FREQUENTLY ASKED QUESTIONS (faculty/staff)

Who is required to report?

Are any staff exempt from that requirement?
Only specifically designated staff in Counseling and CSB Health Services are considered confidential resources and therefore are not required to report.

Are monastic folks required to report?
Members of the monastic community who hold positions within the College/University or serve a role within the institutions are required reporters. The only exception is for a staff member who may be hearing confessions in their official clergy role. In this case, the information shared with the clergy member is protected by the seal of confession.

Are students required to report?
In general, students are not required reporters under Cleary, Title IX or VAWA. Some students, who serve in positions with significant responsibility for student and campus activities, such as RAs, are required reporters. There are not many other student positions that would meet this threshold of responsibility. Most of the laws and federal regulations focus on employees.

What if the student coming to me is not the student who experienced the unwanted contact but a friend or acquaintance?
Your responsibility and roles remain the same.

What is the primary purpose of the report?
The primary purpose of the report is to be able to serve the student in the best capacity possible. Students may need support, accommodations, resources, and referrals. Most faculty and staff are not trained in how to address incidents of sexual misconduct and do not keep up with best practices on how to best serve students who have these experiences.

Your report to the Deans or any other member of the Title IX team does not activate a complaint process or obligate the victim/survivor to participate in any process. CSB and/or SJU have a legal obligation to respond in a timely and appropriate manner. They will contact the individual to let them know what their options are, what resources are available, offer support and guidance, and whatever else seems appropriate. Most often, any decisions about how to move forward will be up to the victim/survivor. There are instances where the institutions have to move forward without their participation. If the safety of other members of the community is at risk, CSB and/or SJU have a responsibility to act in pursuit of that safety.
When did this requirement of reporting come into effect?

Title IX of the Education Amendments of 1972
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or
Clery Act, signed in 1990

- A “Campus Security Authority” is a official of an institution who has significant
  responsibility for student and campus activities, including, but not limited to,
  student housing, student discipline and campus judicial proceedings. An official
  is defined as any person who has the authority and the duty to take action or
  respond to particular issues on behalf of the institution.

Additionally, the CSB/SJU Sexual Misconduct Policy requires all employees (faculty and
staff) to report knowledge they have regarding incidents of sexual misconduct.

What information is required in a report?

Whatever information you have regarding the situation is what you would report to the
appropriate Dean of Students. But, you can have an initial conversation with the Dean
regarding the situation to ask what information should be reported and what the student
is willing to have reported. The Dean will help you determine exactly what is needed.

Can I report anonymously?

No, you cannot report anonymously. But, you can, at least initially, report the situation
without reporting the name of the student who disclosed the incident to you.

Does it matter if the student lives on or off campus? Does it matter if
the incident happened on or off campus?

Since the primary reasons for reporting are to offer appropriate resources to the student
and to help guide you in your handling of the situation, it does not matter where the
student lives or where the incident happened.

Do students get in trouble for alcohol and/or drug use that may be
part of a sexual misconduct incident?

CSB and SJU strongly encourage students to report instances of sexual misconduct.
Therefore, any student who makes a good faith report about sexual misconduct and/or
who participates in an investigation into allegations of a violation of the Policy will not be
disciplined by CSB or SJU for any violation of the institutions’ drug, alcohol, or open
house policies in which they might have engaged in connection with the reported
incident.
Does this reporting requirement hold true if it is something that happened a long time ago? What is the statute of limitations on these episodes or instances of disclosure?

If the situation involved a current student, the Deans would appreciate hearing about it, including those that did not happen recently. If students are bringing it up, they may be in need of resources or there may be other policies (such as the Child Protection Policy) that might apply.

There are some limitations to when an actual complaint from the victim/survivor can be investigated. Of course, students who experience sexual misconduct are encouraged to begin the complaint proceeding as soon as possible following an alleged incident. But, that is not always possible for a variety of reasons. If a complaint is brought forward more than three (3) calendar years after an alleged incident, the Lead Title IX Coordinator(s) or their designee(s), in their discretion, may decline to process a complaint under the sexual misconduct policy procedures, but reserve the right to take other administrative action as appropriate, depending on the specific circumstances of the complaint. Complaints brought forward more than three (3) calendar years after the alleged incident will generally be addressed under the sexual misconduct procedures if the complaint involves a party who is still a member of our community.

How do I learn about how many incidents there are on our campuses?

There are several sources of reported sexual violence.
- General Health Survey – soon to be reported in the Campus Climate Sexual Violence Survey. [http://www.csbsju.edu/chp/health-promotion/general-health-surveys](http://www.csbsju.edu/chp/health-promotion/general-health-surveys)
- State of Minnesota Sexual Assault Data Report [http://www.ohe.state.mn.us/sPages/SADR.cfm](http://www.ohe.state.mn.us/sPages/SADR.cfm)

Who do I contact if I have more questions about the reporting requirement and process?

CSB Dean of Students – Jody Terhaar [iterhaar@csbsju.edu](mailto:iterhaar@csbsju.edu)
SJU Dean of Students – Mike Connolly [mconnolly@csbsju.edu](mailto:mconnolly@csbsju.edu)

Do CSB or SJU report sexual assault incidents to law enforcement?

No. The decision to report to law enforcement belongs to the victim. We will not disempower or cause further harm to a victim by taking this decision away from him or her.
Members of the community who believe they have been subject to criminal sexual misconduct (or who believe that another crime has occurred) are strongly encouraged to notify Campus Security at CSB or Life Safety Services at SJU and/or local law enforcement authorities immediately so that the alleged perpetrator can be apprehended if still in the area and so that law enforcement is able to gather evidence. Time is a critical factor for evidence collection and preservation. Victims should be aware of the importance of preserving evidence, which may be necessary to the proof of criminal sexual assault, domestic violence, dating violence, or stalking, or to obtain an order of protection. CSB Campus Security Office and SJU Life Safety Services are available to assist an individual who wants to make a report to law enforcement. In addition, the CSB Campus Security Office, SJU Life Safety Services, or local law enforcement can ensure that the individual has access to appropriate medical treatment and tests, crisis counseling, information, and other support services.

Reporting an incident of sexual misconduct to law enforcement is not necessary to proceed with a complaint process under the CSB/SJU Sexual Misconduct Policy.

What does the investigative process look like?

- An allegation of sexual misconduct is made.
- If it meets the definition of sexual assault, the case is referred to an outside investigator. If the incident meets the definition of other types of sexual misconduct, an internal investigation ensues.
- The outside investigator interviews the complainant, the respondent, and witnesses provided by those involved.
- The investigator produces a report.
- The complainant and respondent are able to present a written response to the report.
- The complainant and respondent are able to present a rebuttal to the other person’s response.
- The report and responses then go to an adjudication panel who must determine if a policy violation occurred (did sexual contact occur and was there consent for that sexual contact.)

What are the possible disciplinary outcomes?

**Sanctions for students:** The purpose of sanctions will be to ensure the health and safety of our campus communities by preventing the recurrence of problematic behavior and addressing its effects including the effects of the violation on the complainant. In determining sanctions, the Deans of Students (or their designees) may consider a variety of factors, including but not limited to, the type and severity of misconduct, the
weight of the evidence, and the respondent's complete disciplinary record. Possible sanctions can include any one or more of the following:

**Expulsion:** the permanent disenrollment of the student from the institution.

**Suspension:** the disenrollment of a student for a specific period of time. Students who are suspended from the institution(s) generally may not be present on the premises of the College of Saint Benedict or Saint John's University for the period of the suspension or leave and may be subject to other conditions as well. Suspension is also an interim measure that may be taken while an investigation is being conducted.

**Other sanctions include:** disciplinary probation, no contact or limited contact directive, required assessment and/or counseling, required attendance at educational programs, restitution, community service hours, restriction of privileges, administrative referrals, behavioral contracts, reflection paper, and/or written warning.

**Who makes the final decision on violation of policy?**

The adjudication panel makes the final decision on violation of policy using the standard of “preponderance of evidence” also known as “more likely than not”. This is the same standard used in civil court but different than the standard of “beyond a reasonable doubt” used for criminal cases.

**Who makes the final decision on disciplinary outcomes?**

The Deans of Students determine the sanctions to impose if a student is found responsible for violating the sexual misconduct policy.

**Is there an appeals process? Who makes the final decision on any appeals?**

Upon receiving the notice of determination (the decision of the adjudication panel and sanctions, if the respondent is found responsible), both the complainant and respondent have the right to appeal. Appeals may be made on either or both of the following grounds:

- New or newly discovered evidence that may substantially affect the outcome of the adjudication; or
- There was a procedural error which substantially affected the outcome of the adjudication.

Disagreement with the finding of the Adjudication Panel does not constitute a procedural error and is not grounds for an appeal.

The Vice Presidents for Student Development (or their designees) serve as the appeal officers and make the final decision on any appeal.
Who do I contact if I have more questions about the investigative or disciplinary process?

The facilitator of the process would be the CSB and SJU Deans of Students, Jody Terhaar and Mike Connolly.

Will the reporting posters go up in other locations besides classrooms?

The reporting posters are available for offices and other locations that seem appropriate.

How can I get more posters or cards?

Lori Klapperich (lklapperich@csbsju.edu)  363-2587 (SJU) or 363-5753 (CSB)

What do I do if someone clams up and doesn’t fully disclose after I tell them I am a required reporter and what that means?

They have the right to not fully disclose. You have the obligation to tell them what you are required to do with the information you do have. You could also encourage them to seek out a confidential resource as well as contacting the Dean of Students for additional support and resources. You can also follow up with the student at another time to see if they are ready to talk with you further.

What if I am just hearing rumors or talk of sexual violence?

You are not obligated to report rumors or talk but please don’t ignore. This is an opportunity for you to intervene to ask what is being discussed, why it is being discussed and find out what is at the heart of the talk. If they end up talking about a particular case – please remind them that it would be very unusual for them to know the whole story and even if they are trying to be supportive of a friend, they should not be part of rumor mongering. If they are joking or making disparaging remarks in a way that makes light or fun of sexual violence, let them know you find that inappropriate. In either case and probably for many other examples, a simple statement like “Sexual violence incidents affect those involved very profoundly and have far reaching consequences.” If the talk seems to be a pattern of behavior, feel free to contact either of the Deans of Students, Lori Klapperich, or other members of the Title IX team to assist you in how to approach the situation.
What education/training are students getting regarding the issues of sexual violence, consent and its prevention?

Current student programs include:

**Think About It** on-line course (sexual violence and alcohol related issues). Designed to have incoming first year students complete before they get to campus.

**Orientation** (KSDZ-Professor Kari-Shane Davis Zimmerman presentation)

- Harm no one
- Own your actions!
- Use common sense
- Speak up!
- Everybody matters

Every first year receives a packet of information regarding sexual misconduct policy and related materials.

**A discussion-based presentation** on “Healthy Personal Relationships” facilitated by Dr. Kari-Shane Davis Zimmerman talks openly about the hookup culture present on the CSB/SJU campus and what that means for young women’s sense of self, understanding of CSB/SJU “social scripts” and ways to avoid the “whoever cares less game,” as well as positive ways to think about healthy personal relationships (friendships and romantic) in the midst of a hookup culture. “Healthy Personal Relationships” has also been developed and implemented for first year men that serves as a platform for future discussions on the topic in the residence halls.

**CAFÉ Initiative** (Collaborate, Advocate, Facilitate, and Educate to Reduce Behaviors related to Sexual Violence) (formerly student developed sexual assault initiatives)

- **First Year Discussion Program** Upper Class trained facilitators discuss issues of personal values, college expectations, alcohol, sex, and consent with first year students (gender specific).

- **Coordination/Collaboration Group** Bring together student organization who share a common interest in sexual violence related efforts to discuss programs as well as overall barriers and motivators to reduce duplication of efforts and promote and support all programs.

**Bystander Intervention**

CSB and SJU describe themselves as communities that are caring, hospitable, and welcoming. And still, even in these communities, we have language, attitudes, actions, and behaviors that can lead to or possibly cause problematic, if not dangerous situations. To truly be campuses with healthy and caring attitudes and practices and have a culture that is civil, respectful, and non-violent, we need community members who are ready, willing and able to intervene in inappropriate, high risk, or problematic situations. Engaging community members in
intervening is the goal of the two-hour CSB/SJU bystander intervention program. Approximately 20% of CSB/SJU students have completed at least one bystander intervention program in each of the past two academic years. Sexual Violence specific programs are available or a more general program that includes some sexual violence components.

**CERTS Team**
Promotes consent, equality, respect, talking and safety through population-based media campaigns and activities throughout the year.

**Focus Areas of Sexual Violence**
- Definitions
- Myths/Realities
- Alcohol Risks
- Bystander Intervention
- Empathy for and Healing of Survivors

**Informational Ads** in newspaper – sometimes also in poster format
Addressing definitions, myths, facts, and statistics

**Sexual Assault Awareness Week:** (annual awareness week the first week in April)
Activity Examples include:

- **“Resource Tabling”** – Local resources, print material available for students
- **“Red Flags”** – information about national, state, and local prevalence of sexual violence
- **“Outside Speaker”**
- **“Journey through Healing”** – an interactive walk-through display that allows the participant to experience student survivor stories, bystander intervention examples, activities designed to help them understand the feelings of victims, videos that describe consent, victim blaming and other issues surrounding sexual violence, as well as facts and statistics.
- **“Clothesline Project”** – Opportunity to decorate a shirt with words or objects that support a survivor of sexual or domestic violence or provide a message of hope and support.