severity of the incident, and taking into account any previous disciplinary violations.*

- Any person found responsible for violating the non-consensual sexual intercourse policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or dismissal (employee).*
- Any person found responsible for violating the sexual exploitation or sexual Harassment policies will likely receive a recommended sanction ranging from educational sanction to expulsion (student) or censure to dismissal (employee), depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Additional Policy Provisions

B. Attempted violations

In most circumstances, university will treat attempts to commit any of the violations listed in the Sexual/Gender Harassment, Discrimination and Sexual Misconduct Policy as if those attempts had been completed.

B. False Reports

The university 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 university community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to university 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 interests of this community that as many victims as possible choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, university pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

D. Lying, Hindering or Tampering with an Investigation

Hindering, lying or tampering with an investigation is prohibited. Any individuals found responsible for interfering with an investigation are subject to the same sanctions as an individual responsible for a sexual misconduct violation.

Sexual Violence - Risk Reduction Tips

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

- If you have limits, 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.
- Always try to be cognizant of your alcohol intake and drug use and acknowledge that drugs and alcohol lower your sexual inhibitions and impairs your decision making abilities. Alcohol is the the most commonly used date rape drug, and it can make you vulnerable to someone who views a drunk person as a sexual opportunity. While it is always smart to monitor your own substance ingestion, someone who chooses to take advantage of your incapacitated state is ultimately the one responsible and at fault.
- Give considerable 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 relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T 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.
- Don't 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. Don't 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 non-verbal communication and body language. Read and communicate with your potential partner carefully and when in doubt ask for clarification.

Questions and Answers

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

A. What is seduction?

Seduction is recognizing a party changed their mind of their own free will. The seducing party may have encouraged their partner by building arousal and attraction, but ultimately the consenting party decided on their own to consent. The seducing party did not pressure their partner to change their mind, they allowed their partner to come to the decision to change their mind on their own. Just as individuals can grant consent then revoke it, individuals can also initially refuse to grant consent and then knowingly and willingly change their mind.

B. 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 university'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 university will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties or unless required by legal process. 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 university, 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 university administrators are informed of the outcome within the bounds of student privacy Vice President of Student Life.

If there is a report of an act of alleged sexual misconduct to a conduct officer of the university and it is necessary to protect the health or safety of the student or other individuals, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the university is legally required to notify law enforcement authorities. If there is a report of an act of alleged sexual misconduct to a conduct officer of the university and it is a felony offense, the institution is legally required to notify the commonwealth attorney. This does not mean charges will be automatically filed or that a victim must speak with the commonwealth attorney but the the university is legally required to notify the commonwealth attorney's office.

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.

C. Will my parents be told?

Whether you are the reporting party or the responding party, the university's primary relationship is to the student and not to the parent. However, in an effort to educate students and their families regarding decision making, the university will partner with parents and other family members as appropriate with the ultimate goal of student success and community safety.

D. Will the responding party know my identity?

Yes, if the university 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 university does provide options for questioning without confrontation, including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms.

E. 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.

F. 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 or advocate. You may also contact Sarah Celec, the Safety & Health Programs Coordinator can explain the university's procedures for addressing sexual misconduct reports. She is a confidential resource on campus. You may also want to talk to a confidential peer mentor in the [Not] Just Women's Center or a confidential counselor with the university counseling center. All of these confidential resources are located in Cooley Hall.

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

The university has an on-campus counseling center and wellness center who provide free services to students.

H. 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 Commonwealth Attorney'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 conduct 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 advocates in the process as described in the procedure portion of the sexual misconduct policy.

I. How do I file criminal charges?

The reporting party is not required to file criminal charges or contact law enforcement. The reporting party may elect to file either criminal charges and/or a complaint, or both. If the sexual assault or gender-based incident occurred on main campus or in a university-owned building downtown, call the Winchester Police Department at 540/662-4131. If the incident occurred at East Campus Commons or the Health Professions Building, call the Frederick County Sheriff's office at 540/665-5600. If you wish to seek an emergency protective order you may go to the Winchester Magistrate office located at 141 Fort Collier Rd., Winchester.

J. What are my options for obtaining a protective order?

Victims of sexual misconduct may want to prevent communication between themselves and the other party. A protective order is a legal document that can help prevent such communication. There are four different types of Protective Orders: Emergency Protective Orders, Preliminary Protective Orders, Protective Orders and University-Based No Contact Orders. All four are issued through different processes and can all be active concurrently. Any person who obtains a protective order should provide a copy to the Department of Public Safety and the Office of the Title IX Coordinator. A reporting party may then meet with the Department of Public Safety to develop a Safety Action Plan, which is a plan for campus security and the reporting party to reduce risk of harm while on campus or coming and going from campus.

Violations for Emergency Protective Orders, Preliminary Protective Orders, and Protective Orders, may result in criminal charges, while violations of University-Based No Contact Orders may result in disciplinary action by the University.

Emergency Protective Orders (EPO): Victims can petition for an EPO at the local Magistrate office at no cost, even if there is no related criminal case. The Winchester magistrate is located at 141 Fort Collier Road, Winchester, Virginia. An EPO is generally valid for 72 hours but may be extended by the court.

Preliminary Protective Orders and Protective orders, are issued by the court and prohibit the defendant from contacting the victim(s). These may expire at the end of a criminal case, and victims should keep in contact with their victim witness coordinator and prosecutor to know when a No Contact Order has been imposed or will expire.

University Based No Contact Order: Shenandoah University may choose to impose a University-Based No Contact Order when appropriate. To request a University-Based No Contact Order, please contact the Title IX Coordinator at (540) 665-4921, or by email at: nosexualmisconduct@su.edu.

K. How is a report of sexual misconduct decided?

The university investigates allegations of sex/gender based harassment, discrimination or sexual 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.

L. What are interim measures that may be used during an investigation?

- Assistance from university support staff in completing a room relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Help with finding an off-campus residential alternative;
- 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;
- Escorts to and from campus locations;
- On or off-campus counseling assistance;
- Transportation assistance or support;
- Other accommodations for safety as necessary.

M. 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, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A victim advocate from the institution can also accompany you to Hospital and law enforcement or Security can provide transportation. 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 obligation 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.

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

No. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct. The university provides 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.

O. Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct 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.

P. 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.

Q. 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 Sarah Celec, the Safety & Health Programs Coordinator. She can explain the

university's procedures for addressing sexual misconduct reports. She is a confidential resource on campus. You may also want to talk to a confidential peer mentor in the [Not] Just Women's Center or a confidential counselor with the university counseling center. All of these confidential resources are located in Cooley Hall. You may also inquire about the availability of process advocates who can help you to define and clarify the event(s), and advise you of your options].

R. If I am found responsible, will the decision be notated on my transcript?

If you are found responsible for sexual violence and are suspended, dismissed the matter is notated on your transcript. Where a case results in suspension, the notation is removed once the period and terms of suspension are completed. If you withdraw while under investigation for the allegations, the matter is notated on your transcript. If you are found not responsible after the investigation is complete, the notation is removed. For more information please refer to the student handbook.