



# University *of* Idaho

Coordinated Community Response Team  
Resource Handbook

## Table of Contents

<b>A Brief History of the Office on Violence Against Women (OVW) Campus Violence Prevention Grant at the University of Idaho</b> .....	4
<b>Grant Goals</b> .....	4
<b>Coordinated Community Response Team (CCRT)</b> .....	5
CCRT Mission Statement.....	5
CCRT Core Values.....	5
Subcommittees .....	6
Full CCRT Membership:.....	7
Expectations for CCRT members .....	8
<b>Law &amp; Policy</b> .....	9
Federal Law.....	9
Title IX .....	9
The Clery Act.....	10
Violence Against Women Act (VAWA).....	11
University Policy.....	11
FSH 6100 – Title IX Sexual Harassment.....	11
FSH 2300 – Student Code of Conduct.....	12
Additional University Policies .....	12
<b>Definitions</b> .....	13
FSH 6100: Title IX Sexual Harassment .....	13
FSH 2300: Student Code of Conduct.....	14
FSH 2400: University Disciplinary Process for Alleged Violations of Student Code of Conduct.....	16
Additional Definitions and/or Context .....	16
Confidential, Privileged or Private: What’s the Difference?.....	19
<b>Frequently Asked Questions (FAQ)</b> .....	21
Response Protocols.....	29
Alternatives to Violence of the Palouse (ATVP).....	29
Moscow Police Department .....	31
Office of the Dean of Students .....	33
Housing & Residence Life .....	34
Counseling & Testing Center .....	35
Dept. of Athletics .....	36

Office of Civil Rights and Investigations.....	37
University of Idaho Employees .....	39
Women’s Center .....	40
Office of the Ombuds.....	41
<b>Resources.....</b>	<b>43</b>

## A Brief History of the Office on Violence Against Women (OVW) Campus Violence Prevention Grant at the University of Idaho

In 2000, a staff member at the Women's Center applied for and received the University of Idaho's first OVW grant to fund campus violence prevention and advocacy initiatives. This funding allowed for the hire of another professional staff member to assist with violence prevention education on campus, and for the two-person team to move out of the Women's Center and set up their own office, the Violence Prevention Programs (VPP) office, in the Dean of Students' space. The team applied for the (then) two-year grant twice more, receiving funding from 2000-2002, 2002-2004, and 2004-2009 (a third two-year grant cycle, plus a one-year no-cost extension). Shortly after the third grant cycle concluded, both staff members left the University of Idaho. The coordinator of the VPP made an unsuccessful attempt to secure the grant again in 2013, and in 2016, we tried again. Success! The Women's Center received funding in 2016 for a three-year cycle. Given that the grant was due to conclude in October 2019, we applied for a continuation grant to ensure continuity of funding, but sadly were not re-funded. However, our 2016 grant was extended to December 2020 with a 9 month no-cost extension, and a further 3-month extension was granted automatically by OVW due to the COVID-19 pandemic. In 2020, we tried again to secure a continuation grant, and this time were funded!

Our current grant will run until the end of September 2023, unless we apply again for a no-cost extension. The grant will fund ongoing efforts to develop and implement culturally relevant and community responsive prevention education programming as well as victim services at the university. The project has an outreach emphasis to underrepresented students, with increased focus on stalking prevention and developing accessibility to programs and services for students with disabilities.

The grant's Principal Investigator (PI) is Lysa Salsbury, Director of the Women's Center. Co-PIs are Erin Agidius, Title IX Coordinator and Director of the Office of Civil Rights & Investigations; Emilie McLarnan, Associate Director for Violence Prevention Programs; and Yolanda Bisbee, Chief Diversity Officer and Executive Director of Tribal Relations.

### Grant Goals

The ultimate objective of OVW's Campus Violence Prevention Program is to help colleges and universities create effective, comprehensive responses to domestic violence, dating violence, sexual assault, and stalking. A comprehensive approach includes both prevention and intervention, and requires a multi-faceted, coordinated effort that engages key stakeholders from the surrounding community and throughout the campus, including students, faculty, staff, and administrators. To meet this objective, the Campus Program has identified three overarching program goals that include several core elements:

**Goal 1:** Broad campus and community engagement

**Goal 2:** The reduction of domestic violence, dating violence, sexual assault, and stalking

**Goal 3:** Effective intervention

The three overarching goals will be carried out through efforts in five areas:

- (1) A Coordinated Community Response Team (the CCRT)
- (2) Comprehensive Prevention

- (3) Student Conduct
- (4) Law Enforcement
- (5) Victim Services

All grant activities must integrate Clery Act requirements, robust efforts to engage men, and cultural competence strategies.

The grant is funding ongoing efforts to develop and implement **culturally relevant** and **community responsive** violence prevention education programming and victim services at the University of Idaho. The project has an outreach emphasis to underserved students, specifically Latinx students, African American and Black students, Native American students, international students, and LGBTQIA+ students. This grant cycle will have an increased focus on stalking prevention and developing accessibility to programs and services for students with disabilities.

## Coordinated Community Response Team (CCRT)

The day-to-day operations of the grant are managed by the OVW Project Director, who is a full-time professional staff member in the Women's Center. The terms of the grant require that we establish a Coordinated Community Response Team (CCRT) that includes internal and external partners. This team is responsible for overseeing campus engagement in all violence prevention and intervention efforts; facilitating communication between key campus departments and community partners; ensuring that messages across efforts are consistent and reinforced; and ensuring the university's response to victims is seamless, consistent, and supportive.

### CCRT Mission Statement

The University of Idaho Coordinated Community Response Team is committed to preventing, responding to, and educating on power-based personal violence within our community. Through championing culturally-responsive programming and support, we promote a welcoming, safe, and inclusive living and learning environment for individuals of all identities.

### CCRT Core Values

**Communication** | We value and practice clear, intentional, and effective exchange of information and feedback with our campus community, promoting transparency in our policies and actions. We strive to build critical partnerships through shared decision-making and mutual commitment to our project goals.

**Inclusion** | We affirm the dignity, worth, and unique needs of all individuals by offering inclusive and culturally relevant outreach, programs, and services. We acknowledge and honor the many social and cultural identities and voices that add richness and complexity to our campus and communities.

**Support** | We are committed to practicing compassion, openness, and empathy towards all, free from judgement and assumptions, through objective, comprehensive, and culturally informed education and services.

**Trauma-informed Care** | Our support services are grounded in and directed by thorough understanding, recognition of, and response to the neurological, biological, psychological, and social effects of trauma.

**Transformation** | We support and advocate for profound and permanent change in our campus and community climate around power-based personal violence.

## Subcommittees

The CCRT is composed of key personnel across campus who convene monthly in one of five different subcommittees to advance the goals laid out in the grant's strategic plan. The five subcommittees include:

- **Comprehensive Prevention**  
Subcommittee charge: Increase and expand existing prevention education so that it reaches 100% of incoming students, includes bystander education, and provides ongoing education on sexual assault, dating and domestic violence, and stalking. Ensure that programming is available and accessible to all students, faculty, and staff, including members of underserved populations. Assess participation in prevention education and recommend programming adjustments, adaptations, or innovations to correspond to participants' needs.
- **Victim Services**  
Subcommittee charge: Increase the university's capacity to serve victims 24 hours a day, including those from historically underserved groups (LGBTQIA+ students, international students, Native American students, multicultural students, and students with disabilities) with responsive, trauma-informed referral and response protocols that victims perceive as supportive and helpful.
- **Mobilizing Men**  
Subcommittee charge: Conduct targeted outreach to male-identified students to facilitate discussions and activities on topics related to masculinity and the traits of manhood. Engage campus men in efforts to reduce and prevent gender-based violence, increase connection and trust between male-identified students, grow our community's understanding of inclusive masculinity, and support male students as they develop their anti-violence allyship.
- **Policies, Procedures & Protocols (PPP)**  
Subcommittee charge: Increase training for student conduct board members specific to sexual assault, dating and domestic violence and stalking, so that board members understand specific protocols for cases related to these issues. Review and revise as necessary policies for each of these areas of student misconduct. Ensure that new and revised policies and protocols are perceived as fair by students involved with the student conduct system.
- **Marketing & Messaging**  
Subcommittee charge: Support the work of the UI-CCRT by coordinating all internal and external communications around the grant's goals, including collaboration with other subcommittees to design and produce program deliverables, including, but not limited to: press releases, web pages, poster campaigns, video PSAs, and print materials.

## CCRT Core Team

The direction and scope of the grant is guided by the CCRT core team. Members include:

- Erin Agidius, Title IX Coordinator and Director, Office of Civil Rights & Investigations, grant co-PI, [erina@uidaho.edu](mailto:erina@uidaho.edu)

- Kris Bragg, Officer, Moscow Police Department, Campus Division, [kbragg@ci.moscow.id.us](mailto:kbragg@ci.moscow.id.us)
- Cari Fealy, Associate Dean of Students, [carifealy@uidaho.edu](mailto:carifealy@uidaho.edu)
- Emilie McLarnan, Associate Director, Violence Prevention Programs Office, grant co-PI, [mclarnan@uidaho.edu](mailto:mclarnan@uidaho.edu)
- Rachel Norris, OVW Project Director, Women's Center
- Andrea Piper-Wentland, Assistant Director, Alternatives to Violence of the Palouse, [asst.director@atvp.org](mailto:asst.director@atvp.org)
- Lysa Salsbury, Director, Women's Center and Campus Violence Prevention Grant PI, [lsalsbur@uidaho.edu](mailto:lsalsbur@uidaho.edu)

### Full CCRT Membership:

#### Comprehensive Prevention

- Sierra Brantz, Associated Students of the University of Idaho, [sbrantz@uidaho.edu](mailto:sbrantz@uidaho.edu)
- Dana Brolley, Director, International Services, [danab@uidaho.edu](mailto:danab@uidaho.edu)
- Emily Tuschhoff, Director, Vandal Health Education, [emilyt@uidaho.edu](mailto:emilyt@uidaho.edu)
- Mandie Busby, Army ROTC, [mandie@uidaho.edu](mailto:mandie@uidaho.edu)
- Erin Chapman, Associate Clinical Professor of Family & Consumer Sciences & Human Sexuality and representative, Faculty Senate, [chapman@uidaho.edu](mailto:chapman@uidaho.edu)
- James Fry, Chief of Police, Moscow Police Department, [jfry@ci.moscow.id.us](mailto:jfry@ci.moscow.id.us)
- Julia Keleher, Director, LGBTQA Office, [jkeleher@uidaho.edu](mailto:jkeleher@uidaho.edu)
- Emilie McLarnan, Associate Director, Violence Prevention Programs Office, grant co-PI, [mclarnan@uidaho.edu](mailto:mclarnan@uidaho.edu)
- Laura Smythe, University Ombuds, [lsmythe@uidaho.edu](mailto:lsmythe@uidaho.edu)

#### Victim Services

- Tim Besst, Deputy Sheriff, Latah County Sheriff's Office, [tbesst@latah.id.us](mailto:tbesst@latah.id.us)
- Kris Bragg, Officer, Moscow Police Department, Campus Division, [kbragg@ci.moscow.id.us](mailto:kbragg@ci.moscow.id.us)
- Omni Francetich, representative, Staff Council, [omnif@uidaho.edu](mailto:omnif@uidaho.edu)
- Jessica Long, Coordinator, Legal Aid Clinic, [jessicalong@uidaho.edu](mailto:jessicalong@uidaho.edu)
- Maureen Marchant, Counseling & Testing Center, [mmarchant@uidaho.edu](mailto:mmarchant@uidaho.edu)
- Andrea Piper-Wentland, Assistant Director, Alternatives to Violence of the Palouse, [asst.director@atvp.org](mailto:asst.director@atvp.org)
- Sydel Samuels, Director, Native American Student Center, [ssamuels@uidaho.edu](mailto:ssamuels@uidaho.edu)
- Karla Neumann Smiley, The Center (faith-based resource center), [lcm@uidaho.edu](mailto:lcm@uidaho.edu)
- Amy Taylor, Director, Center for Disability Access and Resources, [amyet@uidaho.edu](mailto:amyet@uidaho.edu)
- Haley Thoreson, representative, Graduate & Professional Student Association (GPSA), [thor4610@vandals.uidaho.edu](mailto:thor4610@vandals.uidaho.edu)

#### Mobilizing Men

- Josh Bailey, Assistant Professor, Movement Sciences, [joshuabailey@uidaho.edu](mailto:joshuabailey@uidaho.edu)
- Jeff Baxter, Resident Director, Housing & Residence Life, [jsbaxter@uidaho.edu](mailto:jsbaxter@uidaho.edu)
- Bryce Blankenship, Faculty Instructor, Dept. of Philosophy & Politics, [bblankenship@uidaho.edu](mailto:bblankenship@uidaho.edu)
- Dan Ewart, VP for Infrastructure, [dewart@uidaho.edu](mailto:dewart@uidaho.edu)
- Butch Fealy, Associate Director of Competitive & Recreational Sports, [bfealy@uidaho.edu](mailto:bfealy@uidaho.edu)

- Keith Hansen, Counseling & Testing Center, [rkhansen@uidaho.edu](mailto:rkhansen@uidaho.edu)
- John Hennrich, Case Manager, Office of the Dean of Students, [jhennrich@uidaho.edu](mailto:jhennrich@uidaho.edu)
- Emilie McLarnan, Associate Director, Violence Prevention Programs Office, grant co-PI, [mclarnan@uidaho.edu](mailto:mclarnan@uidaho.edu)
- Sean McIlraith, Administrative Coordinator, Dept. of Athletics, [seanm@uidaho.edu](mailto:seanm@uidaho.edu)
- Nick O'Neal, Director, Fraternity & Sorority Life, [oneal@uidaho.edu](mailto:oneal@uidaho.edu)
- Lysa Salsbury, Director, Women's Center, [lsalsbur@uidaho.edu](mailto:lsalsbur@uidaho.edu)
- Bart Sonnenberg, Director, Tutoring and Academic Success, [bsonnenberg@uidaho.edu](mailto:bsonnenberg@uidaho.edu)
- Mark Sowa, Head Swim & Dive Coach, Dept. of Athletics, [msowa@uidaho.edu](mailto:msowa@uidaho.edu)

### **Policies, Procedures and Protocols (PPP)**

- Erin Agidius, Title IX Coordinator and Director, Office of Civil Rights & Investigations, grant co-PI, [erina@uidaho.edu](mailto:erina@uidaho.edu)
- Cari Fealy, Associate Dean of Students, [carifealy@uidaho.edu](mailto:carifealy@uidaho.edu)
- Leonard Johnson, Navy ROTC, [lwjohnson@uidaho.edu](mailto:lwjohnson@uidaho.edu)
- Shane Keen, Clery Compliance Officer, Office of Public Safety & Security, [skeen@uidaho.edu](mailto:skeen@uidaho.edu)
- Jesse Martinez, Director, Office of Multicultural Affairs, [jessem@uidaho.edu](mailto:jessem@uidaho.edu)
- Bronte Sone, representative, Graduate & Professional Student Association (GPSA), [bsone@uidaho.edu](mailto:bsone@uidaho.edu)

### **Marketing & Messaging**

- Yolanda Bisbee, Chief Diversity Officer & Executive Director of Tribal Relations, [yobiz@uidaho.edu](mailto:yobiz@uidaho.edu)
- Krista Gray, Director of Student-Athlete Support Services, Dept. of Athletics, [kristagray@uidaho.edu](mailto:kristagray@uidaho.edu)
- Corey Ray, Associate Director, Housing & Residence Life, [rayc@uidaho.edu](mailto:rayc@uidaho.edu)
- Lysa Salsbury, Director, Women's Center, [lsalsbur@uidaho.edu](mailto:lsalsbur@uidaho.edu)
- Brian Walker, University Communications & Marketing, [bwalker@uidaho.edu](mailto:bwalker@uidaho.edu)

### **Currently Unassigned**

- Evelina Arevalos-Martinez, College Assistance Migrant Program, [evelinaa@uidaho.edu](mailto:evelinaa@uidaho.edu)
- Blaine Eckles, Vice Provost for Student Affairs and Dean of Students, [beckles@uidaho.edu](mailto:beckles@uidaho.edu)

### **Expectations for CCRT members**

As a member of the University of Idaho's Coordinated Community Response Team (UI-CCRT), I acknowledge and agree to fulfill expectations for membership in the group, to include as follows:

- 1) Regularly review the contents of this binder and serve as an informational resource for faculty, staff, and students on issues relating to the focus of the OVW grant;
- 2) Attend a UI-CCRT meeting three times per year (once per semester and once in the summer), designating a proxy to attend in my stead if I am unable to;
- 3) Participate on a CCRT subcommittee and actively contribute to the subcommittee's charge, i.e. come prepared to do the work I am assigned and to complete the tasks I agree to do;
- 4) Participate in workshops, trainings and other professional development opportunities related to the grant goals;

- 5) Respect the privacy of situations we may be discussing in our meetings; if action is needed, the Title IX Coordinator will take the lead on initiating a response. Please do not discuss incidents or cases outside of our meetings;
- 6) Practice self-accountability and hold others accountable to these expectations;
- 7) If you are unable to commit to these expectations, please inform the Project Director as soon as possible so that another representative from your campus area may be identified.

## Law & Policy

The work of the CCRT is largely impacted by federal laws and institutional policies. They serve as foundations and guideposts for compliance, due process, response, and much more. The following laws and policies are important for all CCRT members to learn and understand as they engage with their committee and subcommittee work.

### Federal Law

There are several federal laws that are the cornerstone of the work the grant seeks to accomplish. Each has overlapping and intersecting requirements for institutions of higher education.

#### *Title IX<sup>1</sup>*

Title IX of the Education Amendments Act of 1972 (20 U.S.C. §§1681 – 1688), also known as Title IX, protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance:

*“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”*

Educational programs and activities that receive funding from the Department of Education (ED) must operate in a nondiscriminatory manner. These entities are called recipients and include the University of Idaho (U of I). The U of I receives federal funding in the form of student financial aid, grants, and more. As a recipient, U of I must meet Title IX obligations in key areas, including, but not limited to:

- Recruitment, admissions, and counseling
- Financial assistance
- Athletics
- Sex-based harassment
- Treatment of pregnant and parenting students
- Discipline
- Single-sex education
- Employment

Title IX also prohibits retaliation. A recipient retaliating in any way against any person for opposing an unlawful educational practice or policy, or for making charges, testifying, or participating in any complaint action under Title IX, is considered a violation of Title IX.

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<sup>1</sup> [https://www2.ed.gov/print/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/print/about/offices/list/ocr/docs/tix_dis.html)

### *The Clery Act<sup>2</sup>*

The Jean Clery Disclosure of Campus Security Policy and Crime Statistics Act, more commonly known as the Clery Act, is a consumer protection law that aims to provide transparency around campus crime policy and statistics. The Clery Act requires colleges and universities that receive federal funding to actively foster campus safety. This is accomplished through a variety of mechanisms, including the designation of Campus Security Authorities (CSAs) who are individuals to whom crimes are most likely to be reported and must report to the university. Additional requirements include publishing a public annual security report, issuing timely warnings and emergency notifications, and addressing victim rights, options, and resources.

#### *Publishing a public Annual Security Report (ASR) by October 1<sup>st</sup>*

This document, made available to employees, students, and the public, must include campus crime statistics for the preceding three calendar years, details of steps taken to improve campus safety, policy statements, and more.

The ASR must also include specific categories of crime and their requisite definitions: Criminal Offenses, Hate Crimes, VAWA Offenses, and Arrests and Referrals for Disciplinary Action.

Clery Act crime reporting is specific to geographic locations: on campus, on-campus student housing, public property within campus bounds, public property immediately adjacent to the campus, and non-campus buildings and property. Each location category has a specific definition and campuses must maintain a daily crime log of those reported crimes that fall within these jurisdictional locations.

#### *Issue timely warnings and emergency notifications*

For each reported crime covered by the Clery Act, institutions must determine if a timely warning should be issued by evaluating whether there is a serious or ongoing threat to the campus community.

Emergency notifications may be issued in the event of immediate, significant danger to the health or safety of the campus community.

#### *Victim Rights, Options, and Resources*

The U of I is required to provide students and employees with prevention education and awareness programs on the crimes of sexual assault, domestic violence, dating violence, and stalking. This includes introductory and ongoing education, bystander intervention messaging, and risk reduction aimed at recognizing the warning signs of these crimes.

Victims of these crimes must also receive a written explanation of their rights, such as relocation/housing options, academic course adjustments, access to counseling services, and more.

Lastly, all individuals involved in disciplinary proceedings must be trained and understand the prompt, fair, and impartial expectations of the investigation and adjudication process, as well as the due process rights afforded to all involved parties.

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<sup>2</sup> <https://clerycenter.org/policy-resources/the-clery-act/>

### *Violence Against Women Act (VAWA)*<sup>3</sup>

The Violence Against Women Act (VAWA) was originally enacted in 1994 and covers a broad range of goals, including preventing violent crime, responding to the needs of crime victims, learning more about crime, and changing public attitudes through a collaborative effort by the criminal justice system, social service agencies, research organizations, schools, and more.

VAWA has been updated several times. In 2013, VAWA was updated to include the Campus Sexual Violence Elimination (SaVE) Act, which amended the Clery Act to require schools to provide educational training on sexual assault and similar topics to all new students and employees, create written procedures and methods for reporting and handling on campus sex crimes, include additional types of crimes in the ASR, and implement an overall expansion of the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking.

### University Policy

All institutional policies and procedures must comply with applicable federal laws. The U of I has implemented policies and procedures under the Faculty Staff Handbook (FSH) and the Administrative Procedures Manual (APM) designed to comply with the federal laws previously summarized.

#### *FSH 6100 – Title IX Sexual Harassment*

On May 6, 2020, the Department of Education issued new regulations mandating how colleges and universities must investigate and adjudicate sexual misconduct cases under Title IX, the federal law prohibiting discrimination on the basis of sex in educational programs and activities. As a result, like all educational institutions that receive federal funding, the University of Idaho was required to amend its policies related to sexual harassment no later than August 14, 2020. The new university policy was developed with input from students, faculty, and staff from across the institution while maintaining compliance. Some of the changes to the policy include the following:

- A single hearing process will be used for all faculty, staff, and students.
- Live hearings will have the option of use of remote technology and different locations for complainants and respondents.
- Hearings may include live cross-examination conducted by the parties' advisors.
- Parties who do not wish to participate in the University's formal disciplinary process may choose to participate in an informal resolution process.
- Specific definitions of sexual assault, sexual harassment, dating violence, domestic violence, and stalking.
- All materials used to train Title IX personnel will be made available on the U of I's website.
- A single burden of proof (preponderance of the evidence) is applied to all complaints that arise under this policy, regardless of status as student, staff, or faculty.

The complete policy can be found at: <https://www.webpages.uidaho.edu/fsh/6100.html>

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<sup>3</sup> <https://fas.org/sgp/crs/misc/R45410.pdf>; <https://www.congress.gov/bill/112th-congress/house-bill/2016>; <https://www.majorityleader.gov/content/bipartisan-violence-against-women-reauthorization-act-2019#:~:text=VAWA%202019%3A,Against%20Women%20at%20the%20DOJ.&text=Supports%20training%20in%20early%20childhood,expands%20housing%20protections%20for%20survivors>.

*FSH 2300 – Student Code of Conduct*

The Student Code of Conduct is broader and more comprehensive than sexual misconduct, encompassing all potential conduct violations such as academic dishonesty, misuse of university resources, use and misuse of substances, and more. For the purposes of the CCRT, it also serves to address behaviors of sexual misconduct that may not meet the requirements of *FSH 6100 – Title IX Sexual Harassment*. For behaviors that do not occur on the basis of sex within a university education program or activity within the United States, or do not meet the specific policy definitions of FSH 6100, the Student Code of Conduct still permits the U of I to address behaviors that do not comport with the behavioral expectations we have for students. This also means the procedures by which students are adjudicated is also different from FSH 6100.

The complete policy can be found at: <https://www.webpages.uidaho.edu/fsh/2300.html>

*Additional University Policies*

There are several other policies that may be relevant for review:

Policy	Title	Link
<b>FSH 2400</b>	University Disciplinary Process for Alleged Violations of Student Code of Conduct	<a href="https://www.webpages.uidaho.edu/fsh/2400.htm">https://www.webpages.uidaho.edu/fsh/2400.htm</a>
<b>FSH 3200</b>	Policy of Nondiscrimination	<a href="https://www.webpages.uidaho.edu/fsh/3200.html">https://www.webpages.uidaho.edu/fsh/3200.html</a>
<b>FSH 3205</b>	Consensual Romantic or Sexual Relationships	<a href="https://www.webpages.uidaho.edu/fsh/3205.htm">https://www.webpages.uidaho.edu/fsh/3205.htm</a>
<b>FSH 3210</b>	Antidiscrimination	<a href="https://www.webpages.uidaho.edu/fsh/3210.html">https://www.webpages.uidaho.edu/fsh/3210.html</a>
<b>FSH 3215</b>	Non-discrimination on the Basis of Sexual Orientation and Gender Identity/Expression	<a href="https://www.webpages.uidaho.edu/fsh/3215.html">https://www.webpages.uidaho.edu/fsh/3215.html</a>
<b>FSH 3220</b>	Sexual Harassment	<a href="https://www.webpages.uidaho.edu/fsh/3220.html">https://www.webpages.uidaho.edu/fsh/3220.html</a>
<b>FSH 3810</b>	Retaliation	<a href="https://www.webpages.uidaho.edu/fsh/3810.html">https://www.webpages.uidaho.edu/fsh/3810.html</a>
<b>APM 95.14</b>	Campus Security Authorities	<a href="https://www.uidaho.edu/governance/policy/policies/apm/95/14">https://www.uidaho.edu/governance/policy/policies/apm/95/14</a>
<b>APM 95.15</b>	Campus Law Enforcement and Crime Reporting	<a href="https://www.uidaho.edu/governance/policy/policies/apm/95/15">https://www.uidaho.edu/governance/policy/policies/apm/95/15</a>
<b>APM 95.20</b>	Education/Prevention and Responding to Sexual Assault	<a href="https://www.uidaho.edu/governance/policy/policies/apm/95/20">https://www.uidaho.edu/governance/policy/policies/apm/95/20</a>

## Definitions

The CCRT will use various words and phrases with frequency, and a common understanding of vernacular is essential. You will note in the following sections that there are duplicate terms with different definitions. This reflects distinctions between definitions required under federal law, and definitions intended to capture broader behavior.

### FSH 6100: Title IX Sexual Harassment

We've selected a few definitions for your review from *FSH 6100: Title IX Sexual Harassment*. Please review the policy in full for all terms and definitions: <https://www.webpages.uidaho.edu/fsh/6100.html>

#### **Complainant**

An individual who is alleged to be the victim of conduct that could constitute sexual harassment. If the complainant is under 18 years of age, the complainant's parent or guardian may also be considered a complainant.

#### **Respondent**

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. If the respondent is under 18 years of age, the respondent's parent or guardian may also act on behalf of the respondent.

#### **Party**

Means either the complainant(s) or respondent(s). Parties includes the complainant(s) and respondent(s), collectively.

#### **Consent**

Knowing, voluntary, and clear permission by word or action to engage in sexual activity. Consent can be withdrawn at any time.

#### **Dating Violence**

Violence on the basis of sex committed by a person who is in or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

#### **Domestic Violence**

Violence committed by a current or former spouse or intimate partner of the complainant; by a person with whom the complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Idaho; or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family laws of Idaho.

#### **Sexual Assault**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including the following:

**Rape**

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

**Sodomy**

Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object**

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

**Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

**Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

**Sexual Harassment**

Conduct on the basis of sex that satisfies one or more of the following:

- a. A University employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or
- c. Sexual assault, dating violence, domestic violence, or stalking.

**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.

**FSH 2300: Student Code of Conduct**

The university may apply the Student Code of Conduct and its corresponding definitions to address behavior which cannot be addressed under FSH 6100. These provisions only apply to students who have potentially engaged in these behaviors.

**Consent**

Informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent. Consent to any one form of sexual activity does not imply consent to any other form of sexual activity.

**Sexual Misconduct**

A broad term encompassing any non-consensual contact of a sexual nature (see Article I, Section A-1, for the definition of consent). Sexual misconduct may vary in severity, and consists of a range of behavior or attempted behavior including, but not limited to, the following examples of prohibited conduct:

**Unwelcome Sexual Conduct**

This includes, but is not limited to:

- a. touching an unwilling or non-consensual person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering the same);
- b. touching an unwilling or non-consensual person with one's own intimate parts;
- c. forcing an unwilling or non-consensual person to touch another's intimate parts;
- d. indecent exposure, which includes, but is not limited to, exposing one's own intimate parts to an unwilling or non-consensual person; and
- e. voyeurism, which includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio, video, or photographic record of another person without his/her/their prior knowledge and without his/her/their prior consent when such a recording is likely to cause injury or distress to the other person, or involves the other person's intimate parts or sexual conduct.

**Sexual Violence**

Refers to physical sexual acts perpetrated against another person's will or where another person is incapable of giving consent or is incapacitated. This includes, but is not limited to:

- a. Rape, which includes, but is not limited to, the unwilling or non-consensual penetration of another person's bodily opening with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another person's mental or physical condition (such as intoxication, age, or disability) of which the assailant was aware or should have been aware;
- b. Sexual assault, which is the unwilling or non-consensual penetration of any bodily opening of another person with any object or body part;
- c. Sexual battery; and
- d. Sexual coercion.

**Sexual Harassment**

Unwelcome conduct of a sexual nature. It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct or communication of a sexual nature when:

- a. Submission to or rejection of such conduct or communication is a term or condition of educational benefits, employment, academic evaluations, or other opportunities;
- b. Submission to such conduct or communication has the purpose or effect of substantially interfering with a student's education;
- c. Such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational environment or negatively affecting a student's educational opportunities. A single instance may be considered severe enough to merit sanctions.

**Stalking**

Includes, but is not limited to, the persistent, severe, or pervasive harassment of another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested. This may include, but is not limited to, repeatedly contacting another person through any means (such as in person or by phone, electronic means, text messaging, etc.), following another person, or having others contact or follow another person on your behalf. A single instance may be considered severe enough to merit sanctions.

## FSH 2400: University Disciplinary Process for Alleged Violations of Student Code of Conduct

These definitions govern violations that may arise from FSH 2300.

**Complainant**

The person(s) reportedly harmed by the Respondent's alleged violation of the Code.

**Respondent**

The student who is alleged to have violated the Code.

**Parties**

The Respondent and, in sexual misconduct cases only, the Complainant.

## Additional Definitions and/or Context

The following definitions are included for informational and educational purposes. They reflect industry best practices and standards.

**Force**

The use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion**

Unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do

not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### **Consent**

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the institution to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the university’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

### **Incapacitation**

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state, and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This also includes incapacity that results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

### **Sexual Exploitation**

Taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Invasion of sexual privacy.
- Taking pictures, video, or audio recording of another in a sexual act, or in any other
  - sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity,
  - or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity,
  - or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- Bullying, defined as:
  - Repeated and/or severe aggressive behavior;
  - Behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally; or
  - Behavior that is not speech or conduct otherwise protected by the First Amendment.

### **Non-Consensual Sexual Contact**

Any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual touching includes:

- Intentional contact with the breasts, groin, genitals, or mouth, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

### **Non-Consensual Sexual Intercourse**

Any sexual intercourse, however slight, with any object by a person upon another person that is without consent and/or by force.

Sexual intercourse includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

## **Confidential, Privileged or Private: What's the Difference?**

Confidential, privileged, and private are distinct concepts that can impact survivors' experience and comfort with sharing information. Institutions, organizations, and individuals may use these concepts differently. It's important to understand what we mean when we use them.

### **Confidential**

Confidentiality is a legal, ethical, or licensing requirement that information shared within the professional relationship will not be shared outside of it, except as required by law. In these circumstances, the duty of confidentiality is incumbent upon the professional and something owed to the client. Often necessary for people to feel comfortable talking about private information, it is common in fields such as social work or psychology. Sometimes people use "confidential" when they mean "private" (see below).

### **Privileged**

Privileges protect some confidences in court or administrative hearings. Attorney-client, clergy-penitent, and spousal privileges are some of the oldest. More contemporary privileges include doctor-patient, and privileges for domestic violence or sexual assault advocates and the survivors who seek their services. In some jurisdictions, victim advocates (such as our ATVP on-campus advocate) can have privileged conversations with survivors. Again, this information is not shared outside of the established privileged relationship (to include the individuals related to the organization that assist in serving the client), unless law prevents application of the privilege; however, the client is the one who generally controls the

disclosure under these circumstances and may also choose to waive this privilege in specific or select circumstances.

**Private**

Privacy is an umbrella concept. When you tell someone that you will not reveal what they tell you, you have promised to keep that information private. Often, except in instances where a communication is privileged or confidential, the best way to explain how information will be protected is to use the word “private.” Sometimes in a campus environment, private means that you will not share information except when necessary or with those who have a “need to know.” Private does not typically mean there is a legal or professional ethics requirement to keep the secret.

## Frequently Asked Questions (FAQ)

### ***What is Title IX?***

Title IX of the Education Amendments of 1972 (amending the Higher Education Act of 1965) is a Federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities that receive Federal funds. It states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Under Title IX, discrimination on the basis of sex can include sexual harassment, sexual assault, dating violence, domestic violence, and stalking and applies to many facets of the university (admissions, advising, athletics, employment, support services, etc.).

### ***What is a Title IX Report?***

Any situation in which the University has actual knowledge of an alleged incident of sexual harassment occurring in an education program or activity. Typically, this comes from employees who are fulfilling their reporting obligations under state board policy.

### ***What is a Title IX Formal Complaint?***

A complaint is a document filed with the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. Only a complainant or the Title IX Coordinator may file a formal complaint. Additionally, a complainant must be participating or attempting to participate in the university’s education program or activity at the time of filing a formal complaint.

### ***Who do I contact if I’m not sure if I want to file a complaint or report?***

You are encouraged to consult with any of our confidential resources if you are uncertain as to whether you would like to file a complaint with the university or law enforcement. Confidential resources can assist you in understanding your options without fear that the information will prompt an investigation. All other university employees, including Resident Advisors, Teaching Assistants, student employees, faculty, or staff, are required to report such instances to the Title IX Coordinator within 24 hours.

### ***Can I file a complaint or report of sex discrimination, including sexual violence, against a student or employee?***

Yes. If you believe that another student, staff, or faculty member had engaged in sex discrimination or any of form of sexual misconduct, you are encouraged to report the matter to the university.

### ***How do I file a complaint or report of sex discrimination, including sexual violence?***

We encourage all individuals to report sex discrimination using the [VandalCare form](#). This helps to ensure timely notification to our staff and allows us to better monitor communications through our case management system. If you are prepared to initiate a formal complaint, you can submit the online form found at [www.uidaho.edu/report](http://www.uidaho.edu/report).

### ***Is there a time limit, or “statute of limitations,” on filing a complaint or report of sex discrimination with the university?***

No. While you are encouraged to report as soon as possible, you may report your concern at any time. We encourage timely reporting to ensure investigations are as effective as possible (record or evidence retention, witness recollection, etc.).

***What if the respondent is no longer a student, employed, or affiliated with the university?***

The university will be limited in its ability to respond if a respondent is no longer affiliated with the university as the university loses jurisdiction, and therefore the ability to take disciplinary action, over that individual. The university will also still, to the best of our ability, provide a Complainant with support, service, and resources, to best ensure any ongoing misconduct stops and that we address the effects of the behavior.

***When must the university investigate, regardless of whether a Complainant wishes to pursue or participate in an investigation? This includes when a Complainant decides after an investigation has begun, that they no longer want the matter to be investigated.***

Generally, the University will make reasonable efforts to investigate and address complaints or reports of sex or gender discrimination, including sexual misconduct, whenever it becomes aware of such a complaint or report. When evaluating whether an investigation must occur, the Title IX Coordinator evaluates multiple factors, including the following:

- Is there a reported pattern of behavior?
- Is the reported behavior predatory in nature?
- Did the reported behavior occur with the use or threat of use of a weapon?
- Did the reported Respondent threaten future harm to self or others?
- Is the complainant willing to participate?
- What is in the best interest, to ensure safety and security, of the university community?
- What is fair treatment of all individuals involved, including the respondent's right to have specific notice of the allegations if the University were to take action that affects the respondent?

***Is an investigation confidential? Will my name and information be shared?***

An investigation is not confidential, it is private, and information will only be shared on a need-to-know basis. Because the university has an obligation to address reported incidents, OCRI may work with other offices on campus to ensure we provide supportive measures for the parties and maintain the safety and security of the university community. Identity and information regarding those involved in a complaint or report may be shared with other campus officials and/or the respondent. This is often required to ensure due process or accomplish specific supportive measures. OCRI will ensure parties and witnesses are aware of this prior to their participation.

***What if I want to remain anonymous?***

You may file an anonymous report through the [VandalCare form](#). Anonymous reports may limit the university's ability to respond. If the university is able to determine the identity of a complainant or that identity is made known through other means (e.g., a separate report), but the complainant asks to remain anonymous, the Title IX Coordinator will make an evaluation of the articulated concerns.

***May I file a police report? Can I file with the police and not with the university or vice versa?***

Yes. You may file a police report without filing with the university or vice versa. It is important to file a report with the appropriate law enforcement agency (e.g., Moscow Police Department if an incident occurred in Moscow, Latah County Sherriff if an incident occurred in Viola, etc.). The contact information for various law enforcement agencies can be found on the resources page but in the event of an emergency, call 9-1-1. Additionally, staff in OCRI, DOS, Women's Center or ATPV can assist individuals with filing a police report.

If you report an incident to Moscow Police Department, it is likely that they will also inform the university, given the contractual nature of the university's relationship of the Moscow Police Department. However, the university will not report to law enforcement without your request, permission or as required by law (child or elder abuse or neglect, or concern of imminent threat of harm to self or others).

The criminal process is separate and distinct from the university's disciplinary process. You may invoke one or both processes. If you have filed a complaint with the University, the University's disciplinary process will proceed regardless if a criminal complaint is also filed, and without regard to the outcome of the criminal process.

***What supportive measures are available?***

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. They include, but are not limited to:

- Referral to counseling, medical, or other healthcare services.
- Extensions of deadlines or other course-related adjustments.
- Modifications of work or class schedules.
- Provision of campus escort services.
- Mutual restrictions on contact between the parties.
- Changes in work or housing arrangements.
- Leaves of absence.
- Referral to community-based providers.
- Student financial aid counseling.
- Education of the institutional community or community subgroup(s).
- Safety planning.
- Increased security and monitoring of certain areas of the campus.

***May I have an advisor present at meetings, interviews, or hearings?***

Parties may have an advisor present at any meeting, interview, or hearing. This person can be anyone of their choosing, such as a friend, family member, attorney, advocate, etc. Advisors are not able to

actively participate in interviews or hearings except to engage in cross-examination. However, they can provide advice and guidance to the person they advise. Should their involvement become disruptive to the process, they will be asked to leave. Additionally, we do our best to ensure any meetings we schedule do not conflict with your advisor's schedule. If you do not have an advisor at the time of a hearing, the university will appoint one for you for the purpose of conducting cross-examination.

***As a Complainant or Respondent, may I discuss the case with others?***

Yes, as we realize that process can be difficult and stressful. You are therefore encouraged to seek support from a confidential resource. The Counseling and Testing Center is a confidential resource you can access to talk about your experiences or this process. What is shared with them is truly confidential. You may also discuss the matter with an advisor of your choosing.

We ask all parties involved not to discuss the investigation with other witnesses, to assist us in ensuring we maintain the privacy we've promised to all participating individuals. Remember, the investigators will consider interviewing any witness you would like them to interview and will consider collecting any information you feel is necessary. It is therefore unnecessary for you to directly contact witnesses yourself. Furthermore, you are discouraged from contacting witnesses directly, because doing so may undermine the integrity of the investigation and may give rise to the real or perceived experience of retaliation (itself a serious violation of University policy) or prompt a separate claim of sex discrimination. Instead, provide witness names to the investigators and inform them of any questions you would like the witness to be asked. You are not prohibited from speaking with others, but we caution reaching out to individuals for the reasons stated above.

***What is retaliation? What if retaliation is something that concerns me?***

Under the Student Code of Conduct, [Retaliation \(Article II, A-4.b\)](#) "includes conduct that intimidates, interferes with, threatens, coerces, or otherwise discriminates against any individual because that individual opposes or reports a perceived wrongdoing, inequity, or violation of law or University policy, files a complaint alleging illegal or prohibited discrimination, participates in a grievance or appeals procedure, or participates in dispute resolution."

Anyone involved in an investigation is encouraged to share concerns related to retaliation, both at the outset of an investigation, and throughout. We ask that individuals notify OCRI if they experience any retaliatory behavior and likewise ask that complainants, respondents, and witnesses not engage in any retaliatory behavior or behavior that could be perceived as such, which includes contact in person, through text message, social media, or a third party. Retaliatory behavior may be subject to a separate investigation, and if substantiated, may result in disciplinary action, in accordance with university policy.

***How do the concepts of freedom of speech or freedom of expression impact decisions made regarding whether behavior constitutes sex discrimination or sexual harassment? Does this mean no action can be taken if it falls within those protections?***

Behavior that constitutes Sex Discrimination or Sexual Harassment under the policy is prohibited. There may be other instances, however, in which individuals express disagreeable or offensive ideas or opinions that do not constitute Sex Discrimination or Sexual Harassment, but which are allowable under the principle of freedom of expression. In responding to complaints, the University considers the

circumstances and works to assess the balance between eliminating Sex Discrimination or Sexual Harassment while protecting freedom of expression.

The University may take a variety of actions besides discipline. For example, the University may call the individual in for a meeting with the Title IX Office or a supervisor in order to explain the concern with the speech, expectations for campus interactions, and the impact the speech is having on others. The University also may offer awareness programs and trainings to the campus community, in whole or in part. The University may offer resources and support to those who have been impacted.

***Will filing a complaint with the university affect my immigration status, financial aid, or employment?***

No. Filing a complaint does not affect one's immigration status, financial aid, or employment. Under the law, students and staff who are victims or survivors of sexual and interpersonal violence receive the same rights under Title IX and the VAWA, regardless of immigration and visa status.

***Can I press criminal charges regardless of my immigration status?***

Yes. Additionally, you are eligible to apply to the courts for a protection order against your abuser, even if you are undocumented.

***Will a complaint filed against me affect my immigration status, financial aid, or employment?***

Potentially, depending on the nature of the complaint, a person's immigration status, and the resolution of the case. For example, expulsion is one possible resolution of a complaint, and an expulsion could cause a non-citizen on a student visa to be deemed to be out of status, and therefore deportable. The criminal process is separate from the internal complaint process, but if criminal charges were to be filed, those could make non-citizens deportable, depending on the nature of the charges and whether they result in a conviction.

***Are there specific visa and immigration statuses for victims of crimes?***

Yes. For victims of sexual assault, domestic violence, dating violence, and stalking, there may be other visa options, including U and T Visas.

***Is there an office on campus that can provide me additional information?***

Yes. The International Programs Office can provide useful information regarding immigration status. Note that for questions regarding changes to other visa statuses, or legal options that fall outside of standard F-1 and J-1 student visas, or employer-sponsored work visas, you should consult a qualified immigration attorney.

***As an international student complainant, of what limitations should I be aware?***

Typically, to remain in status for visa eligibility, students are required to maintain a full-time course load. While you are permitted to drop below full-time status, it does require approval. While you do not have to disclose the specific situation, you will have to disclose whether this is for an academic or medical reason.

***What do I do if I have been sexually assaulted or sexually harassed?***

Make sure you are safe – you can always utilize emergency services by dialing 9-1-1. Additionally, Gritman Medical Center and Vandal Health Services are available medical resources that can address physical needs. The Counseling and Testing Center is available, free of charge to students, to address mental and emotional distress.

The Women’s Center is a confidential resource available to offer additional resources, explain reporting options, and connect you with care and support services. You can report to a U of I employee, the Title IX coordinator, or the Dean of Students Office, and U of I will provide prompt remedial action, assist in interim measures to protect you, and work toward an outcome to prevent this from happening again. If you want someone to take action to prevent this from happening again, reporting is the most effective option.

You can report to a U of I employee, Title IX office, or Dean of Students office and the U of I will provide prompt, remedial action, assist in interim measures to protect you, and may result in an outcome to prevent this from happening again. If you want someone to take action to prevent this from happening again, reporting is the most effective option.

***What if it wasn’t on campus?***

The University of Idaho will address instances of sexual misconduct regardless of where it occurs. Furthermore, the Student Code of Conduct applies to all students regardless of physical location. As a student, you agree to follow the rules of the code as long as you are affiliated with the U of I. Even if an incident of sexual misconduct happens off-campus (e.g., at an apartment, in another city, etc.), the U of I will still look into the matter and take appropriate action.

***What can I expect during an investigation?***

When the university is notified of an allegation of sexual harassment, typically two investigators will be assigned to the case. The investigators work as neutral fact-finders to gather information. The investigators will interview the complainant (the one bringing forward the complaint or the person who experienced the misconduct), the respondent (the one responding to the complaint), and any relevant witnesses. The investigators will gather evidence from those interviewed, such as photos, text messages, emails, social media communications, medical reports, police reports, etc.

The investigators aim to complete the investigation within 90 days. Factors such as complexity, a police investigation, and holiday breaks can impact this timeline. A final report will be submitted to the parties and hearing panel if it is determined a U of I policy violation occurred.

***What happens if a report is filed against me for sexual misconduct?***

The U of I will conduct an investigation. Someone who is alleged to have engaged in sexual misconduct is typically referred to as the respondent (someone responding to an allegation). Investigators will contact you to gather information. You, as the respondent, are not required to participate in the investigation process, however, the investigation will proceed with or without your participation. You have the right to an advisor throughout the process. The ASUI offers a student defender at no cost to you or you may select any advisor of your choosing, at your own expense.

***How does the U of I determine if a violation happened or not?***

The university investigators use the “preponderance of the evidence” standard of proof. This means investigators are determining whether it is more likely than not that a violation of a policy occurred. It is generally explained as “50 percent and a feather.” It is important to know that U of I’s burden of proof is lower than law enforcement’s burden of proof. This means that a criminal process may begin and conclude without any formal charges or without a finding of “guilty,” but the university could still investigate and find someone responsible for a policy violation.

***What happens if a respondent found responsible for misconduct?***

Sanctions will be imposed. Sanctions can range anywhere from a warning, up to expulsion or termination. Sanctions are assigned by a case-by-case basis. However, either party may appeal the outcome and sanctions.

***If a victim/survivor receives medical attention, does that obligate them to report to law enforcement?***

No, the victim/survivor does not have to report to law enforcement or to campus officials if they complete a sexual assault examination. Note, however, that Gritman Medical Center will call local law enforcement and ATVP, but it is up to the individual as to whether or not they would like to meet with either agency.

***Does the victim/survivor have to go to the hospital?***

It is the victim/survivor’s choice to have a sexual assault examination. A victim/survivor does not have to make a police report in order to receive a sexual assault examination. A sexual assault examination can be completed by a Sexual Assault Nurse Examiner (SANE) at Gritman Medical Center. Victims/survivors who present more than 5 days (120) hours after the assault will not routinely receive a medical forensic exam; however, under extenuating circumstances and with the professional discretion of the SANE, a medical forensic exam may still be performed.

***If I need to go to the hospital, how do I get there?***

- If it is a medical emergency, call 9-1-1
- If it is not a medical emergency, Smart Transit has several options:
  - You may utilize their [fixed route schedule](#) for free (please note their hours), or
  - Dial-a-Ride may be available for curbside pick-up and drop-off for \$1.50 each way
- [Taxi services](#)
- Ride-share services:
  - [Uber](#)
  - [Lyft](#)

***What does the sexual assault examination entail?***

The exam consists of documentation of the assault, along with a physical exam for evidence collection which may include swabbing for DNA, photographs, and body diagrams. The SANE (Sexual Assault Nurse Examiner) is responsible for obtaining a pertinent medical history, providing the exam, providing patient education about STIs, prevention of pregnancy, and offering medications as currently recommended by

the Centers for Disease Control which includes possible exposure to STIs, prevention of pregnancy, and HIV prophylaxis. This process can take anywhere between three to six hours.

***How much does the sexual assault examination cost?***

Through Idaho Crime Victims Compensation Program, there is no cost for this exam, unless the victim is under the age of 18.

## Response Protocols

### Alternatives to Violence of the Palouse (ATVP) \*Confidential Resource

24-hr/7-day support services at (208) 883-HELP or (877) 334-2887 (toll free)

ATVP Idaho business office: (208) 882-2490, available Monday - Friday, 8:30 am - 5:00 pm

[www.atvp.org](http://www.atvp.org)

ATVP is a well-established and credentialed victim services agency serving the Palouse. ATVP offers comprehensive services to victims and non-offending individuals to address the trauma of sexual assault, domestic violence, and stalking for victims and their families. Our services are rooted in giving voice and empowering survivors, their families, and the community; creating change in beliefs, attitudes, and behaviors about violence; and instilling courage for people to speak out about sexual assault. We endeavor to create a safe and equitable community through comprehensive quality education, advocacy, and prevention services. ATVP works cooperatively with all segments of the community to provide choices for victims, including interventions that are swift, appropriate, and implemented in a coordinated manner. Our services are free, confidential (some legal exceptions apply), and are available 24 hours a day, 7 days a week. Parental consent is required for minors under the age of 18 to receive services, unless the minor is emancipated.

#### Services:

- 24-hour crisis response and support.
- Information and referral to resources: ATVP advocates are available to assist in evaluating what is needed and to provide timely and relevant information about available resources and services for victims and survivors of sexual assault/abuse. ATVP works closely with local social service agencies, therapists, housing entities, U of I offices and departments, and are familiar with supportive services and resources.
- Safety planning: this can include providing emergency shelter to survivors in need.
- Medical advocacy: this includes help and support in the ER, county clinic, doctor's office, therapist office, etc. Explanation of medical or forensic sexual assault examinations, and assistance with any follow-up.
- Legal advocacy: help explaining criminal and civil justice processes, explanation and help in reporting to law enforcement, liaison with prosecutors/lawyers, assistance in obtaining protective orders, explanation and support in upholding victim rights, support regarding campus reporting and related processes, assistance with Crime Victim Compensation applications.
- Support groups: confidential support groups are offered to survivors of sexual assault or domestic violence. Child advocacy can be provided by trained ATVP child advocates while parents/caregivers attend group.
- Shelter: ATVP offers temporary emergency housing in the ATVP shelter for up to 30 days (may be extended by 60 days) to qualifying survivors in need.
- Systems coordination: ATVP works collaboratively with agencies throughout Idaho to support trauma-informed coordinated responses to sexual and domestic violence across the Palouse.
- Uphold victim rights: ensure victims are apprised of their rights, and advocate on behalf of survivor rights.

- Community outreach, education and prevention: trained ATVP advocates are available to provide technical assistance and support for community development projects, presentations or training programs on sexual assault, domestic violence, stalking, child abuse and related topics for groups or communities upon request.

### ATVP Advocacy:

ATVP advocates promote safety, trust, collaboration, empowerment, and demonstrates cultural competence in service provision.

- Advocates focus on emotional as well as physical safety. Safe relationships are consistent, predictable, nonviolent, non-shaming, non-blaming, and respectful.
- Trust: advocates ensure survivors have clear expectations of services by maintaining appropriate boundaries, being consistent and trustworthy, and holding their story and information confidential.
- Choice: advocates prioritize survivor choice and decision-making, supporting a survivor's control over their own healing journey.
- Collaboration: advocates share power with survivors, working together toward the survivor's intended goals for healing and justice.
- Empowerment: advocates help identify strengths, prioritize building skills that promote survivor healing and growth. Advocates provide active listening.
- Cultural competence: advocates are sensitive to the role of culture in lived experience, healing routes, and decision-making.

### Contacting ATVP:

- ATVP can be contacted directly by the survivor or through a coordinated community referral via the ATVP hotline (208) 883-HELP. Our skilled advocates will provide immediate crisis support and information regardless of where the violence occurred (on- or off-campus or out of state).
- In-person support services are available. When requested, an ATVP victim advocate will meet a survivor at a neutral agreed-upon location (ex. hospital, courthouse, law enforcement agency, U of I campus location). ATVP will respond in person within 15-30 minutes in Moscow (outlying areas may take longer).
- Information shared with ATVP is confidential and will not be shared without consent from the survivor, unless mandated by law.
- Upon contact, advocates will provide information about their role and services offered by ATVP. Services will be provided with the survivor's consent.
- Where ATVP has responded to a coordinated call-out and the survivor does not want immediate services, ATVP will leave a business card and brochure for the survivor. If appropriate, ATVP will make arrangements to follow-up with the survivor.
- Upon contact, ATVP advocates can assist with survivors' transportation needs to community appointments (medical exams, law enforcement reporting, court) related to their victimization.
- ATVP victim advocates will ensure the survivor has access to resources, information and is informed about their options and rights.

- ATVP services are voluntary and survivor-centered. We support survivors as they make informed choices for themselves that promote their safety, wellbeing, and healing.
- ATVP supports survivors in understanding reporting processes and options, the importance of timely reporting, and evidence collection considerations. ATVP supports all victims/survivors, whether or not they choose to report their victimization to authorities.

### Moscow Police Department

Emergency support services: dial 9-1-1

Campus Division: Memorial Gym, Suite 111 (ground floor)

(208) 883-7128, available Monday - Friday, 8:00 am - 5:00 pm

City of Moscow Police Department: 118 E. 4th Street, Moscow

(208) 883-7054, available Monday - Friday, 8:00 am - 5:00 pm

### Response to Survivors:

- Help provide for victim(s) safety.
- Determine the victim(s) need/willingness for emergency medical care.
- Ascertain if a sexual assault/rape/domestic violence incident occurred.
- Arrange transportation to and from the hospital for the victim(s), if medical attention is needed and wanted, only if law enforcement is the first responder.
- When the victim(s) are not being transported by ambulance, call the hospital to inform them of the incoming victim(s) so that emergency room personnel can prepare for the victim(s).
- Coordinate with medical staff to keep victim(s) and suspect(s) out of the facility at the same time.
- Advise the victim(s) of evidence preservation steps.
- Determine if the assailant is still nearby, and if so, separate for interviews.
- If the victim goes to a facility for emergency medical care and medical staff does not have consent to call the ATVP hotline, the responding officer makes the request to have dispatch call the ATVP hotline for in-person advocate response.
- Intervene as needed with any involved parties.
- Record the victim's statement/condition accurately, document with audio, video and pictures (when possible).
- Determine what interview information is needed.
- Develop a strategy to minimize repeated interviews with the victim(s).
- Attempt to provide an interpreter if needed by victim(s).
- Provide a comfortable, private setting for interviews, when possible.
- Determine the location of the crime.
- Collect crime scene/victim evidence: fingerprints, trace evidence, photographs, clothing, sheets, etc.
- Obtain search warrants, when necessary.
- Keep victim informed of investigation/case status.
- Have victim sign medical release, if they are willing.
- Discuss and plan for victim's safety concerns and short-term needs.
- Inform victim(s) about forensic evidence collection procedures and receive authorization.

- Inform victim(s) about date rape drug testing, if suspected.

## Investigation

In handling sexual assault/rape/domestic violence incidents, the officer's approach should reflect the seriousness of the offense and its consequences for both the suspect and the victim. The officer should investigate thoroughly.

- Identify all persons involved in the incident.
- Inquire about the nature of the incident.
- Assess and document any injuries, (including inquiry about possible internal injuries, unobservable injuries, such as sore throat from attempted strangulation or bumps on head), administer first aid, and/or notify emergency medical services if necessary. Look for and document offensive and defensive wounds on all persons involved.
- Interview witnesses, victims, and suspect separately. Take steps to reduce the chance that children present will see or hear the interview.
- Complete the Idaho Domestic Violence Supplement form.
- Assess and document whether drugs and alcohol were consumed or present.
- Coordinate the in-depth interview of the victim(s) with an ATVP advocate if appropriate.
- Obtain written statements, when possible, from all parties and witnesses, documenting all statements, including spontaneous statements.
- Obtain signed medical releases if possible.
- Document if children were present at the time of incident, name(s), age(s), and association in the report.
- Take pictures of children if any were in the residence when the crime occurred if it has evidentiary value.

## Gathering and Preserving Physical Evidence

- On serious domestic violence and sexual assaults where a crime scene exists, call detectives and the on-call prosecutor, if the watch commander identifies the need.
- Officer(s) shall collect and preserve all physical evidence reasonably necessary to support criminal charges, including weapons and all items used as weapons.
- Photograph the crime scene and victim injuries, if possible, and note condition of the crime scene, including a description of physical surroundings and damaged property associated with the offense/violence. All injuries, whether observable or not, should be documented in the offense report.
- The investigating or responding officer shall obtain a copy of the 911 dispatch call and place it into evidence or attach the copy to the case file so it will be available for prosecutor review when charges are pending.
- When requested by medical staff, an officer will assist in taking photographs during the forensic evidence collection. Injuries should be photographed at approximately 24-hour and 48-hour intervals. ATVP can assist law enforcement with arranging follow-up appointments.

## The Arrest Decision

If there is probable cause for a felony, the officer may arrest without a warrant. If the case only rises to the level of a misdemeanor, the officer may not legally arrest without a warrant unless the offense occurs in the officer's presence. In those circumstances, consideration may be given to identifying a person who witnessed the offense to see if a "citizen's arrest" is practicable, or the officer may explore whether there are other offenses for which a warrantless arrest may be made. Otherwise, the officer's options are to cite and release, or to detain to seek an arrest warrant (which generally takes several hours and may not be practical or reasonable).

### On-Scene Assistance to Victim

Once the scene has been stabilized:

- The law enforcement officer will give the domestic violence victim information about available services as laid out in Idaho Code 39-6316(2).
- Sexual assault and rape victims will be given information about available services to assist them.

When time and circumstances permit, law enforcement officers should:

- Inform the victim(s) and/or any non-offending involved parties of available ATVP services, including the option of a face-to-face meeting or over-the-phone contact with an advocate.
- Law enforcement, watch commander or detectives on scene offer to facilitate contact with ATVP between the victim(s) and/or any non-offending involved parties. This may occur by placing a call to ATVP and handing over the phone to the victim(s) and/or any non-offending involved parties or by another means deemed appropriate by the responding law enforcement.
- If the victim(s) and/or any non-offending involved parties wishes to receive face-to-face or shelter services, make arrangements with ATVP to get the victim(s) and/or any non-offending involved parties to a safe, neutral location to meet with an ATVP advocate.
- If the victim(s) and/or any non-offending involved parties indicates a desire to have ATVP call them, but not immediately, the officer should get the phone number where the victim(s) and/or any non-offending involved parties can be contacted and ascertain a safe time when ATVP can make the call, and at the officer's earliest convenience, they should contact ATVP at (208) 883-4357, (509) 332-4357, or (877) 334-2887 to pass along this information and request for a call.
- If children are present at the scene of a sexual assault/rape/domestic violence incident, a copy of the report will be forwarded to Child Protective Services.
- If the suspect is taken into custody, the officer/deputy will provide the victim(s) with an Idaho Victim Information and Notification Everyday (VINE) Hotline pamphlet and a VINE registration card. This system allows victims to be informed of the custody status of the perpetrator.

### Office of the Dean of Students

Teaching & Learning Center, Room 232

Available Monday - Friday, 8:00 am - 5:00 pm

208-885-6757, [askjoe@uidaho.edu](mailto:askjoe@uidaho.edu)

The Office of the Dean of Students takes leadership in creating a compassionate, safe, and vibrant residential campus community of choice. We promote educational and leadership experiences that prepare students to serve their communities and respect the dignity of all persons.

## Response to Sexual Assault Disclosure

Staff in the Office of the Dean of Students (DOS) are not confidential for Title IX reporting purposes. Students are referred to the DOS for a variety of reasons, so staff are strongly encouraged to share their reporting obligations at the outset of initial meetings. Student staff should be informed of the parameters of their responsibilities, as well as being aware of the duties of the staff.

If a student does not explicitly disclose sexual assault, domestic violence, or stalking, but it is presumed this is their concern, they should be referred to confidential resources for a further conversation. This can include ATVP, the Counseling & Testing Center, the Women's Center, the Ombuds, Gritman Medical Center (for a forensic exam), or the Vandal Health Clinic (for other medical concerns).

Staff responding to a disclosure of sexual assault should:

- Ensure the student is aware of the staff member's responsibility to report the matter to OCRI.
- If the student is in person, make sure the conversation cannot be heard in the outer office by closing doors and if needed, turning on noise-cancelling devices.
- If the student is on Zoom, make sure the conversation cannot be heard by others in your space by either closing the door or using headphones.
- Assess the student's current level of safety and need for medical attention.
- Refer the student to ATVP for specialized support.
- Refer the student to the CTC and the Women's Center for campus support.
- Explain to the student they may be contacted by OCRI.

Supports offered by the Office of the Dean of Students can include:

- Faculty notification
- Emergency hotel stays
- On-campus no-contact directives

## Housing & Residence Life

Wallace Residential Complex, 2nd floor

1080 West 6th Street, Moscow

(208) 885-6571, [housing@uidaho.edu](mailto:housing@uidaho.edu)

Available Monday - Friday, 8:00 am - 5:00 pm

Information Desk: (208) 885-7379, 6:00 am - midnight

For after-hour emergencies please contact the on-call RA in your residence hall.

Campus residence halls are staffed by student and professional staff, all of whom are required to report Title IX related concerns to OCRI. Resident Assistants are trained on these topics annually.

## Response to Sexual Assault Disclosure

- Professional staff will respond to the scene and seek assistance from other professional staff members if needed (e.g. if a female resident would feel more comfortable talking with a female staff member, or vice versa).

- The resident will be informed that staff are required by federal law to report any information they receive regarding sexual assault, dating violence, or stalking to the Title IX investigators on campus. The resident will be informed that it is their choice as to how much information about the incident they share, but that anything shared must be reported. Staff will emphasize that even though they are required to report, their main concern is for the resident's wellbeing and safety.
- The Resident Director on call will be notified of the incident.
- Staff will discuss the resident's options with them, which include making a police report, going to the hospital, and seeking counseling.
- Staff will ask the resident if they would like to call Alternatives to Violence of the Palouse (ATVP) to see if a victim advocate is available to meet with them in person. Staff may also call ATVP's hotline with the resident's permission and hand the phone over to them. If the resident is unsure about engaging with ATVP, staff can offer to call the hotline and ask questions on behalf of the resident and relay the information. An ATVP advocate can also meet the resident at the police station or at the hospital.
- Staff may also refer the resident to the Women's Center, another supportive option on campus.
- Staff will determine if the resident is comfortable and safe staying in their room. They will call the Director on call and Customer Relations Manager if a room change is necessary. This is particularly important if the assault or incident happened anywhere in the building where the resident lives. It is up to the resident to determine if they want to move or not.
- Professional staff will talk privately with student staff involved to debrief what has happened. Student staff will receive support and resources to process the situation and how it has impacted them. RAs on call, as well as those on the floor/in the building, will be informed only that there is a student in crisis. Only those with a direct need to know will be informed of an incident to help protect the resident's privacy.
- The resident will be provided with the contact number to the Information Desk if they need to reach a professional on-call staff member.
- The student staff member to whom the incident was reported will write and submit an Incident Report.

### Counseling & Testing Center \*Confidential Resource

Mary Forney Hall, Room 306

1210 Blake Avenue, Moscow

(208) 885-6716, [ctc@uidaho.edu](mailto:ctc@uidaho.edu)

Available Monday - Friday, 8:00 am - 5:00 pm

For after-hour emergencies, call (208) 885-6716 and press 3.

The Counseling and Testing Center is the primary mental health agency on campus for University of Idaho students, providing mental health services and support for students to enhance their educational, emotional, psychological, social, and cultural well-being. The CTC has an unwavering commitment to social justice, equity, and inclusion. Therefore, the CTC strives to offer culturally informed services and programs by providing a safe space to be heard, appreciated, and accepted.

### Response to Sexual Assault Disclosure

Counseling & Testing Center clinicians are confidential regarding reports of possible Title IX violations. Clinicians are informed of resources on campus and in the community, as well as to connect their clients, should the need arise.

### Dept. of Athletics

Kibbie-ASUI Activity Center, 2nd floor

(208) 885-0243, [ath-admin@uidaho.edu](mailto:ath-admin@uidaho.edu)

Senior Woman Administrator, Krista Gray – (208) 885-0297, [kristagrady@uidaho.edu](mailto:kristagrady@uidaho.edu)

The University of Idaho Athletics program instructs student-athletes on the important aspects of teamwork, sportsmanship, self-discipline, and focus in order to excel both inside and outside of the classroom. The Department of Athletics at the University of Idaho is committed to enhancing the visibility and image of the university by: developing and maintaining competitive, integrity-based, athletic programs; uniting students, faculty, staff, alumni and the community; educating and graduating student-athletes; and, competing for championships. As such, they are not a confidential reporting location and disclosures will result in a report being made to the Office of Civil Rights and Investigations (OCRI).

### Mandatory Reporting Parties

If a student contacts a coach, athletics staff member, volunteer, or other athletic department employee who is required to report, seeking assistance for sexual harassment, including sexual assault, dating violence, domestic violence, or stalking, the Athletic Department staff will do the following:

- Assess health and safety concerns first to determine the level of urgency:
  - Is the individual in a safe location? They may be connected to the Moscow Police Department or Alternatives to Violence of the Palouse for safety planning.
  - Medical attention might be necessary (e.g., STI testing, evidence preservation, pregnancy test, etc.)
  - Is the person discussing self-harm/suicide? Staff may contact the Counseling and Testing Center for a crisis appointment or request a welfare check from MPD.
- Inform the individual of staff's reporting obligations:
  - a. Typically occurs at the first team meeting.
  - b. If occurring in the moment, the staffer will:
    - i. Offer as private a place as possible
    - ii. Allow the party to share their narrative
    - iii. Remind the individual of their reporting obligations. An individual may be interrupted to be reminded of this fact to ensure that they can seek a confidential reporting location instead should they so choose.
- Refer the individual to resources, including potential "warm referrals," where staff accompany the individual to a predetermined location or call in advance to a resource (e.g., OCRI, Counseling and Testing Center, Women's Center, etc.)
- Report the matter to OCRI. This may be accomplished through [www.uidaho.edu/vandalcare](http://www.uidaho.edu/vandalcare) or a phone call directly to the Title IX Coordinator.

### Athletic Trainers/Medical Professionals

The team doctor, related nursing staff, and athletic trainers are considered Medical Professionals for the purposes of mandatory reporting under state board policy. Therefore, they are exempt from mandatory reporting, unless required to report under state or federal law (e.g., child abuse or neglect). This exemption only applies in circumstances where the medical professional is acting within the scope and role of their responsibilities (i.e., providing treatment). A medical professional who also serves as an adjunct instructor in the College of Education, Health, and Human Sciences and receives a disclosure in the course and scope of their work as an adjunct will be required to report that disclosure.

If individuals contact a Medical Professional within Athletics seeking assistance with sexual harassment, including sexual assault, dating violence, domestic violence, or stalking, the Medical Professional staff will do the following:

- Assess health and safety concerns first to determine the level of urgency:
  - Is the individual in a safe location? They may be connected to the Moscow Police Department or Alternatives to Violence of the Palouse for safety planning.
  - Medical attention might be necessary (e.g., STI testing, evidence preservation, pregnancy test, etc.)
  - Is the person discussing self-harm/suicide? Staff may contact the Counseling and Testing Center for a crisis appointment or request a welfare check from MPD.
- Refer the individual to resources, including potential “warm referrals,” where staff accompany the individual to a predetermined location or call in advance to a resource (e.g., OCRI, Counseling and Testing Center, Women’s Center, etc.)

### Office of Civil Rights and Investigations

530 Asbury Street, Suite 5, Moscow

(208) 885-4285, [ocri@uidaho.edu](mailto:ocri@uidaho.edu)

Available Monday - Friday, 8:00 - 5:00 pm

The Office of Civil Rights & Investigations (OCRI) is responsible for ensuring compliance with federal and state laws related to discrimination or harassment based on a protected class. As such, they are not a confidential reporting location and disclosures, while private, may result in further action, including potential investigation.

If a student contacts OCRI seeking assistance for sexual harassment, including sexual assault, dating violence, domestic violence, or stalking, OCRI’s initial response will remain the same but their secondary response may vary, depending upon if the information would fall under Title IX or not.

### Initial Response

When OCRI receives an initial disclosure of sexual harassment, staff will:

- Assess health and safety concerns first to determine the level of urgency.
  - Is the individual in a safe location? They may be connected to Moscow Police Department or Alternatives to Violence of the Palouse for safety planning.
  - Medical attention might be necessary (e.g., STI testing, evidence preservation, pregnancy test, etc.)
  - Is the person discussing self-harm/suicide? Staff may contact the Counseling and Testing Center for a crisis appointment or request a welfare check from MPD.

- Inform the individual of OCRI's role:
  - Occurs at the outset of any initial meeting, typically in writing before the meeting, but certainly before further discussion or disclosure.
  - As OCRI is the office to receive reports of this nature, OCRI will clarify that their role is to be neutral fact-finders and that the information will remain private, but not confidential, only being shared with those who have a need to know or as required by law.
- Document the information:
  - OCRI will document the information relayed and provide a summary for the individual to review and confirm.
  - If appropriate to the individual's role in the process, they will also be reminded of the process options available to them. The process options available and the individual's desires have weight when OCRI determines next steps.

All individuals who engage in OCRI's process will be offered the following:

- If the meeting occurs virtually, a unique and authenticated Zoom link. If the meeting occurs in person, it will occur at OCRI's off-campus location. All meetings occur with a noise cancelling device on the investigator's door or conference room door.
- Provide information about process, resources, and potential "warm referrals," including offering the ability to conduct the meeting simultaneously with MPD, making a direct connection with the U of I campus advocate from Alternatives to Violence of the Palouse, etc.
- Be available to receive follow-up information or conduct follow-up meetings as needed.
- Confirmation should the concern arise, that all information will be stored on a secure file server and subject to the privacy and confidentiality of state and federal laws.
- Investigators who are neutral and free of conflict or bias.
- Information about the amnesty and retaliation policies.

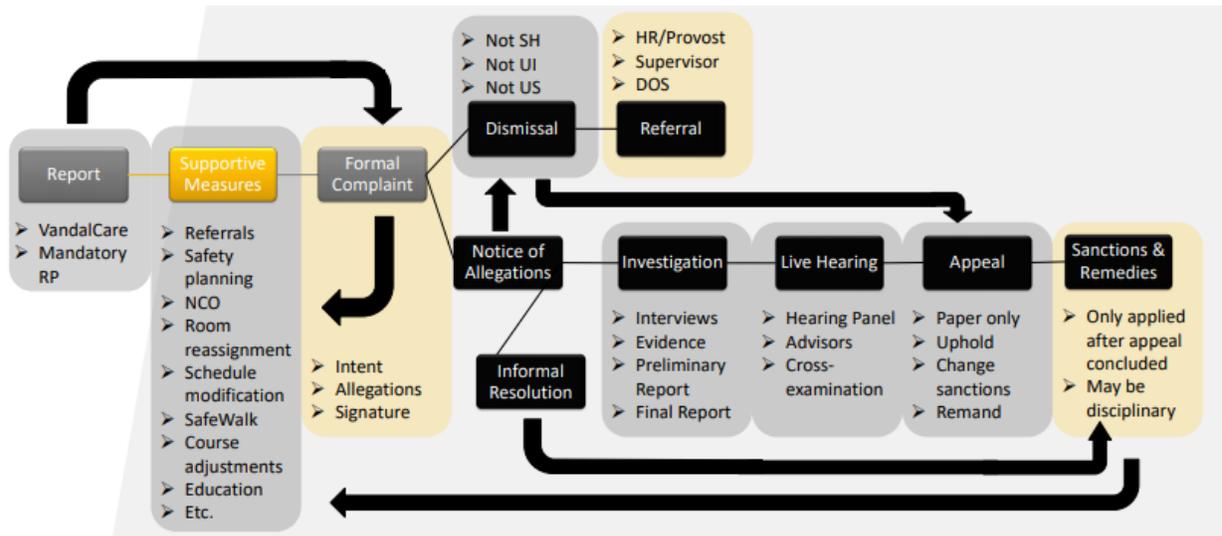
All parties who engage in OCRI's process will be offered the following:

- Prompt, thorough, and impartial investigation.
- Parties do not have to participate in the process.
- The right to be updated as to the status of the investigation.
- The right to have an advisor present at every phase.
- Supportive or interim measures.

### **Secondary Response**

OCRI's secondary response may vary depending upon if the information presented, if true, would be a violation of FSH 6100, the University of Idaho's Title IX Sexual Harassment Policy.

## For Title IX



## University of Idaho Employees

University of Idaho employees, including student staff, staff, and faculty, are all required to report allegations of sexual harassment, including sexual violence and gender-based harassment, to the Title IX Coordinator within 24 hours.<sup>4</sup> Those who are not required to report are employees that are required by law to maintain confidentiality of the disclosure, such as licensed medical professionals or counselors.<sup>5</sup>

### Mandatory Reporting Parties

If a student contacts an employee who is required to report, seeking assistance for sexual harassment, including sexual assault, dating violence, domestic violence, or stalking, the employee will do the following:

- Assess health and safety concerns first to determine the level of urgency:
  - Is the individual in a safe location? Offer to connect them to Moscow Police Department or Alternatives to Violence of the Palouse for safety planning.
  - Medical attention might be necessary (e.g., STI testing, evidence preservation, pregnancy test, etc.)
  - Is the person discussing self-harm/suicide? Ask the individual if you can contact the Counseling and Testing Center for a crisis appointment, or consider requesting a welfare check from MPD.
- Inform the individual of the employee's reporting obligations.
  - This is something that should occur before a disclosure. Employees should:
    - List their reporting obligations in their academic syllabi, if applicable
    - Discuss this responsibility during onboarding of new faculty and staff

<sup>4</sup> <https://boardofed.idaho.gov/board-policies-rules/board-policies/general-governing-policies-procedures-section-i/title-ix/>

<sup>5</sup> Id.

- Receive training on this topic prior to an event, trip, activity, or other occasion
  - a. If occurring in the moment, the employee will:
    - i. Offer as private a place as possible
    - ii. Allow the party to share their narrative
    - iii. Remind the individual of their reporting obligations. An individual may be interrupted to be reminded of this fact to ensure that they can seek a confidential reporting location instead should they so choose.
- Refer the individual to resources, including potential “warm referrals,” where the employee might walk the student to, or call-in advance to, a resource (e.g., OCRI, Counseling and Testing Center, Women’s Center, etc.)
- Report the matter to OCRI. This may be accomplished through [www.uidaho.edu/vandalcare](http://www.uidaho.edu/vandalcare) or a phone call directly to the Title IX Coordinator.

### Licensed Medical Professionals or Counselors

Athletic trainers, Vandal Health Clinic Employees, and Counseling and Testing Center employees are required by law to maintain confidentiality for the purposes of mandatory reporting under state board policy. Therefore, they are exempt from mandatory reporting, unless required to report under other state or federal law (e.g., child abuse or neglect). This exemption only applies in circumstances where the individual is acting within the scope and role of their responsibilities (i.e., providing treatment). A licensed medical professional who also serves as an adjunct instructor in the College of Education, Health, and Human Sciences and receives a disclosure in the course and scope of their work as an adjunct will be required to report that disclosure.

If individuals contact a licensed medical professional seeking assistance with sexual harassment, including sexual assault, dating violence, domestic violence, or stalking, the Licensed Medical Professional staff will do the following:

- Assess their health and safety concerns first to determine the level of urgency:
  - Are they in a safe location? They may be connected to Moscow Police Department or Alternatives to Violence of the Palouse for safety planning.
  - Medical attention might be necessary (e.g., STI testing, evidence preservation, pregnancy test, etc.)
  - Is the person discussing self-harm/suicide? Medical professionals may contact the Counseling and Testing Center for a crisis appointment or request a welfare check from MPD.
- Refer the individual to resources, including potential “warm referrals,” where the employee might walk the student to, or call-in advance to, a resource (e.g., OCRI, Counseling and Testing Center, Women’s Center, etc.).

### Women’s Center **\*Confidential Resource**

Memorial Gym, Suite 109

(208) 885-2777, [wcenter@uidaho.edu](mailto:wcenter@uidaho.edu)

Available Monday - Friday, 8:00 am - 5:00 pm

The Women’s Center is a confidential reporting location on campus. Staff have received victim advocacy training and are exempt from university mandatory reporting requirements. Women’s Center staff are

available to meet privately with anyone in the campus community seeking advocacy for any issue, including, but not limited to, incidents of sexual assault, domestic and dating violence, and stalking.

Our response is culturally responsive, trauma-informed, and survivor-centered. Zoom and in-person meetings may be scheduled in advance with a staff member; walk-ins are also accommodated whenever possible. When individuals come to the Women's Center seeking assistance, we will:

- Provide a private room with noise-cancelling device for maximum privacy;
- Listen to survivors' stories without interruption;
- Offer information, resources, referrals, and options;
- Operate from an empowerment model, allowing the survivor to decide how and whether they want to proceed with further action;
- Serve as liaisons to staff from Alternatives to Violence of the Palouse (for more extensive trauma debriefing, safety planning, etc.);
- Be available to accompany individuals to a walk-in session at the Counseling & Testing Center, if desired;
- Be available as a source of guidance and support, should survivors elect to report the incident(s) to either the university or the Moscow Police Department, or both.

Please note:

- We do not maintain records of disclosures. We are required by law to report Clery crimes to the Office of Public Safety and Security, but are able to do so without disclosing any identifying information.
- We are not licensed psychologists and are not trained to provide mental health services. Thus, referrals for long-term support are made to the Counseling & Testing Center.
- We cannot accompany survivors to off-campus locations. If an advocate is needed for an off-campus appointment, we will connect individuals with a professional advocate from Alternatives to Violence of the Palouse.

### Office of the Ombuds **\*Confidential Resource**

Carol Ryrle Brink Hall, Room G-4  
(208) 885-7668, [ombuds@uidaho.edu](mailto:ombuds@uidaho.edu)

The University Ombuds serves as a confidential, impartial, informal, and independent resource to help individuals and units who are struggling with conflict, or need a safe place to brainstorm approaches to a difficult situation. The Ombuds coaches individuals, offers trainings, works with small and large groups on culture and communication, and witnesses, facilitates, and mediates meetings of all sizes.

Any disclosures of interpersonal violence are kept confidential. The Ombuds is exempt from university mandatory reporting requirements. When individuals come to the Office of the Ombuds seeking assistance, the Ombuds will:

- Provide a private, comfortable room for conversation;
- Listen to survivors' stories without interruption;
- Offer information and referrals for both campus and community resources;
- Be available for follow-up conversations as needed;
- Be available to accompany individuals to any offices on campus, as requested; and

- Be available as a source of guidance and support, should survivors elect to report the incident(s) to either the university or the Moscow Police Department, or both.

Please note:

- The Ombuds does not maintain identifying records of visitors or disclosures.
- The Ombuds is an impartial resource and therefore cannot advocate on behalf of any visitor to the office within any formal process.
- The Ombuds is not a licensed psychologist and is not trained to provide mental health services. Thus, referrals for long-term support are made to the Counseling & Testing Center.
- The Ombuds cannot accompany survivors to off-campus locations.

## Resources

For a comprehensive list of location-specific resources for University of Idaho satellite campuses, visit [www.uidaho.edu/ocri/resources](http://www.uidaho.edu/ocri/resources).

### Regional Resources (Moscow campus)

Resource	Location	Contact information
Counseling & Testing Center*	Mary Forney Hall, 3 <sup>rd</sup> floor	(208) 885-6716 - 24-hour <a href="mailto:ctc@uidaho.edu">ctc@uidaho.edu</a>
Alternatives to Violence of the Palouse*	111 E. 2nd Street and on-campus by appointment	(208) 883-HELP (4357) - 24-hour <a href="mailto:home@atvp.org">home@atvp.org</a>
Moscow Police Department	118 E. 4th Street or TLC (behind Info Desk)	(208) 882-COPS (2677) - 24-hour
Office of the Dean of Students	TLC 232	(208) 885-6757 <a href="mailto:askjoe@uidaho.edu">askjoe@uidaho.edu</a>
Vandal Health Clinic*	Student Health Building, 831 Ash Street	(208) 885-6693
Gritman Medical Center* <sup>△</sup>	700 S. Main Street	(208) 882-4511
Women's Center*	Memorial Gym, Suite 109	(208) 885-2777 <a href="mailto:wcenter@uidaho.edu">wcenter@uidaho.edu</a>
Safe Walk	Campus Security	(208) 874-7750 - 24-hour
ASUI Student Defender	ISUB 302	(208) 885-6331 <a href="mailto:asui-defender@uidaho.edu">asui-defender@uidaho.edu</a>
LGBTQA Office	TLC 227	(208) 885-6583 <a href="mailto:lgbtoffice@uidaho.edu">lgbtoffice@uidaho.edu</a>
University Ombuds*	Brink Hall, G-4	(208) 885-7668 <a href="mailto:ombuds@uidaho.edu">ombuds@uidaho.edu</a>
College of Law Legal Aid Clinic*	College of Law, ground floor	(208) 885-6541 <a href="mailto:legalaaidclinic@uidaho.edu">legalaaidclinic@uidaho.edu</a>
Idaho Volunteer Lawyers Program*		(208) 955-8870
Idaho Legal Aid Services (Lewiston)*		(208) 384-0419

\* **Confidential Resource:** Confidential reporting locations do not disclose the information that survivors share to the university, the police, or anyone else without their permission or as required by law (e.g., imminent threat of harm, child abuse, etc.).

<sup>△</sup>**Please note:** Gritman Medical Center will contact police and advocacy agencies, but it is the individual's decision if they want to speak with an agency representative.

### Agency Descriptions

#### Counseling & Testing Center

This is one place on campus where confidentiality can be ensured. The information the student shares at the CTC will not be shared with anyone, unless the student potentially poses a harm to her/him/themself, others or discusses possible child or elder abuse.

**Alternatives to Violence of the Palouse**

ATVP has a 24-hour crisis hotline. Students can speak to or meet with a counselor from ATVP, anytime, day or night. They adhere to a very strict confidentiality oath and can provide the survivor with support during a medical evaluation or provide safety planning options if needed. They have an on-call advocate available to come to campus 24/7 to meet with a person seeking advocacy. The ATVP advocate's role is advocate for the student's interests/rights.

**Moscow Police Department**

The survivor has the right not to report to the police, but MPD can assist with safety planning options and will give them as much control as possible during the criminal investigation process, up to a certain point.

**Office of the Dean of Students**

DOS works with students to investigate and adjudicate incidents of sexual violence. They can assist students in contacting professors regarding academic accommodations or provide students with a list of available resources based on the concerns students may have.

**Vandal Health Clinic**

The Vandal Health Clinic is an appropriate referral if a student seeks medical assistance more than 72 hours after a sexual assault. The Vandal Health Clinic offers testing for pregnancy, STIs, and other concerns, but does not offer rape kit examinations.

**Gritman Medical Center**

Gritman Medical Center is the appropriate referral if a survivor is seeking immediate medical assistance (or within 72 hours of a sexual assault) or after-hours care. Additionally, Gritman is the recommended medical facility in Moscow if a survivor would like to complete a rape kit examination by a Sexual Assault Nurse Examiner (SANE).

**Women's Center**

The Women's Center is for everyone (not just for women) and is a great resource for students to learn what their options are, how the process works, and what resources are available. They are a confidential reporting location and are not required to report the specifics of who, where, or any identifying details of an incident. They are required to report Clery crimes information in the aggregate, but are able to do so without providing any personally identifying information.

**Safe Walk**

Safe Walk is a service offered by the University of Idaho's campus security team. Security personnel will escort a student to and from anywhere on campus (and even occasionally to places near campus but outside campus boundaries). They are available 24/7/365.

**ASUI Student Dispute Advocate**

ASUI offers a student defender for students seeking counsel through the U of I's student conduct process. This person is often a second or third-year law student at the University of Idaho's College of Law.

### **LGBTQA Office**

The LGBTQA Office can offer additional support and resources specific to students in the LGBTQA+ community.

### **University Ombuds**

The Office of the Ombuds serves as a confidential, impartial, informal and independent resource to help individuals and units who are struggling with conflict, or need a safe place to brainstorm approaches to a difficult situation. The Ombuds coaches individuals, offers trainings, works with small and large groups on culture and communication, and witnesses, facilitates, and mediate meetings of all sizes. Those using the Ombuds' services can remain anonymous, if they choose, and in control over what, if any, actions are taken.

### **College of Law Legal Aid Clinic**

Law students at the Legal Aid Clinic represent clients who could not otherwise afford a lawyer in a wide variety of cases, both litigation (state and federal courts) and non-litigation, including domestic relations such as domestic violence protection.

### **Idaho Volunteer Lawyer's Program**

Under the OVW LAV Grant, the Idaho Coalition Against Sexual Assault & Domestic Violence, Idaho Legal Aid Services, and the Idaho Volunteer Lawyers Program provide civil legal services to 11-24 year-olds who have been sexually assaulted. Clients must meet specific criteria to qualify.

### **Idaho Legal Aid Services (Lewiston)**

Idaho Legal Aid Service attorneys assist clients in escaping domestic violence (among other things) and provide outreach and education.

### **Alternatives to Violence of the Palouse**

ATVP has a 24-hour hotline for individuals dealing with domestic/dating violence, stalking and sexual assault. Survivors can meet with an advocate from ATVP any time, day or night. ATVP is a confidential resource and will not report incidents to the university, unless the student gives them permission to do so. They can provide individuals with support during a medical evaluation, forensic sexual assault exam, or provide safety planning options if needed. Other services include: an emergency confidential shelter; legal advocacy; support groups; and referrals to other community-based sources of support. They will send someone to meet with the student on campus 24/7. ATVP's services are provided to program participants free of charge and without discrimination.

## **National Resources**

### **1 in 6 National Helpline for Men**

<https://1in6.org/helpline/>

This free and anonymous online live chat service is available 24/7 for men who've experienced sexual abuse or assault, and for those who care about them.

**Abused Deaf Women's Advocacy Services (ADWAS)**

<https://www.adwas.org/>

The Abused Deaf Women's Advocacy Services empowers Deaf and DeafBlind survivors of domestic violence, sexual assault, and harassment to transform their lives, while striving to change the beliefs and behaviors that foster and perpetuate violence. They provide comprehensive services to individuals and families, community education, and advocacy on systems and policy issues.

**Caminar Latino**

[caminarlatino.org](http://caminarlatino.org)

Caminar Latino creates opportunities for Latino families to transform their lives and communities, and works to change the social conditions that give rise to violence.

**Male Survivor**

<https://malesurvivor.org/>

A non-profit public benefit organization committed to preventing, healing, and eliminating all forms of sexual victimization of boys and men through support, treatment, research, education, advocacy, and activism. Their website has discussions forums featuring moderated conversation on recovering from sexual trauma and a chat room for private, real-time dialogue among survivors.

**National Domestic Violence Hotline**

[www.thehotline.org](http://www.thehotline.org)

(800) 799-SAFE (7233)

Live chat also available, services provided in English and Spanish.

**National Indigenous Women's Resource Center**

<https://www.niwrc.org/>

A Native-led nonprofit organization dedicated to ending violence against Native women and children. The NIWRC provides national leadership in ending gender-based violence in tribal communities by lifting up the collective voices of grassroots advocates and offering culturally grounded resources, technical assistance and training, and policy development to strengthen tribal sovereignty.

**National Latin@ Network**

<https://nationallatinonetwork.org>

The National Latin@ Network for Healthy Families and Communities is the national institute on domestic violence focusing on Latinx communities. They provide family advocacy and shelter services, and leadership development and community engagement opportunities, for Latinx youth, women, and men, to informing the work of the National Latin@ Network to shape public policy, research, and best practices in the field. The National Latin@ Network provides training and consultations to practitioners and activists throughout the US, as well as in Latin America. They organize national and regional events, and engage in federal and state public policy advocacy and conduct research on issues that affect Latinxs in the US and abroad.

**National Organization for Victim Assistance (NOVA)**

<https://www.trynova.org>

NOVA is the oldest national victim assistance organization of its type in the United States and is the recognized leader in victim advocacy, education and credentialing. Their mission is to champion dignity and compassion for those harmed by crime and crisis. NOVA advocates for victims by connecting them with services and resources; provides skill-based training to victim advocates and crisis responders; promotes public policy initiatives that protect the rights of crime victims; and serve as the national voice for victims.

**The Northwest Network**

[www.nwnetwork.org](http://www.nwnetwork.org)

(206) 568-7777

[info@nwnetwork.org](mailto:info@nwnetwork.org)

The NW Network of Bi, Trans, Lesbian and Gay Survivors of Abuse works to end violence and abuse by building loving and equitable relationships in communities and across the country. They provide support for survivors, community engagement and education, youth program and activities, and training and technical assistance.

**Rape, Abuse & Incest National Network (RAINN)**

[www.rainn.org](http://www.rainn.org)

The nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline, (800) 656-HOPE (4673), in partnership with more than 1,000 local sexual assault service providers across the country, and operates the DoD Safe Helpline for the Department of Defense. They have a live online chat service at <https://hotline.rainn.org/online>. RAINN also designs and delivers programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

**Stalking Prevention Awareness & Resource Center (SPARC)**

[www.stalkingawareness.org](http://www.stalkingawareness.org)

A federally funded project providing education and resources about the crime of stalking. SPARC aims to enhance the response to stalking by educating the professionals tasked with keeping stalking victims safe and holding offenders accountable. SPARC ensures that allied professionals have the specialized knowledge to identify and respond to the crime of stalking.

**Ujima – The National Center on Violence Against Women in the Black Community**

<https://ujimacommunity.org/>

Ujima's mission is to mobilize the community to respond to and end domestic, sexual and community violence in the Black community. We actualize this mission through research, public awareness and community engagement, and resource development. Ujima serves as a resource to survivors of violence, advocates and service providers, and the community at large.

**Victims' Rights Law Center (VRLC)**

<https://www.victimrights.org/>

The VRLC is the first non-profit law center in the nation solely dedicated to serving the legal needs of rape and sexual assault victims. Through free legal services, staff attorneys and volunteer attorneys help restore victims' lives after experiencing sexual violence.