



## **Information Packet**



## **Reporting Party**

### **Sexual/Gender-based Discrimination and Misconduct**

**Office of Title IX**

**October 2022**

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Dear Reader,

This information packet was created because we believe information and education will assist someone who is a Reporting Individual of sexual assault/sexual misconduct incident. In addition, we hope people concerned about those who are a Reporting Individual of Sexual/Gender Based Discrimination & Misconduct can learn to be supportive by understanding available resources and policies.

If you are a Reporting Individual (“Complainant”) of sexual assault, sexual misconduct, stalking and/or dating/domestic violence incident, you may find some helpful information in the following pages. We also understand that this information may be hard to follow, overwhelming or upsetting. Please remember professional and confidential resources are available to you.

The pronoun “they” is used to refer to individuals accused of Sexual/Gender Based Discrimination & Misconduct.

Our goal is to provide students with support during what is likely a stressful and tough situation.

Sincerely,

The Title IX Team

# What is Title IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex, including sexual violence, in education programs and activities that receive federal financial assistance. Sexual harassment and acts of sexual violence such as rape, sexual assault, sexual exploitation, dating violence, domestic violence and stalking are forms of sex discrimination prohibited by Title IX.

## What is Sexual Harassment?

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment can cause an individual to feel uncomfortable and can hinder his or her ability to function at school or work.

## What is a Title IX Coordinator?

The Title IX Coordinator is responsible for overseeing the Title IX process, guiding students, employees, and visitors through filing a complaint alleging sexual or gender-based harassment and/or sexual violence, and for responding effectively to those complaints. In addition, the Title IX Coordinator oversees investigations of sexual or gender-based harassment and sexual misconduct and is trained in interviewing victims of sexual assault. All complaints shall be investigated in accordance with the University's Title IX and Sexual Misconduct Policies.

## What can you do?

For a person encountering an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collection of physical evidence in the event of eventual possible prosecution. Individuals who have been victims of sexual violence are strongly encouraged to do the following:

- **Protect yourself and get medical attention:** Find a safe place as soon as possible and seek medical attention immediately. A medical examination can provide necessary treatment and allow for the collection of important evidence. It is recommended that a physical exam be completed within 72 hours of the violence. By having a medical exam does not mean you are required to press charges, it simply preserves the evidence.
- **Preserve evidence:** It is important to preserve all physical evidence following an act of sexual violence. If possible, a victim should not wash, eat, drink, clean, use the bathroom, or change clothes. If you do change your clothes, place them in a paper bag for a later time.
- **Health and support services:** There are various health and support services on and off campus for students and employees. For information, see the Title IX website or contact the Title IX Coordinator.

# Resources for Students and Employees

## On Campus Resources

Kristen Brown, Title IX Administrator	Lower Rinker	585-594-6408
Monika Robertson, Title IX Coordinator	Lower Rinker	585-594-6222
Femi Alao, Sr. Woman Administrator	Lower VAC	585-594-6189
Katelyn Lee, Interim Dean of Students	Lower Rinker	585-594-6096
Campus Safety	Upper VAC	585-594-7777
Student Financial Aid	Lower Rinker	585-594-6150

## Confidential Resources

Wellness Center	Upper VAC	585-594-6360
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The Wellness Center encourages you to seek their support. The counselors are free and confidential and can provide a safe place to talk about what you are going through. They are good listeners that will engage thoughtful conversation. The medical staff is available to provide support and assistance.

Pastor's Office	Upper VAC	585-594-6530
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The Pastor's office is a place to share your experience when your faith is being tested. The Pastor's office will speak to all students, regardless of their faith background, or those who don't practice their faith.

## Off Campus Resources (all resources are free and no charge.)

- RESTORE Sexual Assault Services 24/7 Confidential 585-546-2777
- Willow Domestic Violence 24/7 Confidential 585-232-7353
- Victim Resource Center of the Finger Lakes 24/7 Confidential 866-343-8808
- Monroe County Sheriff's Victim Assistance Program Available 24/7 911 or 585-753-4470
- Legal Aid Society of Rochester 585-232-4090
- New York State Department of Education 518-474-3719
- Student Financial Aid 585-594-6150

## Off Campus Medical Care

All local hospitals\* are available. Request to be seen by a Sexual Assault Nurse Examiner "SANE Nurse" (\*Strong Memorial, U of R Strong West, Highland Hospital, Rochester General).

## Additional Remedies

The Title IX Coordinator can provide information on additional remedies to prevent contact between a complainant and an accused party such as temporary or permanent changes in housing, academic, transportation and working conditions, if reasonably available.

# Common Feelings after a sexual encounter

Survivors of sexual assault experience a wide range of reactions. There is no standard response to sexual assault. Some may be immediate, while others may take a while. You may experience a few, none, or all of the following:

**Shock and numbness:** Feelings of confusion, being easily overwhelmed, not knowing how to feel or what to do, feeling “spacey” or “out of it.” You may react in a way that is similar to your reactions during other crises in your life (for example with tears, irritability, nervous laughter, or withdrawing).

**Loss of Control:** Feeling like your whole life has been turned upside down and that you will never have control of your life again. Your thoughts and feelings seem out of control.

**Fear:** Fear that the offender may return; fear for your general physical safety; fear of being alone; fear of other people or situations that may remind you of the assault.

**Guilt and Self-Blame:** Feeling like you could have or should have done something to avoid or prevent the incident; doubts regarding your ability to make judgments.

**Isolation:** Feeling that this experience has set you apart from other people; feeling that other people can tell you have been a Reporting Individual just by looking at you; not wanting to burden other people with your experience.

**Vulnerability, Distrust:** Feeling that you are at the mercy of your own emotions or the actions of others; not knowing who to trust or how to trust yourself; feelings of suspicion and caution.

**Feeling close / Intimacy:** Feelings that you do not want to ever feel close to someone again; wondering whether you will ever want or enjoy feeling close to someone for fear that it may remind you of the assault.

**Anger:** Feeling angry at the offender. You may find yourself thinking about retaliation. You may be angry at the world since you no longer feel safe. You may feel angry that your faith did not prevent this.

**Disruption of Daily Activities:** During the first few days or weeks after the incident you may feel preoccupied with intrusive thoughts about the incident. You may experience difficulty concentrating, nightmares, sleep disturbances, changes in appetite, ‘startle reactions,’ phobias, general anxiety or depression. You may have memories of a prior crisis.

# Healthy vs. Unhealthy Coping Methods

Coping is often a challenge for many people and it can be especially difficult for those experiencing the accusations of sexual assault or discrimination. Finding healthy coping methods are those that help to reduce anxiety and stress and are part of the process to improve the situation. Healthy coping methods include:

- Seeking professional help such as counseling services
- Muscle relaxing exercises
- Talking to a person you trust
- Physical exercise
- Distracting activities, including recreational or campus activities, such as
  - Hanging out with friends, taking a walk, watching a movie, or listening to music
  - Breathing exercises -slow, deep breaths
- Spend time in meditation, yoga or prayer
- Journaling

Unhealthy coping methods may make problems worse. They may reduce anxiety in the short term, but the relief will be only short term. Unhealthy coping skills may also cause additional problems. Unhealthy coping methods include:

- Continuing to avoid thinking about the incident you are accused of
- Social isolation (keeping to yourself)
- Using of alcohol or drugs
- Avoiding counseling or other support services available
- Cutting or hurting yourself
- Aggressive or violent actions

Concrete ideas:

- Eat healthy foods and get exercise to keep up your strength
- Say positive things to yourself and restore your well-being
- Try to do the things you have always enjoyed
- Don't look for simple answers to explain what happened
- Believe in yourself and know that you will get through this
- Focus on what you are feeling rather than dwell on the details
- Spend time in prayer

Seek help from professionals and friends:

- Know your rights and how to get the help you need
- Seek professional help to express your thoughts and feelings in a neutral setting.
- Find a trusted friend; however, don't let others make decisions for you.

# Guidance for Friends and Family

## How can friends and family help you?

- Assist you in feeling emotionally and physically safe
- Affirm you
- Listen to you without judgement
- Remind you that they are trustworthy
- Provide options instead of making decisions for you
- Help you access as much information as possible to help determine what options you are interested in pursuing
- Provide reassurance that you do not deserve to be hurt or abused
- Provide reassurance that what happened is not your fault
- Educate themselves with available resources from a variety of advocacy organizations
- Remember that the healing process is fluid and may not progress in a linear fashion

## What friends and family should NOT do:

- Blame you for what happened
- Suggest that you should have reacted or responded during your experience
- Make decisions for you – instead, they should ask you what you need or what and help support you
- Judge you
- Expect you to act a certain way – there are numerous ways to react
- Disclose any information about what you confided in them to someone else, even if it's a close family member or friend
- Project their own distress about what happened on to you – friends and family members need to make sure to get help for themselves, too.

# Special Concerns for Students

## **Are you in the same class as your offender?**

It can be distracting and stressful to attend class with your offender. You may request alternate arrangements in your class schedule. Contact the Title IX Coordinator to inquire further about whether this is possible.

## **Are your grades suffering since the incident?**

It's normal to have difficulties concentrating on studying or focusing on coursework after an incident. With your permission, the VP for Organizational Development will issue a letter to your professors. We also encourage students to communicate directly with their professors in order to limit any possible misunderstandings about expectations and requirements.

## **Do you live in the same residence hall as the Responding Party?**

If you live in the same residence hall, the Dean of Students can help talk through potential options to make your living situation more comfortable.

## **Are you concerned about telling your parents what happened?**

Will telling your parents, be more or less helpful? Many students find it hard to disclose to their parents, but ultimately may find parents' support helpful through this process. Only you can decide if and when to tell your family. A counselor from the Counseling Center located in the Upper Voller Athletic Center can help you process this decision and discuss the risks and benefits of disclosing to your family.

## **What if you have mutual friends or belong to the same groups as the offender?**

This is not an unusual situation, since most reports of assaults occur between acquaintances, People will likely take sides and you may find yourself losing friends. It's important to surround yourself with people who support and respect you.

## **Are you worried about getting in trouble with the University because you were drinking?**

The Office of Student Development offers Amnesty to students who may have violated the University's Alcohol and Drug Policy at the same time of the incident. Your physical and emotional well-being is more important during this time. Amnesty is also extended to friends who may have participated in the drinking event and who may be witnesses.

# Student Bill of Rights

All Roberts Wesleyan University students who report conduct allegedly in violation of the University's Sexual Misconduct and Title IX Compliance Policy or invoke the processes described in this Policy have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosure of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the University, any student, the accused and/or the Responding Party, and/or their friends, family, and acquaintances within the jurisdiction of the University;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or Responding Party throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the institution.

To learn more, visit the University website at <https://roberts.edu/student-experience/title-ix/>

# What about Confidentiality?

If the Title IX Coordinator receives a report of an act covered by this Policy, but the individual impacted requests confidentiality or otherwise asks that an investigation not be pursued, the Title IX Coordinator will make every effort to balance this request with the University's commitment and obligation to provide a safe and non-discriminatory environment for all members of the community. Honoring such a request may limit the University's ability to conduct a thorough investigation and take appropriate disciplinary action.

The Counseling Center and Campus Pastor are confidential reporters who are not required to report incidents of sexual misconduct. Their responsibility is to provide physical and emotional support. All other campus faculty and staff are considered responsible employees who are required to report sexual harassment and misconduct, including sexual violence, of which they become aware to the Title IX Coordinator, and can assist students in reporting incidents of sexual misconduct.

University offices and employees cannot guarantee confidentiality; however, will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and identifying systemic issues. The University will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

The University will provide assistance to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims in the community.

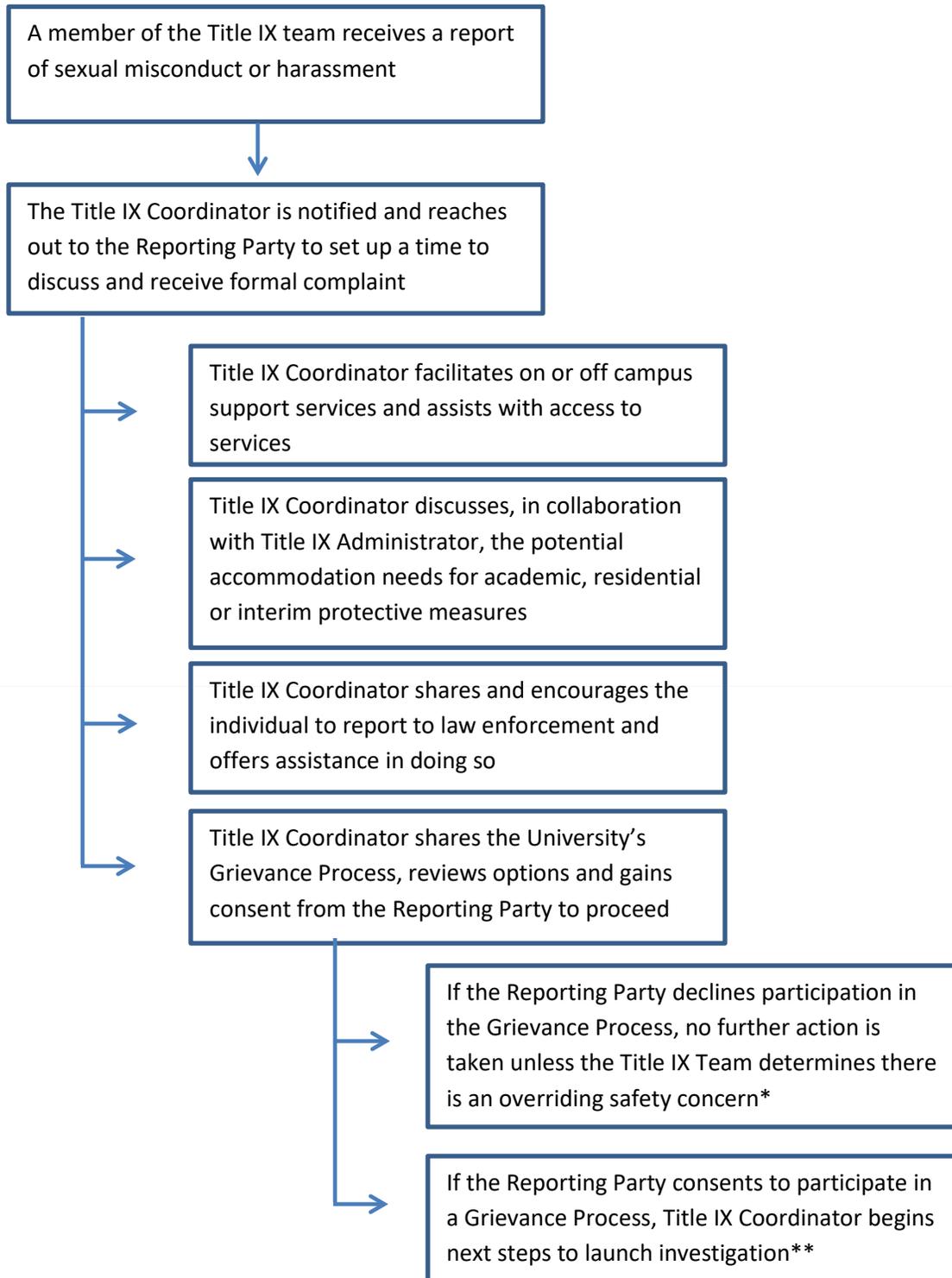
## **What if the offender is a University employee?**

The Title IX coordinator can assist in reporting the incident to the University's Human Resource Director.

## **Can I withdraw a complaint after one is filed?**

Yes. You can withdraw a complaint or involvement from the University process at any time.

# Initial Reporting and Support Process



\* In the vast majority of cases, the University will honor a Reporting Party's decision as to whether and when to initiate a Formal Complaint. The rare exceptions are cases where the alleged incident may signal a significant safety risk to the Reporting Party and/or other members of the Roberts Community. Examples include allegations involving use of a weapon, multiple offenders, repeat offenses, use of date rape drugs, or behavior involving multiple types of Prohibited Conduct. See Student Handbook for examples.

\*\*The Reporting Individual may withdraw their complaint or involvement in the University process at any time.

# The Role of Advisors

## **Am I allowed to have someone assist me in the Investigation and Grievance process?**

Yes, all parties to the Investigation and Grievance Process are entitled to have an advisor of their choice accompany them to any meetings related to the investigation and adjudication of the complaint, including any interviews by the investigator. However, the advisor may not speak and/or participate on behalf of the party they are advising during any of these meetings. The Title IX hearing process permits Advisors to speak during the cross examination portion of the hearing.

## **Can my advisor be an attorney?**

Yes, in cases where the allegations include allegations of sexual assault, dating violence, domestic violence or stalking. In other campus disciplinary proceedings, parties to the process are not permitted to have an attorney serve as their advisor. If you are unable find an advisor, the University will provide one for you.

## **What role does an advisor play?**

The advisor may accompany their advisee to meetings to observe the process and provide advice and support. The advisor does not speak on behalf of the person they are advising, but may assist in drafting communications and preparing for interviews with University officials. During the Hearing Panel process, the advisor engages a more active role and may speak and ask questions.

## **How many advisors can a party have?**

Each party is entitled to have one advisor of their choosing.

## **What if I want to change my advisor?**

A party may choose to change advisors during the Investigation and Determination Process. The party must inform the Title IX Coordinator in writing at least two business days prior to any meeting where the new advisor will be present. A request to change advisors may not be used to cause undue delay or otherwise disrupt the process.

## **Can my advisor speak on my behalf?**

During the investigation process, the advisor is to provide you with support and guidance; however, may not speak during this phase of the process. Your advisor is not permitted to communicate on your behalf. Your advisor may assist you in drafting written communication with the University, prepare for interviews during the investigation and adjudication of the matter; however, your advisor is not permitted to speak for you, or otherwise communicate directly with University officials. During the Hearing Panel process, the advisor has an engaging role and may speak and ask questions.

## **What if my advisor is not available to attend a scheduled meeting?**

The University is legally mandated to complete the Investigation and Determination Process in a timely manner and expects that you and your advisor will make yourselves available to attend scheduled meetings. The University will strive to find mutually agreeable meeting times. In selecting an appropriate advisor to assist you, we encourage you to consider their availability during the period of time these proceedings will take place.

# Reporting to Law Enforcement

The decision to report to law enforcement is entirely yours. Some survivors say that reporting and seeking justice helped them recover and regain a sense of control over their lives. Understanding how to report and learning more about the experience can take away some of the unknowns and help you feel more prepared.

## How do I report sexual assault?

You have several options:

- Call Campus Safety at X7777: Most of our Campus Safety Officers are former law enforcement officers and can assist with the report.
- Call 911. If you are off-campus and in immediate danger, dial 911. Help will come to you, wherever you are.
- Visit a medical center. If you are being treated for injuries resulting from sexual assault, tell a medical professional that you wish to report the crime. You can also choose to have a sexual assault forensic exam (SAFE).
- NYS Police Campus Sexual Assault Victim's Hotline is available 24/7 at 1-844-845-7269

## Who will I be talking to?

In most areas, there are specific law enforcement officers who are trained to interact with survivors of sexual assault. In addition, many law enforcement agencies participate in Sexual Assault Response Teams (SARTs), which provide survivor-centered, coordinated response to sexual assault. This team based process will help to reduce the repetition of questions and interviews and facilitate communication between medical and law enforcement providers.

## Is there a time limit on reporting to police?

In short, yes. The window of time you can report a crime is called the statute of limitations. Statutes of limitations vary by state, type of crime, age of the victim, and various other factors.

## What are common concerns about reporting?

If you have questions or concerns about reporting, you are not alone.

- The perpetrator got scared away or stopped before finishing the assault.
  - Attempted rape is a serious crime and can be reported.

- I know the person who hurt me.
  - About 2/3 of victims know the perpetrator. It can be unnerving to be violated by someone you know. Regardless of who the perpetrator is, sexual assault is against the law.
  
- I've been intimate with the perpetrator in the past, or am currently in a relationship with the perpetrator.
  - Sexual assault can occur within a relationship. Giving someone consent in the past does not give them consent for any act in the future. If you did not give consent, they acted against the law – and you can report it.
  
- I have no physical injuries, and I'm worried there is not enough proof.
  - Most sexual assaults do not result in external physical injuries. It's important to receive treatment and report the incident.

### **Criminal vs University Disciplinary Process**

The criminal process and the University disciplinary process are two separate investigations. The Reporting Party may choose to engage both processes or select one or the other. The Criminal (Law Enforcement) process will use the New York State Penal Law to prove “beyond a reasonable doubt” that a crime has been committed. The University disciplinary process will use the appropriate policy to investigate if a violation of the policy was committed using the “preponderance of the evidence” (more likely than not) method.

Questions about whether a specific incident violated the New York State Penal Law can be directed to a sworn law enforcement officer or local District Attorney's Office. Questions about the University process can be found by reviewing Policy #120 Title IX Policy, Policy #108 Sexual Misconduct Policy or talking with the Title IX Coordinator.

# Medical Forensic Exams and Evidence Collection

Medical forensic exams are available to you within seven days after your sexual assault, but having the exam as soon as possible is best. SANE nurses are available 24/7 through all area hospitals. Upon arrival to the Emergency Department, let the receptionist know that you would like to see the on-call SANE nurse. The SANE nurse will get to the hospital as soon as possible, but be prepared to wait for at least 30 minutes to an hour. Having this exam does not mean you have to report to law enforcement or pursue a formal investigation with the University. Having the evidence collected means that law enforcement will be able to utilize the evidence in the event you decide to report to the police. There is no charge to you for having the exam.

## **If you are seeking a medical forensic exam, keep the following recommendations in mind:**

- Bring all clothes you were wearing during the assault to the hospital if you are not still wearing them
- The SANE may want to swab or take some of your clothing as evidence, so be sure to bring a change of clothes. The hospital can provide clothing if needed.
- Try not to eat, drink, shower/bathe, go to the bathroom or brush your teeth before the exam, if possible. These areas may contain evidence from the assault.
- Feel free to bring a friend or advocate to the hospital with you, although they may be asked to leave the room at certain points during the exam.

## **At the time of the exam:**

- The SANE will explain the process to you, step by step, but you have the right to decline any part of the exam process.
- An advocate may be available for you
- The SANE will ask for a detailed history of the assault
- The SANE will complete a physical exam that will include documentation and treatment of any injuries.
- The SANE will collect any potential evidence
- The SANE will have a conversation with you about your risk for sexually transmitted infections (STIs), pregnancy, and HIV as well as medication options.
- Education and resources will be provided regarding follow-up care
- Evidence collected will be sealed in an evidence collection kit (also known as a “rape kit”) and stored with law enforcement for at least one year if you decide to report at a later time. The kit will remain sealed and confidential until you choose to report to law enforcement.

# International Student Immigration FAQs

*Note: International students with questions about their immigration and visa status are advised to seek the assistance of an immigration attorney. This document is a resource to explain certain aspects of the law, but is not a replacement of legal advice.*

## **Does my immigration status affect my ability to access on-campus resources?**

No. Students and other members of the Roberts community receive the same rights under our policies, regardless of immigration and visa status. Accused students have access to support regardless of their immigration status.

## **What if I need to take a break from school or decrease my course load?**

Academic accommodations like these are fairly common. To ensure such changes do not jeopardize your immigration status, be aware that withdrawing or reducing your course load requires additional procedures. If a student needs to drop below a full-time course load, they must receive approval. It is suggested you speak with the Director of International Engagement on how to proceed.

## **Is there an office on campus that can provide me additional information?**

The office for International Engagement has information on services to support international students. For questions regarding changes to other visa statuses, or legal options that fall outside of standard F1 and J1 student visas, you should consult a qualified immigration attorney.

## **What is an immigration lawyer and what do they do?**

Immigration lawyers are licensed attorneys who specialize in the field of immigration law. They function as the student's advocate, and can represent you before immigration agencies, both in court as well as in filing applications for immigration benefits. The lawyer can give legal advice and discuss immigration options. Like all lawyers, immigration lawyers are bound by professional ethical and legal requirements and keep client discussions confidential.

## **Where can I find a local immigration attorney?**

U.S. Citizenship and Immigration services, a bureau of the Department of Homeland Security, offers two sites to help individuals find free or low-cost legal representation

- <https://www.uscis.gov/citizenship/learners/find-help-your-community>
- <https://www.uscis.gov/avoid-scams/find-legal-services>
- <http://www.aialawyer.com>