

## **Sexual Misconduct Policy (including cases of sexual assault, dating violence, domestic violence, and stalking)**

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Fontbonne University is committed to promoting an environment that supports its educational mission and preserves the safety and dignity of its members. All members of the University share responsibility for fostering this environment by adhering to standards of conduct. Sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, is a serious violation of these standards. Sexual misconduct is also a form of sexual harassment as prohibited by Title IX of the Education Amendments of 1972 and the University's Policy on Discrimination and Harassment as found in the Student Handbook. The University will, as with any form of sexual harassment, take appropriate steps to prevent the recurrence of any sexual misconduct, and to correct its discriminatory effects on the complainant and others. The University will not tolerate any form of sexual misconduct or relationship violence as covered in this policy.

This Sexual Misconduct Policy is directed toward the following goals:

1. To provide prompt and compassionate support for survivors or anyone adversely affected by sexual misconduct
2. To foster a climate on campus in which reports of sexual misconduct are encouraged
3. To educate members of the campus community to recognize and report sexual misconduct
4. To provide a framework of action in which reports of sexual misconduct are consistently and fairly investigated and in which the interests of all parties are respected.

Fontbonne University, in accordance with Title IX, prohibits retaliation against anyone who either opposes unlawful discrimination, assists or participates in an investigation of a complaint of discrimination, or exercises that person's rights under any law that forbids discrimination. Examples of retaliation include, but are not limited to, intimidation, threats, stalking, coercion, or discrimination, whether in person, via social media, or through third parties.

### **Scope of the Policy**

This policy applies when the accused is an enrolled student of the University and is subject to its disciplinary process. Ordinarily, trained staff in Student Affairs will conduct the investigation whenever the accusation of sexual misconduct involves a student and per the procedures contained within the current Code of Student Character and Conduct. If the accused is not subject to the University's disciplinary process, Clayton police or other appropriate jurisdictions can be notified, if deemed appropriate. If the accused is a member of the faculty, staff or affiliated third party, any report of sexual misconduct will be investigated using the University's Title IX process to investigate claims of harassment or discrimination.

The requirements of this policy are without regard to the sexual orientation or preference of individuals engaging in sexual activity or sexually exploitative behavior.

All inquiries regarding the application of policies for the prevention of sexual harassment or sexual violence under Title IX should be referred to Fontbonne's Title IX Co-Coordinators:

Vice President for Finance and Administration  
Fontbonne University  
6800 Wydown Boulevard  
St. Louis, MO 63105  
Phone: (314) 719-8017  
Fax: (314) 719-8023

Director of Academic Services  
Fontbonne University  
6800 Wydown Boulevard  
St. Louis, MO 63105  
Phone: (314) 719-3627  
Fax: (314) 719-3614

## **Options for Assistance Following an Incident of Sexual Misconduct**

### **If you are a victim of sexual misconduct, consider the steps below:**

1. Find a safe location away from the perpetrator. Ask a trusted friend to be with you for moral support.
2. Know that what happened is not your fault.
3. Preserve all evidence of the attack.
  - a. Do not bathe, wash your hands, brush your teeth, eat, or smoke.
  - b. If you are still in the location at which the crime occurred, do not clean or straighten up or remove anything.
  - c. Write down all the details you can recall about the attack and the perpetrator.
4. Speak to a confidential, licensed counselor in the Fontbonne Counseling and Wellness Department
  - a. The only University resource that affords complete confidentiality is speaking with a licensed counselor in the Counseling and Wellness Department. Below is the contact information for this individual:
    - i. Director of Counseling & Wellness, (314) 889-1434
5. Report the incident to one of Fontbonne University's Reporting Contacts, which include,
  - a. Any Fontbonne University Public Safety Officer
  - b. One of the following members of the Fontbonne Student Affairs staff:
    - i. Vice President for Student Affairs
    - ii. Associate Vice President for Student Affairs
    - iii. Director of Residence Life
    - iv. Director of Leadership Education and Student Activities
  - c. Fontbonne Title IX Coordinators
6. Report the attack to law enforcement immediately. Local authorities can be reached by calling 911 in most areas throughout the U.S.

- a. If you want more information, contact the National Sexual Assault Hotlines at (800) 656-HOPE or by visiting [www.online.rainn.org](http://www.online.rainn.org). A counselor can help you understand the reporting process.
  - b. You may also report the attack to Fontbonne's Department of Public Safety (DPS). For immediate assistance, call (314) 889-4596.
7. Seek medical care as soon as possible. Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted disease (women may also be at risk for pregnancy).
  - a. To find a local hospital or healthcare facility that is equipped to collect forensic evidence, contact the National Sexual Assault Hotline (800.656.HOPE). The hotline will connect you to your local crisis center, which can provide information on the nearest medical facility, and in some instances, may send an advocate to accompany you through the evidence collection process.
  - b. Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE).
  - c. If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.
8. Recognize that healing from an attack takes time. Give yourself the time you need and know that it is never too late to get help.
9. Consider the interim measures and offers of accommodation that the university will provide as discussed in the “Interim Measures” section of this Sexual Misconduct Policy.

Additional resources to consider:

If you feel that you're in immediate danger ON campus, please contact the Department of Public Safety by calling (314) 889-4596.

If you feel that you're in immediate danger OFF campus, contact your local police department by calling 911.

## **Interim Measures**

The University will take steps to protect the complainant as necessary, including taking interim steps before the final outcome of an investigation. These steps can include, but are not limited to, measures to eliminate contact between the complainant and the respondent, including a change in academic, living or work situations as appropriate. The University will also be responsive to reasonable requests for accommodation of the complainant. The University will also cooperate with the local police department and any other legally authorized entity in enforcing orders of protection, no contact orders, restraining orders or similar lawful orders issued by a criminal, civil, or tribal court.

## **Definitions**

### **Consent**

Consent is a clear and freely given agreement for sexual contact.

- Consent is an ongoing process – consent to kissing does not necessarily mean consent to other sexual activity.
- Consent may be withdrawn at any time.

- Also, consent to sexual activity on one occasion does not necessarily mean continual consent – everyone involved must give and receive consent to sexual activity every time, even when involved in a long-term relationship or marriage.
- Saying nothing is not the same thing as consent, and non-resistance is not the same thing as consent.
- In order for consent to exist, everyone involved must be fully conscious, aware of the situation and free of any coercion.
- Anyone under the age of 18 is a minor, and is considered incapable of giving informed consent.

### **Coercion**

Coercion is any kind of pressure or persuasion used to influence a person’s decision to engage in sexual activity. Coercion can be physical, verbal, or emotional.

- Physical coercion is the most recognizable kind of pressure and includes actions such as holding someone down or continued kissing or sexual activity even when being told “no” or being pushed away.
- Verbal coercion includes behaviors like threats of physical violence, blackmailing, lying, name-calling, or asking repeatedly for sexual involvement even after being told “no.”
- Emotional coercion is the most subtle type of pressure and includes actions like making someone feel obligated or guilty for not wanting to engage in sexual activity using peer pressure, threatening to break up, etc.
- Sexual assault can happen to both men and women, and both men and women can be sexual assailants. It also can happen between people of the same sex.
- Sexual assault can occur between strangers or people who know each other, even those who are in a long-term relationship or married.

### **Dating Violence**

Violence committed by a person: a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship;
- the frequency of interaction between the persons involved in the relationship.

### **Domestic Violence**

Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

### **Sexual Assault**

Sexual assault is any sexual contact, including but not limited to intercourse (rape) that occurs without **consent** and/or through **coercion**.

Sexual assault is not about sex or an assailant's sexual desires. It's about exerting power and control over another person. This means that regardless of how someone dresses or acts, or where, or how, they choose to spend their time, ***a person who is sexually assaulted is never to blame for the assault.*** The only person responsible for the assault is the assailant.

### **Sexual Violence**

Sexual violence is a non-consensual conduct of a sexual nature. Anyone can be a victim or a perpetrator, regardless of age, gender, sexual orientation, ethnicity, education, race, religion, or ability. Sexual violence can be committed by strangers or a person familiar to you, including an intimate partner.

### **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for his or her safety, or the safety of others; or
- suffer substantial emotional distress.

### **Reporting**

The University encourages survivors or anyone adversely affected by sexual misconduct to talk to somebody about what happened so that they can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a victim's confidentiality.

The only University resource that affords complete confidentiality is speaking with a licensed counselor in the Counseling and Wellness Department. Below is the contact information for this individual:

Director of Counseling & Wellness, (314) 889-1434

While a student is encouraged to report an incident to a person of her/his choice, the University has designated the following Reporting Contacts to receive reports of sexual assault or relationship violence. All other University employees, if made aware of an incident of sexual misconduct, are required to report the information to a Reporting Contact designated by the University. These Reporting Contacts are individuals at the University who have been designated to receive a report of sexual assault or relationship violence. The designated Reporting Contacts are:

1. Any Fontbonne University Public Safety Officer
2. One of the following members of the Fontbonne Student Affairs staff:
  - a. Vice President for Student Affairs
  - b. Associate Vice President for Student Affairs
  - c. Director of Residence Life
  - d. Director of Leadership Education and Student Activities
3. Title IX Coordinators

## **Confidentiality**

The University will treat information that it receives in a manner that respects both the Reporting Party and the Accused Party. Recognizing that sexual assault can include criminal acts that violate the security of the entire campus community, there may be instances where the University has a responsibility to investigate or disclose information regarding the circumstances related to a specific incident. Campus and Reporting Party safety considerations will be balanced with the privacy interests of all involved, as well as the applicable legal requirements, when making decisions regarding such investigations and disclosures. The University's ability to act to protect the interests of the Reporting Party and other Students is limited by the information provided to it. The University's ability to respond to a report of sexual assault may be limited if the Reporting Party insists that his or her name, or other identifiable information not be disclosed. The University will evaluate a request for anonymity in the context of its responsibility to provide a safe and non-discriminatory environment for the campus community. Additionally, while the Reporting Party is under no obligation to reveal the identity of the Accused Party, the Reporting Party will be encouraged to do so in the interest of protecting all members of the University community and preventing future incidents of sexual assault.

## **Amnesty for Individuals Reporting Violations of this Policy**

The University strongly encourages students to report incidents that may violate this policy. Therefore, an individual student who reports alleged incidents of sexual misconduct, participates as a witness in sexual misconduct investigations, or seeks medical assistance for his/her self or another will not be subject to disciplinary sanctions for consumption or possession of alcohol or other substances in connection with the reported incident.

## **Procedural Items**

**Evidentiary Standard** - Responsibility will be determined by a preponderance of evidence standard, or one in which it is more likely than not that a sexual misconduct occurred.

**Safeguards** – In cases involving alleged sexual misconduct, both the complainant and the respondent:

- Are entitled to the same opportunities to have an adviser present during a campus disciplinary proceeding or related meeting
- Shall be informed simultaneously of the outcome of the proceeding, in writing.
- Will have an equal opportunity to present relevant witnesses and other evidence.
- Will be afforded similar and timely access to any information to be used during the disciplinary hearing.
- Are entitled to a prompt, fair, and impartial investigation and resolution
- Are entitled to a disciplinary process conducted by officials who 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.

**Possible Outcomes** – Possible outcomes include the range of disciplinary sanctions and outcomes listed within the Code of Student Character and Conduct in the Student Handbook. Mediation is not an appropriate process for cases involving sexual misconduct and will not be an option for such cases.

**Time Frame** – As with any disciplinary case under the Code of Student Character and Conduct, the University will provide for prompt and equitable resolution of the complaints, utilizing the timeframes as listed in the Code of Student Character and Conduct procedures in the Student Handbook. Except in extraordinary circumstances, the University will conclude its investigation and conduct process within sixty (60) calendar days following receipt of a complaint.

**Appeal Process** – An appeal process, as explained in the Code of Student Character and Conduct in the Student Handbook, is available to both parties.

## **Prevention and Education**

Fontbonne University provides the following educational programs and training opportunities to help students and staff understand how to recognize and report sexual misconduct

### **Consent and Respect**

Online training tool used to educate Fontbonne University's campus about policies and resources regarding sexual misconduct.

### **Green Dot Training (Bystander Intervention)**

Bystander-intervention-based training process that emphasizes the community response aspect in order to reduce violence on campus.

### **OkSOBERfest**

Interactive Fall activity that attempts to educate participants about alcohol's influence on varying body types and genders, demonstrates perception challenge through the utilization of impairment goggles, and challenges social norms of the alcohol culture through various activity booths. (BACCHUS materials provided)

### **Safer Spring Break**

Interactive Spring activity, similar to OkSOBERfest (above), provides a general perspective in its approach to challenge social norms of the alcohol culture; however, special emphasis is giving to providing safety lessons and tips for international and domestic travel during Spring Break. (BACCHUS materials provided.)

### **Step UP! (Bystander Intervention)**

Bystander-intervention-based training process, similar to Green Dot Training (above), that targets alcohol bias, mental health, and general alcohol culture concerns.

### **Students Thinking and Acting Responsibly and Safely (STARS)**

Part of the NCAA CHOICES grant, student-based initiative that focuses on peer relationship interactions.

### **Sexual Assault Awareness Month in April**

*Denim Day*: collaboration between the Department of Counseling and Wellness and student-led **SHESA**, community activity that challenges social norms regarding misconceptions about rape.

*Additional programs may become available to the campus community throughout the year.*

## **Campus Resources**

### **Student Resources**

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#### **Counseling**

To schedule an appointment with Claudia Charles, M.A., L.C.S.W. counselor:

Call Mary Asaro at (314) 889-4516

Email: [MAasaro@fontbonne.edu](mailto:MAasaro@fontbonne.edu)

Visit: Student Affairs Office

Location: Medaille Hall First Floor

Hours: 8:30am - 4:30pm (Mon-Fri)

For after-hours support, please contact the Department of Public Safety (information below), who will contact a Fontbonne counselor for immediate assistance.

#### **Public Safety**

Resources regarding campus safety may be found by visiting the Department of Public Safety (DPS) online. For immediate assistance, call (314) 889-4596.

#### **Campus Ministry**

Lori Helfrich

Call: (314) 719-3663

Email: [LHelfrich@fontbonne.edu](mailto:LHelfrich@fontbonne.edu)

#### **Student Affairs**

Further information regarding student services and resources may be found by contacting the Department of Student Affairs as well:

##### **Mary Asaro**

Call: (314) 889-4516

Email: [MAasaro@fontbonne.edu](mailto:MAasaro@fontbonne.edu)

##### **Joe Deighton**

*Vice President of Student Affairs*

Call: (314) 889-1410

Email: [JDeighton@Fontbonne.edu](mailto:JDeighton@Fontbonne.edu)

Visit: Student Affairs Office

Location: Medaille Hall First Floor

Hours: 8:30am - 4:30pm (Mon-Fri)



## **Residential**

Students may always approach situations of concern with a Resident Assistant (RA); however, both the Residence Hall Director (RHD) and Director of Residential Life are also available for appointment.

Residence Hall Director: (314) 719-3603

Director of Residential Life: (314) 889-1429

## **Off-Campus Resources**

- St. Mary's Hospital: call (314) 768-8000
  - Sexual assault nurse examiner will be available.
- YWCA St. Louis Regional Sexual Assault Center: call (314) 726-6665
  - Rape Hotline: call (314) 531-7273
    - *A 24-hour hotline providing support on the phone or in person, information, resource, and survivor support services.*
- Alternative to Living in Violent Environments (ALIVE): call (314) 993-2777
- Crime Victim Advocacy Center of St. Louis: call (314) 652-3623
- Legal Advocates for Abused Women (LAAW): call (314) 535-5229
- Life Crisis (24-hour hotline): call (314) 647-4357
- No More
- Safe Connections: call (314) 531-2003
  - *A 24-hour crisis hotline available to assess safety needs and provide emotional support. Interpreters in over 140 languages are available. Counseling and support services are also available.*
- St. Louis County Local Domestic Violence Resources
- St. Louis Domestic and Family Violence Council Resources For Domestic Violence Victims
- UMSL Center for Trauma Recovery: call (314) 516-5391
- United Way Information and Referral Service: call (314) 421-4336
- Victim Service Council, St. Louis County: call (314) 615-4872
- Women's Safe House: call (314) 772-4535

## **Right to Alternative Complaint Procedures**

A student's complaints of discrimination on the basis of race, color, religion, age, gender, gender orientation, national or ethnic origin, or disability, including complaints of racial, sexual or other unlawful harassment, may be filed with the:

U.S. Department of Education

Office for Civil Rights

8930 Ward Parkway, Suite 2037

Kansas City, Missouri 64114

Phone: (816) 268-0550; TDD: 1 (800) 437-0833; E-mail: [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).