



Sexual Misconduct

A basic guide for defining,
preventing, responding,
coping, and reporting

Introduction

Gaston College is committed to providing an inclusive, safe, and welcoming working and learning environment for all members of the College community. In accordance with federal and state laws, and administrative regulations, the College prohibits discrimination in its education programs and activities based upon sex that includes all forms of sexual misconduct, which is supported by College Policy 3-125, Title IX and Sexual Harassment. This policy is available to students in the Student Handbook and to employees in NeoGov's Onboard. This document contains a Resources section with contact information for counseling, support services, and reporting.

Defining Sexual Misconduct

Sexual misconduct can include a range of behaviors including sexual assault and violence, sexual harassment, relationship, domestic, or dating violence, stalking, and any other conduct of a sexual nature that is nonconsensual or has the purpose or effect of threatening, intimidating, or coercing a person.

Sexual Violence/Assault – Sexual violence or assault is generally described as acts of unwanted sexual contact. The Federal Bureau of Investigation (FBI) Uniform Crime Reporting system defines sexual violence as an offense that meets the definition of rape, fondling, incest, or statutory rape. A person who experiences sexual violence may feel ashamed and blame themselves for what happened and ask themselves what they could have done to prevent it. If a person experiences sexual violence, it is important to remember that it is not their fault. The person at fault is the perpetrator.

Sexual Harassment – Sexual harassment is generally defined as unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity, including conduct based on sex stereotyping; or any instance of sexual assault, dating violence, domestic violence, or stalking. Quid pro quo harassment is a person having power or authority over another and conditioning an educational or employment benefit or service or access to receiving the educational or employment benefit or service upon a person's participation in unwelcome sexual conduct.

Relationship Violence – Relationship violence is a term that includes both domestic and dating violence. Domestic violence is a pattern

of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

When relationship violence happens, a person who experiences relationship violence may be afraid to leave the relationship, may not be financially able to leave, may worry about others judging them, or may find it difficult to leave because they love their partner. Survivors will sometimes feel as though the problems in the relationship are their fault because they are the ones who provoke the reactions from their partner. It is important to remember that relationship violence is never the survivor’s fault.

Stalking – Stalking is defined as a person engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. A person who experiences stalking may make changes in their lives to avoid the perpetrator.

Sexual Consent – Sexual consent is explicit approval to engage in sexual activity demonstrated by clear actions or words. This decision must be made freely and actively by all participants. Non-verbal communication, silence, passivity or lack of active resistance does not imply consent. In addition, previous participation in sexual activity does not indicate current consent to participate and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent has not been obtained in situations where the individual is forced, pressured, manipulated or has reasonable fear that they will be injured if they do not submit to the act; is incapable of giving consent or is prevented from resisting due to physical or mental incapacity (including being under the influence of

drugs or alcohol); or has a mental or physical disability which inhibits their ability to give consent to sexual activity.

Preventing Sexual Misconduct

All members of the College community can play a role in ensuring our campuses are an inclusive, safe, welcoming working and learning environment. Ways to prevent sexual misconduct include:

Stay Alert – Always be aware of your surroundings including times when you may be less alert and more vulnerable to sexual misconduct such as during exams, illness, or when you are tired or fatigued. Use discretion and caution when taking shortcuts through isolated areas.

Trust your Instincts – Take a few minutes and think about how you would react to various sexual misconduct situations should they arise. Remember to trust your instincts and never be afraid to be impolite or “make a scene,” even if it is someone you know. If you are in an environment where you feel uncomfortable, call family, friends, colleagues, instructors, and/or supervisors, to support you.

Vehicles and Parking – Park in well-lit areas and have your keys in your hand as you leave and approach your vehicle. Check the back seat and floor before entering your vehicle and lock the doors immediately after entering and while driving. If you have vehicle trouble while in a parking lot, and if it is safe to do so, stay inside with the doors locked and call for help. If you have vehicle trouble while driving, try to navigate to a well-lit and populated area, and if it is safe to do so, stay inside with the doors locked and call for help.

In Buildings – Check the inside of an elevator before entering. If you have any concerns, wait for the next elevator. When riding in an elevator, stand by the control board. If others are in the elevator and you feel uncomfortable or in danger, press one or more of the buttons and leave the elevator as soon as possible. Note: Some elevators are equipped with either emergency phones or push-button alarms.

Public Bus Transportation – Familiarize yourself with bus routes and timetables in your area to try to avoid schedules and stops that typically have long waits. If possible, use stops that are well-lit and have several others present. If a person bothers you while on a bus, use good judgment and if appropriate, do not be afraid to address

them in a loud manner by saying something like, “Leave me alone” or “No, find another seat” and then inform the driver. Always stay alert when getting off a bus, and if you are uncomfortable with a person who is following you, walk toward a populated area.

Parties and Social Gatherings – When possible, arrive and leave with persons you trust and remain vigilant, especially in new settings, around strangers, or when there is or may be the presence of drugs and/or alcohol. Avoid drinks from opened containers and be sure to be attentive when a drink is poured by someone else. Avoid group drinks from containers such as punch bowls and never leave your drink unattended. Try to choose unopened drinks that are in an unopened container or bottle. To prevent a drug from being slipped into a drink, hold your hand or thumb over the top of the glass or container. Avoid giving others your personal information such as phone number and address. Instead, if someone asks for your number, say that you have a personal rule to generally not give out your number, but that they can share their number with you.

If you start to suddenly feel tired or intoxicated, you may have been drugged, so contact or find a family member or friend and ask them for help. Do not drive and do not let someone else who may be under the influence of drugs or alcohol drive. If you suspect that you have been drugged, go to a hospital and ask to be tested.

Responding to Sexual Misconduct

If you are subject to or the victim of sexual misconduct, there are several responses to consider depending on your situation.

Initial Response – If it is your partner, clearly communicate your sexual limits and if pressured for unwanted sex, forcefully say “no.” If saying “no” does not work, try to get away to a safe place and seek help as needed.

Medical Assistance – If you are the victim of sexual violence such as rape, it is strongly recommended that you seek medical attention as quickly as possible. A healthcare professional can collect specimens and make notes on the physical evidence such as bruises, cuts, torn clothing, and traces of bodily fluids. Tests for sexually transmitted diseases and HIV can be performed, and if you are female, tests for pregnancy can also be performed.

Preserving Evidence - It is important to preserve any evidence of sexual violence or assault, which may be vital to any legal proceedings. The area where the incident took place should not be altered and the victim should avoid changing clothes, bathing or showering, drinking or eating, brushing their teeth until cleared to do so as part of an investigation and the gathering of any physical evidence. Other items that should not be washed or altered might include materials encountered during the incident such as unworn clothing, bed sheets, blankets, or pillows. If possible, these items should be collected, placed in a container or paper bag, and taken as part of seeking medical attention (e.g., hospitals and/or an Emergency Room), which typically will have special kits to collect and preserve evidence.

If a Person Tells You About an Incident of Sexual Violence – If a person tells you about an incident of sexual violence or assault, be patient, listen carefully and avoid being judgmental. Try to comfort and empower them but be careful not to pressure them into doing anything that they are not ready to do. For incidents such as rape, and if the person is willing, you should suggest that they seek medical attention (**see Medical Assistance and Preserving Evidence in this section**) and accompany them as appropriate. You should also suggest that they consider contacting law enforcement.

Bystander Intervention – If you are a bystander to an incident of sexual misconduct, you should ask the victim if they need help and evaluate the risk of trying to stop the incident. If you decide that it is too dangerous, yell for help and call 911. As a bystander and witness, try to avoid leaving the scene. With your presence, a perpetrator is less likely to continue their actions.

Coping with Sexual Misconduct

Depending on the individual and the situation, coping with the potential effects of sexual misconduct can be difficult. Situations that involve sexual violence (e.g., assault, verbal or physical abuse, and/or stalking) by a stranger, acquaintance, or partner can be traumatic and terrifying. As a result, a survivor may feel overwhelmed by emotions and experience other common reactions such as feeling anxious, guilty, ashamed, sad, hopeless, angry, irritable, numb, confused, and/or disconnected. These types of responses are normal, but it is important to remember that it is never the survivor's fault.

For assistance coping with the effects of sexual misconduct, counseling and other services are available on campus, by phone, and through local providers. Reporting sexual misconduct of any kind is a personal choice and is not required if counseling or other services is sought. Counseling for students is available through Student Affairs, and the College partners with various counseling providers in the community to provide specific expertise. Additionally, the College works with McLaughlin Young Group to provide confidential Student Outreach Services (SOS) for students and an Employee Assistance Program (EAP) for employees both over the phone and in-person visits.

Reporting Sexual Misconduct

All persons are encouraged to report incidents of sexual misconduct; however, reporting is a personal choice. If you are subject to or a victim of sexual misconduct, and initially choose not to report a situation or incident involving sexual misconduct, you should document information and details of the situation or incident in the event you change your mind about reporting. Contact information for reporting sexual misconduct is provided in the Resources section of this document.

Retaliation

Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law or regulation or because an individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing related to sexual misconduct. As per College Policy 3-125 Title IX and Sexual Harassment, retaliation is prohibited. Retaliation is a serious violation and should be reported immediately.

Confidentiality

The College will make every reasonable effort to conduct all sexual misconduct-related proceedings in a manner to maintain confidentiality of all parties; however, depending on the situation, it may be necessary to disclose information to others as part of an investigation, on a “need-to-know” basis, or when required by law.

A Campus Security Authority (CSA) is a person at the College who holds a position with significant responsibility for student and campus activities outside of normal classroom instruction and are required to report crimes specifically covered by the Clery Act. The Clery Act also requires pastoral and professional counselors to report to law enforcement a reported

crime when there is a continuing threat of serious harm to the person or to others, or when there is a legal obligation to report the situation such as suspected abuse or neglect of a minor.

Responsibilities, Investigations, and Rights

Reported sexual misconduct matters are carefully evaluated in an effort to determine the most appropriate next step to address the matter. In some cases, applicable laws, regulations, and/or College policy will advise as to how to proceed. Investigations of reported allegations and suspected matters of sexual misconduct will be conducted in a prompt, fair, and impartial manner with a commitment to treat all persons with sensitivity and respect. Victims and accused perpetrators maintain certain rights with regards to matters involving sexual misconduct. Depending on the situation, specific procedures will apply such as a prompt, fair, and impartial investigation, and the opportunity to have an advisor or others present during certain institutional disciplinary proceedings.

Resources

Sexual Misconduct Counseling and Support Services

The following counseling and support services are available and are not all-inclusive. Individuals may seek support and services from others not included in this list.

Gaston College Counseling Services (For Students)

Craig (CAS) Building, Second Floor, Dallas Campus or Lincoln Classroom Building, Second Floor, Lincoln Campus
(704) 922-6220 or (704) 728-5209
counseling@gaston.edu

Student Outreach Services – SOS (For Students)

McLaughlin Young Group
800.633.3353
www.mygroup.com

Employee Assistance Program – EAP (For Employees)

McLaughlin Young
800.633.3353
www.mygroup.com

Carolina Center for Counseling

704.861.2234

Partners Behavior Health Management Referral Services

888.235.4673

Phoenix Counseling Center

855.527.4747 (24-Hour Crisis Line)

704.854.4196 (Gaston Inpatient)

704.842.6359 (Gastonia Outpatient)

704.735.7325 (Lincoln Outpatient)

National Sexual Assault Hotline

800.656.HOPE (4673)

National Domestic Violence Hotline

800.799.SAFE (7233)

Sexual Misconduct Reporting

A person should make reports to a person at the College who holds a supervisory position such as a dean, manager, director, or vice president.

If a person is uncomfortable with, or uncertain as to, a person to whom to make a report, the College's Deputy Title IX Coordinator, Title IX Coordinator, or Campus Police & Security Department may be contacted.

Students

Dr. Audrey Sherrill, Vice President for Student Affairs

Deputy Title IX Coordinator

Myers Center

Gaston College, Dallas Campus

704.922.6217

sherrill.audrey@gaston.edu

Employees

Todd Baney, Chief of Staff

Title IX Coordinator

Beam Administration Building

Gaston College, Dallas Campus

704.922.6485

baney.todd@gaston.edu

Gaston College Campus Police & Security Department

Room 122, Comer Engineering Building

Gaston College, Dallas Campus

704.922.6480