

TITLE IX

Fort Hays State University

Gender-Based Violence and Title IX Information

Advocacy and Education

SURVIVOR



COMMON FEELINGS OF SURVIVORS

Emotional responses of survivors will vary from individual to individual. Gender-based violence can be extremely traumatic. It is important to remember that your responses are normal reactions. Below are some common feelings survivors may experience:

Shock and Numbness: Survivors may experience feelings of disbelief or denial about what happened. They may feel emotionally detached or drained and at times unaware. Other reactions may include: crying, nervousness, withdrawn, or claiming to feel nothing. Survivors may feel overwhelmed and not know how to feel or what to do.

Disruption of Daily Life: Survivors may feel preoccupied with thoughts about the incident. It may be difficult to concentrate, attend class, or focus on work. Survivors may experience nightmares, trouble sleeping, appetite changes, general anxiety or depression.

Loss of Control: Survivors may feel disoriented and overwhelmed. They may feel unsure about themselves or lack their usual self-confidence.

Fear: Survivors may feel vulnerable when going through regular activities of life. They may be afraid to be alone, or with lots of people. They can be unsure of who to trust and lose their sense of safety in their own environment.

Guilt, Shame, Self-Blame: A survivor may feel guilty or ashamed. They often question whether or not they “provoked” or “asked for a situation.”

Anger: Anger may be a sign that the survivor is healing and has begun to know they were not responsible for the incident. Anger can be vented in a safe and healthy way. Survivors should avoid using destructive behavior as a coping method.

Isolation: Survivors may feel differently than others because they have been a victim of gender-based violence. Survivors do not want to bother anyone with their situation so they may withdraw or distance themselves from family and friends.

(Adopted from University North Carolina-Pembroke)

COPING METHODS

Healthy coping methods can help reduce anxiety, lessen distressing reactions, and improve the situation in a way that does not harm you further and can improve your life today, tomorrow and for the future. These methods can include, seeking support from a pastor or counselor or priest, muscle relaxing exercises, talking to another person for support, distracting activities including recreational or work activities, stretching or yoga, breathing exercises, meditation, journaling and reflection.

Unhealthy coping methods can make the problem worse. These methods may solve anxiety immediately but only offer short term relief. Unhealthy methods may also cause additional problems. These can include avoiding the incident, social isolation, use of alcohol or drugs, binge eating, avoiding counseling or other support services, hurting oneself, and aggressive or violent actions.

**As a member of the FHSU community you have a right to feel safe and supported. No one deserves to be a victim of gender-based violence. Our institution wants you to know that you are not alone in this process. It is important to take care of yourself and make decisions that will best help you heal from the incident.

CAMPUS RESOURCES

Kelly Center (counseling services)	785-628-4401
Student Health Center (medical services)	785-628-4293
Options Campus Advocate (local survivor agency)	785-625-3055



FAMILY AND FRIENDS

During the disciplinary process, both parties need a support system. Friends and family are encouraged to seek resources if affected by the incident. Below are a few tips to help you and your student, friend, family, colleague:

- Stay calm and listen.
- Do not pass judgement; do not comment on how you would have handled the situation.
- Do not reveal information shared with you to others.
- Be supportive in the decisions made by your student.
- Encourage your student to seek counseling and medical services.
- Believe what you are told.

CONCERNS FOR COLLEGE STUDENTS

Are you in the same class as the accused? It can be scary and distracting for survivors to attend class with the accused. Your academic career is important and we want you to feel safe. The Office of Student Affairs (628-5824) can make arrangements to your class schedule in order to help you feel safe and supported.

Are your grades suffering because of the incident? It may take time to adjust after an incident and it is common to have difficulties concentrating on studying or focusing on school. You can seek support from the Office of Student Affairs who will contact your instructors on your behalf to explain the need for flexibility without sharing details.

Do you live in the same Residence Hall as the accused? You have the right to feel safe in your home. The Office of Student Affairs can work with housing to make accommodations so that you can feel safe and comfortable. If you live off-campus and feel unsafe, the Office of Student Affairs can direct you to local organizations who can assist you further or help you move on campus.

Do you have concerns about the incident because you were drinking at the time? Due to the involvement of alcohol, survivors and peers may hesitate to come forward with an incident for fear of being disciplined for underage drinking. No one deserves to be a victim, whether or not they were intoxicated. Fort Hays State University has an amnesty policy that will protect students from discipline due to alcohol.

Are you interested in making a police report? Filing a police report is the first step in beginning the criminal justice process. If you choose to make a report, FHSU has an Options advocate or counselors in the Kelly Center, who can help you through the report process. To file a report, contact the University Police Department at 785-628-5304, located in the lower level of Custer Hall.

Are you concerned about telling your family or friends? Some survivors find it difficult to disclose this information to their family and friends for fear of blame or hurt. Only you can decide if and when you disclose the information to your family and friends. A counselor can help you decide how to disclose the information.

What if you have mutual friends or belong to the same friend group as the accused? It is important to realize that some people may take sides. You should surround yourself with people who support, respect, and believe you. Take personal steps to ensure your own safety and well-being.

FEDERAL MANDATES

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sec. 1681, et seq., prohibits discrimination on the basis of sex in any federally funded education program or activity.

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) is a federal law that requires colleges to report crimes that occur on-campus and school safety policies. This information is available each year in an Annual Security Report, which can be found on the FHSU website at <https://www.fhsu.edu/judicial/security-report/>.

CAMPUS SEXUAL ASSAULT SURVIVOR BILL OF RIGHTS

As a member of the Fort Hays State University community, you have rights when it comes to being survivor of a Title IX incident. The United States Congress enacted this Bill of Rights in 1992 ensuring that institutions afford survivors the following rights:

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

(Adapted from RAINN.org, 2009)

REPORTING

The decision to report is YOURS. Reporting can feel like a difficult process and FHSU is committed to supporting you through this decision. The healing process is different for each individual and we believe you should have the power and control over this decision. Victims are encouraged but not expected to report. At FHSU, reports of gender-based violence are taken very seriously and are thoroughly investigated.

Non-confidential reports can be made by telephone at 785-628-5824, in person at Sheridan Hall 208, an online form found at <https://publicdocs.maxient.com/incidentreport.php?FortHaysStateUniv>, or to the University Police Department at 785-328-5304.

Confidential: Confidential reporting options remain between the health professional and the victim. These incidents can be included in FHSU's Annual Clery Report but do not require an investigation or the sharing of any information pertaining to the victim. Those resources at FHSU are:

Kelly Center
Picken Hall, Lower Level
785-628-4401

Options Advocate Center
Student Health Center
Memorial Union, Lower Level
785-625-3055

Student Health Center
Memorial Union, Lower Level
785-628-4293

Hays Medical Center
2220 Canterbury Road
785-261-7123

REPORTING (CONTINUED)

Faculty

Faculty members at Fort Hays State University who instruct and advise students are NOT mandated reporters and are considered a confidential resource to FHSU students. There are, however, exceptions to this rule:

- Faculty members who are supervising any university travel experience, both domestic and international ARE mandatory reporters during the duration of the trip.
- Faculty members who advise student organizations ARE mandatory reporters to their students within that organization.

***If a faculty member both advises a student in an organization and acts as an academic advisor, he or she may report.

Non-confidential: Non-confidential reporting options are FHSU professionals whose role is to serve victims and those accused in the investigation process. Non-confidential reports can be made by telephone at 785-628-5824, in-person at Sheridan Hall 208, to the University Police Department at 785-328-5304, or by completing an on-line form found at <https://publicdocs.maxient.com/incidentreport.php?FortHaysStateUniv>.

Although still a confidential matter, these resources are required by law to open an investigation. Mandated reporters at FHSU are:

Keegan N. Nichols, Ed.D.

Associate Vice President for Student Affairs
and Title IX Coordinator
Sheridan Hall, Room 208
Email: knnichols@fhsu.edu
Phone: 785-628-5824

Shannon Lindsey

Human Resource Director
and Deputy Title IX Coordinator
Sheridan Hall, Room 110
Email: sdlindsey@fhsu.edu
Phone: 785-628-5326

University Police Department

785-628-5304

Hays Police Department

911

Responsible Employees

A complete list of responsible employees can be found at:

<https://www.fhsu.edu/judicial/gender-based-violence-misconduct-policy/>

MEDICAL INFORMATION AND OPTIONS

Seeking medical attention will allow you to receive treatment for any physical injuries, sexually transmitted infections, or possible pregnancy. If you or someone you know is a victim of gender-based violence, you can seek medical support from the Hays Medical Center or Student Health Center. The Sexual Assault Nurse Examiner (SANE)/Sexual Assault Response Team (SART) is a community-based coordinated response to child and adult victims of sexual assault. The purpose of this program is to provide victim centered care to all victims of sexual assault. This support is located at the Hays Medical Center on 2220 Canterbury Road. SANE Exams are important:

- To document any injuries and begin treatment of injuries.
- Prevent sexually transmitted diseases.
- Evaluate the risk of pregnancy.
- To collect DNA evidence for possible prosecution if and when a suspect is caught. It is important the evidence be collected as soon as possible.
- If you feel you were drugged, please notify the medical professional so they can rule on a drug and/or alcohol facilitated sexual assault.

If you want to have a SANE exam please note:

- As hard as it may be, try not to clean up as doing so may destroy important evidence.
 - Do not shower, bathe, douche, wash hands, brush teeth, comb hair, or use the toilet before going to the ER. Try not to change or wash clothes.
- If you do any of the above things you can still go to the hospital for an exam.

REPORTING PROCESS

Initial Process

- 1 Gender-based violence complaint filed.
- 2 Title IX Coordinator is informed and sends complainant and respondent an initial letter informing them of the report.
- 3 Title IX Coordinator or investigator meets with both parties separately to understand each side of the case.
Both parties are allowed legal counsel, counselors, or advocates to attend the meeting; however they may not participate.
- 4 Title IX Coordinator makes a decision based on the case files.
- 5 Title IX Coordinator informs both parties of the result of the case.
- 6 Both parties have the right to appeal.

Student Appeal Process

- 1 An appeal must be submitted in writing.
- 2 Appeal must be clearly written and include:
 - a date of original hearing
 - b date, time, and location of the alleged incident
 - c reason for the appeal with documentation
- 3 An appeal must be submitted to the Vice President for Student Affairs within five working days, after receiving notification of the outcome of the hearing.
- 4 Failure to appeal within the allotted time will render the original decision final and conclusive. Late appeals are not accepted.
- 5 The appeals process is an administrative process.
- 6 Appeals are decided upon the record of the original proceedings and upon written materials submitted by both parties. An appeal is not a rehearing of the case.
- 7 Students are notified of the outcome of the appeal by letter.
- 8 Appeal decision made by the Vice President for Student Affairs is considered final.

**Note: Faculty and Staff must follow the process indicated in the appropriate handbook.

POSSIBLE SANCTION EXAMPLES

- Required counseling sessions
- Suspension
- Removal/ban from campus or specific areas
- Expulsion
- Community service
- Termination

DEFINITIONS

Accused/Respondent: individual accused of perpetrating the incident.

Consent: Voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another.

Dating Violence: Violence committed by a person who is or has been in a social relationship or a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors: length of the relationship, type of relationship, frequency of interaction between the persons involved in the relationship

Incident: Act of gender-based violence that occurred to cause complaint to be filed.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Proceeding: The process of appearing before the conduct officer, so a decision can be made about an argument or claim. There are three types of proceedings: informal administrative hearing, formal administrative hearing, and student faculty court. Cases involving violence, domestic violence, sexual assault and stalking will only be heard through an informal or formal administrative hearing.

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Relationship Violence: Defined as violence between those in an intimate relationship (this includes romantic, dating, or domestic relationships). Examples include, but are not limited to: physical assault between two people in a current or prior intimate relationship who do not live together (dating violence), physical assault between two people in an intimate relationship who live together (domestic violence).

Result: The result or decision is the consequence, effect or outcome of the proceeding.

Retaliation: A violation of Federal law. All FHSU faculty, staff and students are prohibited from retaliating (including intimidating, threatening, coercing, or in any way discriminating against any individual) because of the individual's complaint or participation. If you feel you are experiencing retaliation, please contact the police (911) if it is an emergency or the Associate Vice President for Student Affairs/Title IX Coordinator (785-628-5824).

Sexual Assault

- 1 Non-consensual sexual contact is defined as: any intentional sexual touching however slight with any object by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual or any other bodily contact in a sexual manner and includes incest and fondling.
- 2 Non-consensual sexual intercourse is defined as: any sexual penetration or intercourse (anal, oral, or vaginal) however slight with any object by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth-to-genital contact for genital-to-mouth contact.

Sexual Harassment: Unwelcome sexual or gender-based verbal, written, online, and/or physical conduct.

- Sexual harassment creates a hostile environment and may be disciplined when it is sufficiently severe, pervasive, persistent, or objectively offensive that it:
 - has the effect of unreasonably interfering with, denying, or limiting employment opportunities or the ability to participate in or benefit from the university's educational, social, and/or residential program, or
 - is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

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. Stalking can be directed at a specific person, is unwelcome, and would cause a reasonable person to feel fear or suffer substantial emotional distress.

Victim/Survivor/Complainant: Individual who is the target of the incident.

***A complete list of definitions and terms can be found on the website at:
<https://www.fhsu.edu/judicial/gender-based-violence-definitions/>.*

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Advocacy handbooks provided by the Student Health Center



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