

Stalking Policy Guide

Table of Contents

Statement of Policy	2
Purpose of Guidance	2
Section 1: Become AWARE	3
A. An Overview of Stalking	3
B. Definition of Terms & Concepts	3
1. Stalking.....	3
2. Course of Conduct	3
3. “Reasonable Person”	4
4. Student-Faculty Relationships:	4
5. Gender-Based Discrimination	4
C. Common Stalking Behaviors	4
D. Stalking as a Form of Violence Against Women & Gender-Based Discrimination	5
E. Violations of University Policy and Idaho Law.....	5
F. Opportunities to Learn More	6
Section 2: REPORT an Incident	7
Options for Reporting:	7
A. To Whom.....	7
1. Confidential Sources	7
Licensed, Professional Counselors.....	7
Medical Professionals.....	8
Pastoral Counselors (Religious or Spiritual Advisors).....	9
Victim Advocates	9
2. Responsible Employees.....	9
3. Law Enforcement	10
B. How	11
1. Anonymous Reporting.....	11
2. Reporting to Responsible Employees & Law Enforcement.....	11
C. When.....	12
Section 3: Receive SUPPORT	12
A. Medical Care	12
B. Emotional Care.....	13
C. Victim Advocacy	14

D. Legal Support	15
E. Protective Orders.....	15
1. No Contact Orders (NCO)	15
2. Civil Protection Order or Domestic Violence Order	16
3. Civil Restraining Orders.....	16
F. University Support Services.....	16
Section 4: How Does the University RESPOND	17
A. Investigations.....	17
1. Federal Mandate to Investigate	17
Requesting Confidentiality from the University.....	17
2. Investigation Timing	18
3. The Investigative Process.....	18
a) Collection of Evidence and Information.....	18
b) Adjudication of Complaints	19
B. Conduct Proceedings for Students ..	19
1. <i>Student Conduct Code</i>	19
2. Types of Conduct Proceedings.....	19
a) Administrative Resolution Meetings:	19
b) Student Conduct Board Hearings	20
3. Standard of Evidence/Information .	20
4. Sanctions	20
5. Notice of Conduct Proceeding Outcomes.....	21
6. Appeals	21
C. Student Rights Pursuant to Investigations & Conduct Proceedings	21
1. Rights of the Complainant	21
2. Rights of the Respondent	23
KEY PERSONNEL	24
Title IX Coordinator:	24
Title IX Deputy Coordinators:	24
Vice President for Student Affairs:	24
Student Conduct Administrator:.....	24

Statement of Policy

Idaho State University (ISU or University) prohibits stalking in all its forms. The following policies contain explicit prohibitions against stalking:

- *Students* – Idaho State University Policies & Procedures (ISUPP) # 5000 – [Student Conduct Code](#)
- *Employees (Faculty, Staff & Contractors)* – Idaho State University Policies & Procedures (ISUPP) # 3100 – Non-Discrimination and Anti-Harassment Policy
- Title IX Notice of Non-Discrimination

These policies affirm the proposition that students have a right to be free from stalking while at the university and as they participate in programs and activities facilitated by or at the University regardless of location. Administrators at the University have written these policies to be consistent with federal, state, and local laws.

Purpose of Guidance

This policy guide is intended to explain how students can benefit from University policies established to address stalking. Simply adopting a policy does not mean that students know how to seek protection from the policy. This document should make the policy easier to understand and improve its application to students. It describes what actions students can take to avail themselves of the policy rights, responsibilities and protections. Those actions include:

- (1) Becoming **AWARE** of what actions or behaviors constitute stalking;
- (2) Learning how to **REPORT** incidents of stalking;
- (3) Receiving or helping others receive **SUPPORT** from the University and community agencies after or during a period of stalking; and
- (4) Understanding the processes the University uses to **RESPOND** to alleged incidents of stalking.

The University wants students to use this guidance to help them make decisions about what they will do if they (or someone they care about) are victimized. It can also help students who have been accused of stalking understand their role and rights in the student conduct process.

Section 1: Become AWARE

This section will help students define terms and concepts related to stalking and explain what they mean in a practical sense.

A. An Overview of Stalking¹

Across the United States, college-aged students are experiencing stalking with greater frequency. In fact, research indicates that people between the ages of 18 and 24 experience the highest rates of stalking.² It is a crime that happens to individuals regardless of their race, ethnicity, gender, gender identity, age, ability, or sexual orientation. Advancements in technology are enabling stalking in troubling ways.

Example 1:

A student repeatedly shows up at another student's on-campus residence, always notifying the front desk attendant that they are there to see the resident. Upon a call to the resident, the student informs residence hall staff that this visitor is uninvited and continuously attempts to see them even so far as waiting for them outside of classes and showing up to their on-campus place of employment requesting that they go out on a date together.

Example 2:

A graduate student working as an on-campus tutor received flowers and gifts delivered to their office. After learning the gifts were from a student they recently tutored, the graduate student thanked the student and stated that it was not necessary and they would appreciate the gift deliveries to stop. The student then started leaving notes of love and gratitude on the graduate assistant's car, both on campus and at home. Asked again to stop, the student stated by email: "You can ask me to stop, but I'm not giving up. We are meant to be together, and I'll do anything necessary to make you have the feelings for me that I have for you." When the tutor did not respond, the student emailed again, "You cannot escape me. I will track you to the ends of the earth. We are meant to be together."³

B. Definition of Terms & Concepts

1. **Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to feel fear.
2. **Course of Conduct** can be defined as a pattern of behavior composed of two (2) or more acts over a period of time, however short, that evidence a continuity of purpose.

¹ For more information about stalking definitions, facts or resources visit: <https://www.victimsofcrime.org/our-programs/stalking-resource-center> or <http://stalkingawarenessmonth.org/>

² Stalking Resource Center provides this figure at <https://www.victimsofcrime.org/our-programs/stalking-resource-center/stalking-information>

³ The NCHERM Group/ATIXA: ATIXA Sex/Gender-Based Harassment, Discrimination and Sexual Misconduct Model Policy, 2015: Lewis, W. S., Schuster, S. K., Sokolow, B. A., and Swinton, D. C.

3. **“Reasonable Person”** is a theoretical concept used to indicate that behaviors should be considered or evaluated from the perspective of people generally. The purpose of including the phrase “reasonable person” in the definition is to ensure that the behaviors are objectively evaluated based on how most people would respond to those behaviors if they experienced them.
4. **Student-Faculty Relationships:** There are inherent risks in any romantic or sexual relationship between individuals in unequal positions. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. For the personal protection of members of the University community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are generally discouraged.⁴
5. **Gender-Based Discrimination:** Gender-based discrimination is a broad concept that includes inequality based on sex or gender that may exist in University programs and all forms of sexual harassment and violence.

C. Common Stalking Behaviors

It is important to remember that stalking is about repeated, persistent, or continuous actions that, taken as a whole, cause people to be afraid. There are many actions that could constitute stalking and the Stalking Resource Center has compiled the following list:

- Unwanted, unwelcome, and uninvited (non-consensual) communication, including face-to-face communication, telephone calls, voice messages, emails, written notes or letters, gifts, or any other communications that are undesired and place another person in fear.
- Use of online, electronic, or digital technologies⁵, including:
 - Posting of pictures or information in chat rooms or on websites
 - Sending unwanted/unsolicited email or chat requests
 - Posting private or public messages on Internet sites, social networking sites, and or school bulletin boards
 - Installing spyware on a victim’s computer or cell phone
 - 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 or “peeping”
- Trespassing
- Vandalism
- Non-consensual touching
- Gathering information about an individual from friends, family, and/or co-workers or peers
- Threats to harm self or others
- Defamation – lying to others about the victim

⁴ Ibid.

⁵ For information about online safety visit: <http://nnedv.org/resources/safetynetdocs.html>

Advancements in technology such as RFID (Radio Frequency Identifiers) tags, GPS, and mobile phone applications can enable stalkers to monitor a person's location without them knowing it. Spyware also enables stalkers to remotely monitor the computers of their victims

D. Stalking as a Form of Violence Against Women & Gender-Based Discrimination

Students may be curious about how stalking can be conceived of as a form of gender-based discrimination prohibited by Title IX of the Educational Amendments of 1972. There are two (2) things students should understand about the connection between stalking and Title IX:

1. **Federal officials have confirmed that Title IX covers acts of stalking.** In a February 28, 2013 letter to State School Officers, Secretary of Education, Arne Duncan, explained that "gender-based violence may include, but is not limited to, sexual assault, intimate partner or teen dating violence, and stalking."⁶
2. **Stalking is a crime and policy infraction that disproportionately impacts women** and as such has the ability to deny or limit the participation of women in educational programs. Consequently, Idaho State University responds to reports of stalking as potential violations of Title IX and the Campus SaVE Act. These federal laws have been established to end gender-based discrimination and violence against women.

Please understand that although the most common manifestations and reports of stalking identify men as perpetrators and women as victims, stalking can occur between two (2) people of any gender or gender identity. All reports of stalking are treated as potential violations of Title IX.

E. Violations of University Policy and Idaho Law

The definitions contained in this policy guidance are the same as those included in the *Student Conduct Code* (ISUPP # 5000). These definitions are not the same as similar criminal acts defined by Idaho State law.

The State of Idaho has passed a law that makes stalking a crime. It is included in the law on Malicious Harassment (Title 18, Chapter 79). The law indicates that the person accused of stalking must "knowingly and maliciously" engage in a course of conduct that causes a person to fear death or physical injury or experience substantial emotional distress. The following two (2) laws are available online:

- [Stalking in the First Degree \(Idaho Statutes 18-7905\)](#)
- [Stalking in the Second Degree \(Idaho Statutes 18-7906\)](#)

For more information visit: <http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>

University conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the [Student Conduct Code](#) (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil

⁶ Key Policy Letters from the Education Secretary and Deputy Secretary, February 28, 2013. To access the letter visit: <http://www2.ed.gov/print/policy/gen/guid/secletter/130228.html>

or criminal litigation in court or criminal arrest and prosecution.

Conduct proceedings under the [Student Conduct Code](#) may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Conduct Administrator in consultation with the [Vice President for Student Affairs](#) and General Counsel.

Determinations made or sanctions imposed under the [Student Conduct Code](#) shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

F. Opportunities to Learn More

The University provides educational programs for its students to help them make informed choices about intimate and sexual relationships. The following is a list of programs that are available to assist students in learning more about healthy relationships, safe sex, and personal safety:

- *Haven* - A 45-minute online educational program for all first-time ISU students (transfer and first-year) that addresses sexual assault, relationship violence and stalking. To complete Haven students can contact the LEAD Center at 208-282-2973.
- *Can I Kiss You* - National presenter, Mike Domitrz, explores the importance of consent and healthy relationships in an engaging and interactive workshop with ISU students. The Janet C. Anderson Gender Resource Center sponsors this event, and information about its details can be obtained by calling 208-282-3590.
- *Gender and Sexuality in Everyday Life Conference* - Each spring semester the Janet C. Anderson Gender Resource Center and the College of Arts & Letters sponsors the conference about how ideas and stereotypes associated with gender and sexuality influence our lives. During the conference educational sessions address topics associated with sexual assault and relationship violence.
- *Rape Aggression Defense (RAD) Courses* - The R.A.D. approach to personal safety is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. For more information about course schedules contact Public Safety at 208-282-2515.

Students may also have opportunities for additional learning through student clubs and organizations and University Housing.

Section 2: REPORT an Incident

ISU encourages students to report incidents of stalking when they have information about them or have been victimized. This section is intended to inform students of their options for reporting.

The University realizes that the decision to report stalking can be agonizing for survivors and difficult for bystanders. For this reason, the University respects the rights of students to choose to whom, how, and when they report.

Sometimes the individual reporting the incident is not the survivor but a friend, roommate, or acquaintance who has information about an incident that occurred. While the information below primarily addresses survivors, the options for reporting (to whom, how, and when) remain the same regardless of who reports the incident.

Options for Reporting:

A. To Whom

The University encourages students who have experienced or are experiencing stalking to tell someone so they can get support and help. The information that is shared can also aid the University in responding appropriately and effectively to acts of violence or misconduct.

One of the most common concerns about reporting to the University is who will know about the report once it is shared. Different employees on campus have different abilities to maintain a survivor's confidentiality.

1. Confidential Sources

Some University employees are able to keep the information that is shared with them confidential, which means they are not required to share any information unless the survivor gives them permission to do so. At ISU, the following staff members will keep your information confidential:

Licensed, Professional Counselors

ISU Main Campus – Pocatello:

Counseling & Testing

(208) 282-2130
921 South 8th Avenue
Pocatello, Idaho 83209
<http://www.isu.edu/ctc/>
Counseling is provided to students free of charge.

Counseling Clinic

208-240-1609
7th Floor Garrison Hall
<http://www.isu.edu/hpcounsl/center.shtml>
Low cost counseling for students and the community.

Center for New Directions

282-2454
Roy F Christensen Building (College of Technology)
Room 372
<http://www.isu.edu/cnd/>
Free and confidential personal counseling.

Psychology Clinic

208-282-2129
5th Floor Garrison Hall
<http://www.isu.edu/psych/psychologyclinic.shtml>
Counseling for students and the community on a sliding fee scale.

Satellite Campuses:

Idaho Falls:

University Counseling and Testing Services - Idaho Falls Campus

(208) 282-7750

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/idahofalls/counseling>

Counseling is provided to students free of charge.

Meridian:

ISU-Meridian Department of Counseling

(208) 373-1719

Address

<http://www.isu.edu/hpcouns/boiseclinic.shtml>

Free counseling for ISU students, low cost counseling for the community.

Twin Falls:

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

Medical Professionals

ISU Main Campus – Pocatello:

University Health Center

(208) 282-2330

990 Cesar Chavez Ave

Pocatello, ID 83209

<http://www.isu.edu/stuhlth/>

Satellite Campuses:

Idaho Falls:

ISU Health Center- Idaho Falls Campus

(208) 282-7826

1784 Science Center Dr.

Idaho Falls, ID 83402

<http://www.isu.edu/stuhlth/if.shtml>

Meridian:

Unity Health Center

745 S. Progress Avenue

Meridian, ID

(208) 895-6729

www.uhcidaho.com

Twin Falls:

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.

Chris Vaage, Director

208-933-2301

Survivors who speak with one of these confidential sources can work with them to learn about and receive additional support from the University. Such support may include adjustments or modifications to course or work schedules, changes in room assignments within University Housing, and services for academic, emotional, and personal support.

Sharing information with a confidential source on campus will not inform the University of the incident. For this reason, the University will be unable to conduct an investigation or pursue disciplinary action against the alleged perpetrator.

Although they are not employed by Idaho State University, some community resources can offer confidentiality as well. They include:

Pastoral Counselors (Religious or Spiritual Advisors)

A list of religious leaders near the Idaho State University – Pocatello Campus is available on the [Student Affairs home page](#) or by following this link: [Religious Support Services](#).

Victim Advocates

Pocatello:

Family Services Alliance of Southeast Idaho

24 hour crisis line: (208) 251-HELP (4357)

To make an appointment: (208) 232-0742

355 S. Arthur Avenue

Pocatello, ID 83204

<http://fsalliance.org/>

Free and confidential victim advocacy and counseling services available.

Idaho Falls:

Domestic Violence and Sexual Assault Center

24 hour crisis line 208-235-2412

To make an appointment: 208-529-4352

1050 Memorial Dr

Idaho Falls, ID 83402

<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>

Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

Twin Falls:

Crisis Center of Magic Valley

24 hour crisis line (208) 733-0100

To make an appointment: 800-882-3236

P O Box 2444• Twin Falls

Idaho 83303-2444

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

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

Meridian:

Family Advocacy Center and Education Services - FACES

24 hour crisis line (208) 345-7273

To make an appointment: (208) 577-4400 or 208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

Women's and Children's Alliance

24 hour crisis line (208) 345-7273

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

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

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

2. Responsible Employees

A “responsible employee” is a University staff or faculty member with:

- The authority to stop, prevent or remedy the effects of stalking;
- The duty to report stalking or other student misconduct; or
- A role on campus that would lead a student to reasonably believe the employee has this authority or duty.

At ISU, nearly all faculty, staff and employees meet the definition of a responsible employee. Responsible employees are required to report all relevant details about the alleged stalking that are shared with or observed by them.

If a student tells a faculty, staff or employee, they should expect that person to share the report with the Title IX Coordinator. This includes the names of the involved parties, and any known witnesses. Responsible employees will also be expected to share facts about the date, location, and time of the alleged incident.

Although responsible employees cannot offer strict confidentiality, the information they share with the Title IX Coordinator will only be shared with the University administrators responsible for responding to the report. In other words, the only people that will receive the information need to know it so they can act to stop the incidents of stalking, remedy its effects, and prevent it from happening again.

The most common responsible employees at Idaho State University include the staff members in the following offices:

University Housing (Resident Assistants, Hall Directors, Assistant Directors)
Club Advisors
The Office of Student Affairs
Public Safety
The Office of Equal Opportunity, Affirmative Action and Diversity
Athletic Department (Coaches, Assistant Coaches, Athletic Directors)

Instructors, teaching assistants, lab assistants or clinical advisors are also responsible employees.

Responsible employees are trained to inform students of their obligation to report information to the Title IX Coordinator. They may interrupt a student who is reporting an incident before all of the facts or details are revealed to confirm that the student understands this obligation.

If the student decides they would prefer to tell a confidential source, the responsible employee can help put them in contact with an appropriate individual.

See [Section 5.A.1](#) for information on requesting confidentiality from the University after an incident has been reported to the Title IX Coordinator.

3. Law Enforcement

Survivors may choose whether or not they would like to report incidents of stalking to local law enforcement. There is no obligation to report to law enforcement officers and the University will not pressure survivors to do so but will offer assistance if it is requested.

When survivors report an incident of stalking to a law enforcement officer, they are not obligated to pursue a criminal investigation or press charges. Law enforcement officers will consider requests to do nothing if that is preferred.

ISU Public Safety officers are not sworn law enforcement officers but maintain strong collaborative relationships with local law enforcement wherever an ISU campus is located.

ISU's Public Safety staff prefers to inform the local law enforcement agencies when they receive reports of stalking, but will consider requests to refrain from notifying the police.

The following law enforcement agencies have jurisdiction over ISU campuses:

Pocatello:
Pocatello Police Department
Emergency: 9-1-1
Rape Crisis Line: 251-4357
911 N. 7th Ave.
Pocatello, ID 83201
208-234-6100
http://www.pocatello.us/police/police_vs.htm

Idaho Falls:
Idaho Falls Police Department
Emergency: 9-1-1
605 N. Capital Ave
Idaho Falls, ID 83402
208-529-1200
<http://www.idahofallspolice.com/>

Meridian:
Meridian Police Department
Emergency: 9-1-1
1401 E Watertower Ave
Meridian, ID 83642
208-888-6678
<http://www.meridiancity.org/police.aspx>

Twin Falls:
Twin Falls Police Department
Emergency: 9-1-1
356 Third Ave. E.
Twin Falls, ID 83303
208-735-4357
<http://www.tfid.org/index.aspx?nid=186>

B. How

Student experiencing stalking may share information in any way that is comfortable for them, this includes sharing the information anonymously.

1. Anonymous Reporting

Anonymous reports can assist the University in its efforts to comply with federal laws with respect to reporting crimes and in identifying patterns that could be concerning. Anonymous reporting may limit the University's ability to investigate or take disciplinary action.

To submit an anonymous report, please use the following resource:
[Public Safety Anonymous Reporting Form](#)

2. Reporting to Responsible Employees & Law Enforcement

Students choosing to share information with a responsible employee at ISU can send letters or emails, or talk with them in person. If students choose to speak directly to a responsible employee, the employee may take notes or write down facts and details.

If the student is able to remember, the following facts can be very helpful for the University in conducting investigations:

- Exact date(s) and time(s) of the alleged incident(s)
- The alleged perpetrator's name (if known). If not known, providing information about their physical description is helpful.
- The names of witnesses or potential witnesses
- The location of the alleged incident(s)
- Any text messages, emails, or social media posts related to the incident

Student experiencing stalking are encouraged to write down incidents of stalking. To assist students in the process, the University can provide the Stalking Resource Center's Stalking Incident and Behavior Log. Documenting each incident of interaction with the alleged stalker can help law enforcement and University administrators during the investigation and disciplinary proceedings that may follow.

C. When

The University does not impose a deadline for reporting incidents of stalking. However, there are advantages to reporting an incident as soon as possible.

When reported soon after the incident, the University and law enforcement may be able to collect relevant evidence that can be lost with time. For example, surveillance video of the campus is usually only kept for thirty (30) days. Reporting within the first thirty (30) days of the incident could allow for surveillance footage to be accessed and permanently stored.

Section 3: Receive SUPPORT

Within the University and surrounding communities there are many resources to support survivors of stalking. This section provides the contact information for service providers and shares advice about how to access the services.

A. Medical Care

Stalking can include acts of physical and/or sexual violence. The infliction of physical harm can result in the need for medical care and attention. The University provides convenient and affordable medical care through the University Health Center on the Pocatello Campus and through our affiliated health centers on our satellite campuses.

ISU Main Campus – Pocatello:

University Health Center

(208) 282-2330
990 Cesar Chavez Ave
Pocatello, ID 83209
<http://www.isu.edu/stuhlth/>

Satellite Campuses:

Idaho Falls:

ISU Health Center- Idaho Falls Campus

(208) 282-7826
1784 Science Center Dr.
Idaho Falls, ID 83402
<http://www.isu.edu/stuhlth/if.shtml>

Meridian:

Unity Health Center

745 S. Progress Avenue
Meridian, ID
(208) 895-6729
www.uhcidaho.com

Twin Falls:

Contact ISU- Twin Falls Administrative Offices to be put in touch with available campus support services.
Chris Vaage, Director
208-933-2301

In the event that stalking has led to or includes sexual violence, survivors may want to receive a sexual assault examination, emergency contraception, and/or screening for sexually transmitted infections (STIs). These procedures and services conducted by certified Sexual Assault Nurse Examiners (SANEs), can be obtained at the following locations near an ISU campus:

Pocatello:
Portneuf Medical Center
777 Hospital Way
Pocatello, ID 83201
(208) 239-1000
www.portmed.org

Idaho Falls:
Eastern Idaho Regional Medical Center
3100 Channing Way
Idaho Falls, ID 83404
(208) 208-529-7910
www.eirmc.com

Twin Falls:
St Lukes Magic Valley
801 Pole Line Road W.
Twin Falls, ID 83301
208-814-1400
http://www.stlukesonline.org/magic_valley/

Meridian:
St. Luke's Meridian
520 S. Eagle Rd
Meridian, ID 83642
(208) 706-5000
<http://www.stlukesonline.org/meridian/>

**Family Advocacy Center and Education Services
- FACES**
24-Hour Crisis Line (208) 345-7273
417 S. 6th St.
Boise, ID 83702
(208) 577-4400 or 208-377-6790
<http://www.facesofadacounty.org>

Private insurance companies may cover the costs of examinations. If an individual does not have insurance, or is concerned about the cost, the State of Idaho Crime Victims Compensation program may be able to cover the cost of the exam.

Victim advocates may accompany survivors to the medical examination and be present during the exam. Having an advocate present can be very helpful and provide reassurance and emotional support, and assistance with any paperwork.

For more information about what will happen during a sexual assault exam or receiving funding through the Crime Victims Compensation program, contact one of the victim advocate offices listed in Section C below.

B. Emotional Care

Stalking typically takes a significant emotional toll on the person being stalked. Victims of stalking articulate experiencing emotions of fear, anxiety, vulnerability, insecurity, irritability, impatience, depression, feeling overwhelmed, or angry. The intensity of these emotions can also produce physical health problems such as more frequent illness, headaches, and/or loss of appetite.

To assist people with addressing these emotions, the University provides several free or low-cost options for personal counseling.

ISU Main Campus – Pocatello:

Counseling & Testing

(208) 282-2130
921 South 8th Avenue
Pocatello, Idaho 83209
<http://www.isu.edu/ctc/>
Counseling is provided to students free of charge.

Counseling Clinic

208-240-1609
7th Floor Garrison Hall
<http://www.isu.edu/hpcounsl/center.shtml>
Low cost counseling for students and the community.

Center for New Directions

282-2454
Roy F Christensen Building (College of Technology)
Room 372
<http://www.isu.edu/cnd/>
Free and confidential personal counseling.

Psychology Clinic

208-282-2129
5th Floor Garrison Hall
<http://www.isu.edu/psych/psychologyclinic.shtml>
Counseling for students and the community on a sliding fee scale.

Satellite Campuses:

Idaho Falls:

University Counseling and Testing Services - Idaho Falls Campus
(208) 282-7750
1784 Science Center Dr.
Idaho Falls, ID 83402
<http://www.isu.edu/idahofalls/counseling>
Counseling is provided to students free of charge.

Meridian:

ISU-Meridian Department of Counseling
(208) 373-1719
Address
<http://www.isu.edu/hpcounsl/boiseclinic.shtml>
Free counseling for ISU students, low cost counseling for the community.

Twin Falls:

Contact ISU-Twin Falls Administrative Offices to be put in touch with available campus support services.
Chris Vaage, Director
208-933-2301

C. Victim Advocacy

A victim advocate is a trained support person that works with victims of crime. Often victim advocates are members of community action agencies dedicated to preventing and responding to domestic violence, dating violence, and sexual violence. Stalking often accompanies these forms of violence or is part of a larger pattern of aggressive and adverse behavior.

Victim advocates provide several supportive services such as personal safety planning, identifying alternative safe housing, accompanying victims to judicial or administrative proceedings, and referring victims to other care-based services.

The following victim advocacy agencies are available in communities where ISU maintains a campus:

Pocatello:

Family Services Alliance of Southeast Idaho
24 hour crisis line: (208) 251-HELP (4357)
To make an appointment: (208) 232-0742
355 S. Arthur Avenue
Pocatello, ID 83204
<http://fsalliance.org/>
Free and confidential victim advocacy and counseling services available.

Idaho Falls:

Domestic Violence and Sexual Assault Center
24 hour crisis line 208-235-2412
To make an appointment: 208-529-4352
1050 Memorial Dr
Idaho Falls, ID 83402
<https://www.facebook.com/pages/Domestic-Violence-Sexual-Assault-Center/123279711082925>
Free services offered to victims of sexual assault and domestic violence including individual counseling, support groups, court advocacy and outside referrals.

Twin Falls:

Crisis Center of Magic Valley

24 hour crisis line (208) 733-0100

To make an appointment: 800-882-3236

P O Box 2444 • Twin Falls

Idaho 83303-2444

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

24-hour crisis line, shelter home, individual and group counseling sessions, legal/court advocacy, childcare, and transportation.

Meridian:

Family Advocacy Center and Education Services - FACES

24 hour crisis line (208) 345-7273

To make an appointment: (208) 577-4400 or 208-377-6790

417 S. 6th St.

Boise, ID 83702

<http://www.facesofadacounty.org>

24/7 forensic medical services and support for sexual assault victims.

Women's and Children's Alliance

24 hour crisis line (208) 345-7273

To make an appointment: 208-343-3688

720 West Washington St.

Boise, ID 83702

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

Trained staff provide guidance and support for survivors of sexual assault as well as court advocacy, counseling, and support groups for survivors.

D. Legal Support

Because stalking is a crime in the State of Idaho, working with an attorney to identify information that can be relevant to a prosecution or seeking court order protection may be helpful. There are various options for legal support through the University and community.

ASISU Legal Services:

208-282-3435 to schedule an appointment

Free general legal advice for ISU students during the academic year. An attorney is available in the ASISU Office for 15-minute consultations twice a month.

Idaho State Bar Association's Lawyer Referral Service :

(208) 334-4500

<http://www.isb.idaho.gov/general/findattorney.html>

Idaho Legal Aid:

Pocatello: 233-0079

Idaho Falls: 208-524-3660

Twin Falls: 208-734-7024

Boise: 208-345-0106

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

Legal representation and community education for low income Idahoans.

E. Protective Orders

Within the State of Idaho, individuals experiencing stalking may be able to secure a protection order to ensure that they do not have to interact with the alleged perpetrator. Depending on the circumstances of the incident, there are three (3) options: no contact orders, civil protection orders, and civil restraining orders.

1. No Contact Orders (NCO)

If an alleged perpetrator has been arrested for a crime, the survivor may request a no contact order from a judge. The NCO is entered into the law enforcement reporting system

and is enforced by law enforcement officers. ISU Public Safety Officers can assist local law enforcement in enforcing NCOs.

2. Civil Protection Order or Domestic Violence Order

When an incident involves domestic or dating partners, the survivor may be able to secure a civil protection order or domestic violence order. It is strongly advised that survivors work with a victim advocate to petition for civil protective orders or domestic violence orders because advocates have experience filing the necessary paperwork. Securing a civil protective order or domestic violence order depends on the survivor being able to demonstrate (a) that the survivor and alleged perpetrator had a dating or domestic relationship, and (b) that there has been an act of violence or will be an immediate act of violence.

When a petition is received and approved by a judge, the initial order is entered for the period of fourteen (14) days and a hearing is set to consider extending the order for a longer period of time, usually one (1) year. At the hearing, the judge will consider the need for the order and if the need is demonstrated, the order will be extended for one (1) year.

Civil protection orders are the most common instrument for preventing interaction between the survivor and alleged perpetrator. ISU Public Safety Officers can assist local law enforcement in enforcing civil protection orders.

3. Civil Restraining Orders

Although more expensive to obtain, survivors may employ an attorney to seek a restraining order against an alleged perpetrator in civil court. This option is more expensive because it requires legal representation from an attorney. Restraining orders are not enforceable by law enforcement officers. Violations of restraining orders must be presented in court for enforcement.

F. University Support Services

The University can provide survivors with support beyond medical and emotional care. This includes taking such actions as:

- Changing living arrangements for students that reside in University housing
- Changing course sections or seeking alternatives for face-to-face instruction (online or distance education, independent study, etc.)
- Altering on-campus work schedules
- Re-arranging campus transportation
- Advocating for survivors with faculty to accommodate missed classes, assignments, or exams
- Assisting with withdrawals (processing paperwork, guiding students through the process, discussing the implications for financial aid eligibility, seeking refunds of tuition and fees, etc.)
- No Contact Letters

Section 4: How Does the University RESPOND

A. Investigations

When students are involved in a University investigative process, the survivor is referred to as the “Complainant” and the accused is referred to as the “Respondent.”

1. Federal Mandate to Investigate

ISU is required by federal law to investigate all reports of stalking when it is notified of such actions or behavior. Although students may not want the University to investigate reports, the University has an obligation to provide an educational environment that is safe and free from gender-based discrimination and stalking for all students. The University must balance the interests of all students with the interests of those students who have been victimized in an effort to prevent future harm. In conducting investigations, the University’s investigators seek to be sensitive to the needs of those students who have been victimized and those students who have been accused. Investigators strive to be fair, impartial and thorough.

Requesting Confidentiality from the University

After an incident of stalking has been reported to the University, the Complainant can request that the University:

- Keep their personal identifying information confidential, and/or
- Refrain from investigating or taking any disciplinary action against the Respondent.

These requests should be submitted, in writing, to the Title IX Coordinator. The Title IX Coordinator will then evaluate the Complainant’s request based on whether honoring the request would interfere with the University’s legal obligation to provide a safe and non-discriminatory environment for all members of the campus community.

The Title IX Coordinator considers the following factors in determining whether the confidentiality request can be honored:

1. The risk and likelihood of the Respondent engaging in stalking behavior in the future.
The Title IX Coordinator will check to see if:
 - The Respondent has any other complaints in their educational records;
 - The Respondent has a history of arrests or disciplinary records at another school or college;
 - The Respondent threatened the Complainant with further violence or violence against others; or
 - Multiple perpetrators participated in the stalking behavior.
2. The use or attempted use of a weapon while engaging in stalking.
3. The ability of the Complainant to advocate for their interests. Violence or misconduct against vulnerable persons (minors, elderly, disabled) is particularly concerning to the University because the University has heightened obligations to protect them due to their vulnerabilities.
4. The existence of a pattern of predation or perpetration.

Reports that indicate one or more of the preceding factors exist will likely lead the University to investigate and act notwithstanding the request for confidentiality. Reporting Parties should know that these circumstances are rare, and even though the University may not honor the request for confidentiality, they will take every available precaution to keep the Complainant safe.

2. Investigation Timing

The Department of Education has advised colleges and universities to be timely in conducting their investigations. From the time the University receives notice of stalking, investigators and conduct administrators have sixty (60) calendar days to collect relevant information about the alleged misconduct, and, if appropriate, complete student conduct proceedings. Depending on when the institution is notified and the complexity of the reports, the investigation may take longer, but students will be informed in writing of anticipated delays.

The University's investigation is separate from an investigation conducted by law enforcement. The University cannot delay its investigation to accommodate a law enforcement investigation. When possible, University investigators and law enforcement investigators will cooperate to avoid delays.

3. The Investigative Process

There are two (2) distinct parts of each investigation: a) the collection of evidence and information, and b) the adjudication of reports that are supported by the evidence that is collected. Not all reports of gender-based discrimination and/or stalking reach the second stage because there is insufficient evidence to recommend conduct proceedings.

a) Collection of Evidence and Information

The first task of investigators is to identify and document relevant information regarding the report of stalking. Initially, investigators begin by collecting information from objective sources such as video footage from surveillance cameras, key access logs, electronic/digital records (e.g. social media websites), and any information collected by Public Safety. These sources of information do not require the Complainant or the Respondent to participate in the collection process.

In addition to objective sources, investigators also speak with the Complainant, the Respondent, and witnesses if there are any. These people are considered subjective sources because they share their personal view, perspective and memory of events. Investigators may audio record conversations and take notes to capture all of the relevant information that is shared. Investigators may meet with these individuals more than once to confirm they have accurately recorded the information.

It is helpful to the investigation if involved parties are able to provide evidence such as text messages, emails, voicemails, or social media messages and posts. Students are encouraged to retain as much of this information as possible and to share it with investigators.

Investigators summarize and organize the information they collect into a report. When possible, investigators offer analysis and evaluation of the information and

evidence, and recommend whether the report should be adjudicated through student conduct proceedings. The report is available for the Complainant and the Respondent to review. In the event the report recommends the Respondent participate in conduct proceedings, both the Complainant and Respondent will be given access to the report to prepare for the conduct proceedings.

b) Adjudication of Complaints

When the person accused of stalking is a student, the ISU [Student Conduct Code](#) (ISUPP # 5000) is used to adjudicate the complaint. The process and procedures are described in detail in Article IV. A summary of the process and procedures are included here.

When the person accused of stalking is an employee (faculty, staff, or administrator) the University relies on the process and procedures set forth in the following policies:

- Suspension, Dismissal, Termination, and Demotion of Classified Employees.
- Suspension, Dismissal, Termination, and Demotion of Non-Classified Employees (Faculty are subject to this policy).

B. Conduct Proceedings for Students

1. Student Conduct Code

ISU's [Student Conduct Code](#) (ISUPP # 5000) establishes the process and procedural guidelines for adjudicating reports of gender-based discrimination and/or stalking perpetrated by students.

2. Types of Conduct Proceedings

There are two (2) types of conduct proceedings outlined in the [Student Conduct Code](#): Administrative Resolution Meetings and Student Conduct Board Hearings.

a) Administrative Resolution Meetings:

An Administrative Resolution Meeting occurs when there is sufficient evidence for a University Conduct Officer to determine, by a preponderance of the available evidence, that a violation of *the* [Student Conduct Code](#) occurred. Administrative Resolution Meetings typically result from reports that are supported by clear objective evidence and few if any disputed facts. Although the Respondent may deny having violated the [Student Conduct Code](#), if they cannot support that denial with evidence, the Conduct Officer may find them responsible and impose commensurate sanctions. The Respondent may reject this finding and appear before the Student Conduct Board.

Administrative Resolution Meetings are facilitated by Conduct Officers, not the Student Conduct Board. Although the Complainant will be informed of the outcome of the Administrative Resolution Meeting, they typically do not participate.

b) Student Conduct Board Hearings

When the Respondent rejects the finding and sanctions determined during an Administrative Resolution Meeting a Student Conduct Board meeting is held. Student Conduct Boards are comprised of between three (3) and five (5) faculty, staff, and/or students. The Conduct Board determines responsibility and imposes commensurate sanctions if the Respondent is found responsible.

Both the Complainant and the Respondent may attend and participate in the Conduct Board hearing but are not required to do so. They may each bring an advisor who may act as support during the proceedings.

3. Standard of Evidence/Information

The University's conduct proceedings employ the same standard of evidence regardless of the type of proceeding. In any proceeding, the adjudicator or finder of fact must determine if the Respondent was responsible for a policy violation by a **preponderance of the evidence**. The word preponderance means "to exceed in weight, influence, power or importance."

The Respondent is found responsible when the available information or evidence indicating they are responsible outweighs the information and evidence that may indicate they are not responsible. The Student Conduct Board and University Conduct Officers have a simple question to answer: "Is it more likely than not that the Respondent did what they are accused of?" If the answer is yes, then the student is found responsible.

The preponderance of the evidence is a lower standard of evidence than the one used in the criminal justice system – beyond a reasonable doubt.

4. Sanctions

The Student Conduct Code enumerates twelve (12) possible sanctions for students found responsible for gender-based discrimination and/or stalking. The most lenient sanction is a written warning. The most severe sanction is expulsion, or permanent separation, from the University. Short of expelling a student, the Conduct Officer or Student Conduct Board may choose to place the Respondent on probation or suspend them. A suspension is a separation from the University for a defined period of time not to exceed two (2) years. Probation enables a student to remain enrolled at the University but imposes limits and loss of privileges.

The process of sanctioning Responding Parties who have been found responsible is based on analyzing certain factors and elements of the violation. Some of those factors and elements include:

- How significant was the actual harm caused by the Respondent's actions?
- How significant was the potential harm that could have been caused by the Respondent's actions?
- Has the Respondent violated University policies or laws before?
- How have students engaged in similar misconduct been sanctioned by the University in the past?

- What sanctions may deter the Respondent from engaging in the same behavior in the future?

5. Notice of Conduct Proceeding Outcomes

When a Conduct Officer or Student Conduct Board reaches an outcome, there are three (3) distinct parts to each outcome:

- The Finding: Responsible or Not Responsible
- The Rationale: What information, evidence or facts persuaded the Conduct Officer or Conduct Board to reach the finding
- The Sanctions

Verbal notice of the outcome will be provided to both the Complainant and the Respondent within forty-eight (48) hours of the conclusion of the hearing. Written notice will be provided within five (5) business days.

6. Appeals

Both the Complainant and the Respondent may appeal the outcome of conduct proceedings to the Vice President for Student Affairs or his/her designee(s). Appeals must be based on one (1) or more of the following reasons and substantiated by credible information:

- New information that was unavailable at the time of the conduct proceeding would alter the outcome and should be considered;
- A procedural irregularity resulted in the conduct proceeding being prejudiced or unfair to the Complainant or the Respondent;
- The Conduct Officer or Conduct Board reached its outcome without achieving a preponderance of the evidence standard;
- The sanctions imposed were not commensurate with the violation.

Simply requesting an appeal does not mean the outcome will be reconsidered. The Vice President for Student Affairs must be persuaded that one (1) of the four (4) reasons listed above has been satisfied in the request for an appeal.

If the appeal is granted, the Vice President for Student Affairs or his/her designee(s) will reconsider the outcome of the conduct proceeding and determine how to correct it in light of the identified inadequacy.

C. Student Rights Pursuant to Investigations & Conduct Proceedings⁷

To achieve fairness and impartiality, the University affords both the Complainant and the Respondent similar rights.

1. Rights of the Complainant

Sometimes these are referred to as the rights of the victim, survivor or complainant.

⁷ University of Virginia - Survivor's Bill of Rights
The Federal Campus Assault Victims' Bill of Rights (July 1992)

- a) The Complainant may choose whether or not to report incidents of gender-based discrimination and/or stalking to the University and/or law enforcement. Even after reporting, they are able to determine the level of their participation in the ensuing investigation and conduct proceedings.
- b) The Complainant has a right to have the information they share protected by those individuals to whom they report. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- c) The Complainant has a right to be free from retaliation for reporting an incident of gender-based discrimination and/or stalking. Retaliation occurs when the Complainant is treated adversely by others for reporting an incident or participating in an investigation or conduct proceeding.
- d) The Complainant has a right to be notified in writing of meetings at which they are expected to participate. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting.
- e) The Complainant may be accompanied by an advisor (e.g. a support person) of their choosing to any meetings pursuant to an investigation including conduct proceedings and appeals. If requested, the University will recommend a faculty or staff member who has been trained on investigations and conduct proceedings to serve as an advisor.
- f) The Complainant may request that their living and learning environment be modified to support their success as a student, and to avoid being re-victimized by being forced to interact with the Respondent. Modifications typically include re-assigning the Respondent to a new residence hall, class section, or work assignment. The Complainant will not be asked to make any change unless they request it.
- g) The Complainant may request that the University take precautions to ensure their safety during investigation meetings and conduct proceedings.
- h) The Complainant may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- i) The Complainant may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Complainant to persuade their witnesses to participate.
- j) The Complainant has a right to review the information and evidence collected during the investigation. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- k) The Complainant may ask that witnesses or the Respondent answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant and being offered in good faith.
- l) The Complainant has a right to have conduct decisions based solely on the information or evidence pertaining to the alleged violation, not on their sexual history or past relationships.
- m) The Complainant has a right to appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- n) The Complainant will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and/or the outcome of an appeal if granted, simultaneously with the Respondent.

2. Rights of the Respondent

Sometimes these are referred to as the rights of the accused, or respondent.

- a) The Respondent has a right to have the information they share protected by those individuals with whom they share it. In the case of confidential sources, no information will be shared with others. In the case of information shared with responsible employees, only those individuals who “need to know” for the purpose of responding to the information will receive it.
- b) The Respondent has a right to be free from harassment or vigilantism for being accused of gender-based discrimination and/or stalking. Although the Complainant may be subject to reassignment of residence halls, course sections or work assignments, these actions are not punitive but precautionary to prevent further accusations.
- c) The Respondent has a right to be notified, in writing, when they are requested to schedule or participate in a meeting. The time between the date of notification and the date of the meeting should provide the student with adequate time to prepare for the meeting. The Respondent is expected to attend investigative meetings and conduct proceedings, and may be charged with failing to comply with the request of a University official if they do not attend.
- d) The Respondent may have an advisor of their choosing accompany them to any meeting held during an investigation and/or conduct proceeding. If requested, the University will recommend an advisor who is familiar with the investigation and conduct proceeding processes.
- e) The Respondent may challenge the service of Conduct Board Members or Conduct Officers if there is a reasonable, factual basis for believing they cannot serve impartially.
- f) The Respondent may present evidence and information and offer witnesses as part of an investigation and conduct proceedings. The University cannot force witnesses to participate so it is up to the Respondent to persuade their witnesses to participate.
- g) The Respondent has a right to refrain from answering questions during investigative meetings and conduct proceedings. Students should be aware that not attending a meeting or choosing not to answer questions could still lead to an unfavorable outcome because the University can make a decision based on the information it is able to obtain notwithstanding the Respondent’s absence or silence in the process.
- h) The Respondent will have an opportunity to review the investigative report. They will be able to submit an addendum to the investigative report that identifies perceived inaccuracies and offers an alternative explanation for those perceived inaccuracies.
- i) The Respondent will have an opportunity to review and challenge the evidence or information that has been shared by the Complainant leading up to a conduct proceeding so they can adequately prepare for the proceeding.
- j) The Respondent may ask that witnesses or the Complainant answer specific questions by sharing those questions with the investigator, Conduct Officer or Chair of the Conduct Board. Those questions will be evaluated to ensure they are relevant, being offered in good faith and will not potentially re-victimize the Complainant.
- k) The Respondent may appeal a conduct proceeding outcome provided they can articulate and substantiate a reason for their appeal.
- l) The Respondent will be informed of the outcome of any conduct proceeding, whether or not an appeal will be granted, and/or the outcome of an appeal if granted, simultaneously with the Complainant.

KEY PERSONNEL

Title IX Coordinator:

Stacey Gibson

Director of Equal Opportunity, Affirmative Action and Diversity
157 Rendezvous
921 South 8th Ave. Stop 8315
Pocatello ID 83209-8315
(208) 282-3973
gibssta2@isu.edu

Title IX Deputy Coordinators:

For Students:

Jacob Johnson

Director of Student Life
PSUB, Hypostyle, Room 204
921 South 8th Ave. Stop 8123
Pocatello ID 83209-8315
(208) 282-2794
johnjac8@isu.edu

For Athletics:

Nancy Graziano

Associate Athletic Director
South Side Holt Arena, Athletic Admin., Room 135K
921 South 8th Ave. Stop 8173
Pocatello ID 83209-8315
(208) 282-4503
graznanc@isu.edu

For Faculty, Staff and Visitors:

Brian Sagendorf

Director of Human Resources
Administration Building 108
921 South 8th Ave. Stop 8107
Pocatello ID 83209-8315
(208) 282-2517
sagebria@isu.edu

Vice President for Student Affairs:

Patricia Terrell, Ed.D.

PSUB, Hypostyle, Room 204
921 South 8th Ave. Stop 8123
Pocatello ID 83209-8315
(208) 282-2315
terrpatr@isu.edu

Student Conduct Administrator:

Jacob Johnson, Ph.D.

Director of Student Life
PSUB, Hypostyle, Room 204
921 South 8th Ave. Stop 8123
Pocatello ID 83209-8315
(208) 282-2794
johnjac8@isu.edu