

Sexual Assault Policy Guide

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Statement of Policy

Idaho State University (ISU or University) prohibits sexual violence and misconduct in all its forms. The following policies contain explicit prohibitions:

- *Students* – Idaho State University Policies & Procedures (ISUPP) # 5000 – *Student Conduct Code*
- *Employees (Faculty, Staff & Contractors)* – Idaho State University Policies & Procedures (ISUPP) # 3100 – Non-Discrimination and Anti-Harassment Policy
- Title IX Notice of Non-Discrimination

These policies affirm the proposition that students have a right to be free from sexual violence and misconduct while at the University and as they participate in programs and activities facilitated by or at the University regardless of location. Administrators at the University have written these policies to be consistent with federal, state, and local laws.

Purpose of Guidance

This policy guide is intended to explain how students can benefit from University policies established to address sexual violence and misconduct. Simply adopting a policy does not mean that students know how to seek protection from the policy. This document should make the policy easier to understand and improve its application to students. It describes what actions students can take to avail themselves of the policy rights, responsibilities and protections. Those actions include:

- (1) Becoming **AWARE** of what actions or behaviors constitute sexual violence and misconduct;
- (2) Taking steps to **PREVENT** sexual violence and misconduct;
- (3) Learning how to **REPORT** incidents of sexual violence and misconduct;
- (4) Receiving or helping others receive **SUPPORT** from the University and community agencies after an incident of sexual violence or misconduct; and
- (5) Understanding the processes the University uses to **RESPOND** to alleged incidents of sexual violence and misconduct.

The University wants students to use this guidance to help them make decisions about what they will do if they (or someone they care about) are victimized. It can also help students who have been accused of sexual violence or misconduct understand their role and rights in the student conduct process.

Section 1: Become AWARE

This section will help students define terms and concepts related to sexual violence and misconduct and explain what they mean in a practical sense.

A. Important Definitions and Concepts

1. **Consent** is sexual permission that is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.
 - In order to give consent, one must be of legal age, eighteen (18) in the State of Idaho.
 - Sexual activity with someone who is known to be—or based on the circumstances should reasonably have been known to be—mentally or physically incapacitated (such as by alcohol or other drug use, unconsciousness or blackout), constitutes a lack of consent and is a violation of the Student Conduct Code. This also covers a person whose lack of capacity results from a disability, sleep, involuntary physical restraint, or from the consumption of incapacitating substances.

Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and “Yes” may not always mean, “Yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.” The use of alcohol or drugs will never function as a defense to a Gender-Based or Sexual Misconduct violation.

2. **Student-Faculty Relationships:** There are inherent risks in any romantic or sexual relationship between individuals in unequal positions. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. For the personal protection of members of the University community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.¹
3. **Force** is the use of physical violence and/or imposing on someone physically. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces unwilling consent.
4. **Incapacitation** is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their circumstances or interpersonal interaction that could lead to sex).

¹ The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

5. **Incapacitating Substances** refers to the use and/or distribution of Rohypnol, Ketamine, GHB, Scopolamine, or other substance of this type. Possession or administration of one of these drugs is a violation of the Student Conduct Code. More information on these drugs can be found at <http://www.911rape.org/>.
6. **Sexual Harassment Sexual Harassment:** Unwelcome conduct of a sexual nature that includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.

There are two types of sexual harassment: *Quid Pro Quo* and Hostile Environment.

Quid pro Quo (this for that) Harassment: Employment or program-based (academic or extracurricular) decisions that result in a significant change in status because an employee or student's submission to or rejection of unwelcome verbal, nonverbal or physical sexual conduct. Examples include:

- Requiring sexual favors in exchange for hiring, a promotion, a raise in pay, a better grade, more playing time, or a leadership position.
- Disciplining, demoting or firing an employee because he or she ends a consensual relationship.
- Disciplining, demoting or removing a club member from a student club because he or she ends a consensual relationship.
- Refusing to write recommendations for a student because he or she refuses sexual advances.
- Changing work or academic assignments because an employee or student refuses invitations for a date or other private, social meetings.

Hostile Environment Harassment: Sexually harassing conduct that is sufficiently serious to deny or limit the student's ability to participate in or benefit from a University program or employment. In determining whether a denial or limitation has occurred, the University examines all the relevant circumstances from an objective and subjective perspective including:

- The type of harassment (e.g. whether it was verbal or physical);
- The frequency and severity of the conduct;
- The age, sex, and relationship of the individuals involved (e.g. teacher-student or student-student);
- The setting and context in which the harassment occurred;
- Whether other incidents have occurred at the University; and
- Other relevant factors.

A hostile environment can occur when sexual harassment is severe or pervasive. The more severe the conduct, the less need there is to show a repetitive series of incidents to demonstrate a hostile environment, particularly if the harassment is physical.

Examples include:

- One incident of sexual assault or sexual violence;
- Persistent unwelcome remarks about someone's body parts or looks;

- Displaying pornography on a laptop in class so that others stop coming to class or cannot concentrate; and
- Stalking²

7. **Non-Consensual Sexual Contact** (or attempts to commit same) is any intentional sexual touching, however slight, with any object, by one person upon another person (regardless of gender) that is without consent and/or by force. This includes but is not limited to intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

Example:

Amanda and Bill meet at a party. They spend the evening dancing and getting to know each other. Bill convinces Amanda to come up to his room. From 11:00pm until 3:00am, Bill uses every line he can think of to convince Amanda to have sex with him, but she adamantly refuses. He keeps at her, and begins to question her religious convictions, and accuses her of being “a prude.” Finally, it seems to Bill that her resolve is weakening, and he convinces her to give him a “hand job” (hand to genital contact). Amanda would never have done it if not for Bill’s incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. Why else would she have come up to his room alone after the party? If she really didn’t want it, she could have left. **Bill is responsible for violating the University Non-Consensual Sexual Contact policy. It is likely that campus decision-makers would find that the degree and duration of the pressure Bill applied to Amanda are unreasonable. Bill coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.**³

8. **Non-Consensual Sexual Intercourse or Rape** (or attempts to commit same) is any sexual intercourse however slight, with any object, by one person upon another person (regardless of gender) that is without consent and/or by force. This includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Example 1:

Jiang is a junior at the University. Beth is a sophomore. Jiang comes to Beth’s residence hall room with some mutual friends to watch a movie. Jiang and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Jiang and Beth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Jiang verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five, and has not had any sexual relations since, is shocked at how quickly things are progressing. As Jiang

² US Dept. of Ed. Office for Civil Rights and US Dept of Justice, Civil Rights Division, *University of Montana Letter of Findings*, May 9, 2013, pgs. 4-5.

³ The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell Jiang to stop, but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation? **Jiang would be held responsible in this scenario for Non-Consensual Sexual Intercourse. It is the duty of the sexual initiator, Jiang, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, Jiang had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.**

Example 2:

Kevin and John are at a party. Kevin is not sure how much John has been drinking, but he is pretty sure it's a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time, though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex, but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing, and decides to make a report to the Dean. **This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill, and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct the University expects.**⁴

9. **Sexual Exploitation** is taking non-consensual or abusive sexual advantage of another for the student's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Examples include but are not limited to:

- Invading sexual privacy;
- Prostituting another student;
- Photographing or recording (video or audio) sexual activity without consent or permission;
- Going beyond the boundaries of consent within sexual activity (such as, letting your friends hide in the closet to watch you having consensual sex, sharing sexual photos);

⁴ Ibid.

- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; causing another to expose their genitals;
- Stalking, hazing, intimate partner violence and/or bullying may also be forms of sexual exploitation.

10. **Gender-Based Discrimination:** Gender-based discrimination is a broad concept that includes inequality based on sex or gender that may exist in University programs and all forms of sexual harassment and violence.

B. Violations of University Policy and Idaho Law

These definitions are the same as Article IV in the Student Conduct Code (ISUPP # 5000). These definitions are not the same as similar criminal acts defined by Idaho State law. The State of Idaho has prohibited the following crimes:

- Rape (Title 18, Chapter 61)
- Sex Crimes (Title 18, Chapter 66)
 - Forcible Sexual Penetration by Use of Foreign Object
 - Crime of Video Voyeurism
- Assault and Battery (Title 18, Chapter 9)
 - Battery
 - Battery with Intent to Commit a Serious Felony
- Stalking (Title 18, Chapter 79, Sections 5 & 6)

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Conduct proceedings under the Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Conduct Administrator in consultation with the Vice President for Student Affairs and General Counsel.

Determinations made or sanctions imposed under the Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

Section 2: PREVENT Sexual Violence and Misconduct

There are a few ways students can prevent the occurrence of sexual violence and misconduct at ISU.

A. Personal Responsibility

The most important action a person can take to prevent relationship violence is to not perpetrate violence in any form. This requires students to exercise self-control and respect for others. If you find yourself struggling to control impulses or to respect the boundaries of others, the University provides free personal counseling.

These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity then you DO NOT have consent.
- Don't take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.⁵

B. Intervene if You See Something Wrong

There are many things each of us can do to discourage relationship violence by being a conscientious, observant and active bystander. Developing interpersonal skills to intervene in these situations may save another person from experiencing violence or misconduct.

For example, you may see someone put something in a drink and offer it to another person. You might observe a person who is not intoxicated trying to isolate someone who is. You may hear someone sharing a sexual joke that makes someone a sexual object.

Being an observant, conscientious, and active bystander is not easy and requires courage. The University has a training program, called *Green Dot*, which is designed to empower students, faculty and staff to become active bystanders.

To learn more about bystander intervention training through Green Dot visit the Janet C. Anderson Gender Resource Center website: <http://www.isu.edu/andersoncenter/green-dot.shtml>

⁵ Ibid.

C. Reduce Your Risk of Victimization

No one deserves to be the victim of a crime or subjected to the misconduct of others. The advice shared below is not intended to blame victims or suggest that they are responsible for bad things that may happen to them. Although not guarantees of personal safety, there are personal safety strategies you can take to reduce the risk of being victimized.

These strategies include:

- Be aware of your surroundings and remain alert.
- Lock your doors in residence halls and apartments.
- Try to avoid isolated areas or being isolated with someone you don't know or trust. The University provides safety escorts through Public Safety if you feel unsafe on campus.
- Communicate with friends and family about where and when you will be some place or when you anticipate leaving or arriving.
- Try to attend social gatherings with friends and develop plans to stay together so you can look out for one another.
- Consume alcohol responsibly and don't accept drinks from people you don't know or leave your drink unattended.

D. Opportunities to Learn More

The University provides educational programs for its students to help them make informed choices about intimate and sexual relationships. The following is a list of programs that are available to assist students in learning more about healthy relationships, safe sex, and personal safety:

- *Haven* - A 45-minute online educational program for all first-time ISU students (transfer and first-year) that addresses sexual assault, relationship violence and stalking. To complete Haven students can contact the LEAD Center at 208-282-2973.
- *Can I Kiss You* - National presenter, Mike Domitrz, explores the importance of consent and healthy relationships in an engaging and interactive workshop with ISU students. The Janet C. Anderson Gender Resource Center sponsors this event, and information about its details can be obtained by calling 208-282-3590.
- *Gender and Sexuality in Everyday Life Conference* - Each spring semester the Janet C. Anderson Gender Resource Center and the College of Arts & Letters sponsors the conference about how ideas and stereotypes associated with gender and sexuality influence our lives. During the conference educational sessions address topics associated with sexual assault and relationship violence.
- *Rape Aggression Defense (RAD) Courses* - The R.A.D. approach to personal safety is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. For more information about course schedules contact Public Safety at 208-282-2515.

Students may also have opportunities for additional learning through student clubs and organizations and University Housing.

Section 3: REPORT an Incident

ISU encourages students to report incidents of sexual violence or misconduct when they have information about them or have been victimized. This section is intended to inform students of their options for reporting.

The University realizes that the decision to report sexual violence or misconduct can be agonizing for survivors and difficult for bystanders. For this reason, the University respects the rights of students to choose to whom, how, and when they report.

It is not the practice of the University to pursue disciplinary action against the survivor on an act of sexual violence or misconduct who discloses illegal/underage consumption of drugs and/or alcohol prior to or during the incident.

Sometimes the individual reporting the incident is not the survivor but a friend, roommate, or acquaintance who has information about an incident that occurred. While the information below primarily addresses survivors, the options for reporting (to whom, how, and when) remain the same regardless of who reports the incident.

Options for Reporting:

A. To Whom

The University encourages students who have been impacted by sexual violence or misconduct to tell someone about what happened so they can get support and help. The information that is shared can also aid the University in responding appropriately and effectively to acts of violence or misconduct.

One of the most common concerns about reporting to the University is who will know about the report once it is shared. Different employees on campus have different abilities to maintain a survivor's confidentiality.

1. Confidential Sources

Some University employees are able to keep the information that is shared with them confidential, which means they are not required to share any information unless the survivor gives them permission to do so. At ISU, the following staff members will keep your information confidential:

Licensed, Professional Counselors

ISU Main Campus – Pocatello:

Counseling & Testing

(208) 282-2130

921 South 8th Avenue

Pocatello, Idaho 83209

<http://www.isu.edu/ctc/>

Counseling is provided to students free of charge.

Counseling Clinic

208-240-1609

7th Floor Garrison Hall

<http://www.isu.edu/hpcounsl/center.shtml>

Low cost counseling for students and the community.

Center for New Directions

282-2454
 Roy F Christensen Building (College of Technology)
 Room 372
<http://www.isu.edu/cnd/>
 Free and confidential personal counseling.

Psychology Clinic

208-282-2129
 5th Floor Garrison Hall
<http://www.isu.edu/psych/psychologyclinic.shtml>
 Counseling for students and the community on a sliding fee scale.

Satellite Campuses:**Idaho Falls:**

University Counseling and Testing Services - Idaho Falls Campus
 (208) 282-7750
 1784 Science Center Dr.
 Idaho Falls, ID 83402
<http://www.isu.edu/idahofalls/counseling>
 Counseling is provided to students free of charge.

Meridian:

ISU-Meridian Department of Counseling
 (208) 373-1719
 Address
<http://www.isu.edu/hpcounsl/boiseclinic.shtml>
 Free counseling for ISU students, low cost counseling for the community.

Twin Falls:

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.
 Chris Vaage, Director
 208-933-2301

Medical Professionals**ISU Main Campus – Pocatello:****University Health Center**

(208) 282-2330
 990 Cesar Chavez Ave
 Pocatello, ID 83209
<http://www.isu.edu/stuhlth/>

Satellite Campuses:**Idaho Falls:**

ISU Health Center- Idaho Falls Campus
 (208) 282-7826
 1784 Science Center Dr.
 Idaho Falls, ID 83402
<http://www.isu.edu/stuhlth/if.shtml>

Meridian:

Unity Health Center
 745 S. Progress Avenue
 Meridian, ID
 (208) 895-6729
www.uhcidaho.com

Twin Falls:

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.
 Chris Vaage, Director
 208-933-2301

Survivors who speak with one of these confidential sources can work with them to learn about and receive additional support from the University. Such support may include adjustments or modifications to course or work schedules, changes in room assignments within University Housing, and services for academic, emotional, and personal support.

Sharing information with a confidential source on campus will not inform the University of the incident. For this reason, the University will be unable to conduct an investigation or pursue disciplinary action against the alleged perpetrator.

Although they are not employed by Idaho State University, some community resources can offer confidentiality as well. They include:

Pastoral Counselors (Religious or Spiritual Advisors)

A list of religious leaders near the Idaho State University – Pocatello Campus is available on the [Student Affairs home page](#) or by following this link: [Religious Support Services](#).

Victim Advocates

24 Hour National Hotlines:
National Sexual Assault Hotline
1-800-656-HOPE(4673)

National Sexual Assault Online Hotline
<https://ohl.rainn.org/online/>

Department of Defense Safe Helpline
<http://www.safehelpline.org>

Idaho Falls:
Domestic Violence and Sexual Assault Center
24 hour crisis line 208-235-2412
To make an appointment: 208-529-4352
1050 Memorial Dr
Idaho Falls, ID 83402
<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>
Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

Meridian:
Family Advocacy Center and Education Services - FACES
24 hour crisis line (208) 345-7273
To make an appointment: (208) 577-4400 or 208-377-6790
417 S. 6th St.
Boise, ID 83702
<http://www.facesofadacounty.org>
24/7 forensic medical services and support for sexual assault victims.

Pocatello:
Family Services Alliance of Southeast Idaho
24 hour crisis line: (208) 251-HELP (4357)
To make an appointment: (208) 232-0742
355 S. Arthur Avenue
Pocatello, ID 83204
<http://fsalliance.org/>
Free and confidential victim advocacy and counseling services available.

Twin Falls:
Crisis Center of Magic Valley
24 hour crisis line (208) 733-0100
To make an appointment: 800-882-3236
P O Box 2444• Twin Falls
Idaho 83303-2444
<http://www.crisiscenterofmagicvalley.com/>
24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

Women's and Children's Alliance
24 hour crisis line (208) 345-7273
To make an appointment: 208-343-3688
720 West Washington St.
Boise, ID 83702
<http://www.wcaboise.org/>
Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

2. Responsible Employees

A “responsible employee” is a University staff or faculty member with:

- The authority to stop, prevent or remedy the effects of sexual violence or misconduct;
- The duty to report sexual violence or other student misconduct; or
- A role on campus that would lead a student to reasonably believe the employee has this authority or duty.

At ISU, nearly all faculty, staff and employees meet the definition of a responsible employee. Responsible employees are required to report all relevant details about the alleged sexual violence or misconduct that are shared with or observed by them.

If a student tells a faculty, staff or employee, they should expect that person to share the report with the [Title IX Coordinator](#). This includes the names of the involved parties, and any known witnesses. Responsible employees will also be expected to share facts about the date, location, and time of the alleged incident.

Although responsible employees cannot offer strict confidentiality, the information they share with the [Title IX Coordinator](#) will only be shared with the University administrators responsible for responding to the report. In other words, the only people that will receive the information need to know it so they can act to stop the sexual violence or misconduct, remedy its effects, and prevent it from happening again.

The most common responsible employees at ISU include the staff members in the following offices:

University Housing (Resident Assistants, Hall Directors, Assistant Directors)
Club Advisors
The Office of Student Affairs
Public Safety
The Office of Equal Opportunity, Affirmative Action and Diversity
Athletic Department (Coaches, Assistant Coaches, Athletic Directors)

Instructors, teaching assistants, lab assistants or clinical advisors are also responsible employees.

Responsible employees are trained to inform students of their obligation to report information to the [Title IX Coordinator](#). They may interrupt a student who is reporting an incident before all of the facts or details are revealed to confirm that the student understands this obligation.

If the student decides they would prefer to tell a confidential source, the responsible employee can help put them in contact with an appropriate individual.

See [Section 5.A.1](#) for information on requesting confidentiality from the University after an incident has been reported to the Title IX Coordinator.

3. Law Enforcement

Survivors may choose whether or not they would like to disclose incidents of sexual violence or misconduct to local law enforcement. There is no obligation to report to law enforcement officers and the University will not pressure survivors to do so but will offer assistance if it is requested.

When survivors report an incident of sexual violence or misconduct to a law enforcement officer, they are not obligated to pursue a criminal investigation or press charges. Law enforcement officers will consider requests to do nothing if that is preferred.

ISU Public Safety officers are not sworn law enforcement officers but maintain strong collaborative relationships with local law enforcement wherever an ISU campus is located.

ISU's Public Safety staff prefers to inform the local law enforcement agencies when they receive reports of sexual violence and/or misconduct, but will consider requests to refrain from notifying the police.

The following law enforcement agencies have jurisdiction over ISU campuses:

Pocatello:
Pocatello Police Department
Emergency: 9-1-1
Rape Crisis Line: 251-4357
911 N. 7th Ave.
Pocatello, ID 83201
208-234-6100
http://www.pocatello.us/police/police_vs.htm

Idaho Falls:
Idaho Falls Police Department
Emergency: 9-1-1
605 N. Capital Ave
Idaho Falls, ID 83402
208-529-1200
<http://www.idahofallspolice.com/>

Meridian:
Meridian Police Department
Emergency: 9-1-1
1401 E Watertower Ave
Meridian, ID 83642
208-888-6678
<http://www.meridiancity.org/police.aspx>

Twin Falls:
Twin Falls Police Department
Emergency: 9-1-1
356 Third Ave. E.
Twin Falls, ID 83303
208-735-4357
<http://www.tfid.org/index.aspx?nid=186>

B. How

Information about incidents of sexual violence or misconduct can be reported in many ways, this includes sharing the information anonymously.

1. Anonymous Reporting

Anonymous reports can assist the University in its efforts to comply with federal laws with respect to reporting crimes and in identifying patterns that could be concerning. Anonymous reporting may limit the University's ability to investigate or take disciplinary action.

To submit an anonymous report, please use the following resource:
[Public Safety Anonymous Reporting Form](#)

2. Reporting to Responsible Employees & Law Enforcement

Students choosing to share information with a responsible employee at ISU can send letters or emails, or talk with them in person. If students choose to speak directly to a responsible employee, the employee may take notes or write down facts and details.

If the student is able to remember, the following facts can be very helpful for the University in conducting investigations:

- Exact date(s) and time(s) of the alleged incident(s)
- The alleged perpetrator's name (if known). If not known, providing information about their physical description is helpful.
- The names of witnesses or potential witnesses
- The location of the alleged incident
- Any text messages, emails, or social media posts related to the incident

Some survivors may find it useful to write this information down. The University recognizes that traumatic incidents of sexual violence or misconduct can make memories of the incident difficult to recall. The process may take time, so writing down memories and recollections can be helpful when sharing information with the University.

C. When

The University does not impose a deadline for reporting incidents of sexual violence and/or misconduct. However, there are advantages to reporting an incident as soon as possible.

When reported soon after the incident, the University and law enforcement may be able to collect relevant evidence that can be lost with time. For example, surveillance video of the campus is usually only kept for thirty (30) days. Reporting within the first thirty (30) days of the incident could allow for surveillance footage to be accessed and permanently stored.

Section 4: Receive SUPPORT

Within the University and surrounding communities there are many resources to support survivors of sexual violence and/or misconduct. This section provides the contact information for service providers and shares advice about how to access the services.

A. Medical Care

Survivors of sexual violence and/or misconduct often experience physical harm to their bodies. Helping survivors get medical care and attention is a priority for the University.

1. Sexual Assault Examinations

In the immediate aftermath of a sexual assault (non-consensual sexual contact, intercourse, or rape) there may be evidence of the assault present on and within the survivor's body. Receiving a sexual assault examination can preserve this evidence and improve the

probability of criminal convictions, University disciplinary action, and the granting of protective orders. Because physical evidence can be lost as time goes by, survivors are encouraged to seek a sexual assault examination within five (5) days.

Some actions that survivors may choose to take to preserve as much evidence as possible include:

- Not going to the bathroom
- Not bathing, showering, or douching
- Not brushing teeth or combing hair
- Not laundering or washing the clothing that was worn prior to or during the assault

However, even if you have done these things you can still have the exam. If you have changed your clothes, bring the clothes you were wearing with you in a paper bag, if possible.

Sexual assault examinations, conducted by trained Sexual Assault Nurse Examiners (SANEs), can be obtained at the following locations near an ISU campus:

Pocatello:

Portneuf Medical Center

777 Hospital Way
Pocatello, ID 83201
(208) 239-1000
www.portmed.org

Idaho Falls:

Eastern Idaho Regional Medical Center

3100 Channing Way
Idaho Falls, ID 83404
(208) 208-529-7910
www.eirmc.com

Twin Falls:

St Lukes Magic Valley

801 Pole Line Road W.
Twin Falls, ID 83301
208-814-1400
http://www.stlukesonline.org/magic_valley/

Meridian:

St. Luke's Meridian

520 S. Eagle Rd
Meridian, ID 83642
(208) 706-5000
<http://www.stlukesonline.org/meridian/>

**Family Advocacy Center and Education Services
- FACES**

24-Hour Crisis Line (208) 345-7273
417 S. 6th St.
Boise, ID 83702
(208) 577-4400 or 208-377-6790
<http://www.facesofadacounty.org>

Private insurance companies may cover the costs of examinations. If an individual does not have insurance or is concerned about the cost, the State of Idaho Crime Victims Compensation program may be able to cover the cost of the exam.

Victim advocates may accompany survivors to the medical examination and be present during the exam. Having an advocate present can be very helpful and provide reassurance and emotional support, and assistance with any paperwork.

For more information about what will happen during a sexual assault exam or receiving funding through the Crime Victims Compensation program, contact one of the victim advocate offices listed above.

2. Contraception

When a female survivor has been raped, medical care providers can prescribe and administer emergency contraception to prevent pregnancy.

3. Sexually Transmitted Infections (STI)

Medical care providers also screen for the presence of sexually transmitted infections.

B. Emotional Care

The University provides several free or low-cost options for personal counseling.

ISU Main Campus – Pocatello:

Counseling & Testing

(208) 282-2130
921 South 8th Avenue
Pocatello, Idaho 83209
<http://www.isu.edu/ctc/>

Counseling is provided to students free of charge.

Counseling Clinic

208-240-1609
7th Floor Garrison Hall
<http://www.isu.edu/hpcouns/center.shtml>
Low cost counseling for students and the community.

Center for New Directions

282-2454
Roy F Christensen Building (College of Technology)
Room 372
<http://www.isu.edu/cnd/>
Free and confidential personal counseling.

Psychology Clinic

208-282-2129
5th Floor Garrison Hall
<http://www.isu.edu/psych/psychologyclinic.shtml>
Counseling for students and the community on a sliding fee scale.

Satellite Campuses:

Idaho Falls:

University Counseling and Testing Services - Idaho Falls Campus

(208) 282-7750
1784 Science Center Dr.
Idaho Falls, ID 83402
<http://www.isu.edu/idahofalls/counseling>
Counseling is provided to students free of charge.

Meridian:

ISU-Meridian Department of Counseling

(208) 373-1719
Address
<http://www.isu.edu/hpcouns/boiseclinic.shtml>
Free counseling for ISU students, low cost counseling for the community.

Twin Falls:

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.
Chris Vaage, Director
208-933-2301

C. Victim Advocacy

A victim advocate is a trained support person that works with victims of crime. Often victim advocates are members of community action agencies dedicated to preventing and responding to sexual violence and misconduct.

Victim advocates provide several supportive services such as personal safety planning, identifying alternative safe housing, accompanying victims to judicial or administrative proceedings, and referring victims to other care-based services.

The following victim advocacy agencies are available in communities where ISU maintains a campus:

Pocatello:**Family Services Alliance of Southeast Idaho****24 hour crisis line: (208) 251-HELP (4357)**

To make an appointment: (208) 232-0742

355 S. Arthur Avenue

Pocatello, ID 83204

<http://fsalliance.org/>

Free and confidential victim advocacy and counseling services available.

Idaho Falls:**Domestic Violence and Sexual Assault Center****24 hour crisis line 208-235-2412**

To make an appointment: 208-529-4352

1050 Memorial Dr

Idaho Falls, ID 83402

[https://www.facebook.com/pages/Domestic-Violence-](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)[Sexual-Assault-Center/123279711082925](https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925)

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

Twin Falls:**Crisis Center of Magic Valley****24 hour crisis line (208) 733-0100**

To make an appointment: 800-882-3236

P O Box 2444• Twin Falls

Idaho 83303-2444

<http://www.crisiscenterofmagicvalley.com/>

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

Meridian:**Family Advocacy Center and Education****Services - FACES****24 hour crisis line (208) 345-7273**

To make an appointment: (208) 577-4400 or 208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

Women's and Children's Alliance**24 hour crisis line (208) 345-7273**

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

<http://www.wcaboise.org/>

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

D. Legal Support

There are various options for legal support through the University and community

ASISU Legal Services:

208-282-3435 to schedule an appointment

Free general legal advice for ISU students during the academic year. An attorney is available in the ASISU Office for 15-minute consultations twice a month.

Idaho State Bar Association's Lawyer Referral**Service :**

(208) 334-4500

<http://www.isb.idaho.gov/general/findattorney.html>**Idaho Legal Aid:**

Pocatello: 233-0079

Idaho Falls: 208-524-3660

Twin Falls: 208-734-7024

Boise: 208-345-0106

<http://www.idaholegalaid.org/>

Legal representation and community education for low income Idahoans.

E. Protective Orders

Within the State of Idaho, survivors of sexual violence or misconduct may be able to secure a protection order to ensure that they do not have to interact with the alleged perpetrator. Depending on the circumstances of the incident, there are three (3) options: no contact orders, civil protection orders, and civil restraining orders.

1. No Contact Orders (NCO)

If an alleged perpetrator has been arrested for a crime, the survivor may request a no contact order from a judge. The NCO is entered into the law enforcement reporting system and is enforced by law enforcement officers. ISU Public Safety Officers can assist local law enforcement in enforcing NCOs.

2. Civil Protection Order or Domestic Violence Order

When an incident involves domestic or dating partners, the survivor may be able to secure a civil protection order or domestic violence order. It is strongly advised that survivors work with a victim advocate to petition for civil protective orders or domestic violence orders because advocates have experience filing the necessary paperwork. Securing a civil protective order or domestic violence order depends on the survivor being able to demonstrate (a) that the survivor and alleged perpetrator had a dating or domestic relationship, and (b) that there has been an act of violence or will be an immediate act of violence.

When a petition is received and approved by a judge, the initial order is entered for the period of fourteen (14) days and a hearing is set to consider extending the order for a longer period of time, usually one (1) year. At the hearing, the judge will consider the need for the order and if the need is demonstrated, the order will be extended for one (1) year.

Civil protection orders are the most common instrument for preventing interaction between the survivor and alleged perpetrator. ISU Public Safety Officers can assist local law enforcement in enforcing civil protection orders.

3. Civil Restraining Orders

Although more expensive to obtain, survivors may employ an attorney to seek a restraining order against an alleged perpetrator in civil court. This option is more expensive because it requires legal representation from an attorney. Restraining orders are not enforceable by law enforcement officers. Violations of restraining orders must be presented in court for enforcement.

F. University Support Services

The University can provide survivors with support beyond medical and emotional care. This includes taking such actions as:

- Changing living arrangements for students that reside in University housing
- Changing course sections or seeking alternatives for face-to-face instruction (online or distance education, independent study, etc.)
- Altering on-campus work schedules
- Re-arranging campus transportation

- Advocating for survivors with faculty to accommodate missed classes, assignments, or exams
- Assisting with withdrawals (processing paperwork, guiding students through the process, discussing the implications for financial aid eligibility, seeking refunds of tuition and fees, etc.)
- No Contact Letters

Section 5: How Does the University RESPOND

A. Investigations

When students are involved in a University investigative process, the survivor is referred to as the “Complainant” and the accused is referred to as the “Respondent.”

1. Federal Mandate to Investigate

ISU is required by federal law to investigate all reports of sexual violence and misconduct when it is notified of such actions or behavior. Although students may not want the University to investigate reports, the University has an obligation to provide an educational environment that is safe and free from sexual violence and/or misconduct for all students. The University must balance the interests of all students with the interests of those students who have been victimized in an effort to prevent future harm. In conducting investigations, the University’s investigators seek to be sensitive to the needs of those students who have been victimized and those students who have been accused. Investigators strive to be fair, impartial and thorough.

It is not the practice of the University to pursue disciplinary action against the survivor on an act of sexual violence or misconduct who discloses illegal/underage consumption of drugs and/or alcohol prior to or during the incident.

Requesting Confidentiality from the University

After an incident of sexual assault or misconduct has been reported to the University, the Complainant can request that the University:

- Keep their personal identifying information confidential, and/or
- Refrain from investigating or taking any disciplinary action against the Respondent.

These requests should be submitted, in writing, to the Title IX Coordinator. The Title IX Coordinator will then evaluate the Complainant’s request based on whether honoring the request would interfere with the University’s legal obligation to provide a safe and non-discriminatory environment for all members of the campus community.

The Title IX Coordinator considers the following factors in determining whether the confidentiality request can be honored:

1. The risk and likelihood of the Respondent committing more violence or misconduct in the future.
The Title IX Coordinator will check to see if:

- The Respondent has any other complaints in their educational records;
 - The Respondent has a history of arrests or disciplinary records at another school or college;
 - The Respondent threatened the Complainant with further violence or violence against others; or
 - Multiple perpetrators committed the sexual violence or misconduct.
2. The use or attempted use of a weapon while committing an act of sexual violence or misconduct.
 3. The ability of the Complainant to advocate for their interests. Violence or misconduct against vulnerable persons (minors, elderly, disabled) is particularly concerning to the University because the University has heightened obligations to protect them due to their vulnerabilities.
 4. The existence of a pattern of predation or perpetration based on the location or involvement of a particular group.

Reports that indicate one or more of the preceding factors exist will likely lead the University to investigate and act notwithstanding the request for confidentiality. Reporting Parties should know that these circumstances are rare, and even though the University may not honor the request for confidentiality, they will take every available precaution to keep the Complainant safe.

2. Investigation Timing

The Department of Education has advised colleges and universities to be timely in conducting their investigations. From the time the University receives notice of sexual violence or misconduct, investigators and conduct administrators have sixty (60) calendar days to collect relevant information about the alleged misconduct, and, if appropriate, complete student conduct proceedings. Depending on when the institution is notified and the complexity of the report, the investigation may take longer, but students will be informed in writing of anticipated delays.

The University's investigation is separate from an investigation conducted by law enforcement. The University cannot delay its investigation to accommodate a law enforcement investigation. When possible, University investigators and law enforcement investigators will cooperate to avoid delays.

3. The Investigative Process

There are two (2) distinct parts of each investigation: a) the collection of evidence and information, and b) the adjudication of reports that are supported by the evidence that is collected. Not all reports of sexual violence and/or misconduct reach the second stage because there is insufficient evidence to recommend conduct proceedings.

a) Collection of Evidence and Information

The first task of investigators is to identify and document relevant information regarding the report of sexual violence or misconduct. Initially, investigators begin by collecting information from objective sources such as video footage from surveillance cameras, key access logs, electronic/digital records (e.g. social media websites), and any information collected by Public Safety. These sources of

information do not require the Complainant or the Respondent to participate in the collection process.

In addition to objective sources, investigators also speak with the Complainant, the Respondent, and witnesses if there are any. These people are considered subjective sources because they share their personal view, perspective and memory of events. Investigators may audio record conversations and take notes to capture all of the relevant information that is shared. Investigators may meet with these individuals more than once to confirm they have accurately recorded the information.

It is helpful to the investigation if involved parties are able to provide evidence such as text messages, emails, voicemails, or social media messages and posts. Students are encouraged to retain as much of this information as possible and to share it with investigators.

Investigators summarize and organize the information they collect into a report. When possible, investigators offer analysis and evaluation of the information and evidence, and recommend whether the report should be adjudicated through student conduct proceedings. The report is available for the Complainant and the Respondent to review. In the event the report recommends the Respondent participate in conduct proceedings, both the Complainant and Respondent will be given access to the report to prepare for the conduct proceedings.

b) Adjudication of Complaints

When the person accused of sexual violence or misconduct is a student, the ISU *Student Conduct Code* (ISUPP # 5000) is used to adjudicate the complaint. The process and procedures are described in detail in Article IV. A summary of the process and procedures are included here.

When the person accused of sexual violence or misconduct is an employee (faculty, staff, or administrator) the University relies on the process and procedures set forth in the following policies:

- Suspension, Dismissal, Termination, and Demotion of Classified Employees.
- Suspension, Dismissal, Termination, and Demotion of Non-Classified Employees (Faculty are subject to this policy).

B. Conduct Proceedings for Students

1. Student Conduct Code

ISU's *Student Conduct Code* (ISUPP # 5000) establishes the process and procedural guidelines for adjudicating reports of sexual violence and/or misconduct perpetrated by students.

2. Types of Conduct Proceedings

There are two (2) types of conduct proceedings outlined in the *Student Conduct Code*: Administrative Resolution Meetings and Student Conduct Board Hearings.

a) Administrative Resolution Meetings:

An Administrative Resolution Meeting occurs when there is sufficient evidence for a University Conduct Officer to determine, by a preponderance of the available evidence, that a violation of the Student Conduct Code occurred. Administrative Resolution Meetings typically result from reports that are supported by clear objective evidence and few if any disputed facts. Although the Respondent may deny having violated the Student Conduct Code, if they cannot support that denial with evidence, the Conduct Officer may find them responsible and impose commensurate sanctions. The Respondent may reject this finding and appear before the Student Conduct Board.

Administrative Resolution Meetings are facilitated by Conduct Officers, not the Student Conduct Board. Although the Complainant will be informed of the outcome of the Administrative Resolution Meeting, they typically do not participate.

b) Student Conduct Board Hearings

When the Respondent rejects the finding and sanctions determined during an Administrative Resolution Meeting, a Student Conduct Board meeting is held. Student Conduct Boards are comprised of between three (3) and five (5) faculty, staff, and/or students. The Conduct Board determines responsibility and imposes commensurate sanctions if the Respondent is found responsible.

Both the Complainant and the Respondent may attend and participate in the Conduct Board hearing but are not required to do so. They may each bring an advisor who may act as support during the proceedings.

3. Standard of Evidence/Information

The University's conduct proceedings employ the same standard of evidence regardless of the type of proceeding. In any proceeding, the adjudicator or finder of fact must determine if the Respondent was responsible for a policy violation by a **preponderance of the evidence**. The word preponderance means "to exceed in weight, influence, power or importance."

The Respondent is found responsible when the available information or evidence indicating they are responsible outweighs the information and evidence that may indicate they are not responsible. The Student Conduct Board and University Conduct Officers have a simple question to answer: "Is it more likely than not that the Respondent did what they are accused of?" If the answer is yes, then the student is found responsible.

The preponderance of the evidence is a lower standard of evidence than the one used in the criminal justice system – beyond a reasonable doubt.

4. Sanctions

The Student Conduct Code enumerates twelve (12) possible sanctions for students found responsible for sexual violence and/or misconduct. The most lenient sanction is a written warning. The most severe sanction is expulsion, or permanent separation, from the University. Short of expelling a student, the Conduct Officer or Student Conduct Board may choose to place the Respondent on probation or suspend them. A suspension is a separation from the University for a defined period of time not to exceed two (2) years.

Probation enables a student to remain enrolled at the University but imposes limits and loss of privileges.

The process of sanctioning Responding Parties who have been found responsible is based on analyzing certain factors and elements of the violation. Some of those factors and elements include:

- How significant was the actual harm caused by the Respondent's actions?
- How significant was the potential harm that could have been caused by the Respondent's actions?
- Has the Respondent violated University policies or laws before?
- How have students engaged in similar misconduct been sanctioned by the University in the past?
- What sanctions may deter the Respondent from engaging in the same behavior in the future?

When the Respondent is found responsible for non-consensual sexual contact or intercourse, the actual harm to the Complainant may be very significant. For this reason, the minimum sanction considered in cases of non-consensual sexual contact is probation and in cases of non-consensual sexual intercourse, suspension.

5. Notice of Conduct Proceeding Outcomes

When a Conduct Officer or Student Conduct Board reaches an outcome, there are three (3) distinct parts to each outcome:

- The Finding: Responsible or Not Responsible
- The Rationale: What information, evidence or facts persuaded the Conduct Officer or Conduct Board to reach the finding
- The Sanctions

Verbal notice of the outcome will be provided to both the Complainant and the Respondent within forty-eight (48) hours of the conclusion of the hearing. Written notice will be provided within five (5) business days.

6. Appeals

Both the Complainant and the Respondent may appeal the outcome of conduct proceedings to the Vice President for Student Affairs or his/her designee(s). Appeals must be based on one (1) or more of the following reasons and substantiated by credible information:

- New information that was unavailable at the time of the conduct proceeding would alter the outcome and should be considered;
- A procedural irregularity resulted in the conduct proceeding being prejudiced or unfair to the Complainant or the Respondent;
- The Conduct Officer or Conduct Board reached its outcome without achieving a preponderance of the evidence standard;
- The sanctions imposed were not commensurate with the violation.

Simply requesting an appeal does not mean the outcome will be reconsidered. The Vice President for Student Affairs must be persuaded that one (1) of the four (4) reasons listed above has been satisfied in the request for an appeal.

If the appeal is granted, the Vice President for Student Affairs or his/her designee(s) will reconsider the outcome of the conduct proceeding and determine how to correct it in light of the identified inadequacy.

C. Student Rights Pursuant to Investigations & Conduct Proceedings⁶

To achieve fairness and impartiality, the University affords both the Complainant and the Respondent similar rights.

1. Rights of the Reporting Party

Sometimes these are referred to as the rights of the victim, survivor or complainant.

- a) The Complainant may choose whether or not to report incidents of sexual violence and/or misconduct to the University and/or law enforcement. Even after reporting, they are able to determine the level of their participation in the ensuing investigation and conduct proceedings.
- b) The Complainant has a right to have the information they share protected by those individuals to whom they report. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- c) The Complainant has a right to be free from retaliation for reporting an incident of sexual violence and/or misconduct. Retaliation occurs when the Complainant is treated adversely by others for reporting an incident or participating in an investigation or conduct proceeding.
- d) The Complainant has a right to be notified in writing of meetings at which they are expected to participate. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting.
- e) The Complainant may be accompanied by an advisor (e.g. a support person) of their choosing to any meetings pursuant to an investigation including conduct proceedings and appeals. If requested, the University will recommend a faculty or staff member who has been trained on investigations and conduct proceedings to serve as an advisor.
- f) The Complainant may request that their living and learning environment be modified to support their success as a student, and to avoid being re-victimized by being forced to interact with the Respondent. Modifications typically include re-assigning the Respondent to a new residence hall, class section, or work assignment. The Complainant will not be asked to make any change unless they request it.
- g) The Complainant may request that the University take precautions to ensure their safety during investigation meetings and conduct proceedings.
- h) The Complainant may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- i) The Complainant may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Complainant to persuade their witnesses to participate.
- j) The Complainant has a right to review the information and evidence collected during the investigation. They will be able to submit an addendum to the investigative report that

⁶ University of Virginia - Survivor's Bill of Rights
The Federal Campus Assault Victims' Bill of Rights (July 1992)

identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.

- k) The Complainant may ask that witnesses or the Respondent answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant and being offered in good faith.
- l) The Complainant has a right to have conduct decisions based solely on the information or evidence pertaining to the alleged violation, not on their sexual history or past relationships.
- m) The Complainant has a right to appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- n) The Complainant will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and the outcome of an appeal if granted, simultaneously with the Respondent.

2. Rights of the Responding Party

Sometimes these are referred to as the rights of the accused, or respondent.

- a) The Respondent has a right to have the information they share protected by those individuals with whom they share it. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- b) The Respondent has a right to be free from harassment or vigilantism for being accused of sexual violence and/or misconduct. Although the Complainant may be subject to reassignment of residence halls, course sections or work assignments, these actions are not punitive but precautionary to prevent further accusations.
- c) The Respondent has a right to be notified, in writing, when they are requested to schedule or participate in a meeting. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting. The Respondent is expected to attend investigative meetings and conduct proceedings, and may be charged with failing to comply with the request of a University official if they do not attend.
- d) The Respondent may have an advisor of their choosing accompany them to any meeting held during an investigation and/or conduct proceeding. If requested, the University will recommend an advisor who is familiar with the investigation and conduct proceeding processes.
- e) The Respondent may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- f) The Respondent may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Respondent to persuade their witnesses to participate.
- g) The Respondent has a right to refrain from answering questions during investigative meetings and conduct proceedings. Students should be aware that not attending a meeting or choosing not to answer questions could still lead to an unfavorable outcome because the University can make a decision based on the information it is able to obtain notwithstanding the Respondent’s absence or silence in the process.
- h) The Respondent will have an opportunity to review the investigative report. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.

- i) The Respondent will have an opportunity to review and challenge the evidence or information that has been shared by the Complainant leading up to a conduct proceeding so they can adequately prepare for the proceeding.
- j) The Respondent may ask that witnesses or the Complainant answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant, being offered in good faith and will not potentially re-victimize the Complainant.
- k) The Respondent may appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- l) The Respondent will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and the outcome of an appeal if granted, simultaneously with the Complainant.

KEY PERSONNEL

Title IX Coordinator:

Stacey Gibson

Director of Equal Opportunity, Affirmative Action and Diversity
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Pocatello ID 83209-8315
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Title IX Deputy Coordinators:

For Students:

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