What to Do in Case of Sexual Harassment or Violence

The University does not discriminate on the basis of sex in its education programs. As sexual harassment and sexual violence are types of sex discrimination, it is not tolerated in MUM. The University’s policy prohibiting sex discrimination applies to conduct by students, faculty and staff on and off campus and protects students, faculty, staff, and visitors. Furthermore, any kind of sexual violence is criminal behavior that will not be tolerated.

It is the University’s policy to provide programs to prevent domestic violence, dating violence, sexual assault, stalking, and sexual harassment by increasing awareness of gender violence in our students during orientation in order to develop understanding and recognition of such issues.

The University also provides training to students, faculty and administration in bystander intervention.

Sexual Harassment

According to the Sex Discrimination Guidelines of the Equal Employment Opportunity Commission (EEOC), sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submissions to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic performance, or

2. Submission to or rejection of such conduct by an individual is used as the basis of employment or academic decisions affecting such individual, or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working or educational environment.

Sexual harassment, sexual assault, dating/domestic violence and stalking involving students may occur between two or more students, between students and faculty, or between students and administrators. Third party harassment, may occur when a person who is not the direct
target of harassment suffers the consequences of harassment indirectly, for example, when a
student overhears others in the classroom talking and joking about sexual subjects.
Complaints or incidents should be reported immediately to the Dean of Student Life (641-
472-1225) the Associate Dean, (641-233-8636 or 641 472 1190) or the Title IX Coordinator
(641) 233-8033.

Once the University is notified of a harassment complaint, the Dean of Student Life, or the
Title IX Coordinator or a designee, as appropriate, will conduct a prompt review. This will be
conducted as confidentially as possible keeping in mind any request for privacy, but also the
wellbeing of members of the University community. The respondent will be notified of the
complaint, afforded an opportunity to respond, and notified of the outcome of the review.

The goal of the review will be to determine if harassment has occurred, and if so, to redress
the situation, including taking appropriate steps to prevent it from happening again. The
review may result in a recommendation of mediation between the parties, legal action, or
disciplinary action including a warning letter, probation, suspension, or dismissal from the
University. Retaliation against a person who reports harassment in good faith will not be
tolerated.

If a finding of harassment is made, a record will be filed in the harasser’s file.

**Sexual Violence**

Sexual violence, whether on or off campus, is prohibited and will not be tolerated. This
applies to academic, educational, co-curricular, athletic, study abroad, residential and off-
campus conduct, and other programs.

“Sexual violence” is defined as attempted or actual sexual contact performed without the
active, verbal consent of another individual. It includes Sexual Assault, Sexual Battery,
Sexual harassment, sexual assault (sexual exploitation, stalking, domestic violence and dating
violence are any kind of “Sexual Contact”, obtained without effective consent.

“Effective Consent” means words or actions that show a knowing and voluntary agreement
to engage in mutually agreed-upon sexual activity. Effective Consent cannot be gained by
force, by ignoring or acting in spite of the objections of another, or by taking advantage of the
incapacitation of another, where the accused student knows or reasonably should have known
of such incapacitation. This means that sexual activity with someone mentally or physically
incapacitated (because of disability, alcohol/drug use, sleep, unconsciousness, blackout or bodily restraint) is a violation of this policy. Effective Consent is also absent when the activity in question exceeds the scope of Effective Consent previously given. Silence in and of itself is not an indication of consent. Consent may be withdrawn at any time.

“Force” means physical force, violence, threat, coercion, or intimidation. Intimidating someone for one of the purposes described above is a form of sexual violence, as is retaliating following an incident of alleged sexual violence or attempted sexual violence.

“Incapacitation” means the physical and/or mental inability to make informed, rational judgments. States of Incapacitation include, without limitation, sleep, blackouts, and flashbacks. Where alcohol is involved, one does not have to be intoxicated or drunk to be considered Incapacitated. Rather, incapacitation is determined by how the alcohol consumed impacts a person’s decision-making capacity, awareness of consequences, and ability to make informed judgments. The question is whether the accused student knew, or a sober, reasonable person in the position of the accused student should have known, that the complainant was incapacitated. Because Incapacitation may be difficult to discern, students are strongly encouraged to err on the side of caution; i.e., when in doubt, assume that another person is incapacitated and therefore unable to give Effective Consent. Being intoxicated or drunk is never a defense to a complaint of Sexual Misconduct under this Policy.

**Sexual Assault** includes, making unwanted and sexually offensive contact with an intimate body part of another person, including clothing covering any intimate body part, or which cause an immediate apprehension in the other person that such an act will occur, it includes but is not limited to, any sexual activity by a group or individual that takes place without the effective consent of the other individual(s) involved. Effective consent is shown by the exchange of mutually understandable words or actions between parties to a sexual interaction.

“**Sexual Exploitation**”: Sexual Exploitation happens when a student takes non-consensual sexual advantage of another for the purpose of arousing or satisfying his/her own sexual desires or those of those of a third party.

Examples of sexual exploitation include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as letting your friends surreptitiously watch you having consensual sex), engaging in Peeping Tommery.
They also include:

**Knowing Transmission of STD**: Knowingly transmitting an STD (including HIV) to another student is a violation of this policy.

**Possession, Use, Distribution and/or Administration of Date Rape Drugs**: Possession, Use, Distribution and/or Administration of Date Rape Drugs of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, as is administering one of these drugs to another student for the purpose of inducing incapacity.

**Attempts to Commit/Aiding in the Commission of Sexual and/or Relationship Misconduct**: Attempts to commit Sexual or Relationship Misconduct and aiding in the commission of Sexual or Relationship Misconduct as an accomplice are also prohibited under this policy.

**Retaliation**: Intimidating, threatening, coercing or taking any other action that has an adverse impact on an individual’s grades, class selection or any other matter pertaining to a student’s status because she/he has sought guidance, filed a complaint or participated in an investigation under this policy.

**Domestic/Dating Violence** is the willful intimidation, physical assault, battery, sexual assault and/or other abusive behavior perpetrated by a domestic partner or a dating partner against the other partner.

**Stalking** means engaging in conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress.

Sexual violence also includes:

**Knowing Transmission of STD**: Knowingly transmitting an STD (including HIV) to another student is a violation of this policy.

**Possession, Use, Distribution and/or Administration of Date Rape Drugs**: Possession, Use, Distribution and/or Administration of Date Rape Drugs of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, as is administering one of these drugs to another student for the purpose of inducing incapacity.

**Attempts to Commit/Aiding in the Commission of Sexual and/or Relationship Misconduct**: Attempts to commit Sexual or Relationship Misconduct and aiding in the
commission of Sexual or Relationship Misconduct as an accomplice are also prohibited under this policy.

**Retaliation:** Intimidating, threatening, coercing or taking any other action that has an adverse impact on an individual’s grades, class selection or any other matter pertaining to a student’s status because she/he has sought guidance, filed a complaint or participated in an investigation under this policy.

**Sexual violence** can be committed by anyone against a person of the same or other gender. Sexual violence can be committed by current or former lovers, friends, acquaintances, or strangers.

Students, faculty members, and administrators should understand that apparently consensual sexual relationships, particularly those between individuals of unequal status, may be or become a violation of this policy. Anyone who engages in a sexual relationship with a person over whom the individual has any degree of formal power or authority must understand that the validity of the consent involved can and may be questioned. The University is particularly aware of the abuse potentially inherent in sexual relationships between staff or faculty members and students, and between supervisors and their employees.

**What to do if you believe you are the victim of sexual violence**

Maharishi University of Management urges people who have been sexually assaulted to pursue criminal charges against the person or persons they believe to have committed the sexual assault. A person who has experienced a sexual assault involving a member of the campus community is also urged to make a complaint to the University by contacting Campus Safety and Security and/or MUM’s Title IX Coordinator.

The Title IX Coordinator is Caterina Tomaselli. She can be reached at (641) 233-8033; croesler@mum.edu. Her office is in room 112, Gate Ridge Building, located at 1100 North 4th Street.

Complainants are also advised to seek medical attention as soon as possible or within 72 hours of a sexual assault, though they may do this at any time. Seeking help as quickly as possible may help ensure a student’s physical safety, as well as preserve evidence, which in turns will make it easier for the University and for law Enforcement to respond effectively.
When informed of an alleged incident of sexual violence, all University students, faculty and employees are urged to encourage and assist complainants, as needed, to report the incident to local law enforcement, local victim/survivor services, M.U.M.’s Title IX Coordinator, or a member of the Student Life Department, and/or a campus security authority. A criminal charge and an internal complaint can be pursued at the same time.

**Reporting**

**Non-confidential Reporting**

Complainants are encouraged to speak to officials of the institution to make formal reports of incidents (deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources). The University considers these people to be "responsible employees." In addition, all faculty, RAs and teaching assistants, are also responsible officers. Notice to them is official notice to the institution. Complainants have the right and can expect to have incidents of sexual misconduct to be taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through administrative procedures.

Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual. All responsible employees will promptly contact the Title IX Coordinator.

However, notice to the Title IX Coordinator does not mean that the incident will be investigated without the consent of the alleged victim. Barring rare and exigent circumstances, a Title IX Coordinator will offer the opportunity to the alleged victim to come in for an interview, file a complaint and/or to receive assistance or accommodations as needed, but the alleged victim may choose what action to take, the type and extent of assistance to receive, and whether to file a complaint (also called “formal reporting”). If a complaint is filed, complainants have the right, and can expect to have incidents of sexual misconduct to be taken seriously by the University, and to have those incidents investigated and properly resolved through administrative procedures.

Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual. As required by law, all disclosures to any University employee of an on-campus sexual assault are tabulated for statistical purposes by the Campus Safety and Security Department,
without personal identifying information. In compliance with federal law, these statistics and other mandated crime statistics are reported annually, but no names are disclosed.

**Confidential Reporting**

If you wish to make a confidential anonymous report concerning a crime for inclusion in our annual disclosure of crime statistics you may mail the report to Beata Nacsa, Director of Regulatory Compliance or Rig Gelfand Director of Safety and Security at 1000 North 4th Street, Fairfield Iowa 52557. The crime report will be reviewed by the Safety and Security Office and the Title IX Coordinator to determine the University's response. However, addressing such reports when the complainant chooses to remain anonymous is difficult, and we may not be able to investigate allegations based on an anonymous report. Other established university channels should be used to report these matters, whenever possible.

Complainants who want to speak to someone but require that details of an incident be kept confidential may speak with on-campus Personal Support Service Directors or off-campus rape crisis resources who can maintain confidentiality unless there is cause for fear for complainant’s safety, or the safety of others. These are individuals whom the University has not specifically designated as "responsible employees" for purposes of putting the institution on notice and for whom mandatory reporting is not required, other than in the stated limited circumstances.

You may also wish to speak with on and off-campus members of the clergy and chaplains, who will also keep reports made to them confidential.

In addition, students are encouraged to get support from local crisis centers. Their services are free and confidential and include safety planning, support through reporting process, crisis counseling, and personal advocacy. These centers are available 24/7 on the phone and for responses to hospitals. In addition, they are able to meet in person during day time hours.

Crisis Intervention Services, which serves victims of sexual assault and harassment. Their 24/7 crisis line is 1-800-270-1620.

Crisis Center & Women's Shelter, which serves victims of domestic violence. Their 24/7 crisis line is (641) 683-1750.
In case of after hour emergencies, students may also reach the Personal Support Services Directors Leslie Doyle (641) 919-7699 or Sascha Kyssa (641) 919-2968.

Medical Treatment

A person who has experienced sexual violence is urged to seek appropriate medical evaluation as promptly as possible, ideally within 72 hours of the incident, though they may do so at any time. As needed, students should call 911 or go to the Jefferson County Health Center Emergency Department. They may also contact Liza McClure RN, in the Wellness Clinic, 1080 North 4th Street, Fairfield Iowa 52556, (641) 472-7000, ext. 3411, nurse@mum.edu, for advice, first aid, and assistance in obtaining medical care. Clinic hours are generally Monday through Friday 1-4 PM. They may also call the security officer at (641) 472-1115 who will assist them in seeking medical attention.

University counselors and Campus Safety and Security will also assist students who have been the victim of sexual violence in obtaining further assistance, including help with transportation to the Jefferson County Health Center, or local law enforcement. Please note that as detailed above, members of Campus Safety and Security cannot guarantee confidentiality as they have, by law, been designated as "responsible employees" who must alert the IX Coordinator that an alleged sexual offence has occurred. University health care provider will maintain confidential the identity of a student who as sought their help for sexual violence, but will report the incident to the University’s Title IX Coordinator to enable the University to understand the existence and extent of the problem. Crimes may be also reported to Campus Safety and Security without any identifying information for inclusion in the daily crime log and annual security report and for issuance of “timely warning” to other community members, if needed.

A sexual assault exam is a specific form of medical attention that is available at the hospital emergency room. Sexual assault exams have two purposes. First the nurse makes sure that people who have experienced sexual assault are physically alright and addresses health concerns. Second, the nurse can collect and store forensic evidence should the individual later decide to make a police report at that time or at a later date. It is paid for by the State of Iowa and free to victims of sexual assault.
Personal Support and Counseling Referrals (Confidential)

Students involved in a case of sexual violence are encouraged to seek counseling. On campus, they may contact the Personal Support Services Office 641-472-1241, Leslie Doyle ldoyle@mum.edu and Sascha Kyssa skyssa@mum.edu. They can refer students to Victoria Knight, licensed therapist, or Optimae Life Services, both in Fairfield; the University will pay for three to five visits per semester for students whose insurance does not cover such visits. Students may also contact Victoria J Knight, 320-428-0957, or Optimae Life Services, 301 W. Burlington Ave., Fairfield, 641- 472-5771, directly.

Persons involved in sexual violence may also call the Iowa Sexual Abuse Hotline (800) 284-7821 or the National Sexual Assault Hotline (800) 656-HOPE (4673); for online confidential chat with a trained volunteer: https://ohl.rainn.org/online.rainn.org/ Other sources include the Crisis Intervention Services, which serves victims of sexual assault and harassment. Their 24/7 crisis line is 1-800-270-1620. Another resource is Crisis Center & Women's Shelter, which serves victims of domestic violence. Their 24/7 crisis line is 641-683-1750. Emergency phone numbers for Personal Support Services Directors Leslie Doyle and Sascha Kyssa are (641) 919-7699 and (641) 919-2968.

Procedure

Upon receiving a report, the Title IX Coordinator (“Coordinator”) and Associate Coordinator (“Coordinators) will conduct an investigation into the incident. The evidence gathered will be analyzed according to the “more likely than not” standard. The Coordinators will meet with the complainant to review the details of the allegation and to explain the subsequent steps involved in a sexual assault investigation. If needed, the Coordinators will also initiate an immediate response to separate the complainant and respondent (i.e., the accuser and the person accused of sexual misconduct) from engaging each other in common areas, residence halls, campus buildings, and student activities.

The Coordinators have the discretion to remove the complainant or respondent from a hostile living situation. Consequently, a student who believes he or she has been the victim of sexual misconduct, as well as a student who has been accused of sexual misconduct, may contact the coordinators to request any of the following, when related to the incident or accusation of sexual misconduct:
(1) A change of the student's on-campus housing location to a different on-campus location if alternate on-campus housing is available;

(2) Assistance in exploring alternative housing off campus;

(3) Assistance in securing a transfer of class sections or, arrangement for independent study courses;

(4) Assistance in arranging grades of incomplete, leaves, or withdrawal;

(5) Assistance in arranging alternate transportation, if needed;

(6) Assistance in changing a working situation;

(7) Issuance of a no-contact directive: Such a directive may occur if the University determines that continued contact between a student who has made a complaint, a student who has been accused of sexual misconduct, and/or a witness would be detrimental to any of the parties' welfare. Additionally, directives of no contact may be issued by the University if the university determines that such a directive is in the best interest of a student.

(8) Other interim actions, when necessary to protect student welfare, such as interim suspensions.

The Coordinators will set up separate interviews with complainant, respondent, and any identified witnesses. Prior to its initial interview with the respondent, the University will provide written notice respondent of the allegations constituting a potential violation of the school’s sexual misconduct policy. The University will include sufficient details and allow respondent sufficient time to prepare a response. Sufficient details will include the identities of the parties involved, the specific section of the code of conduct allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident.”

Following the notice the Coordinators will also interview respondent. Should these interviews not produce reasonable cause to charge the accused individual, the hearing will not proceed. However, complainants may still seek options such as reporting the incident to the Fairfield Police or Jefferson County Sheriff’s Office.

During any stage of the investigation, if the Coordinators reasonably suspect that the person or person identified by the complainant poses an imminent threat of harm or disruption to the campus community, the Coordinators may immediately remove the respondent from campus, campus housing and/or restrict the respondent's movement on campus. Barring any finding of
threat, however, any interim measure the University might take will be made equally available to both parties.

Any University investigation of sexual violence will proceed independently of any action taken in criminal or civil courts. The University will not delay its proceedings while a parallel legal action is ongoing. If a criminal proceeding involving the alleged incident is ongoing, the Coordinators may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for University procedures.

Investigation and disciplinary procedures concerning allegations of sexual violence against employees or students shall afford both parties the same rights, which include:

- Be respectful of the needs and rights of individuals involved;
- Proceed as promptly as possible;
- Receive a copy of this policy for their inspection and review;
- Permit a complainant and a respondent to have the same opportunity to have an appropriate support person or advisor present at any interview or hearing, in a manner consistent with applicable reporting laws;
- The right to submit questions to be asked of parties and witnesses;
- Participate or decline to participate in the investigation; (However, a decision to refrain from participating in the process cannot prevent the process from continuing with the information available.)
- Be conducted in accordance with applicable due process standards and privacy laws;
- Inform both the complainant and respondent of the outcome in a timely manner, as permitted by applicable privacy law;;
- Report the incident to law enforcement at any time;
- Understand that information collected in the process may be subpoenaed in criminal or civil proceedings.
- When resolving allegations of dating violence, domestic violence, sexual assault, or stalking, the University will provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, though the University may establish reasonable restrictions regarding the extent to which the advisor may participate in the proceedings.
- Each party will have the same meaningful access to any information that will be used during informal and formal disciplinary meetings and hearings.

At the conclusion of the preliminary investigation, if it is determined that sexual assault may have taken place, the investigation will proceed. There may be more interviews as needed. Should the investigation prove to be inconclusive, however, neither party would be subject to disciplinary action.

Once the information has been gathered, the Coordinators will convene a Title IX Committee hearing to which they shall present a report on the ongoing investigation. If, at the conclusion of the hearing, the Committee determines the respondent has committed sexual misconduct, the Committee will determine sanctions which will vary depending on the severity of the violation.

Action against a respondent found to have committed sexual misconduct may include a reprimand, probation, suspension, dismissal from the University, termination from employment, and any other appropriate measure to redress the situation.

Both the complainant and respondent will be informed of the outcome of a sexual assault proceeding of the decision.

Appeal Process

Any disciplinary action against a student who has violated the Sexual Violence Policy may be appealed by filing a request in writing within 5 business days of receiving the written decision for a review of the decision or the sanctions imposed, with Dr. Craig Pearson, Vice President of Academic Affairs, cpearson@mum.edu (641) 472-1186. Complainants may also appeal following the same process.

The ONLY grounds for appeal are as follows:

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; if the Vice President of Academic Affairs determines that new evidence should be considered, he will return the complaint to the Coordinator who shall return it to the hearing committee that heard the original complaint to
reconsider in light of the new evidence, only. The reconsideration of the hearing committee is not appealable.

If the Vice President of Academic Affairs determines that a material, procedural or substantive error occurred, he may return the complaint to the Coordinator with instructions to cure the error. In rare cases, where the procedural or substantive error cannot be cured, the Vice President of Academic Affairs may order a new hearing on the complaint with a new hearing committee. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the four applicable grounds for appeals.

**Retaliation Prohibited**

Actions by a student, faculty or staff member intended as retaliation, reprisal or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

**Training for Individuals Charged with Decision-making Authority**

Individuals charged with decision-making responsibilities under applicable procedures shall receive appropriate training in order to facilitate a fair, respectful, and confidential procedure to address allegations of sexual violence, in accordance with this and other applicable policies, procedures and laws.

**Information regarding Registered Sex Offenders**

Information on registered sex offenders in Iowa, including the town of Fairfield can be obtained online at [http://www.city-data.com/so/Iowa.html](http://www.city-data.com/so/Iowa.html) and/or [http://www.iowasexoffender.com/](http://www.iowasexoffender.com/)

Information on registered sex offenders in Hawaii could be obtained online at [http://www.city-data.com/so/Hawaii.html](http://www.city-data.com/so/Hawaii.html), or by a search at [http://sexoffenders.ehawaii.gov/sexoffender/welcome.html](http://sexoffenders.ehawaii.gov/sexoffender/welcome.html)
FAQ's: Questions and Answers

Here are some commonly asked questions regarding the University’s sexual violence policy and procedures.

• Does information about a complaint remain private?

The privacy of all parties to a complaint of sexual misconduct must be respected by the University, 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. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the accused individual may lead to action by the University.

In all complaints of sexual violence, 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 complainant. Certain administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the University, Deans of Students, Director of Campus Security and Safety). The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

• Will my parents be told?

Generally no; unless you tell them. Whether you are the complainant or the accused individual, the University's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, or in a life-threatening situation, or if an accused individual has signed the permission form at registration that allows such communication.

• Will the accused individual know my identity?

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused individual has the right to know the identity of the complainant/alleged complainant.

• Do I have to name the perpetrator?
Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete confidentiality policy above to better understand the University's legal obligations depending on what information you share with different University officials). Complainants should be aware that not identifying the perpetrator may limit the institution's ability to respond comprehensively and protect others.

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

DO NOT contact the alleged complainant. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Department of Student Life, which can explain the University's procedures for addressing sexual misconduct complaints. You may also want to talk to a confidential counselor or seek other community assistance.

- **Will I have to pay for counseling/or medical care?**

Not typically, for University provided services. In addition the University may assist students by providing financial support for up five counseling sessions with a licensed professional if it deems it reasonable. Beyond that, if a student is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc.

- **What about legal advice?**

Complainants of criminal sexual assault need not retain a private attorney to pursue prosecution because representation will be handled by the County Attorney. You may want to retain an attorney if you are the accused individual or you are a complainant considering filing a civil action. Either 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.

- **What about changing residence hall rooms?**

If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency room changes, the student is moved to the first available suitable room. No contact orders can be imposed and room changes can usually be arranged quickly. Other accommodations available might include:

-- Assistance from college support staff in completing the relocation;
-- Arranging to organize room changes;
-- Assistance with or rescheduling an academic assignment (paper, exams, etc.);
-- Taking an incomplete (if available) in a class;
-- Assistance with transferring class sections;
-- Temporary withdrawal;
-- Assistance with alternative course completion options;
-- Other accommodations for safety as necessary.

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

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged complainant'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 subjected to a criminal sexual assault, you should go to the local hospital Emergency Room, before washing yourself or your clothing. A campus security officer or someone through the Department of Student Life can also accompany you to the hospital and law enforcement or Student Life staff can provide transportation. If a complainant 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 complainant, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the complainant decide later to do so.

For the Complainant: 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 examination, if you want. Do not disturb the crime scene: leave all sheets, towels, etc. that may bear evidence for the police to collect.

• **Will a person be sanctioned when reporting a sexual violence policy violation if he/she has illegally used drugs or alcohol?**
No. The severity of the infraction will determine the nature of the University's response, but whenever possible the University will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. 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.

• Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct complaint?

The use of alcohol and/or drugs by either party will not diminish the accused individual's responsibility. On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by an accused individual.

• 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 complaint.

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

If you believe that you have experienced sexual violence, but are unsure of whether it was a violation of the institution's policy, you should contact the Department of Student Life who can help you to define and clarify the event(s), and advise you of your options.