

**FREQUENTLY ASKED QUESTIONS ABOUT TITLE IX-RELATED MATTERS AT RICHARD BLAND COLLEGE**

**GET HELP**

**I’ve just experienced sexual assault, sexual exploitation, stalking, dating or domestic violence, or sexual harassment. What should I do?**

- Seek medical attention to treat any injuries, test for sexually transmitted infections, obtain emergency contraception (if needed), and/or perform a rape evidence collection procedure. A medical forensic exam can be performed up to seven days after an incident but is most effective if performed sooner. (Southside Regional Medical Center – (804) 765-5000)
- Speak with a confidential resource about your options, on or off campus.

On Campus Confidential Resources

<u>RBC Office of Counseling Services</u>	<ul style="list-style-type: none"> <li>• (804) 862-6263</li> <li>• Ernest, Room 127</li> </ul>
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Off-Campus Confidential Resources

<u>District 19 Community Services Board</u>	<ul style="list-style-type: none"> <li>• 804-862-8000 Toll-Free: 1-866-365-2130</li> <li>• Counseling services Assessment for Service Psychological Testing Individual-Therapy Family-Therapy Substance Abuse</li> <li><a href="http://www.d19csb.com/">http://www.d19csb.com/</a></li> </ul>
<u>The James House: Intervention/Prevention</u>	<ul style="list-style-type: none"> <li>• 804-458-7823 Crisis Line: 804-458-2840</li> <li><a href="http://thejameshouse.org/whoweaare.html">http://thejameshouse.org/whoweaare.html</a></li> </ul>
<u>Family Violence &amp; Sexual Assault Hotline</u>	<ul style="list-style-type: none"> <li>• 24 hour toll free number 1-800-838-8238</li> <li><a href="https://www.dcjs.virginia.gov/users/victimservices/contact">https://www.dcjs.virginia.gov/users/victimservices/contact</a></li> </ul>
<u>Virginia Family Violence and Sexual Assault Hotline</u>	<ul style="list-style-type: none"> <li>• 1-800-838-8238 (available 24 hours)</li> </ul>
<u>Employee Assistant Program (EAP)</u>	<ul style="list-style-type: none"> <li>• Counseling provided by all health plans offered to Commonwealth of Virginia employees and their dependents</li> </ul>

	<ul style="list-style-type: none"> <li>• COVA CARE and HDHP (855) 223-9277</li> <li>• COVA HealthAware (855) 414-1901</li> <li>• <a href="http://www.dhrm.virginia.gov/employeeprograms/employeeassistance">http://www.dhrm.virginia.gov/employeeprograms/employeeassistance</a></li> </ul>
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- Contact the police to file a report.
  - 911 or (804) 862-6111
- Contact the Title IX Coordinator or Deputy Title IX Coordinator to report the incident.
  - Title IX Coordinator (804) 712-7141
  - Deputy Title IX Coordinator (804) 862-6100 Ext. 6263
- Preserve any physical evidence you have in case you decide to report the incident at a later date.
  - Preserve evidence of electronic communications, such as text messages, pictures, and/or social networking pages, by saving them or taking screen shots.
  - If there is a suspicion that a drink may have been drugged, inform a medical assistance provider and/or police as soon as possible so they can collect evidence (e.g., from the drink, through urine or blood sample)
  - Because evidence that may be located on the body can dissipate quickly, consider going to the hospital or medical facility immediately to seek a medical exam. If possible, do not shower, brush teeth, use the bathroom, or eat before going to the hospital or seeking medical attention. Do not wash clothes or bedding.

## **POLICIES**

### **What is Richard Bland’s policy?**

Richard Bland College (RBC or College) is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.

Such an environment is necessary to a healthy learning, working, and living atmosphere because discrimination and harassment undermine human dignity and the positive connection among everyone on campus. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy. This policy also addresses complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy.

RBC does not discriminate in admission, employment, or any other activity on the basis of race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, veteran status, political affiliation, or any other status protected by law. RBC does not discriminate on the basis of sex in education programs and activities, as required by Title IX.

RBC, an Equal Opportunity Employer, is fully committed to access and opportunity for all persons.

<https://www.rbc.edu/my-rbc/title-ix/title-ix-college-policy/>

## CONSENT

### What is Consent?

Consent under the Richard Bland Policy on Sexual Misconduct, consent means it is given by voluntary words or actions that communicate a willingness to engage in a specific sexual activity. The existence of consent will be inferred from all of the facts and circumstances. Consent may be withdrawn at any time. Silence, in and of itself, is not consent. Lack of protest or resistance is not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. A previous or current relationship does not imply consent to sexual activity. Past consent does not imply future consent. Consent cannot be obtained by the use of force, which includes physical violence, threats, intimidating behavior, and/or coercion.

### What does Richard Bland's policy say about consent when a person is intoxicated?

Consent can never be obtained from someone who is incapacitated, either voluntarily or involuntarily, or through the acts of others. Consent cannot be given by the following individuals:

- Individuals who are asleep or unconscious;
- Individuals who are incapacitated due to the influence of drugs, alcohol, medication, or other substances;
- Individuals who are unable to consent due to a mental or physical condition; and
- Individuals who are minors.

If an individual knows or reasonably should know someone is incapable of giving consent, it is a violation of this policy to engage in sexual activity with that person.

**Incapacitation:** An incapacitated person is incapable of giving consent. Incapacitation means that a person lacks the ability to make informed, reasonable judgments about whether or not to engage in sexual activity. An incapacitated person lacks the ability to understand the who, what, when, where, why, and/or how of the sexual interaction. A person is not necessarily incapacitated merely as a result of consuming alcohol, drugs, medications, and/or other substances. The impact of alcohol, drugs, medications, and/or other substances varies from person to person.

**Alcohol, Medications, and Other Drugs:** The use of alcohol, medications, and other drugs by the Responding Party is not an excuse for being unable to assess if the Reporting Party gave consent.

A person may appear to be giving consent, but may not have the capacity to do so. If there is any doubt as to another person's capacity to give consent, community members should err on the side of caution and assume that the other person does not have the capacity to give consent.

## RICHARD BLAND'S ROLE AND THE ROLE OF THE POLICE IN TITLE IX MATTERS

### **What are Richard Bland's obligations when it has notice of a Title IX-related incident?**

Under Title IX, Richard Bland and other colleges are required to investigate and respond to allegations of sexual misconduct in order to address and prevent a hostile environment based on sex. The U.S. Department of Education's Office of Civil Rights said in its 2011 Dear Colleague Letter.

- Once a school knows or reasonably should know of possible sexual violence, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
- If sexual violence has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects, whether or not the sexual violence is the subject of a criminal investigation.
- A school must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.
- A school must provide a grievance procedure for students to file complaints of sex discrimination, including complaints of sexual violence. These procedures must include an equal opportunity for both parties to present witnesses and other evidence and the same appeal rights.
- A school's grievance procedures must use the preponderance of the evidence standard to resolve complaints of sex discrimination.
- A school must notify both parties of the outcome of the complaint.

### **Shouldn't sexual misconduct case only be investigated by police?**

Sexual misconduct fundamentally violates Richard Bland's community values and principles and disrupts the living, learning, and working environment for students, faculty, staff, and other community members. This view is shared by lawmakers and the U.S. Department of Education, who, through Title IX, require colleges to investigate and make findings related to such cases. In fact, the U.S. Department of Education's Office of Civil Rights states in its Questions and Answers on Title IX and Sexual Violence, that, "while a criminal investigation is initiated at the discretion of law enforcement authorities, a Title IX investigation is not discretionary; a school has a duty under Title IX to resolve complaints promptly and equitably and to provide a safe and nondiscriminatory environment for all students, free from sexual harassment and sexual violence."

For these reasons, through its policies, Richard Bland (1) prohibits sexual misconduct by all members of the campus community, (2) investigates reported incidents, (3) provides support to participants in an investigation, and (4) takes disciplinary action against individuals who violate college policy. Because such violations can also be criminal offenses, Richard Bland strongly encourages students, faculty, and staff who have experienced forms of sexual misconduct that may also be crimes (e.g., assault, stalking, dating violence, or domestic violence) to report the incident to the police. A report to police may result in both investigation and a college Title IX investigation.

### **How is a Title IX Investigation different from a criminal investigation?**

Police investigation and criminal prosecution of sexual misconduct crimes determine whether an individual violated criminal law. Following a police investigation and a trial, which may take months to years, a defendant who is found guilty may be imprisoned. Consequently, defendants in a criminal matters are entitled to due process rights under the U.S. Constitution, such as a right to a jury trial, the

right against self-incrimination, and the right to confront witnesses. Trials in criminal matters for most crimes use the “beyond a reasonable doubt” standard of proof.

In contrast, college and university Title IX investigations determine whether a respondent has violated the college’s policy on sexual misconduct, and if so, what disciplinary actions and remedial measures are appropriate. Imprisonment is not a sanction colleges and universities can impose, so Title IX processes are subject to the Constitution’s full due process protections. Unlike in criminal matters, colleges and universities are required to use the “preponderance of the evidence” standard to determine whether there has been a violation of college policy. A preponderance of the evidence means that over 50% of the evidence supports a finding.

Consistent with the U.S. Department of Education’s guidance, the University’s investigative process is prompt and equitable, and usually completed within 60 business days.

**Does Richard Bland automatically report all sexual misconduct cases to the police?**

Richard Bland’s campus security authorities (CSAs) report anonymous crime information, including sexual misconduct, to campus police for crime statistics reports under the Clery Act. However, neither Title IX, VAWA nor the Clery Act requires a college or university to report complaints of sexual misconduct to law enforcement for investigations. Many people reporting sexual misconduct do not wish to file a police report or participate in a criminal trial. Reports of sexual misconduct to Richard Bland officials are not automatically referred to the police for investigation, unless the report party requests support in reporting to the police. However, in some situations, where, for instance, there may be a safety risk to the greater campus community or if the incident involves a minor, Richard Bland will alert the police to situations involving sexual misconduct.

**RICHARD BLAND RESOURCES**

**What confidential resources does Richard Bland offer?**

Richard Bland offers several resources for students, faculty, and staff who have experiences or been impacted by sexual misconduct and wish to talk confidentially with someone who will help explain their options and provide relevant and emotional support. Confidential resources will not disclose a client’s name or identifying information to the college or police (unless the client is a minor or it is determined that the information shared constitutes an imminent risk to the individual’s safety or the safety of others).

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**What is the role of the Title IX Coordinator at Richard Bland and who is the Title IX Coordinator?**

The Richard Bland Title IX Coordinator is responsible for coordinating the college’s compliance with Title IX, which includes administering the college’s policies and procedures related to Title IX, overseeing the investigation and resolution of the Title IX complaints, preventing the recurrence of conduct prohibited by Title IX, identifying and addressing systemic problems, and overseeing prevention efforts related to sexual misconduct campus-wide. The Title IX Coordinator is assisted in these duties by the Deputy Title IX Coordinator.

The college’s Title IX Coordinator is: Christie Clarke, Program Director, 11301 Johnson Road, South Prince George, VA 23805 - 1<sup>st</sup> Floor Library, Room 106A, (804) 862-6242 (Office) or (804) 712-7141 (Mobile), [cclarke@rbc.edu](mailto:cclarke@rbc.edu).

## **RICHARD BLAND'S TITLE IX INVESTIGATION PROCESS**

### **What are Richard Bland's processes for investigating sexual misconduct?**

Richard Bland's policies and procedures are intended to afford a prompt response to reports of sexual misconduct, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of the college policy.

The office of the Title IX Coordinator investigates complaints of sexual misconduct against students, faculty, staff, and third parties. Please click here for information about the process:

<https://www.rbc.edu/my-rbc/title-ix/title-ix-college-policy/> (Complaint Process)

### **Does Richard Bland use trained investigators to investigate sexual misconduct matters?**

Yes. The Office of the Title IX Coordinator uses investigators who are trained in conducting Title IX investigations and who are familiar with sexual misconduct issues, generally, Richard Bland policies, and applicable laws. Our investigators have completed training that includes, sexual violence, sexual harassment, stalking, dating and domestic violence; conducting trauma-informed investigations; the proper standard of review; how to evaluate and weigh evidence in an impartial manner; confidentiality; making credible assessments; consent and the role of drugs and alcohol can play in their ability to consent; and procedural fairness and equity.

### **Can a person reporting sexual misconduct request that Richard Bland not reveal his/her name to the alleged perpetrator, or that Richard Bland not investigate?**

When the reporting party requests that his/her name or identifiable information not be disclosed to the alleged perpetrator, the college's ability to respond to the reporting party may be limited. In cases where the reporting party of sexual misconduct requests anonymity or does not wish to proceed with an investigation, the college will attempt to honor that request, but in some cases, the Title IX Coordinator or Deputy Title IX Coordinator may determine that the college needs to proceed with an investigation based on concern for the safety or well-being of the broader college community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct).

Richard Bland reserves the right to take appropriate action in such circumstances, including in cases when the reporting party is reluctant to proceed. Factors considered in making this determination include but are not limited to situations when there may be a pattern of violations, a history of violence, threats of future violence, multiple perpetrators, a pattern of perpetration at a specific location or by a particular group, use of weapon, age of the victim, and whether there are other means to obtain relevant evidence.

### **Will my report be treated confidentially?**

While the college cannot promise complete confidentiality in its handling of harassment complaints, Richard Bland makes every reasonable effort to handle inquiries, complaints and related proceedings in a manner that protects the privacy of all parties. Each situation is resolved as discreetly as possible, with information shared with those who need to know in order to investigate and resolve the matter. In certain circumstances, the college may be able to address your concerns and stop the behavior without revealing your identity to the alleged harasser. However, this is not possible in every matter, as some

situations require the discloser of the reporting parties identify in order to fully investigate the matter and/or enable the responding party (alleged harasser) the ability to fully respond to the allegations against him/her.

In its investigation, the college will be sensitive to the feelings and situation of the alleged victim and/or reporting party of sexual harassment. Nonetheless, the college has a compelling interest to address allegations of sexual harassment brought to its attention. Richard Bland reserves the right to take appropriate action in such circumstances, even in cases when the complainant is reluctant to proceed. Confidential resources are available to discuss harassment issues with you on a confidential basis. After consulting with a confidential resource, you may decide to take no further action; such a decision is completely within your discretion. Seeking advice from a confidential resource does not constitute reporting an incident of harassment.

### **Can an accused person (respondent) refuse to cooperate in the investigation?**

Students or employees accused of sexual misconduct may refuse to cooperate in an investigation, but failure to cooperate with a college investigation may be grounds for discipline. A respondent's refusal to be interviewed or cooperate with the investigation does not stop the investigation. The investigation will continue and the investigator will reach findings based on the preponderance of the evidence gathered during the investigation. Moreover, a respondent's refusal to cooperate based on simultaneous criminal prosecution will not delay or halt the college's Title IX investigation.

### **If sexual misconduct occurs in an off-campus location, will Richard Bland still investigate?**

Yes, if the incident occurs in connection with a Richard Bland program or activity, or it involves an alleged perpetrator who is connected to the college, or it has continuing effects related to Richard Bland. Richard Bland will provide support service and protective measures for a reporting party and the larger college campus, even when Richard Bland's ability to investigate an incident and take direct action against an accused person may be limited.

### **What protections does Richard Bland offer to people bringing complaints of sexual misconduct (reporting party)?**

Richard Bland policies and procedures provide reporting parties in sexual misconduct matters with the right to a prompt, fair, and impartial proceeding. Reporting parties in cases of sexual misconduct may have a support person or advisor present at all proceedings. Reporting parties receive an opportunity to speak with an investigator and provide other evidence in support of their position. Reporting parties will be informed of the findings of investigations at the same time as the respondent is informed. Reporting parties may receive free, confidential counseling, can request interim measures or accommodations during an investigation, and may benefit from remedial measures followed a finding against a respondent. Reporting parties also have the right to appeal a decision or sanction. In addition, Richard Bland's policy prohibits retaliation against people for bringing complaints of sexual misconduct.

### **What protections does Richard Bland offer to people accused of sexual misconduct (respondents)?**

Richard Bland policies and procedures provide respondents in sexual misconduct matters with the right to a prompt, fair, and impartial proceeding. Respondents in cases of sexual misconduct may have a



support person or advisor present at all proceedings. Respondents receive an opportunity to speak with an investigator and provide other evidence in support of their position. Respondents will be informed of the findings of investigations at the same time as the reporting party is informed. Respondents may receive free, confidential counseling and request interim measures or accommodations during an investigation. Respondents also have the right to appeal a decision or sanction.

**Will reporting parties who reporting sexual misconduct face discipline for underage drinking or related violations that occurred in connection with the incident?**

Alcohol or drug violations should not deter reporting an incident. When conducting an investigation, Richard Bland's primary focus shall be on addressing the alleged Prohibited Conduct and not on alcohol and drug violations that may be discovered or disclosed. Richard Bland does not condone underage drinking or illicit drug use; however, except in compelling circumstances, Richard Bland will extend limited amnesty from consequences related to drug or alcohol use to Reporting Parties, witnesses, and others who in good faith report alleged incidents of Prohibited Conduct and/or participate in an investigation. Richard Bland may provide referrals to counseling and may require educational initiatives, rather than disciplinary sanctions, in such cases.

**What standard of proof is used in Richard Bland's process?**

Richard Bland uses the "preponderance of evidence" standard to determine whether there has been a violation of the college's policy related to sexual misconduct. A preponderance of the evidence means that over 50% of the evidence supports a finding of a violation. This means that the alleged conduct is more likely than not to have occurred.

**In Richard Bland's process, does the reporting party have to confront the responding party or be together in the same room?**

No, Richard Bland's investigation and resolution process do not require both parties to be present at the same time. Each party speaks with the investigator(s) separately. We use the investigative model rather than the hearing model. T?

**Will the reporting party be informed of what disciplinary sanctions are imposed on the respondent?**

In cases of sexual assault, stalking, and dating and domestic violence, Richard Bland will inform the reporting party of any disciplinary sanctions imposed on the respondent. In other sexual harassment and sexual misconduct cases, Richard Bland will inform the reporting party of sanctions on the respondent that relate directly to the reporting party, such as a no-contact order, a removal from a shared residence hall, etc.

## **PROTECTIVE MEASURES AND ACCOMODATIONS**

**What kinds of protective measures might Richard Bland put in place for reports and respondent's in sexual misconduct matters?**

The college can put in place measures to provide support and protection to reports and respondents in sexual misconduct measures. Parties may request reasonable protective measures, such as academic

assistance, housing or work space relocation, work or class schedule adjustments, no-contact directives, and counseling. In some cases, in order to protect the safety and security of the reporting party and/or community while a case is pending, the college may take interim measures that impact a respondent, including temporary housing relocation, removal from a class, or an interim suspension or administrative leave.

### **Who should a student or employee contact to request protective measures?**

A Richard Bland student may contact the Title IX Coordinator or the Deputy Title IX Coordinator. A staff or faculty member may contact the Title IX Coordinator to request protective measures.

## **SANCTIONS**

### **What does Richard Bland's policy say about sanctions for people found responsible for committing sexual misconduct?**

Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past misconduct. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, Richard Bland will take any necessary steps to prevent the recurrence of any Prohibited Conduct, including Sexual Misconduct, and to remedy discriminatory effects on the Reporting Party and others, if appropriate. Disciplinary sanctions that may be imposed include, but are not limited to, written warnings, loss of privileges, mandatory training or counseling, probation, suspension, demotion, loss of annual pay increase, exclusion, expulsion, and termination of employment, including revocation of tenure.

### **What about false reports of sexual misconduct?**

Any person who files a complaint knowing it to be false at the time it is made is subject to disciplinary sanctions, up to and including termination of employment or expulsion. A knowingly false claim is different than a claim that cannot be substantiated by the preponderance of the evidence. Studies have shown that knowingly false complaints of sexual assault are uncommon.

### **Will I suffer retaliation for raising my complaint?**

Richard Bland does not retaliate and prohibits retaliation against people for bringing Title IX complaints or participating in the complaint process. Richard Bland will promptly investigate and address concerns that a party or others are engaging in prohibited retaliation. Further, Title IX prohibits retaliation against people for reporting sexual misconduct and/or participating as a witness in an investigation.

## **REPORTING OBLIGATIONS**

### **If someone reports sexual misconduct to me, do I have to inform Richard Bland?**

All Richard Bland employees (including student employees), as well as non-employees with teaching or supervisory authority, are obligated to report sexual misconduct of which they become aware in the scope of their work for the college to a Title IX Coordinator or Deputy Title IX Coordinator, unless they

have a recognized confidentiality privilege. This includes all forms of sexual misconduct, including sexual harassment and forms of sexual violence.

## **SEXUAL HARRASSMENT**

### **What are some examples of sexual harassment?**

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to, the following:

Offering or implying an employment-related reward (such as promotion, raise, or different work assignment) or an education-related award (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any education program or activity) in exchange for sexual favors or submission to sexual conduct;

Making threats or insinuations that a person's employment, wages, grade, promotional opportunities, classroom or work assignments or other conditions of employment or educational life may be adversely affected by not submitting to sexual advances;

Engaging in unwelcome sexual propositions, invitations, solicitations, and flirtation;

Leering, staring at someone, or staring at someone up and down;

Using unwelcome sexually degrading language, sexual jokes, innuendos, or gestures;

Displaying sexually suggestive objects, pictures, videotapes, graffiti, and/or visuals that are not germane to any business or academic purpose;

Displaying or transmitting sexually suggestive electronic content, including inappropriate emails;

Stalking or cyberbullying;

Making unnecessary and unwanted physical contact, such as hugging, rubbing, touching, patting, pinching, or massages;

Engaging in sexual violence, including rape and sexual assault;

Making unwelcome suggestive or insulting sounds, such as whistling and catcalls;

Giving unwelcome personal gifts, such as flowers;

Asking about a person's body, dress, appearance, gender, sexual relationships, activities, or experience;  
or

Repeatedly asking someone for a date after the person has expressed disinterest.

### **What should I do if I feel I have been discriminated against or harassed, but don't think it is sexual harassment?**

Please let someone know right away. Richard Bland's *Policy Discrimination, Harassment, Sexual Misconduct* prohibits discrimination or harassment is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.

## **PREVENTION**

### **How can bystanders help prevent sexual assault?**

Bystanders can intervene to prevent a potential sexual assault. If your instincts tell you that a situation is wrong, it probably is. Ways to intervene include the 3 D's: Direct (direct intervention with the parties); Distract (create a distraction that separates the parties or diffuses the situation); or Delegate (get help such as a resident assistant, friend, or police). Richard Bland offers Green Dot bystander intervention training.

### **What is being done to educate the Richard Bland community about sexual assault?**

New students receive mandatory training Title IX training through our online Orientation Program. The Title IX Office, James House, Office of Residence Life, Student Activities, and other groups provide training workshops, awareness campaigns, and educational outreach to students about sexual violence throughout the academic year. The Title IX Coordinators provide Title IX training to staff and faculty groups.