

# Sexual Harassment and Sexual Violence Resource Guide for Faculty, TAs, Staff and RAs

## Campus resources (**CONFIDENTIAL**)

- Kim Webb, Director, Relationship and Sexual Violence Prevention (RSVP) Center (after hours through SARAH or WUPD) (314) 935-8761 kim\_webb@wustl.edu
- Student Health Services (SHS) (314) 935-6666
- SHS Anonymous Report of Sexual Assault/Rape Form Online
- SARAH (Sexual Assault and Rape Anonymous Helpline) (314) 935-8080
- Uncle Joe's Peer Counseling and Resource Center (314) 935-5099
- WUPD's Silent Witness Form Online

## Reporting options (**NON-CONFIDENTIAL**)

- WUPD (314) 935-5555
- Protective Services (Med Campus) (314) 362-4357
- Jessica W. Kennedy, Title IX Coordinator (314) 935-3118 jwkennedy@wustl.edu
- Tamara King, Assoc. Dean for Students, Director of Student Conduct and Community Standards (Judicial Administrator) (314) 935-4329 king@wustl.edu
- Dr. Alison Whelan, Senior Assoc. Dean for Education (314) 362-7800 whelana@wustl.edu
- Dr. Lisa Moscoso, Assoc. Dean for Student Affairs (314) 362-6843 moscoso\_1@wustl.edu
- Sara Burton, Assoc. Athletic Director (314) 935-5128 sburton@wustl.edu
- Sara Wright, Employee Relations Manager (Danforth) (314) 935-3147 sara.wright@wustl.edu
- Leanne Stewart, Employee Relations Mgr. (Med. Campus) (314) 362-8278 lstewart@wustl.edu

## Sexual Harassment Policy

### Definition of sexual harassment

Any unwelcome sexual advance, request for sexual favor or other unwelcome verbal or physical conduct of a sexual nature, including sexual violence, whether committed on or off campus, when:

- 1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement;
- 2) submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment, academic decisions or assessments affecting an individual; or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating or hostile environment for work or learning. Such conduct will typically be directed against a particular individual or individuals and will either be abusive or severely humiliating or will persist despite the objection of the person targeted by the speech or conduct.

Examples of potential sexual harassment include:

- Requests for sexual favors
- Hugging, rubbing, touching, patting, pinching or brushing another's body
- Inappropriate whistling or staring
- Veiled suggestions of sexual activities
- Remarks about a person's body or sexual relationships, activities or experience
- Requests for private meetings outside of class or business hours for other than legitimate mentoring purposes
- Use in the classroom of sexual jokes, stories or images in no way germane to the subject of the class
- Use of inappropriate body images to advertise events
- Sexual violence (e.g., rape, sexual assault, sexual battery, and sexual coercion)
- Domestic or dating violence or stalking

## Definition of sexual violence

Physical sexual acts perpetrated against a person's will or where it would be apparent to a reasonable observer that a person is incapable of giving consent due to the victim's use of drugs and/or alcohol or due to an intellectual or other disability.

### University Student Judicial Code

The University Student Judicial Code prohibits sexual contact with any member of the University community without that person's consent, including, but not limited to, rape and other forms of sexual assault, domestic violence, dating violence and stalking. Complaints alleging sexual assault and certain forms of sexual harassment committed by students are investigated by the University Sexual Assault Investigation Board (USAIB).

**Consent consists of mutually understandable words and/or actions which indicate that an individual has freely chosen to engage in sexual activity.** In the absence of such words and/or actions, consent does not exist. Consent may not be inferred from silence, passivity, lack of physical resistance, or lack of verbal refusal alone.

**Consent to engage in sexual activity must be knowing and voluntary.** For example, sexual activity is not knowing and voluntary and therefore not consensual when any participant is physically forced, passed out, asleep, unconscious or beaten. Sexual activity is also not knowing and voluntary and therefore not consensual if it is the result of coercion. A person's words or conduct amount to coercion if they eliminate the other person's ability to choose whether or not to engage in sexual activity. Examples of coercion could include the following, so long as the conduct rises to a level that eliminates the other person's ability to choose whether to engage in sexual activity: threats (express or implied) of substantial emotional or psychological harm

or any physical harm, confinement, or other similar conduct.

Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent may be withdrawn by either party at any time.

An individual who is incapacitated is unable to give consent. In such circumstances, the Respondent will be held responsible if the Respondent either knew or a reasonable person in the same position would have known that the other party was incapacitated and therefore could not consent to the sexual activity. Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless due to a medical condition or the voluntary or involuntary consumption of drugs and/or alcohol, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring.

### Definition of domestic violence

A felony or misdemeanor crime of violence committed:

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Definition of dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and

with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### Definition of stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

For the purposes of this definition, 'course of conduct' means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. 'Reasonable person' means a reasonable person under similar circumstances and with similar identities to the victim. 'Substantial emotional distress' means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**If you are a responsible employee, you must report if a student discloses a situation to you, or you witness or become aware of concerns of sexual harassment. If someone discloses sexual harassment or relationship abuse or violence to you:**

- First, express empathy.
  - "Thank you for sharing this with me."
  - "I'm sorry you're going through this."
  - "Let me help you get to the right place, or put you in contact with the right person."
  - "I will only share this information to:
    - Make sure you get the support and resources needed, and
    - Put you in contact with university staff who will explain your options, on or off campus."
- To respect student choice and privacy, it is important

to make students aware of your reporting responsibilities as soon as possible.

- Make sure the student knows what resources are available and that there are both confidential resources and individuals they can report to.
- Report the information to your dean, faculty supervisor, senior administrator or the Title IX Coordinator.
- Students have the right to file a formal complaint with the Title IX Coordinator or Judicial Administrator.
- Students also have the right to not file a formal complaint and to request confidentiality.
- Whether or not a formal complaint is filed, certain appropriate accommodations, including housing and academic accommodations, may be made.
- Students can explore all options and available resources confidentially with Kim Webb, Director of the RSVP Center.

**While the University strongly encourages victims to report to the University and the police, we understand that some students will ask that their name not be disclosed to the alleged perpetrator or that the school not proceed with a formal investigation or disciplinary action. The University will seriously consider these requests and, except in limited circumstances, will honor the student's wishes.**

### Additional information available online

Student Health Services  
<http://sexualviolence.wustl.edu>

SHS Anonymous Report of Sexual Assault/Rape Form  
<https://shs.wustl.edu/arsar/Pages/default.aspx>

University Student Judicial Code  
<http://wustl.edu/policies/assets/pdfs/university-student-judicial-code.pdf>

University Sexual Assault Investigation Board Process  
<http://www.wustl.edu/policies/sexualassault.html>