

St. Cloud State University's Sexual Violence, Relationship Violence, and Stalking Compliance Program

Policy Statement

Sexual violence, relationship violence and stalking are all intolerable intrusions into the most personal and private rights of an individual and are prohibited at St. Cloud State University. St. Cloud State University is committed to eliminating violence in all forms and will take remedial action against any individual found responsible for acts in violation of this policy. Acts of sexual violence, relationship violence and stalking may also constitute violations of criminal or civil law, or other campus policies that may require separate proceedings. To further its commitment against these types of violent acts, St. Cloud State University provides reporting options, an investigative and disciplinary process, prevention training, and other related services as appropriate.

Who Does This Policy Apply To?

This policy applies to all St. Cloud State University students, employees and others as appropriate.

Personal conduct on University premises or at University activities is subject to University jurisdiction. The University also may enforce the Student Code of Conduct, regardless of where misconduct occurs, when conduct by a student, student organization, or student club directly, seriously, or adversely interferes with or disrupts the educational mission, programs or other functions of the University. This includes reports of sexual violence, relationship violence and stalking by individuals who are not students or employees. The University reserves the right to take necessary action to protect the safety and welfare of the University community. This may include pursuing criminal or civil actions.

Reports of sexual violence, relationship violence or stalking committed by a St. Cloud State University employee at a location other than St. Cloud State University property are also covered by this policy.

Allegations of discrimination or harassment are governed by MnSCU Board Policy 1B.1. and should be pursued through the Title IX Officer, Dr. Ellyn Bartges in the Office for Institutional Equity and Access. <http://www.mnscu.edu/board/policy/1b01.html>

Definitions

The following definitions apply to the Sexual Assault, Relationship Violence and Stalking Policy and Procedure:

Campus security authority. Campus security authority includes the following categories of individuals:

1. St. Cloud State University Public Safety Department personnel;
2. Other individuals who have campus security responsibilities in addition to a college or university security department;
3. Any individual or organization identified in the security policy as an individual or organization to which students and employees should report criminal offenses;
4. Any official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings; advisors to recognized student organizations, and athletic coaches.

Consent. Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the accused has taken advantage of a position of influence over the complainant may be a factor in determining consent.

Confidential Reporter. Health care practitioners, professional counselors, and victim advocates whose official responsibilities include providing mental health counseling, rendering advice and advocacy assistance, and who are functioning within the scope of their license or certification are confidential and able to keep your report confidential. Others may be obligated to make a report.

Employee. "Employee" means any individual employed by Minnesota State Colleges and Universities, its colleges and universities and system office, including student workers.

Non-forcible sex acts. Non-forcible acts include unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by Minnesota law, or between persons who are related to each other within degrees wherein marriage is prohibited by law.

Relationship violence. Relationship violence includes physical harm or abuse, and threats of physical harm or abuse, arising out of a personal intimate relationship. This violence also may be called dating violence, domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

Retaliation. Retaliation includes, but is not limited to, intentionally engaging in any form of intimidation, reprisal or harassment against an individual because he or she:

- a. made a complaint under this policy;
- b. assisted or participated in any manner in an investigation, or process under this policy, regardless of whether a claim of discrimination or harassment is substantiated;
- c. associated with a person or group of persons who are disabled or are of a different race, color, creed, religion, sexual orientation, gender identity, gender expression, or national origin; or
- d. Made a complaint or assisted or participated in any manner in an investigation or process with the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the Minnesota Department of Human Rights or other enforcement agencies, under any federal or stated nondiscrimination law, including the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Minnesota Human Rights Act, Minn. Stat. Ch. 363A, and their amendments.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Sexual assault. "Sexual assault" means an actual, attempted, or threatened sexual act with another person without that a person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under Minnesota State Colleges and Universities student conduct codes and employee disciplinary standards. Sexual assault includes but is not limited to:

- 1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape." This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.
- 2. Involvement in any sexual act when the victim is unable to give consent.
- 3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
- 4. Offensive sexual behavior that is directed at another such as indecent exposure or voyeurism.

Sexual violence. Sexual violence includes, but is not limited to, a continuum of conduct that includes sexual assault and non-forcible sex acts.

Stalking. Stalking is conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for her or his safety or the safety of others or to suffer substantial emotional distress.

Student. The term "student" includes all persons who:

1. Are enrolled in one or more courses, either credit or non-credit, through a college or university;
2. Withdraw, transfer or graduate, after an alleged violation of the student conduct code;
3. Are not officially enrolled for a particular term but who have a continuing relationship with the college or university; or
4. Have been notified of their acceptance for admission or have initiated the process of application for admission or financial aid; or
5. Are not college or university employees and are not enrolled in the institution but live in a college or university residence hall.

System property. System property means the facilities and land owned, leased, or under the primary control of Minnesota State Colleges and Universities, its Board of Trustees, system office and St. Cloud State University.

ST. CLOUD STATE UNIVERSITY PROCEDURES FOR RESPONSE TO SEXUAL AND RELATIONSHIP VIOLENCE AND STALKING

This procedure is to implement St. Cloud State University policy prohibiting sexual violence, relationship violence and stalking. This procedure provides a process through which individuals alleging sexual violence, relationship violence or stalking may pursue a complaint.

This procedure is intended to protect the rights and privacy of both the complainant and accused and other involved individuals, as well as to prevent retaliation and reprisal.

DEFINITIONS

The definitions in SCSU's sexual violence, relationship violence and stalking policy apply to this procedure.

SUPPORT SERVICES

St. Cloud State University recognizes that complainants may need assistance in obtaining medical care, obtaining support counseling and reporting violations. Complainants are encouraged to contact the following confidential resources. These resources can help

complainants understand their options while maintaining their confidentiality. Talking to someone from these programs will not result in an automatic report to campus officials or to law enforcement.

Gender Violence Prevention Program
Located in the University Women's Center
(320) 308-3995

Counseling and Psychological Services
(320) 308-3171

Central Minnesota Sexual Assault Center
(320) 251-4357

For issues regarding relationship violence:
Anna Marie's Alliance
(320) 253-6900

COMPLAINANT'S REPORTING OPTIONS

Prompt reporting is encouraged. Complainants may report at any time, but are strongly encouraged to make reports promptly in order to preserve evidence for a potential legal or disciplinary proceeding. However, complainants should not be discouraged from reporting later.

Complainants can report to the University or to law enforcement in the city/county in which the crime took place or to both. It is important that the investigations be coordinated and that all report-takers are aware of other investigations that may be occurring. Advocates listed above can assist with this coordination.

Reporting to Law Enforcement

If the violation took place in the city of St. Cloud, report to the St. Cloud Police Department by calling 320.251.1200. If the complainant is not sure of the location of where the violation occurred, call this number and they can assist in determining jurisdiction. The standard of evidence that is used in a criminal process is "beyond a reasonable doubt."

Does a complainant have to report to law enforcement? It is always an option to report the crime to law enforcement as it is a right to choose not to report to law enforcement. The confidential resources listed above can discuss the pros and cons with complainants to assist them in making this decision. It is not uncommon for victims of sexual violence, relationship violence and stalking, to feel differently about reporting as they progress through the healing process. Although immediate reports are encouraged, complainants can make a report any time.

Information only reports. Complainants may feel unsure about reporting to law enforcement right away but do want them to be aware of what happened. At the St. Cloud Police Department (and at some other law enforcement agencies), complainants can make an *information only*

report. An *information only* report means the complainant provides law enforcement with information about the sexual assault and the accused, but requests that no investigative process beyond the victim interview takes place. It also allows a complainant to talk directly with an investigator about what would happen if they made a full report. If choosing this option, the first step for complainants must be to contact an advocate from the SCSU Gender Violence Prevention Program or Central MN Sexual Assault Center and the advocate will contact the appropriate law enforcement official.

REPORTING ON CAMPUS

SCSU Public Safety

Public Safety can assist complainants in contacting law enforcement or campus authorities. Public Safety is available 24 hours a day. Complainants can contact Public Safety by calling 320.308.3333. If the complainant chooses not to notify law enforcement immediately, Public Safety can document what happened. Documentation can also be helpful for obtaining protective orders. It is important to know that Public Safety reports are not confidential. Public Safety documentation may be sent to campus authorities or to law enforcement for review.

Filing a Title IX Complaint

A student complainant has the right to file a complaint with the university. Complainants can report to the Title IX Officer in the Office for Institutional Equity and Access or if the complainant is a student, they can also report to Student Life and Development. Due to the nature of bias motivated and sexual violence, relationship violence and stalking offenses, alleged violations will usually follow the Title IX procedure under the direction of the Title IX Coordinator. Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding.

The Title IX process involves the following steps:

1. A complaint or other information is received.
 2. The complaint is reviewed. Interim measures, including Summary Suspension or Alteration of Privileges may be imposed.
 3. Both complainant and accused will be informed.
 4. Interviews will be conducted and relevant documentation obtained.
 5. A decision will be made as to whether a violation occurred. If so, educational sanctions will be imposed.
 6. An appeal of the decision may be filed by either complainant or respondent.
- The level of proof for violations of MnSCU and SCSU policies is not ‘beyond a reasonable doubt’ as in the criminal court system, but instead is ‘more likely than not,’ or a ‘preponderance of evidence.’ This is defined as a standard of responsibility that reaches at least 50% confidence that a violation has occurred. If an accused is found responsible, sanctions can include university probation, suspension or expulsion.

For detailed procedures students can review the Student Code of Conduct at <http://www.stcloudstate.edu/studenthandbook/code/default.asp>

Employees can review the sexual assault policy and procedures at <http://www.mnscu.edu/board/policy/1b03.html>

EMPLOYEE REPORTING RESPONSIBILITIES

When informed of an alleged incident of sexual violence, relationship violence or stalking, all St. Cloud State University students and employees are expected to assist complainants, as needed, to report the incident and obtain assistance from local victim/survivor services.

Campus Security Authorities, when informed of an alleged incident shall promptly assist the complainant, as requested, and refer them to Public Safety, Law Enforcement or the Title IX Coordinator to file a complaint. Campus Security Authorities will also provide referrals to Victim Advocates who can assist in discussing reporting options, medical and counseling referrals, and assistance in filing complaints.

Because St. Cloud State University takes all forms of sexual assault, relationship violence and stalking seriously, all staff and faculty (other than the listed confidential resources) are required to report any knowledge they have about sexual assault, relationship violence, or stalking to the Title IX Coordinator.

CONFIDENTIALITY OF REPORTING

Complainants may contact any campus security authority for appropriate assistance or to report incidents. Absolute confidentiality of reports made to campus security authorities cannot be promised. Because of laws concerning government data contained in the Minnesota Government Data Practices Act, colleges and universities cannot guarantee confidentiality to those who report incidents except where those reports are privileged communications with licensed health care professional, mental health professionals, victim advocates, clergy, or their own legal counsel. If campus security authorities need to report to law enforcement the fact that incidences of sexual violence, relationship violence or stalking has occurred, they shall not disclose personally identifiable information about a complainant without the complainant's consent except as may be required or permitted by law.

There may be instances in which St. Cloud State University determines it needs to act regardless of whether the parties have reached a personal resolution or if the complainant requests that no action be taken. In such instances, St. Cloud State University will investigate and take appropriate action, taking care to protect the identity of the complainant and any other reporter in accordance with this procedure.

Required Reports for the Clery Act. Any campus security authority or any college or university employee with supervisory or student-advising responsibility who has been informed of an alleged incident of sexual violence, relationship violence or stalking must follow the university procedures for making a report for the annual crime statistics report.

POLICY NOTICES

Distribution of policy to students. St. Cloud State University shall at a minimum, at time of registration make available to each student, information about its Sexual Violence, Relationship Violence and Stalking policy and procedures, and shall additionally post a copy of its policy and procedures on the Office for Institutional Equity and Access's website, <http://www.stcloudstate.edu/oea/policies/default.aspx>. Paper copies will be made available upon request by contacting the Office for Institutional Equity and Access at 320-308-5123.

Distribution of policy to employees. St. Cloud State University shall make available to all employees a copy of this policy and procedure through the Office for Institutional Equity and Access by calling 320-308-5123 or it can be viewed on the website of the Office for Institutional Equity and Access, <http://www.stcloudstate.edu/oea/policies/default.aspx>.

Notice to Complainants

Complainant options. Following a report, the complainant shall be promptly notified of medical care options, information on who and how to report to law enforcement and campus officials, and where to obtain on and off campus counseling and other support services. See the resource section of this document for specific procedures and contacts or go to <http://www.stcloudstate.edu/womenscenter/>

Rights. Complainants shall be notified of the following rights:

- a. to be informed of available services including support, advocacy and counseling;
- b. to file criminal charges with local law enforcement officials;
- c. to have prompt assistance from campus officials, upon request, in notifying the appropriate campus investigating authorities and law enforcement officials and, at the direction of law enforcement authorities, assistance in obtaining, securing and maintaining evidence in connection with a sexual assault, relationship violence, or stalking incident;
- d. to decline to notify campus and/or law enforcement authorities;
- e. to have complaints of incidents of sexual violence, relationship violence and stalking promptly and appropriately investigated and resolved;
- f. to be shielded from unwanted contact with the accused including, but not limited to, transfer of the complainant and/or the accused to alternative classes, a work site or to alternative college-owned housing, if such alternatives are available and feasible.
- g. to have others present during the investigative process.
- h. to be inform of the outcome of any disciplinary proceeding, including sanctions.

- j. to be informed of the procedure to appeal the results of the university's disciplinary proceedings.
- k. to file complaints with the Office for Civil Rights with the Department of Education and the Financial Aid office within the Department of Education regarding Clery Act violations.
- l. to be provided information on the Rights under the Crime Victims Bill of Rights, Minnesota Statutes Sections 611A.01 – 611A.06, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety.

Accused Student's Rights

- a. to have complaints of incidents of sexual violence, relationship violence and stalking promptly and appropriately investigated and resolved;
- b. to have others present during the investigative process.
- c. to have access to an adviser for help understanding university processes.
- d. to be informed of the outcome of any disciplinary proceeding, including sanctions.
- e. to be informed of the procedure to appeal the results of the university disciplinary proceedings.
- f. Access to services from the counseling center, health center or other appropriate student services and referrals to appropriate community services.

INVESTIGATION AND DISCIPLINARY PROCEDURES.

Immediate action. St. Cloud State University may, at any time during the report/complaint process, reassign or place on administrative leave an employee alleged to have violated this policy, in accordance with the Minnesota State Colleges and Universities Board procedures for Reporting Complaints of Discrimination/Harassment Investigation and Resolution (Procedure 1B.1.1). Such action must be consistent with the applicable collective bargaining agreement or personnel plan. <http://www.mnscu.edu/board/procedure/1b01p1.html>

St. Cloud State University may summarily suspend or take other temporary measures against a student alleged to have committed a violation of this policy, in accordance with the Student Code of Conduct. <http://www.stcloudstate.edu/studenthandbook/code/default.asp>

When appropriate, St. Cloud State University may pursue legal action against an accused, including, but not limited to, trespass or restraining orders, in addition to disciplinary action under the applicable student or employee conduct standard. St. Cloud State University may take

actions it deems necessary or appropriate in response to all Protection, Restraining or No contact orders.

General principles. St. Cloud State University shall use the Report/Complaint of Discrimination/harassment Investigations and Resolution procedures when investigating complaints involving employees, Board Procedure 1B1.1 that can be found at <http://www.mnscu.edu/board/procedure/1b01p1.html>. Complaints involving students will use the Student Code of Conduct Title IX procedures found at <http://www.stcloudstate.edu/studenthandbook/code/titleIX.asp>. Procedures are designed to avoid requiring complainants to follow any plan of action and to prevent the possibility of re-victimization. St. Cloud State University investigation and disciplinary procedures concerning allegations against employees or students shall:

1. Respect the needs and rights of individuals involved;
2. Proceed as promptly as possible;
3. Assure Employees have the right to representation consistent with the appropriate collective bargaining agreement or personnel plan;
4. Proceed in accordance with applicable due process standards and privacy laws;
5. Use a 'preponderance of evidence' standard, meaning that it is more likely than not that the policy or code has been violated.

The past sexual history of the complainant and accused shall be deemed irrelevant except as that history may directly relate to the incident being considered.

An accused's use of any drug, including alcohol, judged to be related to an offense may be considered to be an exacerbating rather than mitigating circumstance.

Relationship to parallel proceedings. In general, St. Cloud State University's investigation and disciplinary procedures will precede independent of any action taken in criminal or civil courts. St. Cloud State University need not, and in most cases should not delay its proceedings while a parallel legal action is on-going. If St. Cloud State University is aware of a criminal proceeding involving the alleged incident, they may contact the prosecuting authority to coordinate when feasible. Criminal or civil court proceedings are not a substitute for St. Cloud State University procedures.

False statements prohibited. St. Cloud State University takes allegations of sexual violence, relationship violence and stalking very seriously and recognizes the consequences such allegations may have on an accused student as well as the complainant. Any individual who knowingly provides false information regarding the filing of a complaint or report, or during the investigation of such a complaint or report may be subject to discipline or under certain circumstances, legal action. Complaints of conduct that are found not to violate policy are not assumed to be false.

Withdrawn complaint. If a complainant no longer desires to pursue a complaint through the University's proceedings, St. Cloud State University reserves the right to investigate and resolve the complaint as it deems appropriate.

St. Cloud State University's discretion to pursue certain allegations. St. Cloud State University reserves discretion to decide whether to pursue alleged violations of policy under appropriate circumstances including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, or because the accused is no longer a student or employee of St. Cloud State University.

St. Cloud State University's discretion to adjudicate policy violations disclosed in investigation. St. Cloud State University recognizes that various violations of the Student Code of Conduct involve student alcohol use. St. Cloud State University reserves the right to determine whether to pursue violations of policy by students or employees other than the accused, including a complainant or witness that come to light during the investigation of an incident.

St. Cloud State University values the safety of students and voluntary participation in these procedures over pursuing each code of conduct violation. If violations emerge in situations where students have acted to protect others or have chosen to come forward either to protect another or contribute to an investigation--this will be taken into account in evaluating their conduct. In many circumstances the conduct violation of that student will be disregarded.

In order to encourage reporting of these violations, under appropriate circumstances, St. Cloud State University administrators may choose to address violations of St. Cloud State University's policies in a manner other than disciplinary action.

Sanctions. Sanctions that may be imposed if there is a finding of responsibility include, but are not limited to suspension, and expulsion of students, or in the case of employees; up to and including discharge from employment. The appropriate sanction will be determined on a case-by-case basis taking into account the severity of the conduct, the student's or employees previous disciplinary history, and other factors as appropriate.

Retaliation prohibited. Actions by a student or employee which are determined to be acts of 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.

Maintenance of report/complaint procedure documentation. Data that is collected, created, received, maintained or disseminated about incidents of sexual violence, relationship violence and stalking will be handled in accordance with the privacy requirements of the Minnesota Statutes §13 (Minnesota Government Data Practices Act), and other applicable laws.

Information on reports that are made to Campus Security Authorities shall be documented in accordance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, codified at 20 United States Code section 1092 (f). Such information will be used to report campus crime statistics on college and university campuses as required by that Act.

During and upon the completion of the complaint process, the complaint file shall be maintained in a secure location. Access to complaint file information shall be in accordance with the

applicable collective bargaining agreement or personnel plan, the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act and other applicable law and policy.

PREVENTION AND EDUCATION

Campus-wide training. St. Cloud State University requires all new students to complete an on-line workshop covering sexual violence, relationship violence and stalking in their first semester. If a student does not complete the requirement, they are not allowed to register for the following semester. The program includes a resource page with policies, procedures and resources specific to St. Cloud State University. New employees will be required to complete an educational on-line program that includes information on prevention and their roles and responsibilities in responding to incidents of sexual violence, relationship violence and stalking. Education shall emphasize the importance of preserving evidence for proof of a criminal offense, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of these crimes.

Other training and education. A number of offices provide on-going prevention and awareness education, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and risk associated with the perpetration of sexual violence, relationship violence and stalking. Information on those programs will be compiled and included in the Clery report. Brochures, posters and other means of information to decrease incidences and advise individuals of the legal and other options available if they are the complainants of an incident or they learn of such an incident will be developed and distributed by the Gender Violence Prevention Program in consultation with the Office for Institutional Equity and Access.

Training for individuals charged with decision making authority. Prior to serving as either an investigator or a decision maker for complaints under this procedure, administrators must complete investigator or decision-maker training provided by the MNSCU system office. Investigators/decision-makers and anyone else involved in the adjudication process must receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

IMMEDIATE CARE AND ASSISTANCE FOR A VICTIM OF A SEXUAL ASSAULT

The following are suggested actions for a sexual assault victim. However, St. Cloud State University recognizes that the victim has the right to decide her or his own course of action and will be supported in controlling those decisions as to avoid possible re-victimization. Staff from the Women's Center's Gender Violence Prevention Program and the Central Minnesota Sexual Assault Center specialize in victim advocacy and can assist individuals in making informed decisions.

If a victim wants to talk with a trained advocate and it is after offices on campus have closed, call the 24 hour sexual assault crisis line at the Central MN Sexual Assault Center at 251-4357 (251-help) or at 1-800-237-5090. If it is during regular business hours, the individual can call the Women's Center at (320) 308-3995 or (320) 308-4958.

For complete information on Immediate Care go to:

<http://www.stcloudstate.edu/womenscenter/default.asp>

Look for the link to the *Sexual Assault Survivor's Guide*.

Medical Attention and Evidence Collection

It is important for someone who has been sexually assaulted to receive medical care to ensure physical well-being and to obtain the collection and preservation of evidence. Even if the individual initially chooses not to report to law enforcement, it can be helpful to have an evidence exam done preferably within 72 hours of the assault so if the individual chooses to take legal action at any time in the future, the evidence can add credibility to the legal case. Seek care at a hospital trauma center closest to where the victim is. In the St. Cloud area, go to the St. Cloud Hospital Emergency Trauma Center for evidence collection. When the victim arrives at the St. Cloud hospital, a trained sexual assault advocate will be contacted immediately and a Sexual Assault Nurse Examiner (SANE) who specially trained will complete an evidence exam. If a victim wants to report to law enforcement right away, the SANE nurse will call them to come to the hospital. If a victim is not ready to make a report, the evidence exam will be stored for four years with an anonymous reporting process Note that at other hospitals, you may have to request a sexual assault advocate.

To facilitate evidence collection, the victim should not bathe or douche, urinate, drink any liquids, smoke, eat or brush their teeth. If clothing has been changed, the clothing worn at the time of the assault should be placed in a paper bag (not plastic). However, even if an individual has not been able to follow these guidelines, evidence can still be collected. According the Minnesota statute, the victim will not be billed for the evidence exam.

If the individual chooses not to go to the hospital, follow up care at St. Cloud State University Health Services is encouraged for STD treatment, pregnancy test, emergency contraception and treatment of any injuries. Health Service providers are trained to document and photograph any injuries for later evidence, but they do not do evidence exams. Follow-up care can be provided also at Planned Parenthood (320-252-9504) or a private health care provider.

Housing Issues & Safety Plans

If a student living in a residence hall needs to relocate, the Residence Life office can assist with this option. If an individual needs safe housing, an advocate from the Women's Center can assist with finding safe housing on or off campus and with developing a safety plan.

Assistance with Academic Issues

If the violence has significantly impacted a student's ability to function in their classes, an advocate from the Women's Center can discuss various options including assisting with contacting professors, processing a late withdrawal or requesting a grade of incomplete when appropriate.

SERVICES, ADVOCACY AND COUNSELING

St. Cloud State University Women's Center's Gender Violence Prevention Program provides services for victims of sexual assault, relationship violence and stalking including individual support, advocacy, information and referral, support groups and resources from a specialized loan library. Through a victim-centered philosophy, assault survivors receive non-judgmental support to direct their own healing process.

Main Number 320-308-4958

Lee LaDue 320-308-3995

www.stcloudstate.edu/womenscenter

Central Minnesota Sexual Assault Center operates a **24 hour crisis line** that is available to the campus, offers confidential counseling and advocacy, and support groups for survivors and concerned persons.

320-251-4357

<http://cmsac.org/>

St. Cloud State University Counseling and Psychological Services has licensed psychologist to provide counseling and referrals. There is a crisis counselor available every day for walk-in appointments.

320-308-3171.

www.stcloudstate.edu/counseling

Medical Services and Evidence Collection

St. Cloud Hospital Emergency Trauma Center provides medical services, evidence exams, STD treatment and when requested, emergency contraception.

1406 6th Ave. North

St. Cloud, MN 56303

320-255-5656

St. Cloud State University Student Health Services offers STD testing and treatment, emergency contraception, pregnancy testing and documentation of injuries. Call to make an appointment and tell them you have been sexually assaulted and would like to get in immediately for care.

320-308-3191

www.stcloudstate.edu/healthservices

Planned Parenthood provides high quality reproductive and related health care services including emergency contraception and medical follow-up.

451 East St. Germain Street, Suite 100

St. Cloud, MN 56304

(320) 252-9504

Anna Marie's Alliance provides services and safe housing for victims of relationship violence.

320-253-6900.
www.annamarie.org

Reporting

St. Cloud State University Public Safety Department responds to emergencies on campus, can document reports of incidences, assist in reporting to the police and make referrals.

320-308-3333

www.stcloudstate.edu/publicsafety

The Title IX Officer, Dr. Ellyn Bartges, in the Office for Institutional Equity and Access takes reports of gender violence and coordinates the adjudication process.

320-308-0135.

210 Administrative Services Building

<http://www.stcloudstate.edu/affirmativeaction>

St. Cloud Police Department

251-12

PREVENTION INFORMATION

The responsibility of preventing sexual assault lies with the person initiating sexual behavior, as that is the person who has the power to stop what he or she is doing. With this in mind these are things to consider when initiating sexual behavior:

1. Sexual assault is a crime and a violation of the Student Code of Conduct and the St. Cloud State University policy. As such, being found responsible for a student conduct code violation involving sexual violence can result in a maximum sanction of expulsion from St. Cloud State University. Additionally, criminal charges could be brought forward as well as civil litigation within the court system.
2. Because sexual assault is a crime of power and control, the most important issue to consider when engaging in sexual behavior is the **CONSENT** of the other person involved. Only a person's consent gives one the right to engage in sexual contact. Therefore, consent must be many things including:
 - Verbal and Clear: Consent cannot be assumed. One's sexual partner must freely be given opportunity to communicate his/her wishes and limits on the degree of behavior that is initiated upon them. No means no and can be communicated verbally and non-verbally. When in doubt, ask.
 - Sober and unimpaired. Consent can only be given by a person who has full control of his or her mental capacities and can understand the nature and extent of the sexual situation.
 - Consistent and prompt: Even if someone has agreed to be sexually involved with someone, that person has the right to withdraw consent at any time, even during behavior that might already be interpreted as sexual. Consent is not implied by the fact that dinner was bought for someone or

that the parties were sexually involved in the past or even if someone was seemingly “led on” by another’s behavior.

- Free of threats, physical force and intimidation. Coercion, force or threats is a willful denial of a person’s right to freely give his/her consent.

Checking in with your partner about what you are doing is a way of sharing the power and control of the situation that was initiated by you with them. This keeps the interaction an equal and safe situation for both parties.

REDUCING YOUR RISK

SEXUAL VIOLENCE

Although the responsibility of prevention truly lies with those who are initiating sexual acts, there are things that individuals can be aware of and can do to help reduce the risk of sexual assault. These are not guarantees of safety, but personal rights and best practices for a safer encounter. Always know that you have the right to determine the type of interactions and activities you feel comfortable with and to end those activities at any time. Nothing ever forfeits that right.

Be Aware of Warning Signs

While there is no perfect profile of someone who will be sexually violent, there are some warning signs. These include:

- Domineering, overly controlling
- A tendency to disregard other’s feelings and desires
- Expression of hostility towards potential partners
- The belief that certain actions entitle one to sex
- Intrusion into your personal space
- Touching you in a way that makes you feel uncomfortable

Remember the following:

- No one is ever entitled to sex. You are not obligated to perform sexual acts as payment, as a favor, or in order to be a “real man” or a “good woman.”
- You have the right to deny alcohol or other drugs at any time. Alcohol not only impairs your judgment, but can be used as a date rape drug.
- You have the right to say no at any time for any reason. If you feel your personal rights are being threatened, you have every right to take a stand and say stop.
- Going to larger parties with people you trust may help to avoid dangerous situations. Inviting another couple to go with you is another great way of ensuring that there will be others around in case you need help. Agree to watch out for each other.

- Never accept an open drink from anyone under any circumstances. Ask for a can or bottle or observe it being opened. Do not leave your drink unattended for any reason since someone can slip a drug into our drink to incapacitate you. If you suspect that you have been drugged, seek medical assistance immediately to decrease medical risks and to have a test administered that may confirm the drug in your system.
- Be aware of the location of the blue lights on campus. Push the red button to start the alarm and be able to talk with the Public Safety dispatcher.
- Use the Sundowner bus if you live in an area around campus or if you feel unsafe walking on campus call for an escort from Public Safety at (320) 308-3333.

Be Willing to Speak Up – Be aware:

THINK – DO – MAKE A DIFFERENCE

OR

Be Willing to Speak Up—Be Aware and Act with Care

- If you see a potentially dangerous situation, be willing to act, even if it means going against the crowd.
- Talk to your friends ahead of time about how they would like you to intervene if they are in an uncomfortable situation.
- Step in and separate the two people and let them know you're concerned.
- Use a distraction to redirect the focus. "Hey, I need to talk to you."
- Recruit others to help intervene.

All students can play a role in combating sexual assault by holding perpetrators accountable, supporting the rights and choices of those who have been assaulted and making full use of campus resources to educate them on this serious, yet preventable problem.

RELATIONSHIP VIOLENCE

Be Aware of Warning Signs

If your partner:

- Puts you down and humiliates you.
- Controls what you do and whom you see.
- Keeps you from going to class or work.
- Intimidates you through looks and actions or threatens you in order to scare you.
- Believes he/she has the right to dominate you and hurt you "to keep you in line."

If you answered yes to any of the questions above:

- **Talk with someone** you trust and contact a confidential resource listed in this brochure.
- **Think of a relatively safe place** in your home to go if an argument occurs. Do not hesitate to lie or pretend to go along with the abuser in order to stay as safe as possible.

- **Arrange a signal or code with a neighbor and friends** to inform them you need help.
- **Develop a personalized safety plan** with an advocate.
- **Consider filing for a protective order with the civil court.** Contact the Gender Violence Prevention Program or Anna Marie's Alliance to assist in filing the petition.

STALKING

Be Aware of Warning Signs

- Someone who calls repeatedly, sends unwanted emails constantly and then starts calling or emailing even more frequently because they are upset you did not respond.
- Comments that might seem okay from a long-term friend but not from someone you just met.
- Clingy behavior and wanting to be with you all the time.
- Someone who knows things about you that you have written in private emails or text.

Know What to Do

- Don't just assume that someone is super friendly; if they invade your personal boundaries, draw the line immediately.
- Tell a family member, a friend or a trusted campus official. Let them know what you are dealing with and who it is.
- Cut off any kind of contact with the stalker. You do not need to explain why.
- Document everything and keep texts and emails.