



OFFICE OF STUDENT AFFAIRS

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Dear Notre Dame students,

Over the past few weeks, our University community has increased discussion about the ways we together attempt to prevent and respond to instances of sexual assault. While hundreds of community members attended film screenings, expert panels, or programming events for Sexual Violence Awareness month, this is a topic where we must all engage in conversation.

Sexual harassment, dating and domestic violence, stalking, sexual misconduct and especially sexual assault are antithetical to our Catholic mission at Notre Dame, where we have a responsibility to be our brother and our sisters' keepers. Yet our campus is unfortunately not immune from these issues. Sexual assault happens at Notre Dame. The University's annual Clery statistics (<http://dulac.nd.edu/clery-statistics>) indicate that our campus has received as many as ten reports of forcible rape annually over the past few years, and national trends confirm that incidences of sexual assault are likely far greater than reports received. As our student government leaders have said, we all agree that even one instance is too many. The University has both moral and legal obligations to encourage reporting, support survivors, conduct timely and thorough investigations, and assign the most serious sanctions to students found responsible for sexual assault.

As Father Jenkins noted in his recent communication to campus, this letter provides information about some of the University's prevention efforts, support services, reporting options, and investigations of sexual assault. Notre Dame, like many other universities, has made many changes to our processes over the past few years. Some of our enhancements include more extensive bystander training, the addition of a dedicated Deputy Title IX professional, the hiring of outside investigators for reports, and procedural modifications to support survivors. We continually seek further improvement, are actively engaged in national conversations and training on these issues, and welcome suggestions from campus community members.

Prevention Efforts

I appoint the Committee on Sexual Assault Prevention (CSAP) annually, which is comprised of over 30 faculty, staff and students – including students and staff colleagues from Saint Mary's College, Notre Dame Athletics, and experts from the local community (full membership available at <http://csap.nd.edu/about-csap/>). The goals of CSAP are to offer advice and guidance on how to assist and support victims of sexual assault, to spearhead assessment efforts to understand the needs of our students, to recommend a variety of prevention initiatives, and to facilitate collaboration among departments and student groups to address sexual violence.

The Gender Relations Center (<http://grc.nd.edu>), a department within the Division of Student Affairs, offers student programs that foster dialogue on issues of sexuality, gender, inclusivity, respect, and healthy relationships on campus. The GRC offers many programs about violence prevention, and has in recent years worked collaboratively with other campus experts to conduct mandatory bystander intervention training to students through orientation programs like Building Community the Notre Dame Way. Next week, a variety of staff and students are spending four days in training to bring the nationally-recognized Green Dot bystander prevention program to our campus in 2015-2016. Students play a crucial role in the GRC's efforts, through the leadership of FIREStarter peer educators and the Men Against Sexual Violence student club.

I am grateful to students for further prevention efforts through Student Government to foster a culture that promotes active bystander intervention, speaks out against language that trivializes sexual violence, and supports survivors in the process of healing. In 2013-2014, Student Government designed and implemented the "One is Too Many" student engagement and conversation campaign with students going door to door to educate their

peers. This spring, Student Government launched “It’s On Us” (<http://itsonus.weebly.com/>), a campaign aimed at sexual assault culture change, adapted from the national campaign of the same name.

Support for Survivors and Reporting Options

Our first priority in responding to sexual assault is to offer a variety of resources to support survivors – understanding that the needs and wishes of each individual may differ or evolve over time. Confidential medical care is available through University Health Services (574-631-7497) 24 hours a day, and victims are particularly urged to consider having a free, anonymous examination conducted by trained sexual assault personnel at our local hospitals within 120 hours of the assault for the purpose of preserving their choice to pursue criminal prosecution. Students can also seek confidential support from the University Counseling Center (574-631-7336), the St. Joseph County Family Justice Center’s 24-hour rape crisis phone line (574-289-4357), or priests, deacons, brothers, and sisters in Campus Ministry (574-631-7800).

Students are strongly encouraged to consider reporting a sexual assault to the University and/or the police. Notre Dame Security Police is a duly authorized police agency in the state of Indiana, and is the law enforcement agency with which to file a report for any incident that occurred on Notre Dame property. NDSP can be reached 24 hours a day (574-631-5555). They can also assist with contacting the appropriate law enforcement agencies (e.g., St. Joseph County) to report an incident that occurred off campus.

Reports to the University can be made in a variety of ways. Melissa Lindley, Notre Dame’s Deputy Title IX coordinator, serves as the primary point of contact for students seeking information or wanting to report incidents of sexual harassment, sexual misconduct (including sexual assault), dating violence, domestic violence, or stalking that have been committed by students. She can be reached at 574-631-7728 or DepTitleIXCoordinator@nd.edu. Karrah Miller (574-631-0444 or equity@nd.edu) is the University’s overall Title IX Coordinator and handles any cases where a faculty or staff member is accused of sexual misconduct. An additional resource, <http://SpeakUp.ND.edu> is an online tool where community members can report instances of harassment or assault.

While our experience tells us that the reporting decision is not always an easy one for many survivors, we are working hard to ensure that our services and procedures support a culture of increased reporting. Faculty and staff members who are not specifically identified as confidential resources have an obligation to share any reports they receive with the relevant Title IX coordinator. At times, students may be hesitant to report the occurrence of sexual misconduct, sexual assault, dating violence, domestic violence and stalking to University officials because they are concerned that they themselves, or witnesses to the misconduct, might be found responsible for other policy violations related to parietals or alcohol. Because of the importance of addressing issues of sexual violence, the University will not refer a student to the University Conduct Process who makes a complaint or is a witness in an investigation of sexual misconduct, sexual assault, dating violence, domestic violence and/or stalking.

Investigations, Criminal Procedures, and Administrative Hearings

Once an assault is reported, the University always begins an administrative investigation process regardless of whether the report has also been filed criminally. A warning may also be issued to campus if the analysis and timing of the report indicates that there may be a serious and ongoing threat to the community. Exact details about the nature of the assault and its specific location may be omitted from the warning in order to protect the confidentiality of the victim and avoid compromising an active investigation. It is Notre Dame Security Police’s practice to share our timely warning notices with the Security Department at Saint Mary’s College for further distribution as their leaders view appropriate.

Additional support services for students are initiated within one business day of a report being filed. The University will issue no contact orders to the complainant (the victim) and the respondent (the student accused) and may initiate other immediate steps to protect complainants pending the outcome of the investigation (e.g., alternative academic arrangements, adjustments to extracurricular activities). The complainant and respondent are each referred to separate Resource Coordinators (RC). RCs are trained Notre Dame faculty or administrators who serve as resource persons to the students involved in an investigation to identify, explain and navigate the reporting options and available support services. Notre Dame Resource Coordinators are also assigned to Saint Mary’s College students if they are involved in a case as a complainant.

Administrative investigations are conducted by either Notre Dame Security Police or specially trained outside investigators contracted by the University, depending on how the report was filed. A student complainant has the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint through the University Conduct Process, or to pursue both processes consecutively or concurrently. NDSP additionally shares the results of their investigations into sexual assault with the local prosecutor. Complete details about the procedural options are available at <http://dulac.nd.edu/reporting>.

Recent panel discussions have raised important questions about how students are approached during administrative investigations. When possible within the integrity of an investigation, students are contacted and questioned outside of classroom time, student organization meetings, or athletic practices. No prohibition exists around contacting students that is unique to an individual's athletic status, residential community, or academic area of study. Instead, all students are subject to the same investigation procedures.

Once the administrative investigation is completed (usually within a few weeks), a complainant may or may not decide to move forward to the University Conduct Process. In some instances, the University may, in its discretion, choose to refer the matter to the University Conduct Process on its own for the protection of the campus community. Allegations of sexual assault are subject to a formal Administrative Hearing, conducted by three trained conduct officers. The administrative investigation serves as the basis of information for this hearing while providing both complainants and respondents with the opportunity to clarify information from the investigation and respond to questions. A variety of additional procedures during these hearings are designed to support the students involved. For example, a complainant may decide to participate in a hearing remotely rather than in the same room as the respondent. Both the complainant and the respondent can be supported at these hearings by advisors of their choice.

Hearings related to sexual assault are some of the most complex and heart wrenching conduct cases at the University. Notre Dame's policies related to sexual misconduct (<http://dulac.nd.edu/sexualmisconduct>) are carefully considered, often especially with respect to questions of consent, intoxication, and incapacitation. Depending on the outcome of the hearing, either the complainant or the respondent has the option of appealing the decision. We have reviewed all of our conduct hearings from the past decade, and all students who have been found responsible for sexual assault (defined in Du Lac as non-consensual sexual intercourse) have been permanently dismissed. While I very much wish that these cases could have been prevented from occurring at all, the University remains prepared to continue to impose these most serious sanctions to keep our community safe.

Closing

I welcome the recent discussions, articles, and programming that have highlighted the topic of sexual violence on our campus – we can only tackle and eliminate this issue through open dialogue. Many students, faculty and staff are working hard to prevent and respond appropriately to sexual assault, and I am deeply grateful for their efforts. I invite you to get more involved in prevention efforts, to learn more about the complexities involved in these cases, and to remain informed of the support services offered at the University. I welcome questions and concerns on this topic so we can improve together. Please feel free to send any suggestions to my office at osa@nd.edu or contact any of the offices and professionals listed in this letter. No single individual or group – whether students, faculty or administrators – can solve the deeply troubling issue of sexual assault alone.

We must commit ourselves to create a community that fulfills our mission by looking out for one another, caring compassionately for those who have suffered violence, and refusing to tolerate these harmful behaviors. As an administrator, you have my commitment to work hand in hand with students, faculty, staff, and other community members to make Notre Dame a model institution for an issue that plagues college campuses. May we together strive to end sexual violence in our community.

In Notre Dame,



Erin Hoffmann Harding
Vice President for Student Affairs