

Resources and Reporting: Sexual Harassment, Sexual Misconduct and Interpersonal Violence



NC STATE

What is Sexual Harassment?

Sexual harassment is a form of harassment that is based on a person's sex or is of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, sexual exploitation and other verbal, non-verbal or physical harassment of a sexual nature. Allegations of sexual harassment as defined under Title IX may be addressed by the Title IX Sexual Harassment Policy.

What is Title IX Sexual Harassment?

Title IX sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) a university employee conditioning the provision of an aid, benefit or service on another employee's or student's participation in unwelcome sexual conduct ("quid pro quo" harassment by an employee); (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity at NC State; or (3) sexual assault as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, dating violence as defined in Violence Against Women Act (VAWA), domestic violence as defined in VAWA or stalking as defined in VAWA.

What is Interpersonal Violence?

Interpersonal violence occurs in a current or former dating, romantic or intimate relationship, engaging in physical, sexual, emotional, economic or psychological actions or threats of actions that a reasonable person in similar circumstances would find abusive, intimidating or threatening.

What is Consent?

"Consent" means an affirmative decision to engage in sexual activity given by clear action or words. It is an informed decision made freely, willingly and actively by all parties. Behavior will be considered "without consent" if no clear consent, verbal or nonverbal, is given. Consent cannot be procured by physical force, threats, intimidating behavior or coercion. A person cannot give consent if incapacitated as a result of alcohol or drug consumption (voluntary or otherwise), is unconscious, unaware or asleep during the act, is under the legal age to provide consent, or otherwise lacks the capacity to consent. In determining whether a person is incapacitated, the analysis must include whether the respondent knew or should reasonably have known that the person was Incapacitated. A lack of protest or resistance is not a valid form of consent. Silence is not a valid form of consent. A prior relationship or prior sexual activity is not sufficient to demonstrate consent for sexual activity. Consent can be revoked or withdrawn at any time, even during a sexual act. If consent is withdrawn, the sexual act is no longer consensual.

For additional definitions and terms, refer to NC State's Equal Opportunity, Non-Discrimination and Affirmative Action Policy (04.25.05), Title IX Sexual Harassment Policy (04.25.07), and Code of Student Conduct (11.35.01).

What is Stalking?

Stalking is engaging in a course of conduct directed at a specific person, whether in the context of a social or intimate relationship or otherwise, that would cause a reasonable person to fear for their safety or safety of others or suffer substantial emotional distress. This may include, for example, non-consensual communication, including in-person or cyber communication or contact, surveillance, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts or any other communications that are unwelcome and/or place another person in fear of, or at risk of, physical injury or danger.

If You Have Experienced Sexual Harassment, Sexual Misconduct or Interpersonal Violence

Immediate Steps

- Go to a safe place, such as your RA's room (for students), a friend's room, any open office on campus or your supervisor's office (for employees).
- Call someone you trust, such as a friend, family member or coworker. You do not have to go through this alone.
- You may want to preserve evidence such as text messages, videos or emails. After sexual misconduct, do not shower until you have considered whether to have a no-cost forensic sexual assault examination. Save the clothes you were wearing (unwashed) in a paper or cloth bag. Take photos of any damage or injury and keep communication records.

Within 24 Hours

- You may want to seek the support of an advocate, support person or counselor. Review **Help and Resources** to connect with confidential or private groups for support.
- After sexual contact/intercourse without consent, get medical attention. A medical provider can check for and treat physical injury, sexually transmitted infections and pregnancy. You do not need to make a report or press criminal charges to receive medical care.

Any Time

- Consider making a report. You are encouraged to report to both the Police and the Office for Institutional Equity and Diversity's Equal Opportunity and Equity (EOE) unit. You can decide how much you would like to participate in any process. Reporting to either Police or EOE will ensure that the survivor has access to important resources.
- NC State can help. You do not need to make a report or press criminal charges to receive supportive measures from NC State. To request supportive measures related to academics, housing and/or employment, contact the Title IX coordinator.

University Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, no-contact orders, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures. Supportive measures are assessed by the Title IX coordinator. To request supportive measures, please contact the Title IX coordinator.

Civil Protection

You may seek a civil "no-contact" protective order (known as a 50C order). These orders are for a determined period of time. You may have to petition the court to have the time extended. A civil no-contact order is a court order that aims to protect you from unwanted sexual conduct or stalking by someone with whom you do not have an intimate or familial relationship (such as an acquaintance, co-worker, neighbor or stranger). For more information, students may contact Student Legal Services. Employees may need to contact an attorney.

Criminal Protection

If you had a personal relationship with the perpetrator, you may seek a domestic violence protective order (also known as a 50B order). A domestic violence protective order can help you by ordering the assailant not to assault, threaten, abuse, follow, harass or interfere with you or your children either in person, at work, on the telephone or by other means. For further information, students may contact Student Legal Services. Employees may need to contact an attorney.

Confidential NC State Resources

Confidentiality will be maintained by these resources and you will be protected to the fullest extent possible in accordance with NC State policies and federal and state law.

Counseling Center, 919.515.2423, Student Health Center, counseling.dasa.ncsu.edu, uses a stepped care approach to connect NC State students with services, which may include: referral to additional supports and resources, workshops, drop-in spaces, groups, short-term individual therapy or psychiatric services, or assistance with referrals for off-campus services. Call 24/7/365 for mental health emergencies.

Student Legal Services, 919.515.7091, 1107 Pullen Hall, studentlegal.dasa.ncsu.edu, provides NC State students with education, advice and representation within the scope of the prepaid student legal services plan.

Student Health Services and Gynecology Services, 919.515.2563, 2815 Cates Avenue, healthypack.dasa.ncsu.edu, meets the health needs of NC State students by providing affordable, on-campus access to top-quality medical care from highly qualified professionals.

Faculty and Staff Assistance Program, 866.467.0467, hr.ncsu.edu, provides NC State employees and their dependents confidential emotional support, work-life solutions, legal guidance, financial resources and online support.

External Resources

These are confidential resources external to NC State.

InterAct, 919.828.7501 (main office) 919.828.7740 (24-hr domestic violence crisis line) 919.828.3005 (24-hr sexual assault crisis line) 844.203.8896 (24-hr Spanish line) 1012 Oberlin Road, Raleigh, NC, interactofwake.org, offers crisis counseling, information, assistance with shelter, emotional support, advocacy, court assistance and referrals to other agencies, as needed.

Solace Center, 919.828.3067, 1012 Oberlin Road, Raleigh, NC, interactofwake.org, a designated area for the forensic examination and treatment of survivors of rape/sexual assault.

Private Resources

Confidentiality cannot be guaranteed using resources in this column as they are subject to Clery Act and Title IX reporting requirements. They will maintain privacy to the extent possible and will only disclose information on a “need to know” basis.

NC State Police, 919.515.3000, police.ehps.ncsu.edu, enforcement of North Carolina law, investigation of crimes, emergency response, university patrol and safety education.

Office for Institutional Equity and Diversity, 919.513.0574, diversity.ncsu.edu, home to NC State’s Title IX coordinator and Equal Opportunity and Equity (EOE); investigates complaints, takes reports and provides supportive measures.

Office of Student Conduct, studentconduct.dasa.ncsu.edu, 919.515.2963, supports a safe, respectful learning environment by educating students about NC State’s policies, rules and regulations; administers the Code of Student Conduct; conducts the review and resolution process.

Employee Relations, 919.515.6575, employeerelations@ncsu.edu, provides consultative services based on a wide range of issues related to individual employment as well as organizational effectiveness and work environment issues.

Violence Prevention and Threat Management, 919.513.4224, vptm.ehps.ncsu.edu, Broughton Hall, provides intervention in situations that pose or may pose a threat to the community and safety planning assistance.

Advocacy and Support

Women’s Center, 919.515.2012, 5210 Talley Student Union, www.ncsu.edu/womens-center, support for sexual and relationship violence survivors with a designated interpersonal violence prevention coordinator.

Sexual Assault Helpline, www.ncsu.edu/womens-center, 919.515.4444, 24/7/365 telephone hotline available to anyone impacted by interpersonal violence (relationship violence, sexual assault, stalking, etc.).

CARES, 919.515.4405, prevention-services@ncsu.edu, Student Health Center, support services for respondents.

For more resources and information for those who have been accused, please see Safe at NC State at: go.ncsu.edu/safe.

Where to File

Any person may report alleged misconduct involving acts of sexual harassment, sexual misconduct, and interpersonal violence to:

IN PERSON or BY PHONE

NC State Police, 911 (for emergencies) or 919.515.3000, for enforcement of North Carolina law, investigation of crimes and emergency response.

Equal Opportunity and Equity (EOE), Office for Institutional Equity and Diversity, equalopportunity@ncsu.edu, 919.513.0574, for investigation and response. Individuals who have experienced interpersonal violence will receive referrals to appropriate resources, such as advocacy, counseling and/or medical treatment, as listed under **Help and Resources** in this brochure.

Title IX Coordinator or any of NC State’s Title IX Officers, 919.513.0574, diversity.ncsu.edu/responsible-employees, equalopportunity@ncsu.edu.

ONLINE

Provide a full report online via the Discrimination, Harassment, Title IX and Retaliation Report Form at go.ncsu.edu/safe.

ANONYMOUSLY

Report anonymously online via the Discrimination, Harassment, Title IX and Retaliation Report Form at go.ncsu.edu/safe.



NC State University Will:

- treat complainants and respondents equitably;
- provide supportive measures to complainants and respondents;
- provide remedies to complainant where a determination of responsibility for Title IX sexual harassment has been made against the respondent;
- follow the complaint resolution process before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent;
- not consider the complainant’s past sexual history in determining whether a sexual harassment policy violation occurred;
- not allow, rely upon or otherwise use questions or evidence about a complainant’s prior sexual behavior, which may be deemed irrelevant unless such questions or evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if they concern specific incidents of the complainant’s prior sexual behavior with the respondent, are offered to prove consent;
- presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint resolution process; and
- use the preponderance of evidence standard to determine responsibility; that is, whether the information available demonstrates that it is “more likely than not” that the respondent violated the Equal Opportunity, Non-Discrimination and Affirmative Action Policy and/or Title IX Sexual Harassment policy.