



## **Information Packet**



## **Responding Party**

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

**Office of Title IX**

**October 2022**

## Table of Contents

Information to Reader	3
What is Title IX?	4
Campus and Community Resources	5
Common Feelings when Accused of a Prohibited Conduct	6
Healthy vs. Unhealthy Coping Methods	7
Guidance for Friends and Family	8
Special Concern for University Students	9
Student Bill of Rights	10
What about Confidentiality?	11
Initial Reporting and Support Process	12
The Role of the Advisor	13
Role of Law Enforcement	14
International Student Frequently Asked Questions (FAQ)	16

Dear Reader,

This information packet was created because we believe information and education will assist someone who is a Responding Individual and being accused of a prohibited conduct under the University's Policy of sexual assault/sexual misconduct. We encourage you and your advisor to review these materials and identify services that may assist you going forward.

If you are the Responding Individual ("Respondent") of allegations 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.

While our goal is for these materials to provide useful guidance, we understand that some of this may be overwhelming or upsetting. Please remember to consider the confidential and professional resources are available to you in the Counseling Center or the Pastor's office.

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 responding parties of accusations of sexual misconduct. 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 allegation of sexual violence or misconduct, there can be time-sensitive decisions to be made in the event of a possible prosecution. Individuals who have been accused of sexual violence are strongly encouraged to do the following:

- **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. In addition, it is important to save any electronic communication such as texts, phone messages, social media images, etc
- **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, 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
Laura Bronsink, 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
-----------------	-----------	--------------

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	Library	585-594-6530
-----------------	---------	--------------

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

## Additional Remedies

The Title IX Coordinator can provide information on 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 when Accused of Prohibited Conduct

Emotional responses of those accused vary from person to person. Being accused of prohibited conduct can be traumatic and life-changing. It's important to remember that your responses are not crazy; they are normal reactions to a difficult situation. Below are some common feelings an accused person may experience:

## **Shock and Numbness**

An accused person may experience disbelief or denial about what happened. They may feel emotionally detached or drained. Other reactions to the emotional shock may include: crying, anger, nervous laughter, withdrawing, or claiming to feel nothing or being "fine". A person may feel overwhelmed to the point of not knowing how to feel or what to do.

## **Disruption of Daily Life**

A person may feel preoccupied with thoughts about the incident. It may be difficult to concentrate, attend class or focus on school work. A person may have trouble sleeping, changes in appetite, general anxiety or depression.

## **Loss of Control**

A person accused of prohibited conduct may feel overwhelmed. They may also feel anxious, scared or nervous and often have a difficult time concentrating. Decisions that were made easily before may now feel monumental.

## **Fear**

It's common for someone accused of prohibited conduct to fear what may happen and how their life may change. They may be afraid of what their peers or family may say about them. They may also worry about retaliation being directed at them and they may find themselves not knowing whom to trust.

## **Anger**

A person may have different reasons to feel angry. Each person varies in how they express anger. Anger may be vented in a safe and healthy ways or it may be internalized, where it may become irritability, anxiety or depression. Please take care to avoid unhealthy ways of coping with anger such as alcohol and drug use or other self-destructive behavior.

## **Isolation**

A person may isolate themselves for fear of rumors or retaliation. They may not want to bother anyone because of embarrassment and fear of others making judgments, so they don't speak of the incident or of their feelings. Also, a person may withdraw or distance themselves from family and friends.

# 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?

- Listen to you from your own point of view
- Accept you as a person
- If possible, provide an atmosphere where you can express honest feelings
- Be honest with you about how much support they can give
- Help you generate alternatives and options in dealing with the situation
- Let you make the ultimate decision about what to do
- Direct you to campus or community resources
- Realize that they, too, have been affected and see support/counseling as necessary

## What friends and family should NOT do:

- Try to tell you what to do
- Offer help and support if that offer is not genuine
- Blame the reporting party
- Assume they know how you want to be treated – they should ask you
- Rely on you to deal with their own feelings about what might have happened



# Special Concerns for University Students

## **Are you in the same class as the Reporting Party?**

It can be distracting for persons accused of prohibited conduct to attend class with the Reporting Party. Your academic career is important and we want you to feel comfortable attending class so that you may be successful. The University may assist you in altering your class schedule.

## **Are your grades suffering because of being accused?**

It may take some time to adjust after being accused and it is common to have difficulties concentrating on studying or focusing on coursework. With your permission, the school dean can contact your faculty on your behalf. Without disclosing details, they can explain that you are experiencing tremendous stress and need flexibility in meeting deadlines. We also encourage students to communicate directly with their faculty in order to limit any possible misunderstandings about expectations and requirements.

## **Do you live in the same residence hall as the Reporting 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.

## **If you tell your parents will it be more or less helpful to you?**

This is a very difficult question for persons accused. Many find it hard to disclose to their parents, but ultimately find their parents' support helpful through this process. Some fear that their family may blame them. Only you can decide if and when to tell your family. A counselor from the Counseling Center can help you process this decision and discuss the benefits and risks associated with telling your family.

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

This is a common situation since most prohibited conduct occurs between acquaintances. People will likely take sides and you may find yourself losing friends. Surround yourself with people who will support and respect you.

# 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.

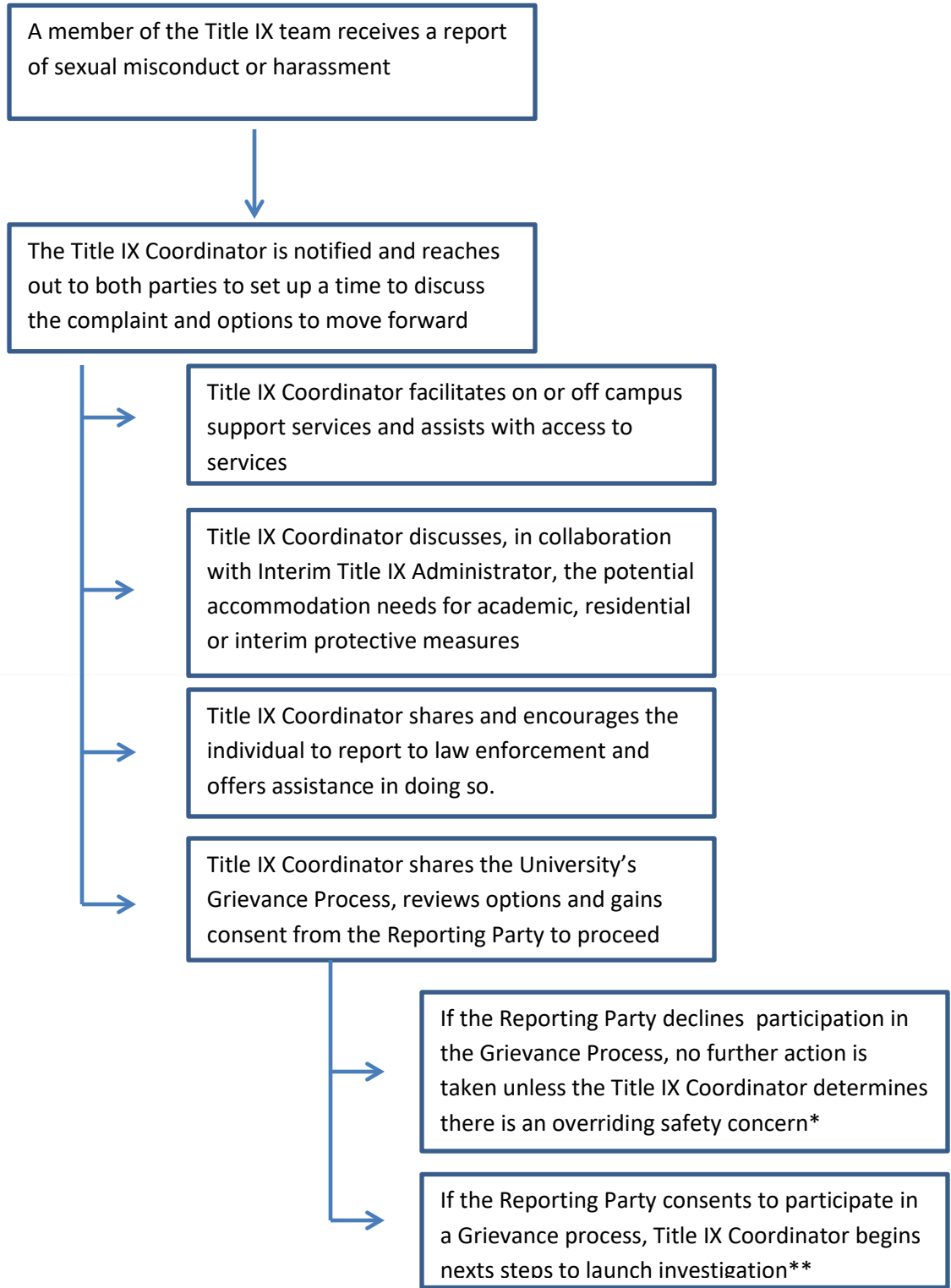
## **What if the offender is a University employee?**

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

## **Can the Reporting Party withdraw a formal complaint after it has been filed?**

Yes. The Reporting Party 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 Resolution Process. 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 Determination process?**

Yes, all parties to the Investigation and Determination 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 to 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 completely up to the Reporting Party. The Title IX Coordinator will share the various options with the Reporting Party. Some survivors say that reporting and seeking justice helps them recover and regain a sense of control over their lives. Understanding how the process works and learning more about the experience can take away some of the unknowns and help you feel more prepared.

## **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.

## **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.

## **Will the University contact law enforcement?**

If what is reported is a violent felony, New York State Law requires the University to report the alleged offense to law enforcement within 24 hours of receiving the report. The University’s Campus Safety Director will determine if an incident requires reporting. If law enforcement is contacted, the Reporting Party may choose their level of participation with law enforcement.

Depending on the facts of the case, law enforcement may decide to prosecute the matter and further participation with law enforcement may be required. Once criminal charges are initiated, charges can be withdrawn only with the proper consent of the District Attorney’s

Office. The University will act on any information law enforcement shares with the University if there is a concern for the safety of the campus community.

The University fully supports all local, state and federal laws prohibiting sexual misconduct and will cooperate with law enforcement officials who investigate such actions to the fullest extent allowed under the law. In cases reported to law enforcement, the University will coordinate its investigation and responses with those of law enforcement. A concurrent investigation will not prevent the University from conducting its own investigation and conduct processes, except for temporary delays requested by law enforcement.

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 Sexual Misconduct Policy or talking with the Title IX Coordinator.

# 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>