

TITLE IX

Fort Hays State University

Gender-Based Violence and Title IX Information

Advocacy and Education

ACCUSED



ACCUSED BILL OF RIGHTS

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

- Accused individuals have a right to know who is making the allegations, know what the allegations are, and have an opportunity to respond to allegations.
- Accuser and accused must have the same opportunity to have others present during the disciplinary process.
- Both parties shall be informed of the outcome of any disciplinary proceeding in writing.
- Accuser and the accused have a right to appeal a disciplinary proceeding decision or changes to the final result.
- Accuser and accused shall be notified of counseling services.
- Accuser and accused may request changing academic and living situations.

(Adopted from RAINN.org, 2009)

COMMON FEELINGS OF BEING ACCUSED

Emotional responses of those accused will vary from individual to individual. Being accused of gender-based violence can be traumatic. It's important to remember that your responses are normal reactions to a difficult situation. Below are common feelings an individual may experience:

Shock and Numbness: An accused individual may experience disbelief or denial about what happened. They can feel emotionally detached or drained.

Disruption of Daily Life: An accused individual may feel preoccupied with thoughts about the incident, making it difficult to concentrate, attend class, or focus on school work. They may have trouble sleeping, appetite changes, general anxiety, or depression.

Loss of Control: They may experience feeling anxious, scared, or nervous.

Fear: accused individuals may fear what may happen and how it can impact his/her life. One may fear what peers or family may think, and might fear retaliation.

Anger: Anger is an appropriate response to gender-based violence. It is important to vent in safe and healthy ways. Avoid unhealthy ways of coping with anger such as alcohol, drug use, or other self-destructive behavior.

Isolation: Accused individuals may isolate him/herself for fear of rumors or retaliation. They may experience embarrassment and may not want to discuss the incident.

(Adopted from University of North Carolina Pembroke)



CAMPUS RESOURCES

Kelly Center (counseling services)
Student Health Center (medical services)
Options Campus Advocate (local survivor agency)

785-628-4401
785-628-4293
785-625-3055

COPING METHODS

Healthy coping methods are those that help reduce anxiety, reduce distressing reactions, and improve the situation in a way that does not harm you further and improves things not only today but in the future. Healthy coping methods include: seeking professional help such as counseling, muscle relaxing exercises, talking to a person you trust, physical exercise, distracting activities like recreation and campus activities or hanging out with friends, breathing exercises, meditation or yoga.

Unhealthy coping methods can make problems worse. They may reduce your anxiety immediately but provide short term relief. Unhealthy coping methods may also cause additional problems. Unhealthy coping methods can include: avoiding the situation, social isolation, use of alcohol or drugs, avoiding counseling, hurting oneself, and aggressive or violent actions.

It is important to know that as a student at FHSU you have a right to feel supported and safe.

CONCERNS FOR COLLEGE STUDENTS

Are you in the same class as the person that accused you? Your academic career is important and we want you to feel comfortable attending class so that you may be successful. You may request alternate arrangements in your class schedule. These are not required accommodations, but the office of Student Affairs may be able to help.

Are your grades suffering because of being accused? It may take some time to adjust after being accused and it can be difficult to concentrate or focus on coursework. Seek out support from the Office of Student Affairs. They can reach out to your instructors and help make reasonable accommodations.

Do you live in the same residence hall as the person that accused you? If the complainant lives in the same residence hall as you, please contact the Office of Student Affairs. They can work with Residential Life to arrange for a change in housing if you choose to do so.

Are you concerned about telling family and friends what happened? Some students find it hard to disclose this information to their parents. Only you can decide if and when to tell your family. Some students may find it supportive, others may be fearful. We encourage you to seek support from the Kelly Center if you would like help disclosing information.

What if you have mutual friends or belong to the same groups as the complainant? This is a difficult situation. People may take sides. It is important to remember that this is difficult for all parties involved. Surround yourself with people who support and respect you.

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 the individual cope:

- Stay calm and listen.
- Do not pass judgment; 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 the individual.
- Encourage your student to seek counseling and medical services.
- Believe what you are told.

FEDERAL MANDATES

Fort Hays State University follows federal and state laws to ensure all individuals have equal access to provide and receive educational opportunities.

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/>.

More information can be found at www.fhsu.edu/judicial.

REPORTING

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

Student Health Center

Memorial Union, Lower Level
785-628-4293

Options Advocate Center

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

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 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?ForthHaysStateUniv>. 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: knichols@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/>

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 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:
 - o 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
 - o 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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Sheridan Hall, Room 208

Email: knichols@fhsu.edu

Phone: 785-628-5824

Advocacy handbooks provided by the Student Health Center



**FORT HAYS STATE
UNIVERSITY**

Forward thinking. World ready.