TRIGGER WARNING

The following materials provide information regarding the University's response to and adjudication of sexual misconduct cases. Some of the information provided uses explicit language and references situations about sexual situations, sexual assault, and sexual violence. These materials may be upsetting.

If you would like to access resources for support, Brandeis Human Resources provides counseling and support services through the confidential Employee Assistance Program. Information can be found at www.LifeScopeEAP.com or by calling 1-888-777-0052.
Brandeis University—Reporting Sexual Misconduct

Brandeis University is committed to all students having the right to a safe and respectful atmosphere that promotes equal opportunity and discourages discrimination, harassment, violence and retaliation. If a student reports sexual misconduct to you, here are the steps to follow:

1) Confirm the student’s safety & provide non-judgmental support

2) Hand the student a copy of the Brandeis Survivors' Guide:
   http://www.brandeis.edu/prevention/services/docs/survivors-guide.pdf

3) Explain that you are mandated to report the incident to the Title IX Coordinator Linda Shinomoto (781-736-4456 or shinomot@brandeis.edu). Linda will review options students have in pursuing their complaint in the context of safety for the community.

When a Title IX complaint is reported, the accompanying flow chart shows the course of action that the student and/or the university may take. Accompanying the flow chart is a definition of terms which are commonly used in sexual misconduct cases. Brandeis is currently reviewing its processes to ensure that we are following best practices in higher education, so the chart will be updated in the fall to reflect updates to Rights and Responsibilities. Following the terms are different scenarios about how you might speak to students about Title IX.
What happens when a **faculty or staff member** reports a Title IX complaint of sexual misconduct between students:

Linda Shinomoto (Title IX Officer) contacts the student to confirm their safety and review options

**Options Include:**
- Submitting a Community Standards Report (CSR) to the Department of Student Rights and Community Standards
  - Allows for a special examiner process and University sanctions
- And/or filing a police report with the local jurisdiction or Campus Police
  - Allows for District Attorney to review case and possibility for criminal charges
- Requesting an investigation without filing a police report or submitting a Community Standards Report

**Student does not want to take any action**

The University will determine if it can honor the student’s request or will need to conduct an investigation to protect the safety of the student and community. Efforts to protect the confidentiality of the victim/survivor will be made but cannot be guaranteed.

No Investigation

**Student does not want to take formal action but agrees to an investigation**

**Student wants to take formal action (submitting a CSR)**

Interim measures offered whether or not a student wants to take any action

Accuser and accused are notified of outcome and sanctions and/or protective measures implemented if applicable

Case investigated by external Special Examiner and Rebecca Tillar Title IX Investigator

Case investigated by Rebecca Tillar Title IX Investigator

Parties are notified of investigation outcome and protective measures implemented if applicable
Definitions:

**Accuser:** Any individual who has submitted a Community Standards Report and has made the choice to initiate a formal adjudication process.

**Accused:** Any Brandeis student who has been charged with a violation of “Rights and Responsibilities” in a formal adjudication process by an accuser.

**Community Standards Report (CSR):** An official report to the University’s Dean of Students Office about the behavior of a student or another person. A CSR may be submitted by a person who self-identifies or by a person who wishes to remain anonymous. A CSR is required to initiate a formal adjudication process, though a CSR does not automatically initiate a formal adjudication process. The reporter must choose to initiate a formal adjudication process. Upon the choice to initiate a formal adjudication process, the reporter becomes an accuser.

**Dean of Students (DOS):** The DOS typically oversees the policies and procedures found in “Rights and Responsibilities,” including formal and informal adjudication processes. Whenever the position of DOS is referenced in “Rights and Responsibilities,” it also includes any Dean’s designee. The Dean of Students receives his/her authority from the chief student affairs officer of the University as designated by the President of the University. The current chief student affairs officer is the Senior Vice President for Students and Enrollment (SVPSE), who may also serve, or designate a staff member to serve, in the role of DOS for any given case as circumstances require.

**Department of Student Rights and Community Standards (DSRCS):** The department that oversees the Peer Review Process, in conjunction with the Director of Academic Integrity. The DSRCS reports to the DOS Office. The Director of the Department of Student Rights and Community Standards will be known as the DDSRCS. The DOS or SVPSE may serve, or designate a staff member to serve, in the role of the DDSRCS for any given case as circumstances require.

**Filing a Police Report:** If a police report is filed with the Waltham Police, the case will be reviewed by the District Attorney for potential legal action. If a police report is filed with Campus Police, there is the option for it to be reviewed by the District Attorney.

**Interim Measures:** Steps the University may take to protect, support and assist the parties involved in a report of sexual misconduct regardless of whether formal action is taken. Interim measures can include changes in housing, removal of directory information and access to resources for healing. A comprehensive list of interim measures can be found in the Resource Guide for Sexual Assault Survivors at: http://www.brandeis.edu/prevention/services/docs/survivors-guide.pdf

**Protective Measures:** Upon conclusion of a formal adjudication process or an internal investigation, the University may take steps to protect the safety and well-being of the victim/survivor and/or the Brandeis community. These steps can include extension of interim measures already in place as well as implementation of additional protective measures, such as restricting participation in campus activities, limiting access to locations on campus, or removal from campus entirely.
Sanctions: When a student is found responsible for one or more allegations in a formal adjudication process, sanctions will be identified as outcomes. Sanctions may include dismissal. Complete information about sanctions is in Rights and Responsibilities.

Special Examiner’s Process (SEP): A formal adjudication process that addresses allegations of sexual misconduct or gender-based violence/harassment. The SEP is detailed in Rights and Responsibilities.

Title IX Investigator: The Title IX Investigator will investigate the complaint including but not limited to interviewing available witnesses, reviewing any forensic evidence, review any forms of communicating including social media.

Title IX Officer: The person designated by the University to coordinate compliance with Title IX, which includes overseeing the school’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints.
Talking to Students about Being a Responsible Employee/Mandated Reporter

As an employee of Brandeis, you are responsible for reporting instances of sexual misconduct to the Title IX Coordinator, Linda Shinomoto (shinomot@brandeis.edu or 781-736-4456.) One of the most difficult parts of this responsibility is determining how you can have this conversation while being supportive of students who are entrusting to you highly personal information. The following is meant as a guide: no example can reflect the complex relationship that you have with the student or the circumstances in which a student discloses information. While these examples are focused on interactions between faculty and students, staff may also find them helpful in thinking about how to respond to student reports of sexual misconduct.

Scenario 1: The student asks if they can tell you something

Rachel comes to your office hours, and she is visibly upset. For the first month of the semester, she was an excellent student, regularly attending class and contributing to class discussion. Her first paper was particularly well written and showed a highly nuanced understanding of the material. In the last two weeks, Rachel has missed multiple classes and sits in the back of the room looking distracted.

Rachel: I know I haven’t been as good a student as I want to be. I’ve been having a very hard time, and I think I need to tell someone about it. I know I can trust you, so is it okay if I tell you what has been going on?

Faculty: You are a great student, and I can tell you haven’t been yourself. I am more than willing to talk to you, but you need to know that there are times when I do need to share information in a very limited way with others in the community. For example, if I thought you were going to hurt yourself, hurt someone else, or if you had been a victim of sexual misconduct. In sharing the information, I just want to make sure you have access to the resources you need.

Rachel: So if I did tell you something bad that happened to me and it involved sex, what would happen?

Faculty: If you told me, I would need to tell the Title IX Coordinator, who is Linda Shinomoto. The Title IX Coordinator is responsible for making sure that you are able to access support resources, as well as explain what steps you and the university may take when reports of sexual misconduct are received. She would reach out to you to talk about options that you have in terms of what kind of response you would want from the university.

There are also people you can talk to who, unlike me, can keep the information completely confidential. These include the chaplains, the health center, and Sheila McMahon in Prevention Services. There is also Kristen Huang, who is a specialist in trauma and sexual violence in the counseling center.

There is no one right person to talk to—the most important thing is that you let someone know what you are facing, so you can access support resources. There is a guide for sexual assault survivors at: http://www.brandeis.edu/prevention/services/docs/survivors-guide.pdf

Rachel discloses the sexual misconduct.
Faculty: I am so glad you told me. I want to make sure you are safe. Is there anything you need right now? I can call Sheila McMahon to try and make sure you have what you need. And what would help with this class? You have so much talent for this subject.

Scenario 2: The student discloses before you have a chance to explain your role

Jordan: I know I haven’t been as good a student as I want to be. I’ve been having a very hard time, and I think it was because I was raped at a party a couple of weeks ago. At the time, I knew something had gone very wrong, but it’s only been in the last few days that I have come to terms with the fact that I was raped. It is affecting everything: my classes, my friendships, even my being able to concentrate. I just didn’t know who to tell or to talk to.

Faculty: I am so terribly sorry that you are going through this. No one should ever have this kind of experience....

Jordan: (Starts crying.) I just don’t know if anyone will believe me. It’s been so hard, and I feel so alone.

Faculty: There are a lot of resources on campus. Do you want to talk to someone right now? Maybe a counselor or Sheila McMahon, who works with survivors all the time? Both of them are places that you can confidentially talk about what happened. Kristin Huang is a specialist in Trauma and Sexual Violence in the counseling center, and there are also other counselors there who work with trauma survivors. I can reach out to them for you.

Jordan: Yes, that would be great. I really want to see Sheila—I’ve heard good things about her. If I go over right now, can you tell her that I am coming and why? I just don’t want to have to say anything in an open area.

Faculty: Yes, of course. I can call her to let her know that you are on your way. Are you okay walking over alone or do you want me to come with you?

Jordan: I am okay. It will just be so good to finally talk to someone (puts on coat and stands up).

Faculty: And Jordan, it is important for you to know that I also need to tell Linda Shinomoto, the Title IX Coordinator, what happened. She will reach out to you with different options you can pursue in terms of next steps. And she will want...

Jordan: Do you have to tell her? If I told you and I am going to Sheila, isn’t that enough?

Faculty: I do have to tell her—it is part of my responsibility of making sure that Brandeis as a community is addressing issues of sexual violence. It is also a way for you to get support resources.

Jordan: What exactly are you going to tell? My name? What happened?
Faculty: I am going to tell her what you told me. It is important for her to have all the relevant details about what happened to support you. When Linda contacts you, she will give you different options in terms of what to do next. Some survivors want to pursue a formal investigation while other survivors don’t want any kind of formal process. Similarly, some survivors file charges with the police while others don’t want to pursue that kind of action.

An important part of this process is making sure that you are supported and have the available resources. And there may be circumstances in which the University would likely investigate, such as in the case of multiple complaints against the same person, multiple alleged assailants, or a complaint against a person with a documented history of violence.

Jordan: I still wish you didn’t have to tell her, but I understand why. You will still call Sheila for me?

Faculty: Yes, and I want to touch base in the next couple of days to see how you are too. Again, I am so sorry that you are going through this.

**Scenario 3: The coursework is prompting memories of a sexual assault**

Faculty: Hi Paul. Come in. You’ve had some really great comments on Anne Sexton’s poetry.

Paul: Thank you. I think she is just fantastic, but I did want to come talk to you because it’s been much harder lately to read her work and some of the other confessional writing. I wanted to take this class because of the genre as I see myself writing my own story this way, but I am thinking I may need to drop the class.

Faculty: Oh, I hope you don’t drop! The class is so much richer with you being in it, and while I haven’t graded the first paper, I did skim them, and yours was excellent.

Paul: Thank you so much—that is good to know. It’s just that I was sexually assaulted by someone off-campus in my first year. I know that I am a senior now and should be over it, but all of the writing is so strong that it is bringing up a lot of memories.

Faculty: I am so sorry to hear this—I can imagine that the readings would be difficult. Of course, if you need to drop, that is totally fine. You need to do what makes the most sense for you. But I am also worried about you. Do you have support resources in place? I know there are the chaplains, the counseling center, and prevention services.

Paul: Yes, I do. I go to counseling most weeks, and she knows the story. You really don’t mind if I drop the class?

Faculty: Not at all. I will miss having you as a student, but you have to do what is best for you. And, Paul, just so you know, I do need to tell Linda Shinomoto—that this happened to you. She is the Title IX Coordinator.

Paul: Oh, I know Linda. She and I talked when this all happened. Do you still need to tell her? Does that mean that I will have to file an official report?
Faculty: I am afraid that I do have to tell her. Linda will likely reach out to you just to check to see how you are doing and if you want to pursue any formal action. I am sorry if my telling her makes you uncomfortable—it’s just something we have to do in order to support students who have gone through these types of things. And informing the Title IX Coordinator does not mean you have to file an official report. The Title IX Coordinator will walk you through your various options including the right to not file an official report.

Paul: No, I understand. And let me think about whether or not I want to drop. Just knowing it is an option helps. I am going to try the next set of readings and then I will decide next week.

Scenario 4: The student explicitly does not want a Title IX report filed

Sarah: I need to tell you something and it is so hard, but I don’t know where else to turn...

Faculty: (Gently interrupts.) Sarah, I want you to talk to me, but it is important for you to know that there are times I have to tell others about information that is shared with me. For example, if I thought you were going to hurt yourself, hurt someone else, or if you had been a victim of sexual misconduct.

Sarah: (Forcefully interrupts, speaking quickly.) I don’t want you to tell anyone. I can’t tell anyone. It’s just that I’ve been raped by my ex-boyfriend. I don’t know what to do. I am so confused and hurt. We were at a party, and I said no, but then he kept after me. He just held me down and was so angry, and I am just so scared, but I can’t talk to anyone.

Faculty: I am so sorry this happened to you, and I am really glad that you are telling me—that is a big step. And you said you are scared, what can I do to help? Would going to the counseling center or Sheila in Prevention Services make sense? Do you want to talk to Campus Police or the Waltham Police? Campus Police would focus on your safety on campus.

Sarah: No, absolutely not. I don’t want anyone to know. If people know that I said anything, they will get back at me. You can’t tell anyone.

Faculty: I am just so worried for you. There are resources you can talk to that are confidential, and they could help you get support.

Sarah: No, you can’t tell anyone. I can’t believe I told you.

Faculty: Sarah, I am not going to make you talk to someone if you don’t want to. I do have to tell Linda Shinomoto, the Title IX Coordinator who can assist with resources and support. Notifying Linda does not mean that you will be in a situation in which you have to file a formal report. That is an option that you have, but you get to decide if you want to pursue that option or not.

Sarah: No, you can’t, you absolutely can’t. Why didn’t you say something before? I can’t believe I told you.

Faculty: It was very brave of you to tell me. And I understand that you don’t want anyone else to know. The reason I have to tell Linda is because what happened to you is very serious, and her primary focus will be
about your safety. Linda will reach out to you, and then with her, you can decide next steps. There are a variety of steps you can take: speaking with Linda, not speaking with Linda, filing a formal complaint, asking for an informal investigation.

Sarah: But I told you I don’t want you to tell. Don’t I have rights in this?

Faculty: You do have rights. You have lots of choices about what you want to have happen or not happen. It’s just I also have a responsibility to tell Linda. Brandeis may need to take action when there is increased risk of the alleged perpetrator committing additional acts of sexual violence or other violence. For example, if other students have complained of sexual violence by the same person, if it turns out that this person has a history of arrests or records from a prior school indicating a history of violence, if this person has threatened others with sexual violence, or if the sexual violence was committed by multiple perpetrators, Brandeis may need to investigate further.

Sarah: But he’s a senior. I don’t want him getting kicked out of school.

Faculty: Sarah, I am just very worried about you. My talking to Linda is part of a process that helps you access support resources if you want them. I really do hope that when she reaches out to you, that you speak with her.

You may also want to talk to Academic Services about your classes. They may be able to help you navigate what you are facing and how it affects your coursework.

Sarah: I am going to be okay. I just need to handle it on my own. I don’t want to talk to anyone.

Faculty: Okay, I am not going to press you to talk to anyone, but I am going to email you in a couple of days to find out how you are doing. I won’t even say why I am emailing—we will both know. And then if you decide you do want to reach out to counseling or Sheila, I can try to make sure they see you as quickly as possible. And so you know, once I reach out to Linda, she will be in contact with you. As I said before, she is there to work with you. I hope you will talk to her because no one should have to go through this alone. But if you decide not to, that is your decision as well.

I still think you are very brave for telling me what happened.