

**GENDER-BASED VIOLENCE:
SEXUAL ASSAULT, DATING VIOLENCE,
DOMESTIC VIOLENCE, AND STALKING**

POLICY STATEMENT

SIU is committed to fostering an environment in which all members of our campus community are safe, secure, and free from gender-based violence of any form, including but not limited to sexual assault, dating violence, domestic violence, and stalking. The University expects that all interpersonal relationships and interactions—especially those of an intimate nature—be grounded upon mutual respect, open communication, and clear consent.

SIU has adopted the following standards of conduct for all members of our community—students, faculty, administrators, staff, vendors, contractors, and third parties—with respect to sexual assault, dating violence, domestic violence, and stalking. These standards apply to all regardless of gender, sexual orientation, or gender identity of any of the individuals involved. By providing resources for prevention, education, support, investigation, and a fair disciplinary process, SIU seeks to eliminate gender-based violence.

DEFINITIONS

Consent: Consent is a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Lack of verbal or physical resistance does not constitute consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, and consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs, or other intoxicants does not diminish one’s responsibility to obtain consent.

Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his/her actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of duress, fear, threats, or violence. Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. A person’s manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

Dating Violence: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement with consideration of

the following factors: the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse.

Domestic Violence: Domestic violence is any act of violence committed a) by a current or former spouse or intimate partner of the victim; b) by a person with whom the victim shares a child in common; c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; d) by any person who is or has been engaged in a dating relationship with the victim or does or has shared a residence with the victim; or e) by any other person against an adult or youth victim who is protected from that person's acts under Illinois law. Domestic violence includes violence occurring between roommates regardless of gender or nature of the relationship.

Retaliation: Any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of sexual assault, dating violence, domestic violence, or stalking.

Sexual Assault: Sexual assault is any sexual act directed against another person forcibly and/or against a person's will or where the person in question does not or is unable to give consent for any reason.

Sexual Harassment: Sexual harassment is defined in Board of Trustees Policy 7.D.2.

All forms of sexual misconduct identified in this policy are also prohibited forms of sexual harassment. For more information about sexual harassment, please see the Sexual Harassment Policy.

Stalking: Stalking is engaging in a course of conduct, involving two or more independent actions, which threatens or endangers the health, safety, emotional welfare, or access to academic resources or employment of another person or which would cause a reasonable person to be fearful for his or her safety, health or emotional well-being and which does cause another person to be fearful for his or her health, safety or emotional well-being.

PROHIBITED CONDUCT

SIU does not tolerate, and therefore prohibits, sexual assault, dating violence, domestic violence, and stalking. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff, and other community members. Any attempt to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, is also considered a violation of this policy. Any person within the scope of this policy who engages in conduct prohibited by this policy is subject to discipline as outlined below.

RETALIATION

SIU prohibits any form of retaliation against those individuals who, in good faith, report or disclose an alleged violation of this policy, file a complaint, or otherwise participate in the complaint resolution process. Any person within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy and is subject to discipline as outlined below.

REPORTING

SIU strongly encourages all individuals to report incidents of sexual assault, dating violence, domestic violence, and stalking to University officials regardless of where the incident occurred. All University employees are obligated to report gender-based violence of which they become aware to the Title IX Coordinator, unless they have a legally recognized confidentiality privilege such as those privileges granted to physicians, counselors, and the Confidential Advisor. Upon receiving a report of an alleged violation of this policy, the University is required to provide victims of sexual assault, dating violence, domestic violence, and stalking with notification of their rights and options written in easily understandable language.

How to File a Report

A complaint of sexual assault, dating violence, domestic violence or stalking (including reports made by third parties) can be filed utilizing any of the following options:

- Contact the Title IX Coordinator
Office of Equity and Compliance
Davies Hall, Room 150
453-4807
equity@siu.edu
- Contact the SIU Department of Public Safety
Trueblood Hall
1175 South Washington Street
453-3771 (non-emergency)
911 (emergency)
- Contact Student Rights and Responsibilities
Student Services Building, Room 497
536-2338
- File a report electronically at <http://www.safe.siu.edu>

When filing electronically, the reporter/victim has the option of filing anonymously,

meaning the incident will be documented but the names of those involved will not be known. Filing anonymously, however, impedes the University's ability to respond by offering services for the survivor or taking appropriate disciplinary action against the accused.

SIU recognizes confidentiality may be particularly important to victims of sexual assault, dating violence, domestic violence, and stalking. If a victim chooses to make a disclosure to University personnel listed above, the victim should have informed expectations concerning privacy and confidentiality. The University cannot guarantee confidentiality and must evaluate any request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment. When a victim makes a disclosure to any University personnel, the University will treat the information with the utmost sensitivity and only report that information to the appropriate personnel where necessary to provide accommodations and protective measures and ensure the safety and security of the campus community.

Reporting incidents of sexual assault, dating violence, domestic violence, and stalking is necessary to ensure victims of such conduct receive appropriate services and information, to track incidents or identify patterns, to protect the SIU community from future incidents, and to fulfill the University's reporting obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

How to Ensure Confidentiality

The following resources have a legally recognized confidentiality privilege and will not disclose any personally identifiable information provided by the victim unless the victim gives permission to do so.

- Contact the Confidential Advisor
Rebecca Gonnering
Wellness and Health Promotion Services
SIU Health Center
453-4429
rebecca.gonnering@siu.edu

The Confidential Advisor can assist in evaluating options and assessing where to file a report, if at all. The Confidential Advisor can also assist with accommodations such as changing academic, living, transportation, and working situations as more fully explained below.

- Contact Student Health Services
Medical Clinic
SIU Student Health Center
453-3311
The Medical Clinic provides comprehensive medical care to currently enrolled or

eligible students, including physical examination, sexually transmitted disease screening and treatment, pregnancy testing and contraception.

SIU Counseling and Psychological Services
SIU Student Health Center
453-5371

Counseling and Psychological Services (CAPS) provides counseling services to currently enrolled or eligible students, including support and encouragement for survivors coping with the emotional aspects of surviving sexual and domestic violence.

Community Resources

- Memorial Hospital of Carbondale
405 W. Jackson Street
Carbondale, Illinois
549-0721

Memorial Hospital of Carbondale is the medical facility nearest to campus where a victim may obtain a medical forensic examination completed at no cost to the victim, pursuant to the Sexual Assault Survivors Emergency Treatment Act.

- The Women's Center
618 S. Thompson Street
Carbondale, Illinois
529-2324/1-800-334-2094

The Women's Center is a community-based sexual violence crisis center and domestic violence shelter. The Women's Center provides shelter, medical and legal advocacy, counseling and support to victims of domestic violence and sexual assault. All services are free and confidential.

- Carbondale Police Department
501 S. Washington Street
Carbondale, Illinois
457-3200 (non-emergency)
911 (emergency)

The Carbondale Police Department investigates sexual violence and domestic violence which occur outside of campus but within the city limits of Carbondale. Reports made to the Carbondale Police Department will be provided to the University Title IX Coordinator.

Other ResourceS

- National Sexual Assault Hotline
1-800-656-4673 (HOPE)

INVESTIGATIONS

After an incident of sexual assault, dating violence, domestic violence, and/or stalking the victim should consider seeking medical attention and/or law enforcement assistance as soon as possible. Collection of evidence related to the crime, including a sexual assault medical examination, is critical for any investigation. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. University officials will assist a survivor with notifying law enforcement if requested.

Regardless of whether the survivor chooses to report an incident to law enforcement, the University will investigate those incidents which are reported to it, unless the survivor chooses not to go forward with an investigation and the Title IX Coordinator determines there is no ongoing threat to the campus community. Investigations will be conducted according to the Discrimination (Including Sexual Harassment) Complaint and Investigation Procedures, , and, in the case of an accused student, the Student Conduct Code.

Summary of Complaint Resolution Procedures

If a report is made to the University (other than the confidential options listed above), the Office of Diversity and Equity (ODE) will be notified. An investigator from ODE will contact the survivor for an interview to discuss the incident as well as refer the victim to available resources. If the survivor decides to proceed with an administrative investigation, or if the University determines it must investigate because there is a potential ongoing threat to the campus community, the investigator will document the complaint in writing and notify the respondent (accused) of the investigation. ODE will also contact local police agencies if a police report has been made. The respondent will have the opportunity to read the complaint and respond. Both parties will be asked to submit names of potential witnesses and any relevant written evidence ODE may also identify witnesses and other evidence independently. Witnesses will be interviewed and any available written evidence will be reviewed. The investigator will write a report of the investigation and submit it to the Title IX Coordinator, who will make a decision as to whether University policy has been violated. Both parties will have the opportunity to appeal the decision. If a determination is made that a violation has occurred in the case of a student respondent, the decision will be sent to Student Rights and Responsibilities for a hearing and sanctioning, if appropriate. If a determination is made that a violation has occurred in the case of a faculty or staff member, the decision will be sent to the Vice Chancellor over the department responsible for discipline of that respondent.

AMNESTY

For a student who reports, in good faith, an alleged violation of this policy to a University employee, the University is required to include an amnesty provision in this policy and will not sanction the reporting student for a student conduct violation that is revealed in the course of the investigation unless the University determines the violation was egregious such as an act that places the health or safety of another person at risk. Whether to make a charge for a violation of the Student Conduct Code is within the discretion of Student Rights and Responsibilities.

SANCTIONS

In appropriate cases, complaints will lead to the initiation of disciplinary procedures as referenced above. For students, sexual assault, dating violence, domestic violence, and stalking are violations of the Student Conduct Code, subjecting the respondent to disciplinary sanctions outlined in the Code, up to and including expulsion from the University. Employees who violate this policy will be subject to discipline according to the applicable collective bargaining agreement and/or the applicable University policies and procedures, up to and including termination of employment.

ASSISTANCE FOR VICTIMS

The University will provide interim protective measures and accommodations when a student or employee reports to the institution that they have been a victim of sexual assault, dating violence, domestic violence, or stalking. The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the University and in the community. The University will also provide assistance in changing academic, living, dining, transportation, and working situations and obtaining University no contact orders. The University will honor orders of protection issued by the state court. The University will make such accommodations if the victim requests them and if they are reasonably available.

EDUCATION AND PREVENTION

The University will conduct sexual violence primary prevention and awareness programs for all students and new employees and ongoing awareness campaigns related to prevention of sexual assault, dating violence, domestic violence, and stalking for all students and employees. These programs shall include a statement that the University prohibits sexual assault, dating violence, domestic violence and stalking; the definition of these offenses as well as the definition of consent; safe and positive options for bystander intervention an individual may take to prevent harm or intervene; and recognition of signs of abusive behavior and how to avoid potential attacks.