

FREQUENTLY ASKED QUESTIONS

Who should I talk to if I think I've been sexually assaulted?

- If you want to speak with someone confidentially, your best resource is the CSB/SJU Counseling Center. You can meet with a counselor and be assured that any information you share will be kept confidential. You can contact the Counseling Center by calling (320) 363-5605 or (320) 363-3236.
- The Central Minnesota Sexual Assault Center, located in St. Cloud, is another good resource for students who want to speak with someone confidentially about their experience. They can be reached at (320) 251-4357 or cmsac@cmsac.org. CMSAC is available 24 hours a day.
- If you want to report a sexual assault or other type of sexual violence, you can contact CSB Security, SJU Life Safety, law enforcement or the CSB or SJU Dean of Students.

How can I learn more about the CSB|SJU Sexual Misconduct Policy and Complaint Procedures?

If you want to learn more about the CSB/SJU Sexual Misconduct Policy and Complaint procedures, you can contact your Dean of Students – Jody Terhaar at CSB and Mike Connolly at SJU. You can ask questions about the policy and procedures and gather information to help with decisions you are making.

Where do I go to report an incident of sexual assault or sexual violence?

A student who wants to report an incident of sexual assault or sexual violence can do so by contacting CSB Security, SJU Life Safety, law enforcement or the CSB or SJU Dean of Students.

Jody Terhaar

CSB Dean of Students
Murray Hall 157
(320) 363-5270
jterhaar@csbsju.edu

Mike Connolly

SJU Dean of Students
Sexton 210
(320) 363-3171
mconnolly@csbsju.edu

CSB Security

Mary Commons
(320) 363-5000
Director Darren Swanson
dswanson@csbsju.edu

SJU Life Safety

Tommy Hall
(320) 363-2144
Director Shawn Vierzba
svierzba@csbsju.edu

Where do I go if I want to speak confidentially about a sexual assault or incident of sexual violence?

- If you want to speak with someone confidentially, your best resource is the CSB/SJU Counseling Center. You can meet with a counselor and be assured that any information you share will be kept confidential. You can contact the Counseling Center by calling (320) 363-5605 or (320) 363-3236.
- The Central Minnesota Sexual Assault Center, located in St. Cloud, is another good resource for students who want to speak with someone confidentially about their experience. They can be reached at (320) 251-4357 or cmsac@cmsac.org.

Will CSB or SJU contact my parents if I report a sexual assault or incidence of sexual violence?

As a college student, you are protected by FERPA which prevents the college or university from sharing information with your parents. An exception to this protection is made if there is a serious health or safety concern for the student. We can assist a student in telling his/her parents and will work with parents based on the level of permission granted by the student.

If I go to the hospital, will I be billed? Will my insurance be billed?

- The St. Cloud Hospital, Buffalo Hospital, CentraCare Health-Monticello, and Fairview-Northland-Princeton are committed to providing comprehensive care to victims of rape, sexual assault, and other sex crimes. These Hospital Emergency Trauma Centers follow a comprehensive Sexual Assault Community Care program, which is a partnership between the Central MN Sexual Assault Center and the local hospital's.
- These programs are staffed 24 hours-a-day, 7 days-a-week by nurses, physician assistants, doctors, and sexual assault advocates, which provide medical forensic evidence collection. Sexual Assault Evidence Collection exams are available to victims within 120 hours of an incident.
- Federal legislation mandates that regardless of whether or not a victim chooses to make a report to law enforcement, s/he has a right to seek a forensic medical examination following a sexual assault free of charge. In Minnesota, the county that the sexual assault occurred in is responsible for covering these costs.

This does not cover the cost of treatment; however Central MN Sexual Assault Center is available to assist a sexual assault victim in applying for Minnesota Crime Victim's Reparations funding.

Source: <http://cmsac.org/education-safety-reporting/>

Will other people on campus find out if I choose to report a sexual assault?

When CSB or SJU receive a sexual assault report, we may have an obligation under Federal law to issue a timely notice to the broader community. That notice does not include the name of the complainant and typically does not include the name of the respondent unless that information is necessary to protect the safety of the larger community. Specific information about a sexual assault report is only shared with those who have responsibility for upholding the policy, facilitating the procedures, or conducting the investigation.

I am concerned about my safety. What will the college and university do to help protect me from retaliation or further harm?

Student safety is one of our main concerns. The Dean of Students will assist the reporting student as fully as possible, including but not limited to adjusting academic and/or living situations. If the respondent is identified, a "No Contact Agreement" is put in place to ensure there is no contact or attempted contact between the complainant and respondent. If a student wants to seek an order for protection through the court system, assistance and support will be provided.

What actions are considered sexual assault?

Sexual assault is defined as sexual contact, including but not limited to penetration, without consent. Sexual assault is a form of sexual violence and a severe form of sexual harassment. Sexual assault includes, but is not limited to rape (including sodomy and sexual assault with an object); fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim); incest; and statutory rape. Sexual contact, for the purposes of the CSB | SJU Sexual Misconduct Policy, shall have the same meaning as it has under Minnesota law. "Sexual contact" includes, but is not limited to, the intentional touching by the respondent of the complainant's breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed; or the coerced touching by the complainant of another's intimate parts. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts.

What is the definition of consent?

Consent means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent must be informed and freely and actively given.

- Consent requires more than the existence of a prior or current social or sexual relationship between the actor and the complainant.
- Consent to one sexual act does not imply consent to another. Consent has to be specific to the act and persons involved. Past consent to sexual activity does not imply ongoing future consent. Consent can be revoked at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent.
- Simple silence, the lack of a negative response, or failure to resist is not consent. It is the responsibility of the actor to obtain consent to any and all sexual involvement that occurs.
- The use or threatened use of force or other forms of coercion or intimidation take away a person's ability to give consent to sexual contact. Consent is not present when another person fears the consequences of not consenting. Coercion includes intimidation, threats, misuse of authority, manipulation, tricking or bribing with actions and/or words.
- A person who is asleep, unconscious or whose judgment is impaired by drugs, alcohol, disability, or other means, or who lacks full knowledge or information of what is happening cannot give valid consent to a sexual act. This is true regardless of whether the person voluntarily or involuntarily consumed the drugs or alcohol. Use of drugs or alcohol by the respondent, however, is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability.

- A person who has not reached the legal age of consent cannot give consent. The legal age of consent may vary depending on the circumstances and the applicable state law.
- Where there is otherwise credible evidence to support a finding of nonconsent, corroborating testimony is not required.

Can a person give consent if they are drunk?

- A person who is asleep, unconscious or substantially impaired by drugs, alcohol, disability, or other means, or who lacks full knowledge or information of what is happening cannot consent to a sexual act. This is true regardless of whether the person voluntarily or involuntarily consumed the drugs or alcohol.
- Use of drugs or alcohol by the accused, however, is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability.
- If the other person has been consuming alcohol, your best decision is to not engage in sexual contact with that individual.

Is it sexual assault if both people are drunk or intoxicated?

Sexual assault is sexual contact without consent. A person who is intoxicated may not be able to give consent. It is the responsibility of the initiator of the sexual contact to get consent from the other individual.

- A person who is asleep, unconscious or substantially impaired by drugs, alcohol, disability, or other means, or who lacks full knowledge or information of what is happening cannot consent to a sexual act. This is true regardless of whether the person voluntarily or involuntarily consumed the drugs or alcohol.
- Use of drugs or alcohol by the accused, however, is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability.
- If the other person has been consuming alcohol, your best decision is to not engage in sexual contact with that individual.

Can a woman sexually assault a man?

Yes. A woman who has sexual contact with a man without his consent can be found responsible for a violation of the campus Sexual Misconduct Policy and/or face possible criminal charges.

A friend of mine was sexually assaulted, can I report on her/his behalf?

You can make a third party report if you have knowledge about a sexual assault. Please be aware that any information you provide on that report will be investigated and shared as needed with the person who is alleged to have experienced the assault as well as the person who is alleged to have committed the assault. Third party reports can be made to the same individuals listed above.

A friend told me he/she was sexually assault but made me promise not to tell anyone. What should I do?

- Encourage that friend to speak with a counselor or to contact the Central Minnesota Sexual Assault Center.
- Encourage your friend to talk with parents or other trusted adults.
- Encourage your friend to get medical care if it is needed.
- Encourage your friend to speak with the Dean of Students to get information about the on campus policy and reporting procedures.
- Take care of yourself and be clear about your own boundaries. You may need help for yourself and it's OK to let your friend know that you need to tell someone else.

What does sexual assault look like on a college campus?

- Counter to widespread stranger rape myths, in the vast majority of these sexual assaults on campus victim and assailant know each other. Among college women, 9 in 10 victims of rape and sexual assault knew their offender.
- Almost 12.8% of completed rapes, 35% of attempted rapes, and 22.9% of threatened rapes happened during a date.

- Off-campus sexual victimization is much more common among college women than on-campus victimization. Of victims of completed rape 33.7% were victimized on campus and 66.3% off campus.
- Less than 5% of completed or attempted rapes against college women were reported to law enforcement. However, in 2/3rds of the incidents the victim did tell another person, usually a friend, not family or school officials.

Source: Fisher, B.S., Cullen, F.T., & Turner, M.G. (2000). [The Sexual Victimization of College Women. National Institute of Justice, Bureau of Justice Statistics.](#)

- At least one-half of all violent crimes involve alcohol consumption by the perpetrator, the victim, or both (Collins and Messerschmidt 1993). Sexual assault fits this pattern. Depending on the sample studied and the measures used, the estimates for alcohol use among perpetrators have ranged from 34 to 74 percent (Abbey et al. 1994; Crowell and Burgess 1996). Similarly, approximately one-half of all sexual assault victims report that they were drinking alcohol at the time of the assault, with estimates ranging from 30 to 79 percent (Abbey et al. 1994; Crowell and Burgess 1996). It is important to emphasize, however, that although a woman's alcohol consumption may place her at increased risk of sexual assault, she is in no way responsible for the assault. The perpetrators are legally and morally responsible for their behavior.

Source: <http://pubs.niaaa.nih.gov/publications/arh25-1/43-51.htm>

What happens if I'm accused of a sexual assault?

If you are named as a respondent in a sexual assault complaint, you will be contacted by your Dean of Students. The policy and procedures will be reviewed with you and you have an individual of your choice serve as your advisor. You will be asked to meet with CSB Campus Security or SJU Life Safety to provide a statement and answer questions. If you are found responsible for a violation of the CSB|SJU Sexual Misconduct Policy, you will be sanctioned accordingly and may be suspended or expelled.

What resources are available to me?

Campus Resources

- Counseling and Health Promotion
(320) 363-5605 or (320) 363-3236
- SJU Life Safety
(320) 363-2144
- CSB Security
(320) 363-5000
- CSB Dean of Students
(320) 363-5270
- SJU Dean of Students
(320) 363-3171

Community Resources

- Central Minnesota Sexual Assault Center
(320) 251-4357
- St. Cloud Hospital
(320) 251-2700
- St. Joseph Police
(320) 363-8250
- Stearns County Sheriff
(320) 320.251.4240
- St. Cloud Police
(320) 251-1200

State Resources & National Resources

Minnesota Coalition Against Sexual Assault:

<http://www.mncasa.org>

National Sexual Violence Resource Center:

<http://www.nsvrc.org/>

Rape, Abuse and Incest National Network:

<http://www.rainn.org/>

The Office of Violence Against Women:

<http://www.ovw.usdoj.gov/>

Hotlines

Central Minnesota Sexual Assault Center (CMSAC):
(320) 251-4357

National Sexual Assault Hotline: 1-800-656-HOPE

Survivor Information

<http://www.voicesofcourage.com/>

<http://www.canwekiss.com>

Resources for Friends and Family of Survivor

<http://www.soc.ucsb.edu/sexinfo/?article=violence&refid=02>