Discrimination, Harassment & Sexual Misconduct

The University of Saint Francis 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.

Sexual assault and misconduct may take many forms, including but not limited to:
- Inappropriate sexual behavior;
- Unwanted verbal (including telephone), written (including electronic media), pictorial, or physical conduct of a sexual nature which a reasonable person would consider intimidating, hostile, offensive, or which adversely affects the learning or living environment of any student;
- Non-consensual touching of any sexual or intimate part of the body;
- Unwanted forceful sexual contact in which the use of force may include, but is not limited to, use of body weight, pushing or hitting, coercion or threats;
- The use of force (body weight, hitting, pushing, use of a weapon, threats to bodily harm) to overcome earnest resistance (which may be verbal, physical or lack of express consent) to engage in sexual intercourse;
- Sexual intercourse with an individual under the age of 16 with or without consent; and
- Sexual intercourse when consent is not given or the victim is incapable of consent by reason of incapacitation or mental defect.

Consensual Sexual Relationships
Consent is defined as verbal agreement and positive physical cooperation in the course of mutually agreed upon sexual activity. 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 is a violation 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. Accordingly, “No” always means “No,” and “Yes” may not always mean “Yes,” especially when person is incapacitated or otherwise unable to give consent. Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

Gender Discrimination, Harassment & Retaliatory Harassment
The University of Saint Francis affirms the principle that its students, faculty, staff or guests have a right to be free from discrimination, harassment or retaliation. Sexual harassment is a form of gender discrimination and is prohibited at USF. Sexual harassment is defined as unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with or deprives someone of the ability to participate in or benefit from the university’s
educational program and campus activities. The unwelcome behavior may be based on power
differentials (quid pro quo), the creation of a hostile environment or retaliation. Examples include: an
attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to
egregious, unwanted sexual attention, to punish a refusal to comply to; to condition a benefit on
submitting to sexual advances; sexual violence, stalking; gender-based bullying. Retaliatory
harassment is intentional action taken by an accused individual or allied third party, absent legitimate
non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a
grievance proceeding.

**Discrimination**
Any person (student, faculty, staff or guest) who believes that discriminatory practices have been
engaged in based upon gender or any other aspect of the University's nondiscrimination statement,
may discuss their concerns and file an informal or formal complaint of possible violations of Title IX
with a university official or the Title IX Coordinator/Dean of Students or in the case of employees, the
Director of Human Resources.

**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, Don Appiarius, Dean of Students, 260-399-7700, ext. 6745, Trinity room 137. 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 Dean of Students. Resident students may also want to
inform their Hall Director of the incident. Assistance for the victim 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 Student Code of
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 brochure 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 Office of Student life at 399-8100. These
counseling services are provided for students at no charge.

**Other Resources**
Fort Wayne Women’s Bureau Rape Crisis Hotline at 426-7273
Fort Wayne Sexual Assault Treatment Center at 2270 Lake Avenue #201 – phone: 423-2222
Fort Wayne Women’s Bureau at 2417 Fairfield – phone: 424-7977

**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 nondiscrimination regarding age, race, color, national origin, religion gender, disability, genetics and veteran status. The university has appointed the Dean of Students to serve as the Title IX Coordinator to ensure compliance with all Title IX regulations. Student inquiries or complaints should be directed to the Dean of Students, dappiarius@sf.edu, Trinity Hall – room 137; 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. The university has appointed Dr. Robert Pastoor, Interim Vice President of Student Affairs, as the Title IX Compliance Officer to coordinate the university’s efforts to comply with Title IX and its regulations. 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, Dr. Robert Pastoor, rpastoor@sf.edu in Trinity Hall, room 151 or by telephone at 399-7700 x 6745.

Contact Information

Dr. Robert Pastoor, Interim Vice President of Student Affairs, Title IX Coordinator
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Definitions from the 2011 NCHERM Campus Title IX Coordinator Certification & Training Course Materials