Guide For RESPONDENTS of Sexual Assault Sexual Harassment Relationship Violence Stalking

(Adapted from Northwestern University)
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Being accused of sexual misconduct or gender-based violence can be confusing and unsettling. This guide provides information on the sexual misconduct and gender-based violence complaint resolution process as well as the resources that are available to you. If you have been accused of sexual misconduct or gender-based violence, you are referred to as a respondent throughout the resolution process.

For details on SU’s policy and procedure for cases of sexual misconduct, domestic violence, dating violence and stalking, see www.susqu.edu/titleix.

STUDENTS ACCUSED OF CODE OF STUDENT CONDUCT VIOLATIONS ARE ENTITLED TO THE FOLLOWING:

- to be informed of the charge and alleged misconduct upon which the charge is based;
- an opportunity to offer a relevant response;
- an opportunity to call and pose questions for relevant witnesses;
- confidentiality, to the extent permitted by, and consistent with, applicable federal and state law;
- to request that any person conducting a conduct conference or serving as a hearing board member or conduct officer be disqualified on the ground of personal bias;
- to be considered not responsible of the charge(s) until determined responsible by a preponderance of the evidence; and
- to be supported throughout the Code of Student Conduct process.
RELATIONSHIP VIOLENCE
Any act of violence or pattern of abusive behavior in an intimate relationship that is used by one partner to gain or maintain power and control over another partner.

Relationship violence can be physical, sexual, emotional, economic or psychological actions, or threats of actions that are so severe, pervasive or persistent as to significantly interfere with an individual’s ability to learn and/or work or cause substantial emotional distress, when judged both objectively (meaning that a reasonable person would find the behavior to be abusive) and subjectively (meaning the impacted individual felt the behavior was abusive). Relationship violence includes domestic violence and dating violence.

The diagram below illustrates this pattern of abusive behavior.

1. TENSIONS BUILDING
   Tensions increase, breakdown of communication, victim becomes fearful and feels the need to placate abuser.

2. INCIDENT

3. RECONCILIATION
   Abuser apologizes, gives excuses, blames the victim, denies the abuse occurred, or says that it wasn’t as bad as the victim claims.

4. CALM
   Incident is “forgotten,” no abuse is taking place. The "honeymoon" phase.

CYCLE of Abuse

SEXUAL MISCONDUCT AND GENDER-BASED VIOLENCE
At Susquehanna University, we are committed to creating an environment that is safe and free from all forms of violence. The university prohibits the conduct defined below. An attempt to commit any act defined below, as well as assisting or willfully encouraging any such act, is also considered a violation of the sexual misconduct and gender-based violence policy. Community members may also be held responsible for the misconduct of their visitors and guests.

Sexual misconduct and gender-based violence is defined under the policy as:

SEXUAL ASSAULT
Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes, but is not limited to, rape, fondling, incest and statutory rape.

In 8 out of 10 rape cases, the victim knows the attacker (Department of Justice).

SEXUAL HARASSMENT
Any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, including sexual assault and other forms of sexual misconduct. It includes but is not limited to:

- When submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or educational advancement, or evaluation; or
- When submission to or rejection of such conduct is used as the basis for employment or educational advancement, or evaluation; or
- When such conduct, of a severe and pervasive manner, has the purpose or effect of interfering with an individual’s work performance or educational experience, or creates an intimidating, hostile or offensive work/educational environment.
- Unwelcome behavior that the individual did not solicit or invite, and particularly if he or she indicates that he or she finds the conduct undesirable or offensive. Acquiescence or failure to complain does not mean that the conduct is welcome.
- Such harassment, and all forms of sexual discrimination, are specifically prohibited not only by this policy, but also by Title IX of the Education Amendments of 1972.

STALKING
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
CONSENT

Consent is present when words or actions manifest a knowing, active, voluntary and present agreement to engage in specific sexual or intimate contact. When determining whether consent was present, the university will consider whether a reasonable person(s) in the same position as the respondent(s) knew, or reasonably should have known, whether a complainant was able to freely give consent and whether consent was given. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent.

Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the who (same partners), what (same acts), where (same location), when (same time) and how (the same way and under the same conditions) of the sexual activity.

Active: Consent must take the form of words or actions that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not — in and of themselves — be understood as consent.

Voluntary: Consent must be given freely and cannot be the result of respondent’s coercion. Coercion is the use of express or implied threats, fraud, intimidation or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant or similar substance with the intent to impair that person’s ability to consent prior to engaging in sexual activity.

Present: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to present sexual acts; similarly, consent to one type of sexual activity does not imply consent to all sexual activity.

Consent is NOT present when an individual is incapacitated.

Incapacitated: Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious or unaware that sexual activity is occurring. Someone who is drunk or intoxicated may be — but is not necessarily — incapacitated. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting or inability to perform.

REPORTING, ACCOMMODATIONS, INVESTIGATION AND RESOLUTION

REPORTING

A report of sexual misconduct or gender-based violence could happen in a variety of ways. A person may report directly to the Title IX Coordinator, Public Safety or another responsible employee at the university. They may report to Selinsgrove Borough Police Department and seek a criminal investigation. An individual has the right to pursue a criminal investigation, campus investigation, both or neither.

INTERIM/SUPPORTIVE MEASURES

In the aftermath of an incident of sexual misconduct and/or gender-based violence, it can be difficult knowing what all you might need. Below is a list of available interim/supportive measures.

Available Interim/Supportive Measures

- Medical and mental health services, including counseling
- Assistance in finding alternative campus housing and/or dining locations
- Assistance in arranging for alternative University employment
- Assistance with Student Financial Services
- Assistance seeking visa and/or immigration assistance
- A “no contact” order pending the outcome of an investigation.
- Assistance applying for a protection from abuse order through an advocate from Transitions of PA
- Providing an escort to ensure that the individual can move safely between school programs and activities
- Transportation accommodations
- Assistance identifying an advocate
- It may be possible to secure time-limited academic accommodations, such as:
  » Rescheduling an exam, assignments, etc.
  » Attendance accommodation
- Transferring to another section of a lecture or laboratory
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence or withdrawal from campus
- Preserving eligibility for academic, athletic or other scholarships, financial aid, internships, study abroad or foreign student visas
- If the student experiences persistent academic difficulties as a result of the incident (e.g., including difficulties stemming from anxiety, depression, post-traumatic stress disorder or any other mental or physical illnesses or injuries), the student may request more long-term academic accommodations, such as:
  » A temporary leave of absence.
- You may also be entitled to additional services and supports if you have a disability or developed a disability as a result of experiencing sexual misconduct.

Center for Academic Achievement, Fisher Hall, Second Floor | 570-372-4340
INVESTIGATION AND RESOLUTION PROCESS

1. After a report has been made, the Title IX Coordinator will meet with the complainant and have a conversation with the individual about whether or not they want to move forward with a formal investigation. At this point, a person could elect to move forward, take time to consider their options, or decide not to move forward. If the student elects to move forward, Public Safety is notified. The Title IX Coordinator then makes contact with you, the respondent, to set up a meeting and indicate that you have been named in an alleged incident of sexual misconduct or gender-based violence.

2. An investigator from Public Safety makes contact with you, the complainant, and any witnesses who are indicated and begins to conduct an investigation. This includes questioning all parties, and collecting a statement from all parties involved and any relevant evidence. Once the investigation is complete, the Dean of Students and Title IX Coordinator review the investigation report and determine if there is enough information to determine whether or not a policy violation has occurred.

3. If a complainant chooses not to move forward with an investigation, information will not be shared with the respondent. The Title IX team has the responsibility to proceed with an investigation — even if not supported by the complainant — when an incident of sexual misconduct and gender-based violence rises to a threshold that the respondent poses a significant threat to the campus community.

4. If the Complainant chooses to move the case forward, you will be assigned a case manager and the Dean of Students and/or a designee will convene a University Conduct Board.
   - The case manager is a Student Life professional who works with the conduct system. This staff member will schedule separate, individual meetings with you and the complainant prior to the University Conduct Board hearing. The goal of this meeting is to review the University Conduct Board hearing process and ensure that you are fully informed of the procedures leading up to the hearing, during the hearing and appeals process.

5. The University Conduct Board will use the preponderance of evidence standard, which means that if the evidence shows that it is more likely than not that sexual misconduct or gender-based violence occurred, the respondent will be found responsible.

6. Violations of the policy may result in sanctioning. This could include probation, suspension, expulsion, demotion, termination or revocation of tenure. Services or other measures to help remedy the effects of sexual misconduct and prevent recurrence may also be provided.

Timeline
The university strives to resolve all cases in a prompt and timely manner; a general timeline will vary based on the circumstance of a case. Additionally, the timeline for cases may be affected by breaks in the academic calendar, availability of the parties and witnesses (including leaves of absences), scope of the investigation and unforeseen circumstances.

Advisor of Choice
Both complainants and respondents may be assisted during the investigative and resolution process by an advisor of their choosing. The choice whether or not to invite an advisor of choice is your decision. An advisor of choice can help you in preparation before a hearing. Additionally, you are able to communicate with them quietly and through written notes during the hearing; however, they are not permitted to speak formally during the hearing. The university may remove or dismiss an advisor of choice who becomes disruptive or who does not abide by the restrictions on their participation, as determined by the University Conduct Board.

Confidentiality/Privacy
Susquehanna University handles cases of sexual misconduct and gender-based violence discreetly. Information is shared only with those who need to know in order to investigate and resolve the matter. Any parties involved in the investigation are asked to be respectful and keep the information related to the investigation and resolution process private, to the extent consistent with any applicable laws.

Honesty
All participants have the responsibility to be honest and truthful with the information they share at all stages of the process. If evidence is revealed that determines a person has knowingly been dishonest, it is a violation of our Code of Conduct and the participant could face conduct charges.

Retaliation
Any act or attempted acts to seek retribution against anyone in response to a good-faith report of an alleged violation of the sexual misconduct or gender-based violence policy or against anyone who has participated in an investigation or related proceeding.
Susquehanna University strictly prohibits retaliation against any members of its community. Members of the community are prohibited from engaging in actions, directly or through others, that are aimed to dissuade a reasonable party or witness from reporting. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion or discrimination.

Medical Amnesty
We recognize that students who have been drinking or using drugs, whether such use is voluntary or involuntary, at the time that violence, including, but not limited to, relationship violence, stalking or sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. A bystander or a reporting individual acting in good faith that discloses any incident of sexual misconduct or gender based violence to Susquehanna University officials or law enforcement will not be subject to SU’s code of conduct action for violations of alcohol or drug use policies occurring at or near the time the misconduct occurred.
REPORTING AND CONFIDENTIALLY DISCLOSING SEXUAL VIOLENCE: KNOW YOUR OPTIONS

We encourage both victims and those who have committed acts of sexual misconduct or gender-based violence to talk to somebody about what happened. Various employees on campus have different abilities to maintain confidentiality. They are:

CONFIDENTIAL EMPLOYEES
Talking with a staff member in this capacity will not result in a report to the University. Confidential employees work in the Counseling Center, Chaplain's Office and Director of Jewish Life.

SEMI-CONFIDENTIAL EMPLOYEES
Talking with a staff member in this capacity will result in a university report being filed with the University; however, the reporting person’s name does not have to be included. If the disclosure poses a risk to campus health and safety an investigation may be pursued. Semi-confidential employees work in the Health Center.

RESPONSIBLE EMPLOYEES
Some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. This group includes Title IX coordinators, student staff and all faculty and staff who are not listed as confidential or semi-confidential.

All individuals are encouraged to talk to someone in one or more of these groups. Refer to the chart below so you can make an informed decision.

REPORTING ELECTRONICALLY

If you would like to initiate a report online, please fill out the form at www.susqu.edu/title-ix-reporting.

Your online report will go directly to the Title IX coordinators and they will be in touch with you as soon as possible. You can report incidents online anonymously. However, electronic submission may not be read immediately. Incidents requiring immediate response should be reported to SU Public Safety at 570-372-4444.
ON-CAMPUS RESOURCES

Available 24/7

- COUNSELING CENTER · 570-372-4751 or after hours 570-374-9164
- HEALTH CENTER · 570-372-4385 or after hours 570-374-9164
- PUBLIC SAFETY · 570-372-4444

During Regular Hours

- OFFICE OF RELIGIOUS AND SPIRITUAL LIFE · 570-372-4220

OFF-CAMPUS RESOURCES

SELINSGROVE BOROUGH POLICE DEPARTMENT
100 W. Pine St. · Selinsgrove, PA 17870
Telephone: 570-374-8655 · Fax: 570-374-8751

OFFICE OF CIVIL RIGHTS (OCR)
U.S. Department of Education
www2.ed.gov/about/offices/list/ocr

LEGAL RESOURCES

NORTH PENN LEGAL SERVICES
133 N. Second St. · Sunbury, PA 17801 · 570-286-5687
Other local free legal resources can be found on the American Bar Association’s website:
www.americanbar.org/groups/legal_services/flh-home/flh-free-legal-help/

VISA/IMMIGRATION ASSISTANCE:

On Campus
OFFICE OF GLOBAL OPPORTUNITIES · 570-372-4697

Off Campus
IMMIGRATION SUPPORT SERVICES
2215 Millennium Way · Enola, PA 17025 · 1-800-437-7313

COUNSELING RESOURCES

Other local counseling resources can be found on the Counseling Center’s website:
www.susqu.edu/campus-life/student-and-campus-services/counseling-services

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