

Campus Report on Sexual Misconduct



March 28, 2011

Campus Report to the OUS Chancellor on Sexual Misconduct

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Institutional Context

As the public liberal arts university of the West, Southern Oregon University focuses on student learning, accessibility, and civic engagement that enriches both the community and bioregion. The University is recognized for fostering intellectual creativity, for quality and innovation in its connected learning programs, and for the educational benefits of its unique geographic location. Under the leadership of President Mary Cullinan, SOU has developed a mission statement that reads, "Southern Oregon University is an inclusive campus community dedicated to student success, intellectual growth, and responsible global citizenship."

SOU enrolls approximately 6,500 students, 70% from Oregon, at its Ashland campus, online, and the SOU/RCC Medford Higher Education Center. SOU is a member of the Council of Public Liberal Arts Colleges (COPLAC). SOU also maintains a partnership with Oregon Health Sciences University (OHSU) to deliver a Bachelor's Degree program in Nursing at the Ashland campus.

Roughly 60% of SOU students are the first in their families to attend college and nearly 40% are considered low-income by Federal standards. 30% of SOU's student body is over the age of 26. SOU houses roughly 30% of students on campus, in residence halls and apartments. SOU does not have fraternities or sororities.

Situated in the beautiful Rogue Valley, Ashland is a small city of 22,000 located just 14 miles from the California border. While SOU does not have a police force, the well-trained Campus Public Safety staff has a very close working relationship with the Ashland Police and Fire Departments.

Introduction

Sexual misconduct is not tolerated in any form at Southern Oregon University. During the past number of years, SOU has worked to align campus and community resources to educate the campus population to, prevent, support victims of, and resolve instances of sexual misconduct. Despite these efforts, more can always be done to reduce the occurrence of sexual misconduct.

SOU's statement on community expectations reads, "Participation as a member of the Southern Oregon University community entails respect for oneself and all other members of the campus community. All students, upon matriculation, agree that every other member of the campus community is to be respected as a colleague committed to the pursuit of knowledge and self-understanding. To misuse or abuse that mutual respect is to threaten the entire academic enterprise."

With this statement comes recognition that many types of unacceptable behavior are intertwined with others. For example, alcohol is often involved in instances of sexual misconduct. When educating students on alcohol-related issues, sexual misconduct must also be discussed. This philosophy is woven throughout SOU's prevention and support efforts. It also informs the University's approach to resolution of conduct cases involving sexual misconduct. SOU has created a Sexual Misconduct Review Board, composed of trained administrators and staff, to deal with the often complex issues that arise in these cases and ensure that appropriate outcomes are achieved. This and other efforts are discussed later in this report.

SOU has a Student Support Network that is charged with identifying students experiencing difficulties and helping them obtain resources. This group is also charged with identifying population-level issues that impact student success and working with the appropriate campus groups to address them. Thus, while many of SOU's prevention and support efforts relating to sexual misconduct are coordinated by the Women's Resource Center and disposition of conduct cases are handled by the Student Conduct Office, they are seen as campus-wide responsibilities via the coordinating Student Support Network.

The pages that follow outline more specifically the prevention, support, and resolution resources, initiatives, and challenges undertaken by SOU.

Prevention

While the following information outlines the many education and prevention efforts undertaken by SOU to reduce sexual misconduct, this is the area in most need of additional coordination and resources. While many of these efforts are based on best- and proven-practices, there has yet to be enough of a focus on men and their responsibility to ensure sexual violence does not occur.

SOU has worked closely with both the Attorney General's Sexual Assault Task Force and the Jackson County Sexual Assault Response Team since their inception. A major turning point in awareness and prevention efforts at SOU came with a two-year campaign by the County SART to raise awareness of sexual assault and sexual assault services on the SOU campus (2006 – 2008). SART secured grant funds to support the project and worked closely with SOU faculty, administrators, and students across campus. They helped design a multi-pronged information campaign that included flyers, bathroom posters, "message candy" and coffee sleeves, newspaper articles, tablings, rallies, invited speakers, and classroom discussions. They helped train Resident Advisors, Campus Public Safety and Health Center staff on awareness and prevention. And perhaps most importantly, they helped recruit wildly divergent student groups, from the Ecology Club to the Black Student Union to student religious organizations, to join in wearing distinctive "Stop Sexual Assault" T-shirts en masse on select days throughout the year, a highly visible way of breaking the silence and increasing awareness.

Recent prevention efforts at SOU include the following:

Sexual Assault Prevention Trainings—Coordinated by the Women's Resource Center and involving both campus and community experts, trainings include Sexual Assault Network Training; a mini-Sexual Assault Network Training for Residential Living staff; Residents Assistants Sexual Assault Training; Diversity Training for Leadership Academy (25 new student leaders-in-training; and on-going training for volunteers at the Women's Resource Center. These trainings are partially based on information from the National Sexual Violence Resource Center (NSVRC). A sample of these trainings appears in Appendix C.

New Student Orientation—Topics covered with new students include risk reduction & sexual safety, alcohol & drug choices, agencies & community resources, and healthy relationships.

"Month" programming—Programs and activities within Sexual Assault Awareness Month (and the "Spectrum of Prevention", modeled on the work of the NSVRC); Domestic Violence Awareness Month.

Women's Self Defense—Monthly workshops sponsored by the WRC.

Take Back the Night—Activities on campus and participation in the Ashland annual event.

"One Nighter"—Alcohol education program featuring nationally recognized speaker Mike Green. While the focus of this program is responsible behavior around alcohol, Mr. Green spends significant time talking about the relationship between sexual misconduct and alcohol and how to every member of the campus community can take responsibility to ensure sexual misconduct does not occur as a result of a "one night drinking problem."

Passive Programs—Flyers, posters, and displays in offices and buildings across campus, on-going.

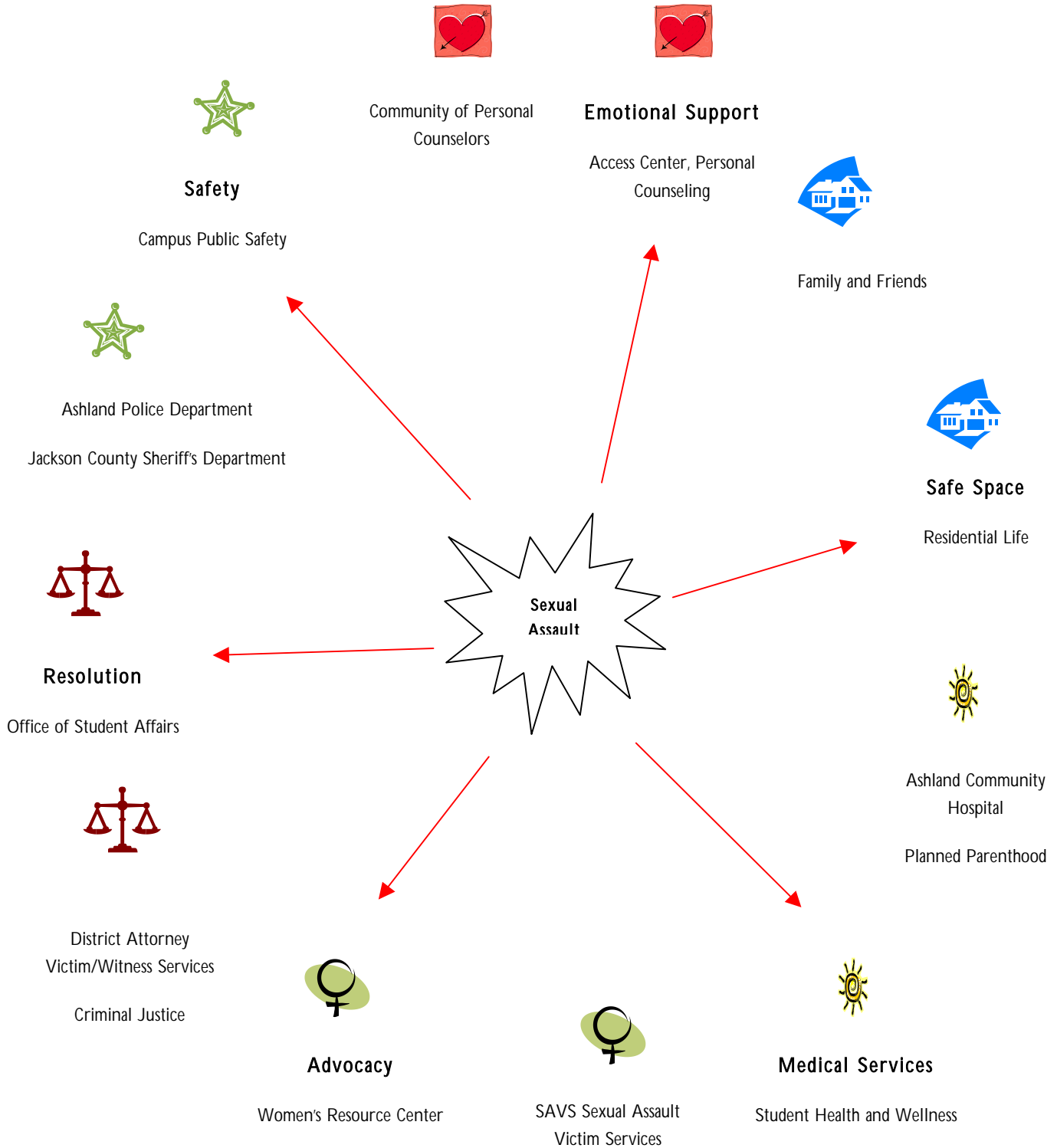
Most recently—and very importantly, President Cullinan has commissioned a Healthy Campus Initiative comprised of five focus areas—Physical Health, Emotional Health, Alcohol & Other Drug Issues, Tobacco Free Campus Campaign, and Sexual & Relationship Violence. Outcomes for the Sexual & Relationship Violence task force will include assessment of levels of awareness of behavior (perceived and actual) and establishment of targets for awareness improvement; implementation of innovative and sustainable programs directed at men

and responsibility for healthy relationships and their assessment; and implementation of a campaign to educate the campus population on resources, procedures, rules, and expectations and its assessment.

Support

SOU's support network for victims of sexual misconduct is best understood visually:

Help for Victims of Sexual Assault At Southern Oregon University



→ arrows point to University services

This visual representation of SOU’s Sexual Assault Response Network illustrates the comprehensive approach that is taken to supporting victims of sexual violence. Campus resources have been aligned with community partners to continually share information and cross-train.

Sexual Assault Response Network Southern Oregon University

Campus	Partners
Women’s Resource Center	Sexual Assault Victim Services (SAVS) J.C. Sexual Assault Response Team (SART)
Campus Public Safety	Ashland Police Department
Health and Wellness Center Personal Counseling	SASH (Sexual Assault Survivors Healing)
Student Health and Wellness Center Medical	Ashland Community Hospital (SART) Sexual Assault Response Team
Office of Student Affairs	Victim’s Assistance Program, District Attorney’s Office
Residential Life	Family and Friends

Prior to the start of each fall term, SOU hosts a training day with the departments and partners listed above. The agenda of the 2010 training appears in Appendix A. Additionally, procedures are in place to regularly cross-check, edit, and update web, phone, and other information for all network partners.

As outlined in the Prevention section, SOU works extensively with Resident Advisors and other student leaders on issues relating to sexual misconduct. In addition to education and prevention efforts, RA’s and others are trained to understand the Sexual Assault Response Network, resources available, proper procedures and referrals, and how to effectively support a victim of sexual misconduct. A summary sheet of information and procedures for residence hall staff appears in Appendix D.

Support for victims of sexual misconduct is not focused solely on training and coordination of resources. Providing accurate, easy-to-understand information about these resources and options is also a priority. The Confidentiality Assessment Tool (Appendix B) is an example of efforts to be clear and consistent with victims regarding what they can expect from various offices and resources. Additionally, the programming efforts listed in the Prevention section all incorporate information on how to access services if an assault occurs.

One benefit of being located in a small community is the facilitation of relationship development between campus departments and their community partners. Whether it is Ashland Police keeping Campus Public Safety directors informed of their investigation efforts, the Health Center staff communicating with the local hospital staff, or the Women’s Resource Center coordinator personally introducing a victim to a community SART team member, communication is a strength of SOU’s approach. That said, one of the continual challenges is the relatively few FTE, both on campus and in the community, who must dedicate their time to many issues beyond this one.

Resolution

SOU's student conduct process is housed in the office of the Dean of Students and is overseen by the Coordinator of Student Conduct. As the Dean's designee, the Coordinator oversees all conduct processes relating to sexual misconduct. SOU's philosophy relating to adjudication of sexual misconduct cases is focused on giving as much control back to the victim as is possible. In other words, victims can report an incident and not choose to pursue it through the conduct system immediately, but keep it as an option. Additionally, the conduct process is integrated into our support efforts to de-stigmatize it and to reinforce to victims that they have advocates and allies throughout all areas of the institution. Often, victims are not emotionally ready to "relieve" the events, but given time, counseling, and support, are more prepared to see the conduct process as an appropriate way to achieve resolution. Thus, while SOU always makes the conduct process seen as a viable—even preferable—way to proceed, it is not pushed on a victim as a requirement.

Most cases of sexual misconduct are heard by the Sexual Misconduct Review Board. This board is composed of specially trained administrators and staff, three of whom are selected to hear any given case involving an alleged violation of the sexual conduct policy, or those outlined in the Sexual Harassment Policy. This board intentionally does not have faculty or students sitting on it, as their presence is seen to be an inhibitor to victims choosing to move forward with conduct proceedings out of fear of being in a future class with a faculty member or peer who would then know about their case. Those selected to serve on the board are typically employees who have relatively little contact with students. Both victims and alleged perpetrators are, per the Code of Conduct, given opportunity to raise concerns about the makeup of the board.

In cases where criminal charges are filed against a student for actions that are also violations of University policy, the University is responsible for hearing allegations of policy violations regardless of and separate from any other proceedings. Student conduct hearings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also a violation of University policy, the University may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the University community. The University cooperates fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for the rehabilitation of student violators.

The OUS definitions of sexual misconduct, including consent and exploitation, are of significant help in educating students about expected conduct, helping survivors see that the University can help hold perpetrators accountable, and in aiding conduct boards in wading through often complicated issues that involve conflicting statements. As the table of incidents illustrates, recent conduct issues at SOU have ranged from sexual assault—resulting in suspension of the perpetrator—to sexual exploitation in the form of audio taping of consensual sex (probation and removal from residence halls).

The success of the Sexual Assault Response Network is often behind the successful adjudication of sexual misconduct cases. The largest concern relating to resolution of sexual misconduct cases at SOU is the number of incidents that are not reported, and thus are not able to be adjudicated. The table outlining anonymous reports that appears in the next section illustrates this issue.

Report of Incidents

Incident Type	# of anonymous reports		# of reported incidents		# of incidents adjudicated	Dispositions of completed adjudications*	Disciplinary sanctions imposed
	On campus	Off Campus	On campus	Off campus			
Sex Offense	**See chart	separate below					
- Forcible			2		1	Res	University Suspension
- Non-forcible (incest/statutory rape)							
Sexual Harassment			4		3	Res, Res, NR	Removal from Residence Halls, Sexual Harassment Research Paper and exam, University Probation (All Cases), Order of no Contact (All cases)
Stalking			1	1	3	Res, Res, Res	Research paper around stalking issues (1 case), Community Service (1 Case), order of no contact (all cases), University Probation (All Cases)
Totals			7	1	5	5 Res	
*KEY: Res = responsible, NR = not responsible, D = dismissed, R = rescinded							

Notes:

1 student accused of Sexual Harassment withdrew from SOU before hearing process could begin
 1 report of forcible sexual contact was recanted.

Sexual Harassment cases involved:

Unwelcome verbal harassment

Sexual exploitation in the form of audio taping a consensual sex encounter

SOU's Women's Resource Center (WRC) has been the campus' official collection site for confidential and anonymous reports since 1999. The following information is included to add context to the table above. **Please note that all numbers referenced below are collected for academic years, not calendar years.** The purpose of anonymous reporting is to:

- Increase the University's knowledge of sexual misconduct occurring within the campus population even where a victim did not wish to initiate a campus misconduct investigation or a criminal complaint;
- Enhance awareness among the campus community of the realities of sexual misconduct (i.e. most are acquaintance assaults, most involve alcohol/drug use by either/both the victim and alleged perpetrator, etc.);
- Improve access to advocacy for victims of sexual misconduct; and
- Foster a campus climate where reporting sexual misconduct is normative, where victims are provided with timely and sensitive support and advocacy, and where the University holds assailants responsible for their actions—ultimately creating an environment where each member of the campus community understands that sexual misconduct is a serious violation of community standards that is not acceptable at SOU.

Following are the number of incidents reported to the WRC for the past eleven academic years:

1999-00: 6	2005-06: 8
2000-01: 9	2006-07: 10
2001-02: 16	2007-08: 10
2002-03: 12	2008-09: 12
2003-04: 23	2009-10: 19
2004-05: 25	

It should be noted that greater numbers of confidential reports do not necessarily reflect increased numbers of incidents. Increased reporting may be a sign of improved knowledge and confidence in victim support services, and recognition that a violation took place. It should also be noted that it is possible that even greater sexual misconduct incidents have taken place and have not been reported.

Third party reporting is encouraged, and the Women's Resource Center distributes blank anonymous report forms to various campus offices prior to fall term, as well as referral information for campus personnel to have and give out.

**

2009-10 Anonymous Report Summary received by the Women's Resource Center

Data Type	Data Reported	Data Not Reported	Data Results
Victim Gender	17	2	Female: 16 Male: 1
Victim Age	18	1	Under 18: 0 18-24: 15 24-30: 1 Over 30: 2
Victim Affiliation	18	1	SOU Student: 18 Staff: 0 Faculty: 0 Not affiliated with SOU: 1
Assailant Affiliation (there may be more than one assailant per incident)	13	6	SOU Student: 9 Staff: 0 Faculty: 0 Not affiliated with SOU: 4
Assailant Relationship	19	0	Acquaintance: 15 • Roommate: 0 • Family Member: 1

			<ul style="list-style-type: none"> • Employer: 0 • Other: 14 Stranger: 4
Incident Type*	19	0	Many incidents are reported as multiple types (i.e. harassment and abuse): Sexual Harassment: 4 Sexual Assault: 12 Acquaintance Rape: 9 Stranger Rape: 2 Public Indecency: 2 Intimate Violence: 4 Stalking:1 Other: 1
Location of Incident	19	0	<u>On Campus: 3</u> Housing: 6 Academic Building: 0 <u>Off Campus: 9</u> Victim's home: 6 Someone Else's Home: 6 Public location: 2
Were drugs involved?	18	1	Victim Yes: 3 No: 4 Unknown: 1 Assailant Yes: 2 No: 2 Unknown: 4 Involuntarily: 2
Was alcohol involved?	18	1	Victim Yes: 8 No: 4 Unknown: 1 Assailant Yes: 7 No: 2 Unknown: 4 Involuntarily:
Did the assault happen more than once?	19	0	Once: 13 More than Once: 6

*Incident Type Definitions:

- Sexual Harassment—unwanted teasing, sexual advances, intimidation
- Public Indecency—exposing one's genitals, flashing, mooning
- Sexual Assault—sexual contact without consent
- Acquaintance Rape—unwanted intercourse or penetration by a known person
- Stranger Rape—unwanted intercourse or penetration by an unknown person
- Stalking—unwanted following, calling, contacting by a person who has been told to desist
- Intimate Violence—physical, emotional, psychological, and/or sexual violence, within a dating or domestic relationship

Confidential Reporting by Source

This portion of the annual anonymous report of sexual misconduct is new as of June 2010. The information on the chart below has been draw from previous year's raw data. The purpose of this element of reporting is to chart the relative use of the anonymous reporting system and to consider how to continue to remove barriers that keep victims from reporting and from accessing the resources they need and deserve.

Year Incidents/Reports	Women's Resource Center	Student Health and Wellness Center	Office of the Dean of Students	Campus Public Safety	Residential Living	Other Third Party Reported	Survivor Reported
2009-'10 (19/22)	9*	5*			2*	2*	4*
2008-'09 (12/13)	10*	3*					
2007-'08 (10)	5	3			1		1
2006-'07 (10)	3	3			2	1	1
2005-'06 (8/9)	3*	3*					3

*Indicates that a report regarding the same incident came from these sources.

Conclusion

This document outlines many efforts Southern Oregon University has undertaken—and is undertaking—to educate the campus population about the issue of sexual misconduct, prevent misconduct from occurring, support survivors of misconduct, and effectively resolve incidents when they occur.

For a number of years our focus has been on coordinating support efforts within the campus and in conjunction with local agencies and resources. This work has led to a very effective Sexual Assault Response Network that is comprised of many members of the overarching Student Support Network. While SOU constantly seeks to improve in this area, we are confident that students receive excellent, appropriate, and consistent care and support in the event of incidents of sexual misconduct.

More recently, and supported by the efforts of the Oregon University System's adoption of common and thorough definitions of misconduct, SOU has solidified its procedures for dealing with incidents via the Student Code of Conduct. The Sexual Misconduct Review Board and the philosophical approach taken to dealing with incidents of sexual misconduct are now fully aligned with our Sexual Assault Response Network. Each case presents new opportunity to tighten the connection between these efforts even further. As we work to increase the percentage of incidents that find their way to adjudication, this alignment will ensure they are handled appropriately and expeditiously.

The advent of SOU's Healthy Campus Initiative, which includes a strong focus on sexual and relationship violence education, prevention, and intervention, is a critical part of addressing the recognized need for more institutionalized education and prevention efforts. With a focus on assessment of levels of awareness of behavior (perceived and actual) and establishment of targets for awareness improvement; implementation of innovative and sustainable programs directed at men and responsibility for healthy relationships and their assessment; and implementation of a campaign to educate the campus population on resources, procedures, rules, and expectations and its assessment; this initiative will serve as a cornerstone for our improvement in this critical area.

Looking forward, SOU fully supports the development of an OUS College Official's Report, allowing OUS institutions to know if entering transfer students are coming with significant disciplinary concerns and will excitedly participate in addressing the recommendations that came out of last October's OUS Symposium on Sexual Assault. As a campus, we need to ensure that adequate resources are put behind the Healthy Campus Initiative and continue to work with local agencies to find innovative ways to approach sexual misconduct as their budgets continue to shrink.

Appendix A

Sexual Assault Response Cross-Training

September 13, 2010 (Monday) 9-12 pm Stevenson Union, room 319

This training is SOU's annual forum for professionals from the University and surrounding community to share information regarding response and resources for victims of sexual assault. This is an open forum and all are welcome to attend.

- | | |
|-------|---|
| 9am | Opening remarks –Welcome, the Student Code of Conduct, the Oregon State Mandate, evaluations from last year |
| 9:20 | An Overview of Sexual Misconduct and Assault |
| 9:40 | The Sexual Assault Response Network
Survivor Centered
Network Roles
Confidentiality
Teamwork |
| 10:30 | Break |
| 10:40 | Compassionate Response Basics |
| 11:05 | Group Work: Your role in weaving a network of compassion |
| 11:35 | Link Up: Practical Steps for connecting the sexual assault network |
| 12:00 | Close |

Appendix B

Confidentiality Assessment Tool

For organizations and individuals who help people who are in crisis, it's important to be clear about the level of confidentiality that is maintained. Clarity about confidentiality can be used for effective training and to and to communicate honestly with individuals who may be seeking help.

The purpose of this tool is to help you or your organization assess the level of confidentiality to you maintain for the people you serve.

Level I

Individuals are trained to maintain 100% confidentiality. No paper records are maintained, no information is shared either horizontally or vertically without the express consent or request of the individual in crisis. All individuals are regularly trained in maintaining confidentiality.

Level II

Confidential paper records are kept. Non-identifying information may be shared vertically only. All staff is regularly trained in maintaining confidentiality.

Level III

Public records are kept. Non-identifying information may be shared horizontally or vertically on a “need-to-know” basis. All staff is regularly trained in maintaining confidentiality.

Level IV

Public records are kept. Information may be shared horizontally or vertically on a “need-to-know” basis. All staff is regularly trained in maintaining a safe and sensitive working environment.

*It is also crucial to identify if there are any instances in which the level of confidentiality will be breached. For example, at the Women’s Resource Center, if a student seeking advocacy reveals that she may do harm to herself to someone else, this qualifies as a reason to breach confidentiality. This information is always shared with the individual in crisis at the beginning of a confidential session.

Appendix C

Sample of Sexual Assault Prevention Trainings Conducted at SOU

- 1) Mini-SA Network Training for Residential Living staff, Aug. 31 (2 hours)
- 2) Sexual Assault Network Training, Sept. 13 9-12 (3 hours) emphasis on compassionate response and resources---40 persons

Introductions and agenda
State of the University (including expectations from the statewide policy, training in Eugene October 7 & 8)
How the SA Network functions and what are the different roles
Break
Consent
Compassionate response
Scenarios with response and use of resources

- 3) Residents Assistants Sexual Assault Training, tentatively Tuesday, Sept. 14th (3.5 hours) emphasis on compassionate response and resources---60 persons

Introduction and Agenda
A video testimonial
What is...sexual assault, harassment, stalking, interpersonal violence?
Scope—instead of statistics might use clicker tech with simple survey “How these have touched my life?” Bring it back to SOU (the new home) for these residents.
Consent
Intervention and Risk Reduction
Compassionate response and the RA’s role
Resources

- 4) Diversity Training for Leadership Academe, Tuesday Sept. 21, 1pm (1 hour)
- 5) New Student Orientation, Friday Sept. 24 1:30-2:45 and 3-4:15 (1 hour 15 minutes pr/session) emphasis on risk reduction, intervention and consent---200 persons per session NOT THIS YEAR

A video testimonial
What is...sexual assault? What are characteristics of a healthy sexual relationship?
Scope—instead of statistics might use clicker tech with simple survey “How has sexual assault touched my life?” Bring it back to SOU (the new home) for these students.
Consent
Intervention and Risk Reduction
Compassionate response
Resources

Appendix D

Sexual Assault Response, Residential Living

Southern Oregon University

2010

When a sexual assault survivor (or friend) seeks help from her or his RA...

How the RA can help:

- 1) Remain calm, take a deep breath or two, and find a quiet private place to meet
- 2) If the survivor is in immediate danger or has been injured, call 911.
- 3) If not, you begin by telling the survivor that you can keep her or his name in confidence but that you will need to verbally report that an incident occurred to the Director of Residential Living or, if unavailable, the Assistant Director of Residential Living. "I'm going to need to report that an incident occurred but your name won't be attached."
- 4) Listen compassionately and without judgment (As you listen, NOTE WHEN THE ASSAULT OCCURRED)
- 5) Inform her or him that there are resources for medical support, counseling and emotional support, safety and security, legal and disciplinary procedures. You can also go on-line to the Women's Resource Center Website for information. www.sou.edu/wrc
- 6) Offer to call an advocate through the WRC (from 9-5, Monday through Friday), 552-6216 or SAVS (24/7, 779-4357 request an advocate from SAVS) "I can call an advocate right now who will come here and can support you talk to you about these options."
- 7) Thank them for their courage in seeking help. "This is big. You are very brave to speak up and find the help that you deserve."
- 8) At the request of the survivor, or immediately after you have completed your support, call the Director of Residential Living or, if unavailable, the Assistant Director of Residential Living.
- 9) Fill out an Anonymous Sexual Misconduct Report form and return it to the Women's Resource Center.

How the Director or Assistant Director will help:

- 1) The Director or Assistant will ask the RA questions regarding the incident but will not request the identity of the survivor. The Director or Assistant will take notes.
- 2) If the survivor has given permission, the Director or Assistant will contact her or him directly. If the survivor has not given this permission, the Director or Assistant will offer guidance to the RA who will remain in contact with the survivor. **Decisions and actions should follow at the request of the survivor.**
- 3) Both the Director or Assistant and the RA may seek guidance from an advocate but only regarding the incident and not the identity of the survivor.
- 4) Additionally, the Director or Assistant may report the incident to his or her supervisors verbally by saying, "We've had an incident of alleged sexual assault, the protocols are in place, and it is being responded to."*

*If at anytime, it is felt that the survivor is in danger of being hurt or of hurting herself or himself, action will be taken and this level of confidentiality can no longer be assured.