

# **Sexual Misconduct Policy**

## **Introduction**

The University is committed to maintaining its campus community as a place which is free from all forms of sexual misconduct. Some examples of sexual misconduct include sexual harassment and sexual assault. All campus community members (students, faculty, and staff) have the right to be free from all forms of sexual misconduct. Likewise, all campus community members and visitors to campus are responsible for being familiar with the following information.

Components of Sexual Misconduct Policy:

### **1. Definitions**

This part of the sexual misconduct policy first defines the various forms of sexual misconduct and other vocabulary which is used in sexual misconduct cases. It also gives examples of how each form of sexual misconduct might occur.

### **2. Procedures**

This part of the policy describes the procedures for responding to allegations of sexual misconduct including:

- a. The procedures to follow for students who have experienced a form of sexual misconduct.
- b. The procedures which a student who is accused of sexual misconduct can expect to occur
- c. The procedures which Resident Assistants, Public Safety Officers, on-call professional staff and other Notre Dame de Namur University employees are instructed to follow if they become aware of sexual misconduct having occurred

### **3. Rights**

This part of the sexual misconduct policy describes the rights of both the complainant (aka 'victim' or 'survivor') and the accused (aka 'assailant' or 'perpetrator').

### **4. Title IX Coordinator**

The Title IX Coordinator is the person to whom anyone with questions about a sexual misconduct case may be referred. Mary Haesloop, Executive Director for Human Resources and Special Assistant to the President, is NDNU's Title IX Coordinator. In the case of student reports of sexual misconduct she has designated the Student Conduct Coordinator, Dr. Gillian Wallace as the initial contact for complaints or concerns. Her phone number is (650) 508-3657. Her e-mail is [gwallace@ndnu.edu](mailto:gwallace@ndnu.edu).

### **5. Resources**

The University has a number of resources which students, faculty and staff may use if they have experienced, witnessed or are accused of sexual misconduct.

## Definitions:

1. **CONSENT** Consent is when a person agrees to engage in a particular form of sexual activity through their words or actions. Consent can be given through actions, such as nodding. Consent can be verbal through saying 'Yes'.  
'No' means that consent is not given. 'No' should never be interpreted as 'yes' or as consent. Consent cannot be given when the other person is incapacitated, i.e., drunk or drugged. Consent cannot be implied by attire, or inferred from buying dinner or spending money on a date.
2. **FORCE** Force includes physical force, violence, threat, intimidation or coercion.
3. **NON-CONSENSUAL SEXUAL CONTACT** This is sexual contact which occurs without giving consent.
4. **NON-CONSENSUAL SEXUAL INTERCOURSE** This is sexual intercourse that occurs without consent.
5. **SEXUAL ASSAULT** Conduct of a sexual or indecent nature toward another person that is accompanied by actual or threatened physical force. It induces fear, shame, and/or mental or physical suffering. This includes non-consensual physical contact of a sexual nature, touching in an inappropriate sexual way or forcing another person to touch in an inappropriate, sexual way. Examples include unwanted groping, kissing, grabbing, pinching or in the extreme forced sexual penetration (rape.)  
Rape is sexual assault which involves forced, non-consensual oral, anal or vaginal penetration by an individual or object. These forms of penetration are rape when one of the individuals says "No" or "Stop" or cannot give consent for whatever reason. Consent cannot be given when one or more people are under the influence of alcohol or drugs or when one person is in any way incapacitated or cannot give consent. Please see the Policy on Sexual Assault (Appendix [insert number]) for more information on the procedures for dealing with sexual assault. All forms of sexual assault violate the Student Conduct Code.
6. **SEXUAL CONTACT** Sexual contact is the deliberate touching of the intimate body parts (breast, buttocks, groin, genitalia). It is also using force (physical force, violence, threat, intimidation, coercion) to cause a person to touch his or her or another person's intimate body parts.
7. **SEXUAL EXPLOITATION** Sexual exploitation is taking sexual advantage of another person. Causing or attempting to cause another person to become drunk, drugged or otherwise incapacitated with the intent of engaging in a sexual behavior is sexual exploitation. It also includes recording, photographing or transmitting images of sexual activity and/or the intimate body parts (groin, genitalia, breasts, or

buttocks) of another person. Other examples of sexual exploitation include allowing third parties to observe sexual acts and voyeurism (spying on people who are engaging in sexual acts or who are doing other intimate activities such as undressing, showering, etc.).

8. **SEXUAL HARASSMENT** Sexual harassment has multiple definitions. One is quid pro quo - this for that. It is coercion for sexual favors, usually between two people in an unequal power relationship. This type of sexual harassment has the purpose or effect of interfering with an individual's employment or academic performance. Examples include a professor asking a student to have sex in exchange for an "A" grade, a resident advisor asking for sex to keep quiet about a student's policy infraction, a student offering sexual favors to a coach in order to play in a game, etc.

Another type of sexual harassment is more subtle. It involves a hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances or is made to feel uncomfortable because of their gender or sexual orientation. It is sexual harassment when a boss pats an employee's buttocks, or a co-worker repeatedly asks an individual out on dates after being turned down. Another example of sexual harassment is when an office has pictures of partially dressed men or women on its wall.

Sexual harassment also occurs when a person is the victim of unwanted verbal or non-verbal communication of a sexual nature. Verbal communication that may be unwelcome and viewed as sexually harassing include sexually explicit comments about the person's appearance or behavior, sexually explicit jokes, cat-calling/whistling, sexually explicit suggestions, etc. An example of potentially unwelcome verbal behavior is 'Hey baby, come get some' or 'aren't you sexy?' Inappropriate non-verbal communication examples include staring, 'undressing' another person with one's eyes, grabbing one's crotch, flashing breasts, rude hand-gestures, displaying sexually explicit posters or objects, etc. All forms of sexual harassment violate the Student Conduct Code.

9. **SEXUAL INTERCOURSE** This means penetration (oral, anal or vaginal) by a tongue, penis, finger or an inanimate object.
10. **SEXUAL MISCONDUCT** This includes sexual assault, sexual exploitation, sexual harassment, non-consensual sexual contact and non-consensual sexual intercourse. All forms of sexual conduct are against University policy.
11. **SEXUAL VIOLENCE** Sexual violence is physical sexual acts which are perpetrated against a person's will or when the person is incapable of giving consent. It is a form of sexual harassment. Examples of sexual violence include sexual assault and sexual coercion.

## **Procedures:**

### **1. Intake Meeting with Complainant:**

When the Title IX Coordinator designee (Intake Officer) receives notice of a sexual misconduct allegation, she will schedule a meeting with the complainant to provide a general understanding of this policy and to identify forms of support (see Resources section below). At this meeting accommodations concerning academics, University housing and/or University employment may also be discussed.

At the initial intake meeting, the Intake Officer will outline the various options which the complainant has in terms of proceeding. The complainant may choose an option during that meeting, or may ask for time to consider which option to take. The three options which are available are:

- a) Keep the complaint confidential, to the extent feasible
- b) Formal Resolution via a hearing with the Sexual Misconduct Hearing Board
- c) Informal Resolution after the investigative report

The procedures and details regarding formal resolution via the Student Misconduct Board are described below.

### **2. If the Complainant Requests Confidentiality:**

If the complainant requests that his or her identity remain confidential, Title IX [\[insert link or definition\]](#) requires the University to investigate and take reasonable action in regards to the allegation. However, the University's response, may, under these circumstances of confidentiality be limited. The Intake Officer may conduct a preliminary investigation into the alleged sexual misconduct. The complainant's request for confidentiality will be weighed against the following factors: the potential threat the accused student may pose to the campus community; whether there have been other complaints of sexual misconduct against the same accused student; and the accused student's right to receive information about the allegations if the information is maintained by the University as an 'education record' under FERPA [\[define / provide link\]](#).

If the Intake Officer determines that confidentiality cannot be maintained, the complainant will be informed. Even if the University cannot take disciplinary action against the accused student because the complainant insists on confidentiality or that the complaint not be resolved, the Intake Officer reserves the authority to undertake an appropriate inquiry, issue a 'no-contact' order and take interim measures (see next section).

### **3. Interim Measures**

In all complaints of sexual misconduct, even when the complainant wishes to pursue no formal resolution, the University may issue a 'no-contact' order. This is usually a directive which prohibits students who are in conflict with one another from having contact in person, or via electronic means. Other actions such as altering students' academic schedule, University housing or University employment may also occur.

In every situation, the University will try to minimize unnecessary burdens on both the complaining and the accused student. However, every reasonable effort will be made to allow the complainant to continue in his or her academic efforts, University housing or University employment.

#### **4. If the Complainant Requests Formal Resolution via the Sexual Misconduct Hearing Board:**

If the complaining student decides to seek formal resolution via the Sexual Misconduct Board, the Intake Officer will meet with the accused student. This is to provide the accused student with a general understanding of this policy and to identify forms of support (see Resources section below). This meeting may also discuss accommodations concerning academics, University housing and/or University employment.

If the complainant requests formal resolution the Intake Officer will promptly prepare and forward a formal complaint to a professional staff member for investigation. The formal complaint will include the date, location and nature of the alleged sexual misconduct and also the name of the accused student.

#### **5. Formal Resolution Process**

##### **a) Investigation**

The investigation will be conducted by a professional staff member who has, received training in sexual misconduct cases. The role of the investigator is to be a neutral fact-finder.

A typical investigation will include interviews with the complainant, the accused student and third-party witnesses. Photos may be taken at the relevant site and, if they are involved, the investigator will defer to the Belmont Police Department for the collection and preservation of evidence. The completed investigative report will contain summaries of the interviews, photographs(if available) and other related evidence or duty logs and also a detailed analysis of the events. The investigator will also determine whether or not there is good cause to grant a hearing. If a hearing is recommended, the investigator will list which sexual misconduct or student conduct policies may allegedly have been violated.

The completed investigative report will normally be submitted within 20 work days of the formal complaint being made with the Intake Officer. However, additional time may on occasion be needed to complete the investigative report. The investigative report will be distributed at the same time to the complainant, the accused and the Chair of the Sexual Misconduct Board. The members of the Sexual Misconduct Board who are to hear the case will be provided a copy prior to the hearing.

The investigator may place an administrative hold on the accused student's account so that a transcript may not be released prior to the case being resolved. If the accused student objects to his/her account being placed on hold, he/she may appeal to the Provost, whose decision is final.

If the complainant's request for a hearing is denied, he/she may lodge an appeal with the Provost, whose decision is final.

##### **b) If a Complainant Requests an Informal Resolution**

After reviewing the investigative report, the complainant may opt for an informal resolution to the case by informing the Dean of Students prior to the hearing. Likewise, at any time prior to the hearing the accused student may claim responsibility for the alleged sexual misconduct. In either situation, the Dean of Students (acting as Sexual Misconduct Hearing Board Chair) will propose a resolution and sanctions to the complainant.

If both the complainant and the accused student agree to the proposed sanctions, then the complaint is resolved without a hearing and without any further rights of appeal by either party.

If either the complainant or the accused student disagrees with the proposed sanctions, then a hearing before the Sexual Misconduct Hearing Board will take place in order to determine the sanction.

**c) Notice of Hearing**

If after the investigative report the case goes to formal resolution, then the Sexual Misconduct Hearing Board Chair will issue notice of formal hearing which states the date, time and place of the pre-hearing submissions, the pre-hearing meeting, the formal hearing and the names of the Board members who are selected to hear the case.

Either the complainant or the accused student may object to the participation of a particular board member. However, this must be received within 72 hours of receiving notice of the hearing. The objection must contain the reasons for the objection. The Chair of the Sexual Misconduct Board will determine whether the objection has merit and has the right to decide whether to uphold the objection and change the Board member.

Hearing notices will be delivered to the complainant and the accused by a Dean of Students staff member. If either party fails to appear at the scheduled hearing, the Board Chair may either postpone the proceedings or have the Board proceed on the basis of the investigative report and other information.

**d) Pre-Hearing Submissions**

Both the complainant and the accused student will, after receiving notice of the hearing, provide the Board Chair with a list of witnesses whom they propose to call as well as copies of documents or other relevant information which they intend to present at the hearing. Evidence of the past sexual history of the complainant will not be permitted to be presented at the hearing unless it is directly relevant to the case.

The list of witnesses and evidence will be provided to both parties prior to the formal hearing. No further witnesses, documents or other evidence or information may be introduced at the formal hearing. The only exception to this is if there is some good cause which prevented the above being submitted by the pre-hearing deadline. The Board Chair will determine whether there was good cause.

Both the complainant and the accused student are responsible for ensuring that their witnesses attend the hearing.

**e) The Pre-Hearing Meeting**

The pre-hearing meeting will take place between the Chair of the Sexual Misconduct Board and the complainant and, at a different time, with the accused student. This meeting will take place in order to review the prospective list of witnesses, evidence and other information, to assist in eliminating any redundant information. The University may, at this meeting, modify the list of alleged violations. The University may also, at this meeting, add witnesses to the list either at this or the formal hearing.

**f) The Sexual Misconduct Board: Composition and Limits**

The Sexual Misconduct Board is comprised of the following members:

1. Dean of Students (chair, voting member)
2. Faculty Member (voting member)
3. Student (voting member)

4. Administrative Assistant (non-voting third-party who facilitates the attendance and recording of the hearing)

The faculty member and student will normally be members of the Student Conduct Board. The Dean of Students, in consultation with the Student Conduct Board Chair, will choose which members of the Student Conduct Board will serve on the Sexual Misconduct Board. This will be done on a case by case basis. The decision making process of appointment will be based on the following criteria:

1. The faculty member or student has attended appropriate training.
2. Neither the faculty member nor the student witnessed the sexual misconduct incident
3. The faculty member does not currently teach either the complainant or the accused. Wherever possible, the Dean of Students will choose a faculty member who did not teach either student.
4. The student member should, wherever possible, be as impartial as possible. Roommates, teammates or other closely affiliated students will not be selected.

No member of the Sexual Misconduct Board may publicly or privately discuss the merits of the complaint with anyone who is not involved in the proceedings, with the parties themselves or with anyone acting on behalf of the parties.

**g) Procedures & Format of the Formal Hearing**

The formal hearing does not follow a courtroom model. If witnesses are not able to be present, their statements in the investigative report may be used.

The Chair of the Sexual Misconduct Board will determine the order of the witnesses and resolve any questions of procedure. Only the Chair and Board members may question individuals, unless the Chair gives permission to modify the questioning process. Both parties may ask the Chair in writing or orally to pose specific questions or to ask about specific matters. A break may occur between testimonies in order for such written questions to be formed and submitted.

After all witnesses have been questioned, both the complainant and the accused student may ask for a short break in order to prepare a closing statement.

If the Chair and the Board determine that unresolved issues exist, the hearing may be suspended and reconvened after this information is received. A delay will not occur due to the failure of witnesses to appear or due to the proposed introduction of documents or information which should have been presented prior to the pre-hearing meeting.

When requested, the Chair will make arrangements so that the complainant and the accused student avoid contact. This may be done via use of close-circuit television. It may alternatively be done by having the complainant and the accused student participate at different times. In latter instances, the Chair will summarize the main points which were presented to the opposing party. The support person and/or legal counsel of the opposing party may also be present during testimony so to assist the Chair in summarizing the information.

**h) Recording**

The hearing will be recorded and the recording is the property of the University. The Chair may arrange for a transcript of the recording to be made at the request of either party, but any expense involved will be assumed by the requesting party.

**i) Standard of Proof**

The University will evaluate the case based on a ‘preponderance of the evidence’. This means that the information pertaining to the case indicates that it is ‘more likely than not’ that the accused student violated the Sexual Misconduct Policy.

**j) Outcome of Hearing**

The outcome of the hearing will be given, where possible, at the end of the formal hearing and then delivered in writing no later than ten work days after the conclusion of the formal hearing. The outcome letter will include the name of the accused student, the violation for which the accused student was or was not found responsible, the essential findings on which the findings were based and the sanction, if any.

**k) Impact Statement**

In cases where the accused student is found responsible for the sexual misconduct, the complainant may present the Sexual Misconduct Board with a statement which recommends a sanction. The responsible student will have an opportunity to respond to the impact statement. The Board is not bound by either the impact statement or the response when determining the sanction.

**l) Sanctions**

The Sexual Misconduct Hearing Board may recommend suspending or expelling any student who is found responsible for sexual misconduct. However, the Board may impose any sanctions which it feels is appropriate. The past violations of the responsible student may be considered. The Board will also consider whether the sanctions will bring an end to the violation in question, reasonably prevent a recurrence of a similar violation and mediate the effects the violation had on the complainant and the University community.

The sanction imposed by the Board is effective immediately unless the case is appealed. However, in cases where the welfare of the complainant or the University community may be at risk, the Board may make probation, suspension or expulsion immediate pending the outcome of a timely appeal. The Provost may overturn the imposition of such sanctions during the appeals process, or may allow the responsible student to attend classes or engage in another type of University activity on a supervised or monitored basis, or make any other modifications to the original sanction pending the outcome of the appeal.

**m) Appeal**

Both the complainant and the accused student have the right to appeal the outcome (either the decision of responsibility or the sanction) of the Sexual Misconduct Hearing Board. Any appeals must be submitted in writing to the Provost no later than ten work days after receiving the written outcome of the hearing. Upon receiving an appeal, the Provost will inform the other party in writing of the appeal, including the basis for the

appeal (i.e. unduly harsh sanction, contestation of responsibility, etc.). In cases where the Provost opts to overturn sanctions which were imposed pending appeal, the complainant will be informed.

The Provost will receive all of the written documentation and will review the recording of the formal hearing. The Provost may also meet with either the complainant or the accused student or any of their witnesses. The complainant and the accused student may bring either a support person or legal counsel to the appeal meeting. However, the rules for either the support person participation is the same as the formal hearing; they may offer advice to the student but may not speak.

The Provost will inform both the complainant and the accused student of the decision no later than ten calendar days after the final interview with either party or their witnesses. The appeal letter will include the name of the accused student, the violation for which the accused student was or was not found responsible, the essential findings which upheld or overturned the Sexual Misconduct Board's decision and the sanction, if any.

There is no appeal of the Provost's decision.

#### **n) Privacy of Records**

Documents which are prepared in anticipation of the hearing (including the investigative report, notice of hearing, the pre-hearing submissions and any other documents) may not be disclosed outside of the hearing process, except as required by law.

The final outcome letter and any appeal letter will be issued concurrently to both the complaining and the accused student. The University neither encourages nor discourages the further disclosure of the Final Outcome Letter and/or Appeal outcome letter by either the complainant or the accused student. The University acknowledges that sharing the Final Outcome Letter with others, including family, friends, legal counsel, mental health professionals and sexual assault advocates or survivors may be a critically important part of a student's healing process.

## **Rights**

### **Rights and Responsibilities of the Complainant (aka 'victim' or 'survivor'):**

Every student who complains about sexual misconduct has the right to:

1. Invite witnesses who may have information which refutes the sexual misconduct allegations. Please note that students do not have the right to bring character witnesses, only witnesses whose testimony has direct relevance as to whether the alleged misconduct did or did not occur.
2. Pose questions to the accused student and any witnesses who may have information relevant to the alleged misconduct. This should only be done during the formal hearing process. Please note that in cases where the complainant or witness requests, the Sexual Misconduct Hearing Board may receive this information without the accused student being present. This is to prevent direct confrontation between students, to avoid traumatizing the complainant or witness and also to assist the complainant feel empowered. In such cases where the accused student is not present, the information will be summarized by a member of the Sexual Misconduct Hearing Board.

3. Have a support person attend the hearing. This support person's role is to provide emotional support to the complainant only. (See #8 under Student Rights and Responsibilities)
4. Have a reasonably prompt conclusion of the main stages of the sexual misconduct complaint process. The process includes the investigation, hearing, and notification of the outcome. 'Reasonably prompt' will usually be around 30 work days to investigate, hold the hearing, make a decision and to receive notice of the outcome of the hearing. However, if additional time is needed for either the hearing or appeals process, then the complainant has the right to be notified.
5. Consult with NDNU's Title IX Coordinator, Mary Haesloop ([mhaesloop@ndnu.edu](mailto:mhaesloop@ndnu.edu) / (650) 508-3651) about the case, particularly about the process.
6. Appeal the outcome of the hearing. Appeals of sexual misconduct cases will be heard by the Provost. They may take up to an additional 20 work days. If more time is needed, then the complainant has the right to be notified of the delay.

Every student who has a complaint has a responsibility to:

1. Participate in the conduct process. This includes becoming informed about the process through reading the relevant policies, contacting the Title IX Coordinator Mary Haesloop and through other means. It also means showing up on time at all hearings or meetings relevant to the case.
2. Avoid contact with the student who is accused. NDNU is a small campus. The University will make every effort to help the complaining and accused student avoid contact. This will be done via a no contact order or, where needed and possible, changing housing and/or class schedules. It is the responsibility of the accused student to avoid contact with the complainant. Where possible, to avoid further incident and to protect the reputation of the students involved, the University recommends that all students involved in a sexual misconduct case (complainant, accused, witnesses) avoid discussing it with other students.

### **Rights & responsibilities of the accused (aka 'assailant' or 'perpetrator')**

Every accused student has the right to:

1. Invite witnesses who may have information which refutes the sexual misconduct allegations. Please note that students do not have the right to bring character witnesses, only witnesses whose testimony has direct relevance as to whether the alleged misconduct did or did not occur.
2. Pose questions to the complainant and any witnesses who may have information relevant to the alleged misconduct. This may only be done during the formal hearing process. Please note that in cases where the complainant or witness requests, the Sexual Misconduct Hearing Board may receive this information without the accused student being present. This is to prevent direct confrontation between students, to avoid traumatizing the complainant or witness and also to assist the complainant feel

empowered. In such cases where the accused student is not present, the information will be summarized by a member of the Sexual Misconduct Hearing Board.

3. Have a support person attend the hearing. This support person's role is to provide emotional support to the accused only. (See #8 under Student Rights and Responsibilities)
4. Have a reasonably prompt conclusion of the main stages of the sexual misconduct complaint process. The process includes the investigation, hearing, being notified of the outcome. 'Reasonably prompt' will usually be around 30 days to investigate, hold the hearing, make a decision and to receive notice of the outcome of the hearing. However, if additional time is needed for either the hearing or appeals process, then the complainant has the right to be notified.
5. Consult with NDNU's Title IX Coordinator, Mary Haesloop ([mhaesloop@ndnu.edu](mailto:mhaesloop@ndnu.edu) / (650) 508-3651) about the case, particularly the process.
6. Appeal the outcome of the hearing. Appeals of sexual misconduct cases will be heard by the Provost. They may take up to an additional 20 days. If more time is needed, then the complainant has the right to be notified of the delay.

Every accused student has a responsibility to:

1. Participate in the conduct process. This includes becoming informed about the process through reading the relevant policies, contacting the Title IX Coordinator, Mary Haesloop, and through other means. It also means showing up on time at all hearings or meetings relevant to the case.
2. Avoid contact with the student who made the complaint. NDNU is a small campus. The University will make every effort to help the complaining and accused students avoid contact. This will be done via a no-contact order or, where needed and possible, changing housing and/or class schedules. It is the responsibility of the accused student to avoid contact with the complainant. Where possible, to avoid further incident and to protect the reputation of the students involved, the University recommends that all students involved in a sexual misconduct case (complainant, accused, witnesses) avoid discussing it with other students.

### **Title IX Coordinator**

The Title IX Coordinator's responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systematic problems that arise during the review of such complaints.

Mary Haesloop, Executive Director for Human Resources and Special Assistant to the President, is NDNU's Title IX Coordinator. Her phone number is (650) 508-3651. Her e-mail is [mhaesloop@ndnu.edu](mailto:mhaesloop@ndnu.edu).

## Resources

### *Emergency Needs:*

- **911** – Belmont Police Department
- Rape Trauma Services 24 hour helpline: 650-692-7273

### *Medical Needs:*

- San Mateo County Medical Center – Keller Center for Family Violence Intervention  
222 West 39th Avenue, First Floor, San Mateo, CA 94403, (650) 573-2623
- Health & Wellness Services (650) 508-7526; JB 140

### *On-Campus Student Support Services:*

- Counseling Services, (650) 508-3578, The Oaks
- Health & Wellness Services (650) 508-7526, JB 140
- Student Conduct Coordinator, Gillian Wallace, (650) 508-3657, JB 141
- Student Life and Leadership (Housing), (650) 508-3718 (main line – staffed business hours (9-5pm M-F), (650) 703-2051 (cell for after business hours calls), Student Center Building
- Title IX Coordinator, Mary Haesloop, (650) 508-3651, Ralston Hall
- Dean of Students, Jean Grech Condé, (650) 508-3459, JB 101
- Public Safety (650) 508-3502, (650) 504-0656 (cell), (650) 740-1483 (cell), St. Mary's Hall Lobby

### *Other Support Services:*

- Belmont Police Department, 1215 Ralston Ave., Belmont, CA 94002, (650) 595-7400
- Rape Trauma Services 650-692-RAPE or 650-692-7273

## **Suggested Procedures to Be Followed By a Student Who has Experienced a Sexual Assault:**

### *A) What to do immediately*

1. Go to a safe place.
2. Inform someone you trust, such as a friend, and ask them to support you.
3. Inform a University representative, such as a Resident Assistant (**insert cell numbers**), Public Safety Officer (650) 504-0656 / (650) 740-1482 or Staff Member on Duty (650) 703-2651. Please note that if any of these University representatives are contacted, they will be obligated to report the incident to Belmont Police and/or to include the incident in the campus' anonymous reporting of campus crime [**insert link to Clery page**]. However, even if the incident is reported, it is the survivor's choice whether to be named, to press charges legally and/or to take the case forward in the University's conduct system.
4. Call Rape Trauma Services (650) 692-7273. Counselors on a hotline are trained to help survivors of sexual assault and harassment, and to offer confidential support and information about legal, medical and mental health resources in San Mateo County.

5. Preserve evidence. You can best do this by not showering, keeping any clothing which may have the assailant's DNA (i.e. hair, saliva, sweat, semen, etc.)
6. Try not to disturb evidence at the scene of the incident. This can be done by making sure that no one enters the area where the assault occurred and by leaving the scene undisturbed. University staff and Belmont PD can help to secure the scene.
7. Seek Immediate Medical Attention. Within 72 hours of an assault, a Physical Evidence Recovery Kit (PERK) can be performed at a hospital. Even if more than 72 hours have elapsed, it is important to seek treatment and testing for physical injuries, pregnancy and sexually transmitted diseases. You can call the police, and they will send an officer to take you to a hospital. If you don't want to call the police, contact another trusted individual to take you to a hospital or health center for referral. If it's an emergency, **dial 911** for the Belmont Police Department or use the other options listed below:  
Belmont Police Department  
(650) 595-7400  
Public Safety Cell Phone  
(650) 504-0656 or (650) 740-1483  
Duty Staff Cell Phone  
(650) 703 2051

*B) What to do over the next few days*

1. Seek out the support of someone you trust, family, friends and/or a counselor. The University Counseling Center is located in the Oaks. (650) 508-3578
2. Report the incident to the Police Department and the University's Title IX Coordinator Mary Haesloop ([mhaesloop@ndnu.edu](mailto:mhaesloop@ndnu.edu) / (650) 508-3651, if you did not do so previously.

## **Options for Reporting the Sexual Assault Incident**

*A) Reporting to the Police*

From a place you feel safe, call 911 and report the incident to the Belmont Police Department. The Belmont Police Department has officers specially trained to deal with sexual assault survivors, and, if necessary, will send a patrol car to take you to the hospital. Should you prefer, you can request that a female officer pick you up and take you to the hospital. If possible, bring a change of clothes, as your clothes will most likely be collected as evidence. The police officer will ask you to recount the events of the assault and file this information as an initial report. Try to answer as honestly as you can, and reply that you don't know or are unsure if you cannot remember.

The police will ask you to undergo a medical exam for the purpose of collecting evidence. This procedure will include an examination of your genitals, anus and mouth for traces of the assailant and a search for evidence elsewhere on your body, including checking under your fingernails and on your clothing. If there are visible signs of the assault such as bruises, scrapes or cuts, the police may photograph them for use as evidence. The medical examination may also include tests for sexually transmitted diseases and pregnancy. The emergency room staff and/or your advocate will advise you of the many options for dealing with these situations.

After your examination, the police will want to make a comprehensive report of the incident.

## *B) Making an Anonymous Report*

### **1. Police:**

You may elect to report the incident anonymously. The police will record the date and time of the assault, the mode of operation of the assailant, and any description of the assailant you can give. If you know the assailant's name, it will be recorded. This report may influence the District Attorney's decision whether to prosecute another case if the same assailant has been named in one or more separate complaints. Also, the police store the information in the event a pattern of crimes by the assailant is detected.

### **2. University:**

We encourage you to report any sexual misconduct directly to the University through the Student Conduct system. You may decide to pursue action through the University if the assailant is a member of the University community. If the assailant is a student, report the incident to Public Safety, the Student Conduct Coordinator or a Residence Life staff member. To assist you in deciding whether to report, you may want to contact the Counseling Center.

The University recognizes that many survivors of sexual assault desire confidentiality, and many will not want the University to investigate and attempt to resolve the incident. Despite this fact, if officials of the University (including administrators and Public Safety) are notified of the details of an incident, they have a duty to investigate and resolve the incident to the extent possible, even without the cooperation of the survivor. It is therefore very important that for you to understand during its investigation and attempt to resolve the incident, the University will not be able to assure complete confidentiality or control over the process. However, the University only discloses the information to those who need to know the information about the incident to assist with reaching a resolution. Even if the survivor refuses to cooperate with the University's investigation and student conduct process, the process may go forward because University officials are obligated to pursue it to the extent possible.

## **Federal Statistical Reporting Obligations**

University officials also have a duty to report sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crimes, to ensure greater community safety.

## **Federal Timely Warning Reporting Obligations**

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