

# Sexual Misconduct Policy

## Purpose

Sexual misconduct is contrary to the Catholic Church teaching on human dignity, and therefore opposed to the Christian community and spirituality of Magdalen College. Students, faculty, staff and administrators of the College must comply with all applicable laws regarding sexual misconduct and with the procedures outlined in this policy.

## Statement of the Policy

For the purpose of this policy, sexual misconduct includes a range of behaviors used to obtain sexual contact against a person's will.

- Sexual misconduct includes all sex offenses prohibited under federal law.
- Sexual misconduct includes, but is not limited to, date rape, stranger rape, indecent exposure, and attempted sexual acts by use of verbal or non-verbal threats.
- Sexual misconduct includes sexual contact without consent by an acquaintance or a stranger and includes:
  1. Intentional touching without consent, either of the victim or when the victim is forced to touch, directly or through clothing, another person's genitals, breast, groin, thighs or buttocks;
  2. Rape, or attempted rape, as defined by the federal government:

<https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/violent-crime/rape>

To constitute lack of consent, the act must be committed either:

1. By threat, force, or intimidation;
2. Through the use of the victim's mental or physical inability, such as when the victim is physically or mentally incapacitated by alcohol or other drugs, or when the victim suffers from a mental state which renders him or her incapable of understanding the nature of the contact; or
3. When the victim is less than sixteen years of age.

## What to do if you are sexually assaulted

- Go to a safe place.
- Call the Dean On-Call (603-731-2782) or the Warner, NH Police Department (603-456-3433) or in the case of an emergency call 911, even if you do not want to press charges. You will be assisted in getting

immediate and critical medical attention. **Even if you choose not to contact authorities, you are encouraged to seek medical assistance.**

- Contact the **NH Sexual Assault 24-hour Hotline** at (1-800-277-5570)
- Consider talking with someone you trust — a relative, a resident assistant, a residence hall director, a good friend, a pastor – for the much-needed support you deserve.
- Do not shower or douche. While at the hospital, you will be checked for physical injuries, and evidence will be collected in case you decide to press charges. Going to the hospital does not mean that you will need to press charges. You can decide that later.
- Explore legal avenues for criminal and/or civil action as well as utilizing on- campus reporting procedures, including the College’s disciplinary system.
- Allow yourself time to heal. Seek counseling services – resources on mental and physical health facilities can be found through the Office of Student Life

## Reporting

Anyone who is the subject of sexual misconduct should promptly report such matter to one of the following College officials: the Title IX Coordinator, Deans of Student Life or the Chief Operating Officer.

The contact information is:

### Title IX Coordinator

Alexander Ferrant  
Assistant Dean of Students  
(603) 456-2656 x122  
Magdalen College  
511 Kearsarge Mtn Rd.  
Warner, NH 03278  
[aferrant@magdalen.edu](mailto:aferrant@magdalen.edu)

### The Office of Student Life

Katherine Pajor  
Dean of Students  
(603) 456-2656 x114  
Magdalen College  
511 Kearsarge Mtn Rd.  
Warner, NH 03278  
[kpajor@magdalen.edu](mailto:kpajor@magdalen.edu)

### Human Resources

Dan Peterson  
Chief Operating Officer  
(603) 456-2656 x117  
Magdalen College  
511 Kearsarge Mtn Rd.  
Warner, NH 03278  
[dpeterson@magdalen.edu](mailto:dpeterson@magdalen.edu)

A complaint shall be recorded to writing, including dates, names, and the nature of the incident. All reports of sexual misconduct are treated with respect to the privacy of the involved individuals. Incidents are reported as statistics without identifying information in the College’s annual security report. The individual receiving the report shall advise the victim of their legal right to pursue criminal charges against the perpetrators.

## **Victim Assistance**

A report of sexual misconduct will be handled as follows:

1. If a medical emergency exists, appropriate action will be taken.
2. The victim will be informed of his/her right to make a report to appropriate law enforcement officials, and will be encouraged to do so. Victims are advised that the College will assist and support them in reporting the incident to law enforcement officials. It is recognized that a victim may be undecided in reporting the misconduct to law enforcement authorities. In any event, the victim will be informed of the importance of evidence and encouraged to not destroy evidence. At the direction of criminal investigators, the College will assist in obtaining, securing and maintaining evidence.
3. A victim who does not wish to see law enforcement officials will be encouraged to seek medical consultation to address physical problems, fear of injury and sexually transmitted disease or pregnancy.
4. The Magdalen College community actively supports sexual misconduct victims. Individuals who report being the victim of sexual misconduct will be notified of professional counseling services, mental health and other services available.
5. Students who have been the victim of sexual misconduct will be notified of options to request changes in academic schedules and on-campus residence assignments to avoid further contact with the perpetrator or alleged perpetrator.

## **Investigation and Response**

All reports of sexual misconduct will be investigated in a timely manner. Due to the sensitivity of this type of offense, complaints will be investigated with sensitivity to the need for confidentiality and privacy. With the consent of the victim, these investigations may be made with the assistance of local law enforcement officials. As required by the federal Clery Act, Magdalen College reports all crimes reported to college and/or law enforcement officials as occurring on or adjacent to the college campus in its daily crime log and as part of its annual statistical history of campus crime. These reports do not include any identifying information about the persons involved. The College will issue timely security advisories to members of the campus community in cases of sexual misconduct if there is a continuing danger to the campus community.

## **Disciplinary Action, Procedure and Sanctions**

All victims shall be advised of their right to file a written complaint pursuant to the Conduct Grievance Procedure.

## **Conduct Grievance Procedure**

Internal judicial or disciplinary measures by the College are not intended to replace or inhibit or interfere with action in the criminal justice system. Victims of sexual assault always maintain the legal right to pursue criminal charges against the perpetrators. Criminal investigation by local law enforcement officials, arrest and prosecution can occur independently before, during or after the campus judicial process or employee disciplinary actions. These investigations may be made with the assistance of the Warner NH Police Department.

## **Educational Programs**

The College conducts several programs to prevent sexual misconduct and to make the College community aware of the potential for such crimes. Residence life staff provides the programming on this issue and campus-wide programs are available through the student development office and as part of orientation. In addition, the residence hall staff provides educational programs concerning sexual misconduct awareness.