

The University of Saint Francis (USF) is committed to fostering a safe and supportive environment conducive to academic achievements and healthy interpersonal interaction. Discrimination, harassment and sexual misconduct on the part of a member of the USF community is clearly inconsistent with these purposes and can be a violation of state and federal law.

## **Gender-based Misconduct Policy Introduction**

Members of the USF community, guests, and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to an appropriate administrator's attention, and a Responding Party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

## **Overview of Policy Expectations with Respect to Physical Sexual Misconduct**

The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you don't. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence—without actions demonstrating permission—cannot be assumed to show consent. Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex. Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. 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.”

## **Reporting an Incident and Filing a Complaint**

Students who believe they have been subjected to discrimination or harassment or retaliation in violation of USF policies may report their concern to a university official or the University Title IX Coordinator, Dr. Robert Pastoor, 260-399-7700, ext. 6745, Trinity room 105. The process is designed so a student may discuss their concerns and file an informal or formal verbal or written complaint. An immediate initial investigation of the circumstances of the reported offense will take place to determine whether to proceed with a formal investigation. If a formal investigation is to take place, the University will initiate a prompt, thorough and impartial investigation. The initial and formal investigations are designed to provide a fair and reliable determination about whether a University policy has been violated. When a policy has been violated, the University will implement a prompt and effective remedy designed to end any discrimination, harassment or retaliation, prevent its reoccurrence and address its effects. The university maintains processes to provide remediation to individuals who believe they have been victims.

## **Assault Incidents**

In the event that an assault does occur, report the incident promptly. Students should immediately notify Campus Security, who will notify the Vice President for Student Affairs. Resident students may want to report the incident to their Hall Director. Assistance for the Reporting Party includes providing contact information for reporting incidents to local police, and guidance in obtaining medical and counseling assistance, while also providing them with information to file a complaint through the *Code of Student Conduct*.

## **Accommodation – Remediation**

The university maintains processes to provide remediation to individuals who believe they are victims. For example, the university may assist a victim by changing academic schedules and providing alternative living arrangements for the alleged perpetrator.

## **Prevention**

Campus-wide informational programs and resident student-specific programs are presented for the purpose of

prevention, promoting awareness of sexual assault, acquaintance rape and other forms of sexual misconduct.

## **Counseling and Assistance**

The violations described in this policy can affect a student in many different ways. In light of this, the university offers professional counseling to assist in overcoming the effects and provide ongoing support and assistance. To set up an appointment, call the USF Health & Wellness Center at 260.266.8060. These counseling services are provided for students at no charge.

## **Other Resources**

- Fort Wayne Women's Bureau Rape Crisis Hotline – phone: 260-426-7273
- Fort Wayne Sexual Assault Treatment Center at 1420 Kerrway, Fort Wayne - phone: 260-423-2222
- Fort Wayne Women's Bureau at 2417 Fairfield – phone: 260-424-7977
- University of Saint Francis Health & Wellness Center – phone: 260-266-8060
- Reach Out Editions app  
(The Reach Out Editions app is a smartphone resource guide that is convenient and completely anonymous. The app is available in the App Store and the Google Play Store. Download the app and then select the University of Saint Francis – Fort Wayne)

## USF Nondiscrimination Statement

In its employment practices, selection of students, and administration of all programs and activities, the University of Saint Francis maintains a policy of non-discrimination regarding age, race, religion, national origin, sex, disability, genetics and veteran status. The university has appointed the Vice President for Student Affairs to serve as the coordinator of compliance with Title IX. Student inquiries or complaints should be directed to the Vice President for Student Affairs, Dr. Robert Pastoor, [rpastoor@sf.edu](mailto:rpastoor@sf.edu), Trinity Hall – room 105; university employees may also direct their inquiries and complaints to the Director of Human Resources, 260-399-7700, ext. 6901.

It is a violation under Title IX of the Education Amendment of 1972 for any person to engage in discrimination or harassment based on several criteria, including sex. Anyone who believes that the university is not in compliance with Title IX and its regulations or wishes to discuss concerns or file an informal or formal complaint should contact the Title IX Compliance Officer, Vice President for Student Affairs, Dr. Robert Pastoor, [rpastoor@sf.edu](mailto:rpastoor@sf.edu), Trinity Hall, room 105 or by telephone at 399-7700 x 6745.

## Other Contact Information

Allen Machielson, Associate Vice President & Dean of Students, Deputy Coordinator (Student Affairs)  
[amachielson@sf.edu](mailto:amachielson@sf.edu); 260-399-7700, ext. 6748

Marsha King, Dean, Crown Point  
[mking@sf.edu](mailto:mking@sf.edu); 260-399-7700, ext. 5441

Carol Coffee, Director of Human Resources, Deputy Coordinator (Human Resources)  
[ccoffee@sf.edu](mailto:ccoffee@sf.edu); 260-399-7700, ext. 6901

Trisha Bugajski, Director of General Education, Deputy Coordinator (Academic Affairs)  
[tbugajski@sf.edu](mailto:tbugajski@sf.edu); 260-399-7700, ext. 6008

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

Office for Civil Rights (OCR)  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: 800-421-3481  
Fax: 202-453-6012  
TDD #877-521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

2020-2021



### Security Office

2701 Spring Street  
Fort Wayne, IN 46808  
260-399-7888

