Area: Human Resources / Student Services

Policy Name: Campus SaVE Act

Policy Statement: In order to ensure that college students and employees are provided healthy education and work environments, Salina Area Technical College is determined to provide a campus atmosphere free of violence for all members of the campus community. In compliance with federal law, specifically the Jeanne Clery Act (Clery Act) and the Campus Sexual Violence Elimination Act (SaVE Act), Salina Tech has adopted policies and procedures to prevent and respond to incidents of sexual assault, domestic violence, dating violence and stalking. This policy applies equally to all members of Salina Tech’s community: students, faculty, staff, contract employees, volunteers, and campus visitors.

Procedures: Definitions

Sexual Assault - Sexual contact without consent is sexual assault. Outside of rape, sexual contact is the intentional touching, fondling, grazing either directly or through the clothing of any person with intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person. (U.S.C. 18; Kansas Statute 44-1131 (b))

- Consent – constitutes a fully functional adult giving approval for sexual contact.
- Coercion, intimidation, or forcing sexual contact is not consensual and is considered sexual assault.

Domestic Violence – Means an act or threatened act of violence against a person with whom the offender is involved or has been involved as dating partners, or an act or threatened act of violence against a family or household member by a family or household member. Domestic violence also includes any other crime committed against a person or against property, or any municipal ordinance violation against a person or against property, when directed against a person with whom the offender is involved or has been involved in a dating relationship or when directed against a family or household member by a family or household member. (Kansas Statute 21-5111; 60-3102)
**Dating Violence and Kansas Law** – Kansas has laws against dating violence behaviors such as sexual assault, domestic violence, and stalking. However, the specific term “dating violence” is not used specifically in these laws. According to 42 USCS § 13925 (8), the term dating violence means “violence committed by a person –

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship
(ii) The type of relationship
(iii) The frequency of interaction between the persons involved in the relationship.”

Abusive partners may use a combination of the following tactics to control, manipulate and abuse a partner:

- **Physical** – Hitting, pinching, shoving, restraining, and destroying property, choking, threats of harm.
- **Perceived threats** – A statement, behavior, or demeanor that attempts to arouse fear through the threat of impending danger or harm.
- **Sexual** – Rape, sexual abuse, or any coercion or manipulation of a partner to engage in sexual behaviors.
- **Emotional** – Insults, name-calling, yelling, threats, stalking, extreme jealousy, humiliating a partner in public or private, isolating a partner from friends or family, threatening to “out” a partner who is gay, lesbian or transgender, making someone account for their time, threats to harm themselves.

**Stalking** – Is a course of conduct directed at a specific person that would cause a reasonable person to fear. Course of conduct is defined as “a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of contact.” (Kansas Statute 21-5427).

Stalking includes any behaviors or activities that collectively instill fear in a victim, and/or threatens their public safety, mental health, or physical health, or causes them to suffer substantial emotional distress. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are undesired and place another person in fear.
Use of online, electronic, or digital technologies, including:
  - Posting of pictures or information in chat rooms or on web sites
  - Sending unwanted/unsolicited email or talk requests
  - Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards
  - Installing spyware on a victim's computer
  - Using Global Positioning Systems (GPS) to monitor a victim

Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim

Surveillance or other types of observation including staring, “peeping”

Trespassing

Vandalism

Non-consensual touching

Direct verbal or physical threats

Gathering information about an individual from friends, family, and/or co-workers

Threats to harm self or others

Defamation – lying to others about the victim

Minors
Reports received by the College concerning the abuse of a minor or juvenile must be reported to state officials in compliance with state law (Kansas Statute 38-2223) Requiring mandatory reporting of child abuse.

Reporting an Incident
Salina Area Technical College encourages any member of the Salina Tech community who has experienced or knows of another member of the community who has experienced sexual assault, domestic violence, dating violence, or stalking, to report the incident to the College or to the police. Although the final decision lies with the member of the Salina Tech community as to whether they want to file a report.

If a Salina Tech student, faculty or staff member, volunteer, visitor or contractor has experienced sexual assault, domestic violence, dating violence, or stalking, they should immediately report the incident to the Salina Area Technical College Campus Security Authorities (CSA) either at 2562 Centennial Road or by phone:

  - VP of Student Services, Title IX Coordinator at 785-309-3106
  - Office of Human Resources at 785-309-3183
  - Student Advisor Office at 785-309-3119
  - VP of Administrative Services at 785-309-3120
The CSA will assist all members of the Salina Tech community by assessing the incident, advising the survivor on how they can seek legal protection, making the survivor aware of medical, counseling, and other support services. If a reported incident did not occur on campus, the CSA can assist the survivor in notifying the local police department with jurisdiction over the crime. **In case of an emergency or ongoing threat, a survivor should get to a safe location and call 911.** Calling 911 will put the reporting party in touch with the local police.

Survivors are not required to report to area law enforcement in order to receive assistance from or pursue any options within Salina Area Technical College.

Reporting sexual assault, domestic violence, dating violence and stalking to the police does not commit the survivor to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate, if the survivor decides to proceed with criminal charges.

In certain instances, Salina Tech may need to report an incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the survivor and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff, since reporting may compromise the safety of the survivor. This may also warrant a mass communication to ensure timely warning. Personal safety concerns are often very important for sexual assault, domestic violence, dating violence, or stalking survivors. Crisis intervention and survivor safety concerns will take precedence.

**Survivor Written Notification of Rights and Options**

Any student or employee, who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall receive a written explanation of their rights and options as provided for under this policy. These rights and options include the right(s) of a survivor to:

- Go to court, and to file a domestic abuse complaint requesting an order restraining your attacker from abusing you, and/or an order directing your attacker to leave your household, building, school, college, or workplace;
- Seek a criminal complaint for threats, assault and battery, or other related offenses;
- Seek medical treatment (the police will arrange transportation for you to the nearest hospital or otherwise assist you in obtaining medical treatment if you wish);
- Request that a police officer assist you by arranging transportation or by
talking you to a safe place, such as a shelter or a family or friend's residence; and

- Obtain a copy of the police incident report at no cost from the police department.

Rights of Accused
Students or employees accused of sexual assault, domestic violence, dating violence, or stalking behaviors have rights on this campus. Those include:

- The right to know the nature and source of the evidence relevant to the case
- The right to an advocate or attorney to aid in the preparation and presentation of the case
- Access to services from the counseling or other student/employee service groups
- Consultation with a campus official on academic support services and referrals to community resources when appropriate.

Procedures Survivors Should Follow
If an incident of sexual assault, domestic violence, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option. The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical examination or treatment. If a survivor has removed the clothing, he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

On and Off Campus Resources
Salina Area Technical College and the City of Salina, all offer important resources to the survivors of sexual assault, domestic violence, dating violence, or stalking, including medical treatment, counseling services, and advocacy that survivors may wish to utilize.
The following Salina Area Technical College staff can assist members of the Salina Tech community in considering their options and navigating through any resources, they may elect to pursue.

A survivor need not formally report an incident of sexual assault, domestic assault, dating violence, or stalking to law enforcement or Salina Area Technical College in order to access the following resources:

**On Campus Resources:**
Susan Eberwein, VP of Student Services, Title IX Coordinator          785-309-3106
Tami Wilcox, HR Specialist                                                                  785-309-3183
Rebekah Ohlde, Director of Academic Advising                                  785-309-3119
Andrew Manley, VP of Administrative Services                                   785-309-3120

**Off Campus Resources:**
Central Kansas Mental Health Center                                                  800-794-8281
Domestic Violence Association of Central KS                                     800-874-1499
Veridian Behavioral Health, Inc.                                                           800-284-6027
Salina Regional Health Center ER                                                   785-452-4631
Salina Regional Health Center Sexual Assault Nurse Examiner         785-452-7095
National Sexual Assault Hotline                                                           800-656-4673
Kansas Coalition Against Sexual & Domestic Violence                       800-363-2287
Kansas Domestic Violence Resources

**Accommodations**
Salina Area Technical College is committed to supporting survivors of sexual assault, domestic violence, dating violence, or stalking by providing the necessary safety and support services. Students and employees on our campus have the right to live free of behaviors that interfere with attaining their educational goals. Students and employees who report sexual assault, domestic violence, dating violence, or stalking have the right to:

- Treatment with dignity and respect, not subjected to biased attitudes or judgements
- Not having past and irrelevant conduct discussed during any resulting proceedings
- Changes in academic programming, if deemed appropriate by Salina Tech administration
- All support services regardless of the choice to file a school or criminal complaint
- Submission of a written account of the incident and a survivor-impact statement
- Having one's identity protected, in accordance with the Student Code of Conduct, personnel policies, or other legal requirements
- Survivors can request immediate transfer of classes or work area, subject to administration's approval and availability, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. The College will make reasonable efforts to accommodate such requests.
- Advising faculty (if an employee, their co-workers) and others as applicable on a need-to-know basis (i.e. Directors/Department Heads and/or Leadership Team Members) of the situation temporarily relocating the survivor to a secure area (if possible)
- Providing options for voluntary transfer or permanent relocation to a new campus or work site (if feasible)
- Escorts for entry to and exit from the building and campus
- Permitting a change of class and/or work schedule (if possible)
- Maintaining a copy of the abuser's image and/or a copy of any existing court orders of protection in a confidential on-site location.

Confidentiality of Information

Salina Tech recognizes the sensitive nature of sexual assault, domestic violence, dating violence and stalking incidents. We are committed to protecting the privacy of individuals who report incidents of abuse, to the extent that doing so is permitted by law and consistent with the College's need to protect the safety of the community. Salina Tech requires all college employees to share with the College's Title IX Coordinator information they learn concerning a report of sexual assault, or an incident of domestic or dating violence, or stalking, so that the Title IX Coordinator can investigate the incidents, track trends (including possible multiple reports involving the same assailant) and determine whether steps are needed to ensure the safety of the community. It is the survivor's choice whether he or she wishes to participate in the investigation; however, the College may proceed with an investigation without the survivor's participation if there is concern for the safety of other members of the community.

Reports of sexual assault, domestic violence, dating violence, or stalking, which are shared with Salina Tech's Title IX Coordinator or other College officials, will be treated with the greatest degree of respect and privacy possible while still fulfilling Salina Tech's obligation to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. It is the survivor's choice whether to participate in the investigation; however, the College may proceed with the
investigation without the survivor's participation if there is a potential threat to other members of the community.

A survivor's ability to speak in confidence and with confidentiality may be essential to his or her recovery. Salina Area Technical College thus expects employees to treat information they learn concerning incidents of reported sexual assault, domestic violence, dating violence, or stalking with as much respect and as much privacy as possible. College employees must share such information only with those College officials who must be informed of the information pursuant to College policy. Failure by a Salina Tech employee to maintain privacy in accordance with Salina Area Technical College policy will be grounds for discipline.

Information related to a survivor of sexual assault, domestic violence, dating violence, or stalking will be kept confidential except when dictated by law, Salina Tech policy, or when necessary to protect the safety of the campus community.

- Reported information is kept private to the extent possible by federal and state law, and college policy, however Kansas law includes clear limitations on legal confidentiality.
  - Confidentiality exists in certain instances for medical personnel, counselors, social workers, clergy, attorneys, and rape crisis counselors, but information may be required to be released through a subpoena or court order.
  - Information reported to anyone not in one of the above named positions may have to be disclosed when required by law or pursuant to a subpoena.
  - When medical information is received from a survivor of sexual assault, domestic violence, or dating violence, such medical information will be kept confidential to the extent permitted and required by law including, but not limited to, the Americans with Disabilities Act and the Family and Medical Leave Act.

- When it is determined that maintaining confidentiality puts the survivor or others at risk of physical harm, those individuals deemed necessary to protect the safety of the survivors and others, or to enforce an order of protection, will be given the minimum amount of information required. When possible, the college will provide the survivor of sexual assault, domestic violence, dating violence, or stalking with notice of the intent to provide information to other employees and/or Safety and Security personnel.

While federal law requires Salina Area Technical College to include certain reported incidents of sexual assault, domestic violence, dating violence, and stalking among its annual campus crime statistics that are reported in Salina
Tech’s annual Clery Reports, such information will be reported in a manner that does not permit identification of survivors. Crime reporting statistics are also included in a Title IX trend report maintained by the College.

**Educational Programs**
Salina Area Technical College is committed to increasing the awareness of and prevention of violence. Salina Area Technical College makes continued efforts to provide students and employees with education programming, and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before they occur.

To address the issue of sexual assault, domestic violence, dating violence, and stalking in a college environment, Salina Area Technical College offers practical guidance for risk reduction, violence prevention, and bystander intervention. Strategies on prevention can be found by clicking [here](#).

**New Student Orientation** – Orientation programs addressing active bystander awareness, support services, medical amnesty, wellness, and personal safety are delivered by members of Student Government and the Office of Student Services to first year and transfer students.

**Employee Orientation** – All new employees receive training on Sexual Harassment and Campus SaVE through the Office of Human Resources. All employees receive annual training during in-service.

**Bulletin Board Campaigns** – The Office of Student Services and Office of Human Resources work jointly to use passive programming strategies in the student lounges, classrooms, and buildings to provide information on crime prevention and safety issues related to Salina Tech students and employees on and off campus.

**Newsletters/Social Media** – Safety awareness and reminders are sent throughout the year in employee newsletters, through a variety of social media methods and resources to reach students by posting videos, flyers, etc.

**Disciplinary Procedures**
Salina Area Technical College strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees, and other affiliates may also face action by Salina Tech. When students or employees are accused of having engaged in sexual assault, domestic violence, dating violence, or stalking, the College may, depending on the facts alleged, issue interim safety
measures prior to the resolution of the charges. Such interim safety measures might include issuing No Contact orders between the parties, altering an individual's work or class schedule, placing an employee accused of misconduct on administrative leave, or placing a student accused of misconduct on an interim suspension.

Salina Tech’s Title IX Coordinator will oversee all investigations of allegations of sexual assault, domestic violence, dating violence, or stalking incidents. Employees who are found responsible for having committed such a violation could face termination of employment, and students who are found responsible for having committed such a violation may face disciplinary probation, deferred suspension, suspension from the college, or expulsion from the college. In addition, Salina Tech may issue No Contact Orders and No Trespass Orders to those found responsible.

If a Title IX investigation concludes that evidence exists which suggests a student more likely than not engaged in sexual assault, domestic violence, dating violence, or stalking, the matter will be referred to the VP of Student Services (785-309-3106) for adjudication pursuant to the Student Code of Conduct. The Office of Human Resources (785-309-3183) will handle any incidents involving employees and College affiliates who are found by the College to have engaged in behavior that violates College policy, including but not limited to sexual assault, domestic violence, dating violence, or stalking.

All investigations and resolutions handled by Salina Tech, whether the incident is reported to have occurred on or off campus, shall be prompt, fair, and impartial. The identified Salina Tech officials who investigate will receive annual training on the nature of the types of cases they are handling, how to conduct an investigation, and how to conduct a proceeding in a manner that protects the safety of survivors and promotes accountability.

Salina Tech seeks to investigate and adjudicate any official complaints of sexual abuse, domestic violence, dating violence, or stalking that are filed with the College within sixty (60) days of receipt of that complaint, unless mitigating circumstances require the extension of time frames beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, College breaks or vacations that occur during the pendency of an investigation, or other unforeseen circumstances. In these matters, the complainant and the respondent shall be notified, provided an explanation, and given information about the amount of additional time required.
In all investigatory and adjudication proceedings conducted by the College concerning charges of sexual misconduct, domestic violence, dating violence, or stalking, including any related meetings or hearings, both the complainant and the respondent will be afforded the same process rights, including equal opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the complainant and respondent will also be afforded an equal opportunity to introduce evidence and identify witnesses.

When a student is accused of any violation of the student conduct code, including but not limited to charges that he or she engaged in sexual assault, domestic or dating violence, or stalking, the charges will be decided using the preponderance of evidence standard, which means that it is more likely than not that the reported misconduct occurred. The Title IX Coordinator and the VP of Student Services has discretion to decide whether sufficient evidence warrants referring charges of misconduct against a student to an Administrative/Faculty Hearing Board (a “Board”). If a Board hears such charges and issues a finding of responsibility against a student respondent, the Board may also recommend sanctions to the VP of Student Services. However, the VP of Student Services retains authority to determine the sanctions that will be issued to any student who has been found responsible for violating the Code of Conduct. Any violation may result in suspension unless evidence warrants probation.

When the Title IX Coordinator’s investigation is complete and/or when a Board issues a decision, both the complainant and the respondent shall simultaneously be informed in writing within 7 business days of the outcome of the investigative or adjudicative proceeding. Both the complainant and respondent will be given the same procedures and timeframe to appeal the outcome of the proceeding, both parties will receive the same process rights if an appeal is granted, and the parties will both receive timely notice when the outcome becomes final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

Anti-Retaliation
No officer, employee, or agent of Salina Area Technical College participating in any program under this policy shall retaliate, intimidate, threaten, coerce, or otherwise discriminate again any individual for exercising his or her rights or responsibilities under the Campus SaVE Act.

Prevention
Salina Area Technical College believes in promoting safety on and off the campus. Some prevention strategies can help keep you and your friends safe.
Active Bystanders – Bystanders can make a difference. There are three components to Active Bystander Intervention.

- **A = Assess for Safety** – Ensure that all parties are safe, and that the situation requires calling authorities. When deciding to intervene, your personal safety is the #1 priority. When in doubt, call for help.
- **B = Be with Others** – If safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends you know well.
- **C = Care for Others** – If it appears that someone’s attempt to fend off the unwanted sexual advances isn’t working, we want you to feel responsible for the welfare of another human being, and offer to help—even if that person is not aware they need help. Focus on the inappropriate behavior that should be stopped.

How to be an Active Bystander

- Educate yourself and others about sexual assault and sexual harassment.
- Talk with friends and make a commitment to intervene when you see a situation in which another person is in danger of being sexually harassed or sexually assaulted.
- Speak up against friends or acquaintances that say exploitive or demeaning statements about others or brag about sexual experiences.
- Gently offer your support if you suspect that someone close to you is being abused or has been sexually assaulted or stalked.
- Trust your intuition. If a situation does not look right, stop it. Seek assistance if necessary.
- Interrupt a compromising situation. Think ahead about ways you would interrupt including distraction, separating people, enlisting other people to intervene, and make sure to bring the person of concern to a safe place.
- Stop someone if you witness an attempt to force sex on another person. Seek assistance if necessary.
- Help when you see that someone is intoxicated or drugged and bring him or her to a safe place. Remember someone who is intoxicated or drugged cannot give consent.

Protecting Yourself and Your Friends

- Say “no” when you mean no. Communicate your limits clearly. Know what you are feeling, and express yourself clearly.
- When someone says no, respect the “no”.
- Be assertive. Be direct and firm with someone who is pressuring you sexually. If someone starts to offend you, respond promptly and firmly.
Policies and Procedures
Salina Area Technical College
2562 Centennial Rd
Salina, KS 67401

Overly polite approaches might be misunderstood or ignored. If you are initiating the sexual activity, make sure that consent is freely and willingly present.

- Trust your intuition. If you feel you are being pressured into unwanted sexual relations, don’t hesitate to express your unwillingness, even if it might appear rude. Leave the situation as soon as possible.
- If you feel a person is hesitant about having sexual relations with you, stop and make sure that consent is freely and willingly present before proceeding.
- Think about getting home. Be prepared when you are away from home to be able to leave the situation if you need to. Coordinate plans with friends and arrange transportation. Always carry cab fare.
- Attend large parties with friends you can trust. Agree to look out for one another.
- Avoid excessive use of alcohol and drugs. Alcohol and drugs interfere with clear thinking, effective communication, and your ability to respond in your own best interest. Research shows that “on average, at least 50% of college students’ sexual assaults are associated with alcohol use (Abbey et al., 1996a, 1998; Copenhaver and Grauerholz, 1991; Harrington and Leitenberg, 1994; Presley et al., 1997)”.
- Date Rape Drugs: GHB and Rohypnol (roofies) are colorless and odorless drugs that can be placed in drinks (alcoholic and non-alcoholic), causing unconsciousness, and amnesia. Do not accept drinks from strangers. Discard any drink you have left unattended.
- Always carry a cell phone. Even if you have no minutes, you can still dial 911.

How You Can Prevent Sexual Assaults
Understanding that certain factors contribute to sexual assaults may help you prevent one. Ineffective communication, use of drugs and alcohol, and sex role stereotypes are found repeatedly in rape situations.

If a person uses force, coercion, or threats to compel another individual to have sex against his or her will, that person has committed rape even if that individual:

- has had sex with him or her before;
- thinks he or she has been teased or led on;
- heard that some people say “no” but mean “yes”;
- think it’s “acceptable” to use force to get your way.
A person who says “no” to sexual relations is expressing his or her unwillingness to participate in a specific act at a specific time; this does not necessarily mean it is a personal rejection.

Accept a person’s decision. “NO” means no. STOP when the person says “no”. Don’t assume:

- that just because a person flirts or dresses in a manner you consider sexy that he or she wants to engage in sexual relations.
- that previous permission for sexual relations means a person is under a continuing obligation to have sex with you.
- that your date wants the same degree of intimacy that you do.
- that spending money on a date entitles you to sex.

Recognizing Signs of Abusive Behavior
People who are abused may:

- Seem afraid or anxious to please their partner
- Go along with everything their partner says
- Check in often with their partner to report what they are doing
- Receive frequent, harassing phone calls from their partner
- Talk about their partner’s temper, jealousy, or possessiveness
- Have frequent injuries, with the excuse of “accidents”
- Frequently miss work, school, or social occasions without explanation
- Dress in clothing designed to hide bruises or scars (long sleeves in the summer or sunglasses indoors)
- Have low self-esteem
- Be depressed, anxious, or suicidal.

Contact: Office of Human Resources / Vice President of Student Services

Related Form(s):

Adopted: September 22, 2014

Updated: April 20, 2015