

## Frequently Asked Questions regarding the Stephens College Policy on Equal Opportunity, Harassment, and Nondiscrimination for All Students, Faculty, Staff and Third-Parties

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*Does information about a report or complaint remain private?*

- The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with the College's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis.
- In all complaints that are adjudicated under this policy, both the Complainant and Respondent will be informed of the outcome of disciplinary proceedings, including any sanctions that may be imposed. Certain college administrators whom the College deems as having a "need-to-know" are also informed of the outcome within the bounds of student and employee privacy (e.g., the President, the Vice President for Student Development, the Director of Human Resources, the Director of Campus Security).
- If the College receives a report that a crime may have occurred, the College may notify local law enforcement. In the absence of permission from the Complainant, the College would only notify local law enforcement if it believed there was an imminent threat to the safety of the College community. Notification of law enforcement does not mean criminal charges will be automatically filed or that a Complainant must speak with the police.
- Certain campus officials have a duty to report specific types of sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes under a federal law called the Clery Act. All personally identifiable information is kept confidential, but statistical information must be shared with campus security regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the federally mandated annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the individual who has been harmed and may be done anonymously.
- Individuals who have been harmed by sexual offenses should also be aware that College administrators are legally required to issue prompt timely warnings about certain incidents reported to them that may continue to pose a serious or ongoing

threat to members of the campus community. The College will make every effort to ensure that an individual's identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

*Will my parents, spouse/partner, or emergency contact be told?*

- College officials will directly inform these individuals when requested to do so by you, in a life-threatening situation, or if you have granted the College permission in writing to share such information. Otherwise, these individuals will not know of the allegations unless you tell them. Whether you are the Complainant or the Respondent, the College's primary relationship is with you and not with your family members.

*As the Complainant, will the accused/respondent know my identity?*

- Yes, if formal disciplinary proceedings are instituted against a Respondent. Sex- and gender-based discrimination and harassment are serious offenses and the Respondent has the right to know the identity of the Complainant.

*Do I have to name the person I am accusing?*

- Yes, if you want the College to initiate formal disciplinary proceedings against the accused/Respondent.
- No, if you do not wish for the College to initiate formal disciplinary proceedings against the accused/Respondent. You are still eligible to receive support and assistance from the College even if you choose not to name the accused. Complainants should be aware that not identifying the accused/Respondent may limit the College's ability to respond effectively.

*What do I do if I am accused of sexual misconduct?*

- DO NOT contact the Complainant. You may immediately want to contact someone in the campus community or another individual who can act as your adviser. You may also contact the Title IX Coordinator and review this procedure. You may also want to talk to a confidential counselor at the counseling center or seek other community assistance.

*Will I have to pay for counseling/or medical care?*

- The College provides a list of resources available for counseling and medical care services. The costs of more extensive care will be your responsibility.

*What about legal advice?*

- Individuals who have been harmed by criminal sexual assault need not retain a private attorney to pursue criminal prosecution because criminal cases are

prosecuted by the prosecuting attorney in the relevant jurisdiction. You may want to retain an attorney if you are considering a civil action against the Respondent, or if you are the defendant in a civil or criminal proceeding. A Complainant or Respondent may also retain counsel to advise them throughout the investigation and disciplinary process related to the College's policy on Equal Opportunity, Harassment and Nondiscrimination. Any student or employee who retains a private attorney does so at their own expense.

*Can I get a restraining order against the person I am accusing?*

- Individuals who have been harmed by some types of conduct covered by this policy may be able to obtain a restraining order against the accused from a court. If requested, the College can provide personnel to accompany the individual to court to obtain such an order. If a court imposes a restraining order against a College student or employee, the College will work with the parties involved to help ensure compliance with the order. The College asks that any party to a restraining order provide a copy to Campus Security.
- Separate from a court order, the College may impose a no contact order on the Respondent (and in some cases, on both the Respondent and the Complainant). Violations of a College no contact order may result in College disciplinary proceedings.

*What about changing residence hall rooms, classes, or offices? What other accommodations can the College offer?*

- Students may request a room change. Room changes under these circumstances are considered emergencies, and you will be relocated to the first available suitable room. If you want the accused student/Respondent to move, in most circumstances, you must be willing to pursue a formal or informal College complaint.
- No contact orders can be imposed and room changes for the accused/Respondent can usually be arranged quickly.
- Other accommodations available might include:
  - Assistance from College staff in completing the relocation;
  - Arranging to void a housing contract and pro-rating a refund;
  - Assistance with or rescheduling an academic assignment (paper, exams, etc.);
  - Taking an incomplete in a class;
  - Assistance with transferring class sections;
  - Temporary voluntary withdrawal;
  - Assistance with alternative course completion options;
  - Assistance in changing living, transportation, dining, and/or working situations;
  - Arranging for increased monitoring, supervision, or security at locations or activities where the offense occurred;
  - Security escort service on campus; and
  - Other accommodations for safety as necessary.

*Will a Complainant be sanctioned when reporting a sexual offenses policy violation if she/he has illegally used drugs or alcohol?*

- No. The severity of the infraction will determine the nature of the College's response, but whenever possible, the College will respond educationally rather than punitively

to the illegal use of drugs and/or alcohol. The seriousness of sexual offenses is a major concern and the College does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual offenses.

*Will the use of drugs or alcohol affect the outcome of a sexual offense complaint?*

- Use of alcohol and/or other drugs will never excuse an incidence of sexual offense, and such use by either party will not diminish the accused/Respondent's responsibility. On the other hand, alcohol and/or drug use may affect the Complainant's memory. If the Complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the Respondent without further corroborating information. Complainants, however, who believe they have been harmed by sexual offense should not allow their use of alcohol and/or drugs to deter them from making a report of sexual offenses.

*Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual offenses?*

- Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

*What should I do if I am uncertain about what happened?*

- If you believe that you have experienced a sexual offense but are unsure of whether it was a violation of the institution's Equal Opportunity, Harassment and Nondiscrimination Policy, you should contact the Title IX Coordinator. The College will provide an advisor who can help you to define and clarify the event(s) and advise you of your options.