

Sexual Misconduct (including sexual assault, relationship violence, domestic violence, sexual harassment, stalking, and retaliation)

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, relationship violence, domestic violence, sexual harassment and stalking, is a serious violation of these standards and is prohibited by Fontbonne University. 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 correct its discriminatory effects on the complainant and others. The University will not tolerate any form of sexual misconduct or relationship violence as addressed in this policy.

This Sexual Misconduct Policy is directed toward the following goals:

1. To provide prompt, 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 and supported
3. To educate members of the campus community to recognize and report sexual misconduct
4. To provide a framework in which the needs and decisions of all parties concerned are central in determining further administrative response and assistance and where reports of sexual misconduct are promptly, thoroughly, and fairly investigated.
5. To protect the rights of the reporting party, the accused party, and other parties involved in or affected by the situation.

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 to all behavior in which the accused party is a student, faculty, staff, or non-university affiliated party. When the accused is a Fontbonne student, trained staff in Student Affairs will conduct the investigation and resolution per the procedures contained within the current Code of Student Character and Conduct. When the accused is a faculty or staff member, the alleged misconduct will be investigated and resolved per the procedures in the Institutional Policy on Discrimination and Harassment. In the event that the accused party is a third party or other non-university affiliated party, Fontbonne will take appropriate corrective action and determine the appropriate manner of response consistent with the goals of this policy. Law enforcement will be contacted if and when appropriate.

This policy also applies to all acts where the conduct occurs on campus, occurs in the context of university programs or employment; or occurs off campus and has continuing adverse effect on the campus or university in the context of university programs or employment.

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 Coordinator or Deputy Coordinator, as listed below:

Title IX Coordinator
Carla Hickman
Associate Vice President for Student Affairs
Fontbonne University
6800 Wydown Boulevard
St. Louis, MO 63105
Phone (314) 889-1416
Email: chickman@fontbonne.edu

Deputy Coordinator
Dr. Corinne Wohlford
Associate Vice President for Academic Affairs
Fontbonne University
6800 Wydown Boulevard
St. Louis, MO 63105
Phone (314) 889-3640
Email: cwohlford@fontbonne.edu

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. If relationship violence or a sexual assault has occurred, preserve all evidence of the attack.
 - Do not bathe, wash your hands, brush your teeth, eat, or smoke.
 - If you are still in the location at which the crime occurred, do not clean or straighten up or remove anything.
 - Write down all the details you can recall about the attack and the perpetrator.
3. Report the attack to law enforcement immediately. Local authorities can be reached by calling 911 in most areas throughout the U.S.
 - If you want more information, contact the National Sexual Assault Hotlines at (800) 656-HOPE or by visiting www.online.rainn.org. A counselor can help you understand the reporting process.
 - You may also report the attack to Fontbonne's [Department of Public Safety \("DPS"\)](#). For immediate assistance, call (314) 889-4596.
4. 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).
 - 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.
 - Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE).
 - If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.
5. Speak to a confidential, licensed counselor in the Fontbonne Counseling and Wellness Department.

- 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 the director of this department:
 - Director of Counseling & Wellness, (314) 889-1434
- 6. Report the incident to one of Fontbonne University's Reporting Contacts, which include:
 - Any Fontbonne University Public Safety Officer.
 - Fontbonne Title IX Coordinator or Deputy Coordinator
 - One of the following members of the Fontbonne Student Affairs staff:
 - Vice President for Student Affairs
 - Assistant Vice President for Student Affairs
 - Director of Residential Life
- 7. Know that what happened is not your fault.
- 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 the Sexual Misconduct Policy.

Interim Measures

After a report of sexual misconduct, the University will take reasonable and appropriate interim measures as necessary before the final outcome of an investigation to protect a reporting party, an accused party, and facilitate either party's continued access to University programs and employment. These steps can include, but are not limited to, measures to eliminate contact between the reporting party and the accused party, including a change in academic, athletic, living or work situations or schedules as appropriate, as well as leaves of absence, suspensions or other remedies tailored to the involved individuals to achieve the goals of this policy. The University will also be responsive to reasonable requests for accommodation of the reporting party. 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, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

- Consent is an ongoing process – consent to kissing does not necessarily mean consent to other sexual activity.
- Consent may be withdrawn at any time. Once an individual has communicated withdrawal of consent, all sexual activity must end.
- 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.
- Consent cannot be given by someone who is incapacitated. This includes individuals who are impaired by alcohol or drugs to the extent that it results in incapacitation.

- In general, the age of consent in Missouri for sexual intercourse is 17 years old. This is the age at which a person can consent to have sex with another person who is also that age or older.

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.

Dating or Relationship 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: Violent acts 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 intimidation, force or 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 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.

Sexual Violence: Sexual violence is a non-consensual conduct of a sexual nature. Anyone can be a victim or a perpetrator. 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 all University members to promptly report all incidents of sexual misconduct as soon as possible in order to maximize the University's ability to respond promptly and effectively. The University does not, however, limit the time frame for reporting. 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 the director of this department:

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

While a student may report an incident to a person of his or her 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. Title IX Coordinator or Deputy Coordinator
3. One of the following members of the Fontbonne Student Affairs staff:
 - Vice President for Student Affairs
 - Assistant Vice President for Student Affairs
 - Director of Residence Life

A reporting party may choose to make a report to the University and may choose to make a report to law enforcement. The reporting party may pursue either or both of these options at the same time.

Confidentiality and Requests for Anonymity

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 in good faith reports alleged incidents of sexual misconduct, participates as a

witness in sexual misconduct investigations, or seeks medical assistance for himself, herself, or another will not be subject to disciplinary sanctions by the University for their own personal consumption or possession of alcohol or drugs at or near the time of the reported incident, provided that such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an education discussion or pursue other educational remedies regarding the use of alcohol or other drugs.

Anonymous Reporting

If you would like to make an anonymous report to the Department of Public Safety of an incident related to sexual assault, please see the Anonymous Report Form which is available via the Fontbonne website under Public Safety.

Procedural Items

1. 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 reporting party and the accused party:
 - a. are entitled to the same opportunities to have an adviser present during a campus disciplinary proceeding or related meeting
 - b. Shall be informed simultaneously of the outcome of the proceeding, in writing.
 - c. Will have an equal opportunity to present relevant witnesses and other evidence.
 - d. In a timely manner, will be made aware of any information to be used during the disciplinary hearing.
 - e. Are entitled to a prompt and equitable investigation and resolution or outcome.
 - f. 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.
2. 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.
3. 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.
4. 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

Below is a sampling of educational programs and training opportunities Fontbonne provides to help students and staff understand how to recognize and report sexual misconduct. Contact the Office of Counseling and Wellness for further information.

Alcohol Awareness Week (observed in October): 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.)

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.

Intimate Partner Awareness Month (November): Students will learn about what it means to have a healthy relationship, consent and healthy sexual relationships, and more. College is all about new experiences; the start of a new life, new friends, new freedom, and new relationship experiences. Aspects of unhealthy relationships and consent are reviewed. Throughout the month, information and resources are provided across campus.

Safer Spring Break: Interactive Spring activity, similar to Alcohol Awareness Week activities (above), provides a general perspective in its approach to challenge social norms of the alcohol culture; however, special emphasis is given 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/discrimination, mental health, and sexual assault concerns.

Students Thinking and Acting Responsibly and Safely (STARS):

The STARS (Students Thinking and Acting Responsibly and Safely) are a student-based initiative that focuses on peer relationship interactions. STARS are trained in recognizing mental health, sexual assault and alcohol issues and knowing how to connect students with resources for help.

Campus Resources

Counseling

To schedule an appointment with Claudia Charles, Ph.D., L.C.S.W. counselor:

Call the Student Affairs Office at (314) 889-1411

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

Sr. Linda Markway, CSJ
Director of Mission Stewardship
Call: (314) 719-3663
Email: LMarkway@fontbonne.edu

Fr. Speratus Kamanzi
University Chaplain
Call: (314) 719-3660
Email: SKamanzi@Fontbonne.edu

Student Affairs

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

Office of Student Affairs

Call: (314) 889-1411
Joe Deighton
Vice President of Student Affairs
Call: (314) 889-1411
Email: JDeighton@Fontbonne.edu
Location: Medaille Hall First Floor
Hours: 8:30am – 4:30pm (Mon-Fri)

Residential Life

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) 664-6699 or 1-800-527-1460.
<https://www.supportvictims.org/legal-advocates-for-abused-women>
- [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) 516-6737
- United Way Information and Referral Service: call 2-1-1 or 1-800-427-4626
- Victim Service Division, 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
 Email: ocr.kansascity@ed.gov.

Victims' Bill of Rights

The Federal Campus Sexual Assault Victims' Bill of Rights:

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

The Campus Sexual Assault Victims' Bill of Rights was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. Schools found to have violated this law can be fined up to \$35,000 or lose their eligibility to participate in federal student aid programs. Complaints about schools that have failed to comply with this law should be made to the U.S. Department of Education.

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the [Jeanne Clery Act](#).