

**Albion College
Student Handbook
2017-2018**

**Violence Against Women Act (VAWA) Reauthorization
Policies and Procedures and Related Policy**

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Student Handbook Foreword

The purpose of the Albion College *Student Handbook* is twofold. It informs students of opportunities for involvement — with people, special programs, and issues — that are available at Albion College. It describes programs and services that will help increase the quality of every student's educational experience. The handbook also informs the College community of many of the policies governing students while at Albion College. These policies express expectations of behavior, convey a respect for community, and provide for the protection of the rights of the individual. Each student or student group is held responsible for the policies and procedures of the College that are currently in effect or, from time to time, put into effect by the appropriate authorities of Albion College. Please be aware that the handbook (1) is not a complete statement of all policies, procedures, rules, and regulations of Albion College; and (2) that the College reserves the right to change any procedures, policies, programs, and so on, that appear in the Student Handbook. The College will give notice to students of changes within a reasonable amount of time. Albion College acknowledges that best practices which include state and federal laws and/or regulations, continue to change, e.g., 2013 Reauthorization of Violence Against Women Act (VAWA). Consequently, if College policies and procedures conflict with or are not in line with current best practices, then current best practices, including state and federal laws and/or regulations, will take precedence over conflicting College policies and procedures.

Chapter V. Procedures (2017-2018 Albion College Student Handbook, pp. 59-71)

The Judicial Process

Introduction

Albion College strives to be more than a reflection of the society of which it is a part. Through its programs and its example, the College seeks to challenge the society to adopt ever higher standards and expectations for its members. The College is not, however, a sanctuary from the larger society, nor from the laws and expectations of that society. Institutional expectations, regulations, and practices are established to provide an environment conducive to human growth, to reflect the values to which the College subscribes, to recognize the proximity in which students live with one another, and to recognize the developing capabilities of students as they encounter and progress through the college experience.

As members of the Albion College community, students have the right to address grievances arising from the actions of any student or student group that violate College policies and expectations. The College judicial process has been designed as a means by which all members of the College community, including faculty members, administrators, and students, or the College itself, can seek a remedy in incidents that involve students. The College Judicial Board is composed of students, faculty, and staff members who have received specialized training and who are committed to upholding the educational goals of the College.

College Jurisdiction

Albion College's jurisdiction of community standards and student discipline includes conduct on College premises, but also extends to conduct at College-sponsored or College-supervised events wherever they take place; to conduct off College premises when the behavior could adversely affect Albion College and its interests as an academic community, and that involves any aspect of the relationship between the College and its students.

Actions involving a student or group in a legal proceeding in criminal or civil court do not free the student or group of responsibility through the College judicial process for the conduct in question. The College will proceed with its internal review and process according to a timetable to be determined by the College.

In an extraordinary case involving serious misconduct by a student or group that poses a threat to the well-being, safety, or property of any person(s), or the property or orderly functioning of

the College (e.g., living, learning, or working environment), or when a serious crime has been committed, the president of the College or the president's designee may summarily suspend and/or temporarily suspend the offender.

The vice president for student affairs or his/her designee may require an individual or group to curtail or modify behavior and/or activities, including prohibiting contact with specified individuals such as physical contact or oral, written, electronic, third-party, or other communication, whenever these behaviors and/or activities are viewed as threatening or injurious to the well-being, safety, or property of any person(s), or to the property or orderly functioning of the College (e.g., living, learning, or working environment). Violations of such restrictions are considered violations of College policy and may result in student(s) being required to immediately leave campus.

Guide to the Judicial Process

The purpose of the Albion College judicial process is to review alleged violations of College policies, procedures, and regulations by students or student groups. The various components of the College judicial system are designed to respond to such violations, to determine the facts, to ascertain responsibility, and to recommend or determine sanction(s). Through due process procedures, the College judicial process seeks to ensure the protection of student rights in questions of alleged violations of College policies, procedures, and regulations.

The vice president for student affairs has the authority and responsibility, including interpretation and application of College policies and procedures, for administering the judicial process. The vice president for student affairs, the College judicial coordinators, the College Judicial Board, and the College hearing officers seek to provide a judicial process and disciplinary function that educates students as to their rights and responsibilities as members of the Albion College community, holds students accountable, and encourages students to recognize their obligations to themselves, their peers, and to society as a whole.

The College reserves the prerogative to require students to leave the campus prior to the formal consideration of alleged violation of policies whenever their behaviors and/or activities are viewed as threatening or injurious to the well-being, safety, or property of any person(s), or to the property or orderly functioning of the College (e.g., living, learning, or working environment).

A tape recording of the Judicial Board hearing will be made by the College as described in a Judicial

Board proceeding. No other recording (e.g., audio, video) of judicial process disciplinary proceedings (e.g., Hearings, interviews including investigative interviews, conferences, and meetings) are permitted.

The Judicial System

A matter before the Albion College judicial system may be heard by the College Judicial Board or Administrative Hearing officer(s).

The College Judicial Board — The College Judicial Board hears complaints filed against individual students or student groups. The College Judicial Board is split into two divisions: **The Academic Infractions Division and the Social Infractions**

Division. The vice president for student affairs and the Judicial Board (Social Infractions Division) have jurisdiction over cases of violation of non-academic rules of the College; the Faculty Steering Committee, the vice president for student affairs, and the Judicial Board (Academic Infractions Division) have jurisdiction over cases of violation of academic rules of the College.

The Judicial Board must hear all cases of alleged violation of the academic or non-academic rules of the College referred to it. In cases of non-academic infractions, the Social Infractions Division shall make the finding of responsibility or non-responsibility and make a recommendation for the sanction(s) to the vice president for student affairs.

In cases of academic infractions referred to it for decision, the Academic Infractions Division shall make the finding of responsibility or non-responsibility, and direct the vice president for student affairs, the provost, or the registrar, as appropriate, to carry out the sanction(s) on behalf of the College.

The Judicial Board consists of the following membership:

- Two student members, one male and one female, available to serve from the pool of three male and three female student members. Two men and two women are nominated through an application process by the Student Senate and appointed by the vice president for student affairs. One male and one female student are also appointed by the vice president of student affairs to further diversify the pool of available student members.
- One Residential Life student representative (resident assistant or R.A.), available to serve from the pool of two R.A.s, appointed by the director for residential life.
- Two faculty members (taking into consideration both female and male representation), available

to serve from the pool of four faculty members, each of whom must have completed at least one year of service at the College at the time he/she takes office, elected by the faculty.

- One administrator who is not a member of the Student Affairs staff, appointed by the vice president for student affairs.
- The director for residential life or alternate Student Affairs administrator appointed by the vice president for student affairs. (Campus Safety professional staff are not eligible to serve.)

The Social Infractions Division of the Judicial Board consists of the full membership of the Judicial Board as defined above. The administrator who is not a member of the Student Affairs staff serves as the chair of the Social Infractions Division.

A **quorum** of the Social Infractions Division shall consist of three members if the following conditions are met:

- a. At least one student who is not a Residential Life staff member is present.
- b. At least two of the faculty and administrative members are present.

The Academic Infractions Division of the Judicial Board consists of the following Judicial Board members:

- Two faculty Judicial Board members (taking into consideration both female and male representation), available to serve from the pool of four faculty members. One of the faculty members of the Board is appointed by the Faculty Steering Committee to serve as chair of the Academic Infractions Division.
- One student Judicial Board member, available from the total pool of eight student members.

A **quorum** of the Academic Infractions Division shall consist of two faculty members and one student member of the division.

A division may hear cases only when a quorum is present. If a regular member must be absent from a hearing or if there is an evident conflict of interest for any member, the College judicial coordinator shall designate another member to attend that session of the division as a replacement to achieve a quorum. In the event that a division cannot be constituted from the members provided above, the chair may appoint ad hoc members from the membership of the student body, the faculty, or the administration.

The vice president for student affairs or designee:

- Reviews the written record to determine whether and what charge(s) will be heard;
- Determines which contents of the written record are relevant to the charge(s); and

- Determines whether a particular case is heard by the College Judicial Board or decided in an Administrative Hearing. The determination is based on factors such as the time of semester, the number of cases pending, and the law.

In addition, the vice president for student affairs or designee determines how a particular case will proceed when the College is not in session.

General Administrative Hearing —

A General Administrative Hearing allows one or more administrators and/or faculty members, appointed by the vice president for student affairs, to hear complaints filed against students or groups, to determine if the respondent(s) is/are responsible or not responsible (including if respondent(s) admit responsibility) for the alleged violations, and to make a recommendation for the sanction(s) to the vice president for student affairs. The vice president for student affairs (or his/her designee) will make pertinent information pertaining to past offenses available to the hearing officer(s) at the time sanctions are considered. The hearing officer(s)' determinations of responsibility or non-responsibility are based on a preponderance of the evidence (i.e., that which the hearing officer believes is more likely than not to have occurred based on the information presented). The only people attending a General Administrative Hearing are the hearing officer(s) and the respondent(s). Additional College faculty, staff, and students may be present during the hearing in full or in part, only at the request of the hearing officer(s) for the purpose of providing additional relevant information and/or assisting the hearing officer(s) to fulfill hearing officer functions. Hearings are not open to the public. The character of the respondent and other parties to the case is not relevant in any hearing. In a case involving alleged sexual harassment, previous sexual history of the complainant other than with the respondent is not relevant

2013 Reauthorization of Violence Against Women Act (VAWA) Administrative Hearing: Sexual Assault, Stalking, Domestic Violence, Dating Violence— An Administrative Hearing involving sexual assault, stalking, domestic violence, or dating violence allows one or more administrators, faculty members, and/or non-college personnel, appointed by the vice president for student affairs, to hear complaints filed against students or groups, to determine if the respondent(s) is/are responsible or not responsible for the alleged violations, and to make a recommendation for the sanction(s) to the vice president for student affairs. The hearing officer(s)' determinations of responsibility or non-responsibility are based on a preponderance of the

evidence (i.e., that which the hearing officer believes is more likely than not to have occurred based on the information presented).

The only people attending an Administrative Hearing are the hearing officer(s), complainant(s), respondent(s), and one adviser per complainant or respondent as explained below. Additional people may be present during the hearing in full or in part, only at the request of the hearing officer(s) for the purposes of providing additional relevant information and/or assisting the hearing officer(s) to fulfill hearing officer functions. Hearings are not open to the public. The character of the respondent and other parties to the case is not relevant in any hearing. In a case involving alleged sexual assault or sexual harassment, previous sexual history of the complainant other than with the respondent is not relevant.

Administrative Hearing officer(s) who hear sexual assault, stalking, domestic violence, or dating violence cases are trained annually on issues related to these offenses and how to conduct a hearing process that protects the safety of survivors and promotes accountability. In hearing a case of alleged sexual assault, stalking, domestic violence, or dating violence, the Administrative Hearing officer(s) may consider as part of their hearing and adjudicative function the questions (if relevant to the case) of who has initiated sexual contact, to whom sexual conduct is directed, and whether consent has been effectively given. If the respondent is found responsible, or if he/she has admitted responsibility for a violation of College policy, the Administrative Hearing officer(s) shall have available the full range of sanctions up to and including expulsion from the College to recommend to the vice president for student affairs. The vice president for student affairs (or his/her designee) will make pertinent information pertaining to past offenses available to the hearing officer(s) at the time sanctions are considered.

In accordance with the 2013 reauthorization of the Violence Against Women Act, the complainant's and respondent's additional judicial process rights and procedures listed below apply to cases involving sexual assault, stalking, domestic violence, or dating violence.

- The complainant and respondent are entitled to all of the same opportunities during disciplinary proceedings.
- The complainant and respondent each has the right to have an adviser of his or her choice present during all interviews, conferences, and meetings, including the hearing.
- The extent to which the adviser may participate in the proceedings is limited to providing the

complainant or respondent private support, guidance, or advice.

- During the hearing, the adviser may assist his/her advisee in formulating statements for the hearing officer(s). Such assistance, however, may not obstruct the orderly process of this hearing. The adviser may not directly interact with other persons during the hearing.
- The adviser is an individual who is not a party to the case.
- The adviser may not serve as a witness.
- In a timely manner, the complainant and respondent shall be simultaneously informed in writing of the outcome of the hearing and procedures for appealing the decision (i.e., request for an appeal review).
- The complainant and respondent shall also be simultaneously notified in writing if any part of the hearing decision is changed prior to the final decision, as well as when the decision becomes final.

Initiating the System

Any member of the College community—faculty, staff, or student—or the College itself may file a complaint. The complainant may include, but is not limited to, the reporting person, accuser, victim, and/or the college. Special policies and procedures for addressing cases of academic dishonesty can be found in the Academic Information section of the *Student Handbook*.

Once a complaint is filed, Student Affairs staff may do some preliminary investigation of the alleged violation. The vice president for student affairs or his/her designee will make an initial determination that a formal judicial hearing is or is not warranted. Examples of instances in which there may be a determination that a hearing is not warranted are insufficient evidence of a violation, a previous adjudication arising from the same incident, or an improper motivation on the part of the complainant, such as retaliation. If a determination is made that a formal judicial hearing is warranted, the form of the hearing will be determined by the vice president for student affairs. The judicial coordinator or hearing officer will provide the respondent with a written notification of the charges as well as the date, time, and location of the hearing at least 48 hours before the hearing occurs. The judicial coordinator or hearing officer will meet with the respondent to review the complaint and the corresponding evidence and to review the respondent's rights within the judicial process. The respondent will then be asked to indicate in writing whether he/she admits or denies responsibility for the charges that have been filed.

If the respondent **admits** violating the policy(ies) cited, the Judicial Board or hearing officer(s) will meet with the respondent to discuss the violation(s), and will recommend or determine the sanction(s) in response to the incident. If the respondent **denies** violating the policy(ies) cited, the Judicial Board or hearing officer(s) will meet with the respondent to discuss the violation(s), will determine whether or not the respondent is responsible for the violation(s) cited, and will recommend or determine (as outlined above) the sanction(s) if necessary.

In deciding whether a complaint should be carried forward against a **group**, the following considerations, although not exclusive, should be weighed singly or in combination:

- Use of a group's funds for the questioned activity or act;
- Approval, preplanning, and/or support of the questioned act or activity by the group;
- Participation in the questioned act or activity by a group officer, whether or not acting in his/her official capacity;
- Involvement in the questioned act or activity by 10 percent or more of the group's membership;
- Actions by the group to cover up the questioned activity or act and/or to protect those group members involved;
- Failure of the group or its officers to fulfill its responsibilities to enforce College or group policy, procedure, or regulation;
- Fraternity housing is privileged housing and, consequently, the College holds fraternities to a high standard of conduct and expects fraternities to self-govern their environments. Fraternity chapters may be held responsible, as a group, if it is deemed that one or more individual members or guests violated College policy on the premises of the chapter house.
- Participation in the questioned act by the members of a group or the residents of a living unit. The definition of living unit includes, but is not limited to, a corridor in Seaton Hall, Wesley Hall, Whitehouse Hall, or Mitchell Towers; a fraternity residence; an apartment; Dean Hall; Fiske House; or Ingham Hall.

The procedures to be followed once a complaint has been filed against a group are the same as those outlined above for individuals.

A complaint may be simultaneously carried forward against a group and individual member(s) of a group.

A Judicial Board Hearing

As stated before, the Judicial Board serves as a representative of the College community. Only members of the board, the complainant(s), the

respondent(s), the individual acting as adviser to either the complainant(s) or the respondent(s), witnesses, and the College judicial coordinator may attend the judicial board hearing in full or in part.

Hearings are not open to the public. If a group is charged, then the president of the group or his/her designee acts as the respondent. The complainant's or respondent's **adviser** must be a full-time student, faculty member, or staff member of Albion College who is not party to the case, not related to any party of the case, and is not an attorney or any person with a law degree or other extensive formal legal training. The adviser may not serve as a witness or represent the complainant or respondent in a manner similar to an attorney. **Witnesses** are persons who can testify on the basis of knowledge of facts relevant to an alleged violation and may not serve as the complainant's or respondent's adviser. Each party has the right to call witnesses subject to the authority of the chair to exclude irrelevant or repetitious evidence.

The purpose of the hearing is to give each party the opportunity to present his or her side of the issue and for the board members to determine whether the alleged violation(s) occurred. **The character of the respondent and the complainant is not relevant in any hearing. In a case involving alleged sexual harassment, previous sexual history of the complainant other than with the respondent is not relevant.** If the respondent is found responsible for the alleged violation(s), or if the respondent has claimed responsibility for the alleged violation(s), the board will recommend or determine (as outlined above) the sanction(s). The respondent has the right to not speak at the hearing without any assumption being made by the board, as the burden of proof rests on the person bringing the complaint. The board is not like a court of law in that:

- Rules of evidence are different;
- Decisions are made based on a preponderance of the evidence;
- The focus is on education, including holding students accountable, rather than punishment.

Hearing Proceedings — At the hearing, the chair of the board will make opening remarks. At the conclusion of these remarks, all witnesses will be asked to leave the room. The respondent will be asked if he/she objects to having any of the board members hear the case. If there is an objection, the respondent will be asked to state the reason. The complainant, respondent, and respective adviser(s) will be asked to leave the room, and the board will decide whether or not to remove the board member in question. The hearing participants will then return to the room and be given a decision on that issue.

Once the hearing begins, the complainant will be given time to make an opening statement and present evidence which supports that a violation has occurred. The respondent then is also allotted time to present information on his/her behalf, but this is not required. After these presentations, the board will ask questions of parties and any witnesses who have testified to clarify points and gain a better understanding of the issues of the case. The complainant and respondent are given the opportunity to question witnesses who have testified. A witness returns to the room and is present only when he/she testifies and answers questions. At the end of the question period, the complainant and respondent each have time to make a closing statement. This closing statement should summarize the position of each party and review any evidence/information that was presented during the hearing.

After the closing statement, the board will move into a private session to deliberate the facts presented during the hearing. Only information presented as a part of the hearing will be used to make a determination of responsibility or non-responsibility. The board's determinations are reached by a simple majority vote and are based on a **preponderance of the evidence** (i.e., that which the board believes is more likely than not to have occurred based on the information presented).

The board will first decide whether or not the respondent will be held responsible for the alleged violation(s). If the respondent is found responsible, or if he/she has admitted responsibility, the board will recommend or determine the sanction(s). The vice president for student affairs (or his/her designee) will make pertinent information pertaining to past offenses available to the hearing officer(s) at the time it is considering sanctions. Note that in cases of non-academic infractions, the Social Infractions Division of the Judicial Board shall make the finding of responsibility or non-responsibility and make a recommendation for the sanction(s) to the vice president for student affairs. The vice president for student affairs makes the final determination of sanction(s).

In cases of academic infractions referred to it for decision, the Academic Infractions Division of the Judicial Board shall make the finding of responsibility or non-responsibility. If the respondent is found responsible, the board will determine the sanction(s) and direct the vice president for student affairs, the provost, or the registrar, as appropriate, to carry out the sanction(s) on behalf of the College.

The parties will be called back into the room and given the board's decision, which is then communicated to the vice president for student

affairs. Results of the board's actions, final sanction(s), and the judicial process are communicated to the respondent, in writing, by the vice president for student affairs.

A tape recording of the judicial board hearing will be made by the College judicial coordinator. This recording is the property of Albion College, and is available only to the vice president for student affairs or his/her designee for the purpose of making determinations stemming from an appeal of the results of a judicial board hearing. Other parties may not have access to or copies of the recording. The recording is destroyed when: (1) the time period for filing an appeal expires without an appeal being properly filed, or (2) a decision is made by the vice president for student affairs or his/her designee in the event of an appeal.

Judicial Board Rights of a Respondent

When a student appears in front of a judicial board as a respondent, he/she is afforded certain due process and procedural rights by the judicial process:

- The right to examine in advance all written reports and evidence that will be presented at the hearing. A respondent does not have the right to examine or receive copies of documents in judicial process files or receive copies of documents in judicial files.
- The right to bring an adviser to a hearing. This adviser must be a full-time student, faculty member, or staff member of Albion College who is not party to the case, is not related to any party of the case, and is not an attorney or any person with a law degree or other extensive formal legal training. The adviser may not serve as a witness or represent the respondent in a manner similar to an attorney. However, only one person designated as an adviser for the respondent is allowed access to the written reports and evidence.
- The right to question all evidence allowed at the hearing in accordance with the hearing procedures.
- The right to present relevant evidence and witnesses on his/her behalf. The number of witnesses called may be determined by the chair of a board to exclude irrelevant or repetitious evidence during a hearing.
- The right to testify or not to testify on his/her own behalf. The respondent may testify orally and/or in writing. Exercising the right to remain silent will not be construed as an admission of responsibility.
- The right to attend or not attend the hearing. In choosing to not attend, the respondent forfeits his/her right to question evidence.
- The right to assurance that any board determination of responsibility is based only on the evidence presented at the hearing.
- The right to a hearing conducted without unreasonable delay following the notification of charges.
- The right to written notification of a decision in his/her case in a timely manner.
- The right to request review for an appeal after a determination is reached.

General Administrative Hearing Rights of a Respondent

When a student participates in a General Administrative Hearing as a respondent, he/she is afforded certain due process and procedural rights by the judicial process:

- The right to examine in advance all written reports and evidence that will be presented at the hearing. The respondent does not have the right to examine or receive copies of documents in judicial process files or receive copies of documents in judicial files.
- The right to question all evidence allowed at the hearing.
- The right to present relevant evidence on his/her behalf.
- The right to testify or not to testify on his/her own behalf. The respondent may testify orally and/or in writing. Exercising the right to remain silent will not be construed as an admission of responsibility.
- The right to attend or not attend the hearing. In choosing to not attend, the respondent forfeits his/her right to question evidence.
- The right to assurance that any hearing officer's determination of responsibility is based only on the evidence presented at the hearing.
- The right to a hearing conducted without unreasonable delay following the notification of charges.
- The right to written notification of a decision in his/her case in a timely manner.
- The right to request review for an appeal after a determination is reached.

Administrative Hearing Rights of a Complainant or a Respondent

In Cases Covered under Sexual Assault, Stalking, Domestic Violence, Dating Violence Provisions of the 2013 Reauthorization of Violence Against Women Act (VAWA)

When a student participates in a VAWA Administrative Hearing judicial process as a complainant or a respondent, he/she is afforded

certain due process and procedural rights by the judicial process:

- The complainant and respondent are entitled to all of the same opportunities during disciplinary proceedings.
- The complainant and respondent each has the right to have an adviser of his or her choice present during all interviews, conferences, and meetings, including the hearing. However, only one person designated as an adviser for the complainant or respondent is allowed access to the written reports and evidence.
- The extent to which the adviser may participate is limited to providing the complainant or respondent private support, guidance, or advice.
- During the hearing, the adviser may assist his/her advisee in formulating statements for the hearing officer(s). Such assistance, however, may not obstruct the orderly process of the hearing. The adviser may not directly interact with other persons during the hearing.
- The adviser is an individual who is not a party to the case.
- The adviser may not serve as a witness.
- The right to examine in advance all written reports and evidence that will be presented at the hearing. The complainant and respondent do not have the right to examine or receive copies of documents in judicial process files or receive copies of documents in judicial files.
- The right to question all evidence allowed at the hearing.
- The right to present relevant evidence on his/her behalf.
- The right to testify or not to testify on his/her own behalf. The complainant and respondent may testify orally and/or in writing. Exercising the right to remain silent will not be construed as a decision to withdraw a complaint by the complainant or an admission of responsibility by the respondent.
- The right to attend or not attend the hearing. In choosing to not attend, the complainant and respondent each forfeit his or her right to question evidence.
- The right to assurance that any hearing officer's determination of responsibility is based only on the evidence presented at the hearing.
- The right to a hearing conducted without unreasonable delay following the respondent being notified of charges.
- In a timely manner, the complainant and respondent shall be simultaneously informed in writing of the outcome of the hearing and procedures for appealing the decision (i.e., request for an appeal review).

- The complainant and respondent shall also be simultaneously notified in writing if any part of the hearing decision is changed prior to the final decision, as well as when the decision becomes final.

Determination of Responsibility/ Non-Responsibility

Not Responsible — A Not Responsible decision means that evidence and arguments presented were not convincing enough to hold the student or group responsible for violating the rule or policy cited in the complaint.

Responsible — A Responsible decision means that evidence and arguments presented were convincing enough to hold the student or group responsible for violating the rule or policy cited in the complaint.

Sanctions

A sanction is a follow-up determined by the vice president for student affairs or hearing body which is meant to recognize a violation of College policy, hold the respondent accountable, and educate the respondent toward more responsible behavior in the College community. Sanctions may or may not affect a student's status at the College, depending on the severity of the violation and the necessary follow-up. Sanctions, which may be imposed singly or in combination for individuals and/or groups, include:

No Further Action — This sanction acknowledges that the respondent did violate the College policy cited, but the nature of the violation and/or the attitude of the respondent allow the hearing body to be confident that the respondent learned from the experience and will attempt to avoid future violations.

Warning or Censure — A Warning (Censure applies to student groups) is a written reprimand that expresses disapproval of the student's or group's actions and warns against future violations.

Status of Warning — This sanction provides the respondent with a specific period of time during which the student or group should pay special attention to avoiding future violations.

Status of Probation — This sanction acknowledges a serious violation of a College expectation and sets a specific length of time during which further violations of College policies, procedures, and/or regulations would likely lead to more serious consequences.

Withheld Suspension — This sanction means that immediate separation from the College is not required. However, any future violation of College policies, procedures, and/or regulations during the

stated period of time would likely result in immediate suspension from the College.

Suspension of an Individual — Suspension is separation from the College for a specified period of time, ordinarily at least one semester in length. During this separation, the respondent is prohibited from enrolling in any academic work offered by the College, is not permitted to visit the College without prior permission from the vice president for student affairs, and may not attend any College function on campus. The intent is for the student to have time away from the College environment to consider the situation at hand and, after the specified period of time, apply to return to the College with a better understanding of his/her responsibilities within the community.

Suspension of a Group — The group will not be recognized for a set amount of time, or until specified conditions set by the College are met. During this time, the group ceases to be recognized by the College and may not function. If the group is residential in nature, housing for individual members of the group or the group as a whole may be reassigned during the period of the suspension which may take effect immediately.

Expulsion of an Individual — Expulsion involves dismissal and permanent removal from the College without possibility of readmission.

Removal of Recognition of a Group — The group will no longer be permitted to function or exist at Albion College. If the group is residential in nature, housing for individual members of the group or the group as a whole may be reassigned which may take effect immediately.

Other — There are other actions that may be used in concert with or in place of the sanctions mentioned above including fines, random alcohol and/or other drug testing at a student's own expense, restitution, educational projects, housing reassignment, which may take effect immediately, forfeiture of privileges such as prohibition of contact with another person, or not being allowed to participate in Commencement exercises and related activities. For example, a student may be required to remove personal belongings from campus. Note: If a student does not comply, the College may confiscate the item(s) at the student's own risk. (See "Liability Disclaimer.")

Appealing the Decision, Part I

The following applies to judicial cases except those related to sexual assault, stalking, domestic violence, and dating violence.

The respondent has the right to request review for an appeal of the decision and/or sanction(s) of an administrator or the board. The Albion College judicial process provides that an appeal may be

granted when the respondent demonstrates grounds sufficient to support a determination that at least one of four bases for appeal exists:

- There were judicial process procedural errors that substantially affected the rights of the respondent;
- New evidence has been discovered that could not have been presented at the original hearing and that is of a character directly affecting the decision;
- The decision is incompatible with the evidence;
- The penalty is excessive.

Initial review of the sufficiency of a request for appeal is based on the content of the written request and the written record and may include consultations by the reviewing officer with College staff. **Initial review does not include a meeting.** Requests for appeal are reviewed by the vice president for student affairs or his/ her designee. Such a request must be filed, in writing, by submitting a Request for Appeal Review form and a written statement supporting each of the relevant bases for appeal, with the vice president for student affairs or his/her designee by the date indicated in the written decision letter (normally five working days from the date of the letter). The reviewing administrator will deny the request if the request for appeal does not establish the existence of one of the grounds listed above, or will grant the appeal if the existence of one or more of the grounds is sufficiently demonstrated.

If an appeal is granted, the respondent will be afforded an opportunity to present the basis for it in person. An adviser is not permitted on appeal. The appeal administrator or body will review the record and consult with people with pertinent information to the extent necessary to decide the appeal. It should be noted that the burden of proof in an appeal shifts to the respondent student or group, and that an appeal is not a rehearing of the case. In any appeal, the administrator or body may, after hearing the appeal, deny any change in the finding or sanction(s), modify the finding and maintain the sanction(s), allow the finding to stand and reduce the sanction(s), modify the finding and reduce the sanction(s), or vacate the finding in whole or in part and refer the case back to the hearing body for further deliberation. Student questions concerning penalties assigned in a course by an instructor as the result of academic dishonesty may be addressed through those procedures normally followed by students questioning their evaluation in a course.

Appealing the Decision, Part II

The following applies to judicial cases related to sexual assault, stalking, domestic violence, and dating violence.

The complainant and the respondent have the right to request review for an appeal of the decision and/or sanction(s) of the hearing officer(s). The Albion College judicial process provides that an appeal may be granted when the complainant or the respondent demonstrates grounds sufficient to support a determination that at least one of four bases for appeal exists:

- There were judicial process procedural errors that substantially affected the rights of the complainant or the respondent;
- New evidence has been discovered that could not have been presented at the original hearing and that is of a character directly affecting the decision;
- The decision is incompatible with the evidence;
- The penalty is inadequate or is excessive.

Initial review of the sufficiency of a request for appeal is based on the content of the written request and the written record and may include consultations by the reviewing officer with College staff. Initial review does not include a meeting. Requests for appeal are reviewed by the vice president for student affairs or his/her designee. Such a request must be filed, in writing, with the vice president for student affairs or his/her designee by the date indicated in the written decision letter (normally five working days from the date of the letter). The reviewing administrator will deny the request if the request for appeal does not establish the existence of one of the grounds listed above, or will grant the appeal if the existence of one or more of the grounds is sufficiently demonstrated.

If an appeal is granted, the complainant or the respondent will be afforded an opportunity to present the basis for it in person. In accordance with the 2013 reauthorization of the Violence against Women Act (VAWA), the Administrative Hearing parameters and complainant's and respondent's rights applicable to an appeal meeting will be explained to both parties if an appeal is granted. The appeal administrator will review the record and consult with people with pertinent information to the extent necessary to decide the appeal. It should be noted that the burden of proof rests with the party(ies) who submitted the appeal, and that an appeal is not a rehearing of the case. In any appeal, the administrator may, after hearing the appeal, deny any change in the finding or sanction(s), modify the finding and maintain the sanction(s), allow the finding to stand and change the sanction(s), modify the finding and change the sanction(s), or vacate the finding in whole or in part

and refer the case back to the hearing body for further deliberation.

Mediation

Persons or groups not charged with an alleged violation, who are involved in a conflict, may submit their dispute to mediation. Mediation is a voluntary, objective, confidential, and non-judgmental process whereby both parties to a dispute are encouraged to meet with an administrative mediator who will assist them in reaching a written agreement to resolve their conflict. Typical disputes appropriate for mediation may include personal property damage, lifestyle issues between roommates/suitemates, and problems in relationships. Information on mediation may be obtained from the Student Affairs Office.

Rewind Program

Purpose

The purpose of the Rewind Program is to provide an informal alternative for addressing student misconduct in a manner consistent with the purpose and philosophy of the Albion College Judicial Process.

Eligibility

The Rewind Program is normally used to resolve student misconduct only if the conditions listed below exist during a particular incident.

1. The College is the only complainant for the incident.
2. The alleged policy violation did not create a hazard or danger to others.
3. The student has no recent judicial record involving similar behavior (e.g., no violations in the previous year).
4. The alleged violation does not involve the use of illegal drugs.
5. The student accepts responsibility for his/her actions and acknowledges that he/she in fact violated specific College policies.
6. The student's demeanor and attitude during the initial contact with College Staff member(s) is appropriate.
7. Approval is given by the Associate Dean of Students/Director of Campus Safety (ADSDCS) or his/her designee.

The Rewind Program is typically used in cases where students are extended Medical Amnesty.

Process

1. A staff member becomes aware that a student has committed an alleged violation of College policy.
2. Staff member completes a report on the incident.
3. Incident is reviewed by ADSDCS and he/she

- determines whether the student involved is eligible for the Rewind Program.
4. If approved, ADSDCS contacts the student and sets up an interview.
 5. The Rewind Program is explained as an option to the student. If the student agrees, the student participates in the program.
 6. A Campus Safety administrator assigns the student appropriate actions (e.g., Campus Clarity Think About It program) that must be completed within a certain time period.
 7. A Campus Safety administrator follows-up to ensure action(s) have been completed.

Important Points

1. Students are not required to participate in the Rewind Program. Students always have the right to have any allegations of misconduct made against them be resolved through the Judicial Process.
2. Campus Safety staff members do not determine whether students are responsible for violations of College policy. This may only be done by a Hearing Officer.
3. Although an incident that is processed through the Rewind Program does not become part of a student's judicial record, it may be considered by a Hearing Officer in sanctioning a student who is found responsible for violating College policy subsequent to completing the Rewind program. Generally, the original incident must have occurred within one calendar year of the new finding of responsibility.

General Appeal Procedure

The nature of an academic enterprise and the proximity in which we live and work on the campus seem to make differences of opinion over decisions and policies unavoidable. In some cases, an appeal procedure is built into a process or decision-making situation.

When no appeal procedure seems evident, questions over the manner in which a policy has been followed or a decision has been made should first be directed to the person responsible for the consideration at hand. If the difference of opinion cannot be resolved in this manner, the question is then appropriately discussed with the next higher authority in the department responsible for the decision or exercise of the procedure. Students should consult with the vice president for student affairs when it is unclear who should be approached when appealing a decision or procedure.

Chapter VI. Policies and Expectations (2017-2018 Albion College Student Handbook, pp. 118-124)

Chapter VI, Appendix B

Sexual Assault Policy, Procedures, and Prevention

Albion College is committed to providing an educational environment where we are all able to learn, teach, and work freely and where the dignity, safety, and self-respect of all members of our community are protected. All forms of sexual assault are incompatible with this mission and will not be tolerated at Albion College.

The Albion College Sexual Assault Policy prohibits all incidents of criminal sexual conduct as defined by the laws of the State of Michigan. However, as an educational institution, we believe we have the responsibility to set an even higher standard of conduct for our community. The Albion College Sexual Assault Policy contains our standards, definitions, and procedures, as well as the pertinent Michigan laws. We will fairly but rigorously enforce these standards.

Education and awareness are essential to our efforts against sexual assault, and the College provides educational materials and programs throughout the academic year. Most importantly, our procedures and referrals to services recognize the trauma of sexual assault and the need to empower the survivor. Our sexual assault materials, programs, and referrals are available to all Albion College students and employees.

Facts About Sexual Assault

What is Sexual Assault?

Sexual assault is any physical sexual contact, as defined by Michigan law, to which you have not given consent. Unwanted sexual gestures or language are sexual harassment. (The Albion College Policy and Procedures for Addressing Complaints of Sexual Harassment may be accessed at the following website: www.albion.edu/shp/.) Sexual assault includes any sexual touching, with or without clothing, oral sexual activities, vaginal or anal penetration to which explicit consent has not been given.

Sexual assault ranges from pinching someone's buttocks in public through unwanted violent sexual intercourse.

Sexual assault is not always violent.

While in most sexual assaults, men are the perpetrators and women the victims, men can and

do victimize men, women can and do victimize women, and women can and do victimize men.

Acquaintance Rape. Most sexual assaults occur between people who know each other. These instances of sexual assault are called acquaintance rape. Most campus sexual assaults are acquaintance rapes. Because acquaintance rapes do not fit our culture's stereotype, where a sleazy stranger jumps out of a dark alley and rapes a woman at knifepoint, many of us, women and men, have a hard time naming acquaintance rape as sexual assault. To the perpetrators, she/he meant yes, even if she/he said no. The victims blame themselves, unable to believe that a friend, someone they knew, violated their trust as well as their bodies.

Alcohol and Other Drugs. Most acquaintance rapes involve alcohol or other drug use. Alcohol and other drugs impair judgment as well as one's physical and mental abilities.

What is Consent?

Consent is "willingly and verbally agreeing to specific sexual contact or conduct." This means the individuals involved must state clearly what they do and do not want to occur between them.

Under the Albion College Sexual Assault Policy:

- No one who is impaired by alcohol, drugs, and/or prescribed medication can consent;
- No one who is under duress can consent; and
- No one who has been threatened or pressured can consent.

Safer Sex

In most cases of sexual assault, precautions against sexually transmitted diseases (STDs) and pregnancy are not taken. Both parties are therefore at risk for STDs such as herpes or genital warts, as well as HIV/AIDS. The woman is also at risk for pregnancy. See On- and Off-Campus Resources section(s) for the location of testing and treatment facilities.

What To Do in Case of Sexual Assault

If you are sexually assaulted:

1. GET TO A SAFE PLACE. Put your safety

first. If you can't get to a phone yourself, do whatever you can to attract someone's attention and get to a safe place.

2. CALL A SEXUAL ASSAULT ADVOCATE (SAA). As soon as you can get to a phone, call the sexual assault advocate (SAA). These individuals are trained to respond to sexual assaults. *All communication with the SAA is confidential.* In an emergency, you may also contact the SAA by dialing #9876 from a campus phone, or by calling 888/383-2192. Albion College Campus Safety can also contact an SAA for you (ext. 0911 or 517/629-0911).

3. PRESERVE ALL EVIDENCE. DO NOT SHOWER, BATHE, OR CHANGE CLOTHES. Do not shower, bathe, douche, wash hands, brush teeth, go to the bathroom, or change clothes if you have any thought of reporting the assault. (If you have not preserved all evidence, you may still report the assault.)

If a friend is sexually assaulted:

1. LISTEN. Believe her/him. Be gentle, patient, and sensitive.

2. GET THE SURVIVOR TO A SAFE PLACE.

3. ASSESS HER/HIS PHYSICAL INJURIES.

Determine if she/he needs emergency medical care and if she/he is coherent enough to make decisions regarding treatment. If she/he is not, get the survivor to the closest medical facility. If she/he is, support the survivor in her/his decision regarding treatment.

4. CONTACT A SEXUAL ASSAULT ADVOCATE (SAA). Give the survivor information about the sexual assault advocates including that all communication with the SAA is confidential. The survivor does not have to give her/his name. If the survivor does not want to talk to the SAA, you may call the SAA and anonymously get an informational brochure for her/him.

5. REMIND THE SURVIVOR NOT TO SHOWER, BATHE, OR CHANGE CLOTHES. Remind the survivor not to shower, bathe, douche, wash her/his hands, brush her/his teeth, go to the bathroom, or change clothes if she/he has any thought of reporting this crime. Any of these actions would destroy evidence which might be important to this case. (If all evidence is not preserved, she/he may still report the assault.)

6. KNOW YOUR LIMITS. Recognize what you can and cannot handle. Get help if you feel you are in over your head.

7. DON'T JUDGE. Don't question or judge the survivor's actions or reactions. Don't tell the survivor what she/he should or shouldn't do, or

what she/he should or shouldn't be feeling. Don't pry for details if the survivor is unwilling to give them.

To file a sexual assault complaint:

On-campus-Office of Campus Safety—ext. 1234 of 517/629-1234—Campus Safety is responsible for investigating sexual assault complaints filed on campus and has staff who have received specialized training in this area.

Off-campus-Albion Department of Public Safety-911—The Albion Department of Public Safety (ADPS) is the law enforcement agency having jurisdiction in the City of Albion. ADPS will assist survivors to file criminal complaints with other agencies if the incident occurred outside of the City of Albion.

On-Campus Resources

Counseling Services — Ext. 0236

The Counseling Services Office offers free, confidential counseling and support to survivors of sexual assault and sexual harassment. The counseling staff are dedicated and experienced in providing personal assistance to survivors as well as friends affected by this type of trauma.

Student Health Services — Ext. 0220

The Student Health Services staff are trained in sexual assault response. All conversations and examinations are strictly confidential.

Campus Safety — Ext. 1234

The Anna Howard Shaw Women's Center (AHSWC) — Ext. 0226

The AHSWC offers information and educational material, advocacy, support, and consultation regarding sexual assault.

Off-Campus Resources

Sexual Assault Services of Calhoun County—888/383-2192 (24-hours)

Offers short-term individual counseling; trained staff or volunteer advocates provide support and advocacy to survivors at area hospitals and police departments. 24-hour calls/availability. All services provided free of charge.

AWARE - Jackson—517/783-2861

Staff will accompany survivor to Allegiance Health (regional hospital) and City Police or Sheriff Department. Counseling and support groups. 24-hour calls/availability.

Albion Department of Public Safety - Albion—517/629-3933.

Legal Services of South Central Michigan—269/965-3951, 800/688-3951.

Same Sex & LGBTQ Intimate Partner Violence Resources

- **National Hotline**—888/843-4564.
- **Equality MI (Detroit)**—866/926-1147.
Offers victim assistance, counseling, and referral.
- **Ozone House (Ann Arbor)**—
734/662-2222.
Offers a safe house/shelter and counseling services.

Albion College Sexual Assault Policy

I. Scope

The philosophy, response procedures, and educational programs included in this sexual assault policy apply to and are available to all members of the Albion College community. The judicial procedures apply only to students.

II. Overview

The sexual assault policy aims to eliminate sexual assault on the Albion College campus through comprehensive educational programs, rigorous enforcement of campus standards, and cooperation with the criminal justice system.

Survivors of sexual assault have the right and are encouraged to pursue a complaint against the accused in the legal system and if the alleged offender is an Albion student, within the College Judicial Process. One or both of these options may be pursued, and the College will assist survivors in filing a criminal complaint as requested. A written explanation of a survivor's rights, options for reporting, and an explanation of the process is given to anyone who reports a sexual assault on campus.

Survivors and witnesses under the influence of alcohol and /or other drugs during the time of the incident will not normally be prosecuted, or sanctioned by the College for alcohol and /or other drug violations.

Survivors of sexual assault may also request changes in academic, living, transportation, and working situations whether or not they choose to report the incident to the College or to civil authorities. The College will provide such accommodations if they are reasonably available.

The policy and procedures seek to provide any survivor of sexual assault who is a member of the Albion College community or his/her guest with referrals for confidential, immediate and long-term services covering her/his psychological and medical needs, as well as with accessible procedures for on-campus disciplinary proceedings (if the alleged offender is an Albion student), and

off-campus prosecution if the survivor so chooses. A survivor of sexual assault has the right to report or decline to report the offense to the law enforcement agency with jurisdiction.

On campus, the College seeks to provide a prompt, fair, and impartial investigation and resolution through the Judicial Process as well as stringent enforcement of sanctions following decisions for those sexual assault cases where students are found responsible for violating this policy. A complaint against a student is adjudicated in accordance with the Judicial Process established in the Albion College *Student Handbook* and as indicated in the procedures for Resolution Section of the College Sexual Assault Policy.

General information and educational material concerning sexual assault are available in the Anna Howard Shaw Women's Center, the Office of Human Resources, the Office of the Provost, and the Office of the Vice President for Student Affairs. Individuals seeking confidential consultation should contact a Sexual Assault Advocate (see below).

III. Policy

Albion College is a residential, educational community committed to providing an atmosphere in which we are all able to teach, learn, work, and grow free from constraints based on individual biases. In doing so, we are obligated to protect the dignity, safety, and self-respect of all members of the College community. The College will not tolerate any acts which interfere with this commitment including any form of sexual intimidation, abuse, or assault, which includes all incidents of criminal sexual conduct as defined by Michigan Law.

In accordance with Albion College's basic principles of responsibility, the College seeks to challenge the community to adopt ever higher standards and expectations for its members. For this reason, a student who violates the College standards for sexual conduct could be subjected to sanctions under the College judicial process even though he/she is not prosecuted in the criminal justice system for that conduct.

In cases covered under the Sexual Assault, Stalking, Domestic Violence, Dating Violence provisions of the 2013 Reauthorization of the Violence Against Women Act (VAWA), complainants and witnesses who disclose their use of alcohol and/or marijuana related to the incident under investigation, are not normally referred to the College Judicial Process for those offenses.

Albion College is committed to referring

survivors of sexual assault who are members of the Albion College community to trained Sexual Assault Advocates (SAA) affiliated with Sexual Assault Services of Calhoun County (SAS), located in Battle Creek. SAS also has a Local Sexual Assault Advocate Program (LSAA) consisting of current students, faculty, and staff volunteers who are trained and supervised by SAS to provide assistance to survivors. A list of LSAs, including contact information, is published annually.

IV. Definitions

Sexual assault means any sexual act or contact intentionally initiated by a person that has not been expressly consented to by the person to whom the behavior is directed. "Consent" means willingly and verbally agreeing to engage in specific sexual contact or conduct. Psychologically pressuring an individual or attempting to take advantage of an individual under duress or incapable of making a decision on his/her own is a direct violation of the policy. This includes situations in which an individual is impaired by alcohol, drugs, and/or prescribed medications. In the most extreme cases, sexual assault may involve force. Force may include, but is not limited to, the use of or display of a weapon, physical battering, or immobilization of the other person.

A. Sexual Assault

Rape is the most serious form of sexual assault, and it is also the most extreme form of behavior prohibited by this policy. Rape refers to penetration, however slight, of the vagina or anus, or fellatio or cunnilingus accomplished through force and against the wishes of the other person.

Sexual assault also includes, but is not limited to, attempted non-consensual penetration, fellatio or cunnilingus, or coercing or forcing an individual to engage in non-consensual sexual contact.

B. Sexual Contact

Sexual contact includes touching intimate parts of the body, including thighs, genitals, buttocks, the pubic region or the breast/chest area, or the clothing covering those parts, and/or using intimate parts of the body to touch another individual.

A student who violates the College standards for sexual conduct could be subjected to sanctions under the College Judicial Process even though he/she is not prosecuted in the criminal justice system for that conduct.

V. Responding to Survivors of Sexual Assault

A. Sexual Assault Advocates (SAA)

are advocates at Sexual Assault Services of Calhoun County, located in Battle Creek, who are available to assist survivors of sexual assault. The SAs will advise survivors on their options for medical and emotional care as well as legal remedies. At the request of the survivor, the SA will remain with the survivor throughout the immediate post-assault or reporting period and will act as a mediator between the survivor and other professionals. The SA will continue to assist the survivor through whichever legal procedures she/he chooses to pursue. Communications between a survivor and a SA are privileged to the extent provided by Michigan law.

B. Medical Care and Advocacy

In the event of a sexual assault, if the survivor is in need of immediate medical care, the survivor should proceed to the closest medical facility. As soon as the survivor's immediate medical needs have received attention, or in all other cases of sexual assault, the survivor or anyone acting on her/his behalf is strongly advised to contact a sexual assault advocate. Even if the survivor does not choose to interact with the SA directly at this time, anyone aware of the assault—friend, student, or College employee—can request resource materials, referrals, and other relevant information for the survivor from the sexual assault advocate. The SA will be available to advise the survivor of her/his options in the following areas:

1. Medical—The SA will discuss the importance of immediate medical care. In addition to care of injuries, survivors should be tested for sexually transmitted diseases and pregnancy. This would also be the time when procedures for the rape evidence kit could be done.

2. Emotional—The SA is familiar with the range of reactions survivors have to sexual assault. The SA is prepared to be there and listen, to provide information, and offer knowledgeable support to the survivor. If, after the immediate post-assault period, the survivor decides she/he needs longer-term counseling, the SA will provide the survivor with a list of resources.

3. College Policies—The SA is familiar with Albion College policies and procedures regarding sexual assault. The SA will provide the survivor with full information concerning how to report the assault on campus and how the student judicial system functions if the assailant is an Albion College student.

Survivors of sexual assault will be notified that they may also request changes in academic, living, transportation, and working situations whether or not they choose to report the incident

to the College or to civil authorities. The College will provide such accommodations if they are reasonably available.

4. Criminal Charges—The SAA can advise the survivor about reporting the assault to the Albion Department of Public Safety, and give general information regarding investigation and prosecution. Throughout this process, the SAA's role is to advise and Support.

VI. Procedures for Resolution

Cases involving alleged violation of the sexual assault policy by a student are processed in accordance with the Albion College Judicial Process. The determination of responsibility will be based on a preponderance of the evidence [i.e., that which the hearing officer(s) believe is more likely than not to have occurred based on the information presented]. The Judicial Process is described in the Albion College *Student Handbook*. In accordance with the 2013 reauthorization of the Violence Against Women Act, the additional judicial process rights and procedures listed below apply to cases involving sexual assault.

- The complainant and respondent are entitled to all of the same opportunities during disciplinary proceedings.
- The complainant and respondent each has the right to have an adviser of his or her choice present during all interviews, conferences, and meetings, including the hearing.
- The extent to which the adviser may participate in the proceedings is limited to providing the complainant or respondent private support, guidance, or advice.
- During the hearing, the adviser may assist his/her advisee in formulating statements for the hearing officer(s). Such assistance, however, may not obstruct the orderly process of the hearing. The adviser may not directly interact with other persons during the hearing.
- The advisor is an individual who is not a party to the case.
- The adviser may not serve as a witness.
- In a timely manner, the complainant and respondent shall be simultaneously informed in writing of the outcome of the hearing and procedures for appealing the decision (i.e., request for an appeal review).
- The complainant and respondent shall also be simultaneously notified in writing if any part of the hearing decision is changed prior to the final decision, as well as when the decision becomes final.

Administrative Hearing officer(s) who hear sexual

assault cases are trained annually on issues related to sexual assault and how to conduct a hearing process that protects the safety of survivors and promotes accountability. In hearing a case of alleged sexual assault, the Administrative Hearing officer(s) may consider as part of its hearing and adjudicative function the questions of who has initiated sexual contact, to whom sexual conduct is directed, and whether consent has been effectively given. If a respondent is found responsible for a violation of College policy, the Administrative Hearing officer(s) shall have available the full range of sanctions up to and including expulsion from the College. Refer to the *Student Handbook* for a detailed description of the process.

The College has no legal authority to enforce orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by courts. However, the vice president for student affairs or his/her designee may require an individual or group to curtail or modify behavior and/or activities, including prohibiting contact with specified individuals such as physical contact or oral, written, electronic, third-party, or other communication, whenever these behaviors and/or activities are viewed as threatening or injurious to the well-being, safety, or property of any person(s), or orderly functioning of the College (e.g., living, learning, or working environment). Violations of such restrictions are considered violations of College policy and may result in student(s) being required to immediately leave campus.

VII. Retaliation

Retaliation against a person who reports, complains about, or participates in an investigation or other procedures for addressing complaints of sexual assault will not be tolerated. Individuals should notify the director for campus safety in a prompt manner if they believe they have been retaliated against so that the behavior can be investigated and appropriate action taken.

VIII. Recordkeeping

Records shall be kept for the safety and protection of the College community as a whole.

A. Procedures

Student disciplinary records and Albion College Judicial Process records are maintained by the vice president for student affairs. College officials will protect the confidentiality of personally identifiable information of the survivor to the extent possible during the investigation and judicial process while providing due process for the respondent.

B. Access to Records

When the respondent is found responsible, a record of the incident, including any statements and hearing materials, will become part of the respondent's judicial record as would any judicial record. These materials will be held as a part of the student's permanent record in accordance with record maintenance procedures. Contact the Office of the vice president for student affairs for further information. Such information shall be available to the Albion College Judicial Board or Administrative Hearing officers as described in the Albion College Judicial Process.

IX. Education of the College Community

A. It shall be the responsibility of the vice president for student affairs to ensure that campus-wide educational programs for students are conducted annually.

B. The director of the Anna Howard Shaw (AHS) Women's Center will develop and coordinate educational programs for the College community on the topics of sexual assault and date rape, among others. The provost, vice president for student affairs, and the vice president of finance and administration shall designate an individual to work with the director of the AHS Women's Center. The designees will have the responsibility of implementing the educational programs for their respective areas. Training shall include discussion of the sexual assault policy statement and an understanding of what constitutes sexual assault, procedures for addressing possible sexual assault, and methods for prevention of sexual assault.

C. Educational programs shall be held at the beginning of each semester for new students (first-year and transfers), new employees, and faculty. Ongoing educational programs shall also be held for all members of the Albion College community.

Chapter VI, Appendix C

Stalking, Domestic Violence, and/or Dating Violence Policy, Procedures, and Prevention

The College prohibits all forms of stalking, dating violence, and domestic violence as defined below. All allegations of stalking, domestic violence, and dating violence will be investigated and resolved in a prompt, fair, and impartial manner. Students accused of engaging in these activities will be referred to the Albion College judicial process, and the determination of responsibility will be based on a preponderance of the evidence [i.e., that which the hearing officer(s) believe is more likely than not to have occurred based on the information presented].

Survivors and witnesses under the influence of alcohol and/or other drugs during the time of the incident will not normally be prosecuted, or sanctioned by the College for alcohol and/or other drug violations.

Stalking is defined as repeated and intentional conduct directed at an individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the individual to whom the conduct is directed to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Dating violence occurs in a relationship of a romantic and intimate nature. Dating violence may occur in either of the following two ways:

- An intentional pattern of assaultive and controlling behaviors that cause fear, degradation, or humiliation. These behaviors may include, but are not limited to, threats, including threats to leave the individual or threats of self-harm, destruction of property, or orally abusive behavior.
- Any use or threatened use of physical force or violence, including sexual assault or other nonconsensual sexual activity.

Domestic violence occurs in the following relationships: spouses or former spouses, individuals who are or were in a dating relationship, individuals who reside or formerly resided together, or individuals who have a child in common. Domestic violence may occur in either of the following two ways:

- An intentional pattern of assaultive and controlling behaviors that cause fear, degradation, or humiliation. These behaviors may include, but are not limited to, threats,

including threats to leave the individual or threats of self-harm, destruction of property, or orally abusive behavior.

- Any use or threatened use of physical force or violence, including sexual assault or other nonconsensual sexual activity.

General Information and Warning

Signs

Stalking

You may or may not know the person who is stalking you; however, most stalkers have dated or been involved with the person they are stalking. While this can make recognizing stalking behavior difficult, it is important to remember that all behavior related to stalking is unwanted. Examples of stalking behavior include, but are not limited to:

- Repeated phone calls, including hang ups;
- Repeated electronic messages, letters, or gifts;
- Damage to your vehicle or other personal property;
- Monitoring and/or following your movements, activities, telephone, or other communications and in some cases this includes use of hidden cameras or GPS devices;
- Repeatedly driving or walking by your residence, class, or place of employment;
- Threats of harm toward you or your family, friends, or pets;
- Attempts to learn more about you through public records, online search services, hiring investigators, going through trash, or contacting your friends, family members, or co-workers; or
- Other actions that control, track, or frighten you.

Dating and Domestic Violence

Dating and domestic violence can be verbal, emotional, physical, or sexual. Violence and abuse have no place in a relationship, and when it is present are not about love or caring, but about one person trying to control another. Dating and domestic violence include, but are not limited to, the examples listed below.

- Your partner repeatedly insults and mocks your appearance, beliefs, religion, race, heritage, or class.
- Your partner manipulates you with lies and contradictions.
- Your partner denies you access to bank accounts, credit cards, or a vehicle.

- Your partner denies you access to health, prescription, or dental insurance.
- Your partner discourages you from spending time with friends or family members.
- Your partner tells you that you deserve to be mistreated and abused.
- Your partner threatens to harm himself/herself or others, including your friends, family, or pets.
- Your partner physically abuses you, which may include pushing, kicking, slapping, biting, punching, and throwing objects at you.
- Your partner sexually abuses you, which may include your being forced to watch or participate in sexual acts.
- Your partner does other things that frighten or humiliate you, or that harm or could harm you physically, emotionally, or psychologically.

What You Should Do

Victim of Stalking

Stalking is unpredictable and dangerous, and no two situations are alike. However, there are some things you can do to increase your safety such as the examples listed below.

- If you are in immediate danger, call Campus Safety (ext. 0911 or 517/629-0911) or the Albion Department of Public Safety (911).
- Trust your instincts. If you feel that something is not right, or that you are in danger, do not ignore those feelings.
- Do not communicate with the stalker or respond to attempts to contact you.
- Take threats seriously, especially if the stalker mentions suicide or physical violence. Immediately report this type of behavior to Campus Safety or Albion Public Safety.
- Develop a safety plan including actions like changing your routine, staying somewhere else, and having a friend or relative go places with you.
- Think about and decide in advance what you will do if the stalker shows up at your residence, classroom, or workplace.
- Make your friends, family, classmates, and co-workers aware of the situation, and tell them how they can help you.
- Keep and document all evidence of the stalking, including keeping a list of dates and times the stalker contacts you, and saving e-mails, texts, phone messages, letters, or notes.
- Photograph any injuries caused by the stalker

- and any property the stalker damages.
- Utilize available resources on- and off-campus to assist and advise you in how to handle situations.

Involvement in an Abusive Relationship

If you think you are involved in an abusive relationship, seek help. There are a number of actions that you can take, but you will need support. Examples of steps that you should consider are listed below.

- If you are in immediate danger, call Campus Safety (ext. 0911 or 517/629-0911) or the Albion Department of Public Safety (911).
- Talk to someone you trust about the abuse. It is important to break the silence.
- If you decide to end the relationship, develop a safety plan, which might include asking a friend, family member, or College staff member for help, finding a safe place to stay, and collecting money, emergency phone numbers, and a bag of clothes and personal items so you can leave quickly.
- Seek help from one of the resources listed below.

Remember, you do not deserve to be mistreated or abused. Examples of rights that you have in any personal relationship are listed below.

- The right to express your opinions and have them respected by your partner.
- The right to spend time with friends and family and pursue your own interests.
- The right to have your needs be as important as the needs of your partner.
- The right to have your feelings taken seriously.
- The right to have control over your body.
- The right to equally share expenses and financial benefits.
- The right to break up with your partner without being threatened.
- The right not to be physically, emotionally, or sexually abused by your partner.
- The right to say no to anything.

Filing a Complaint

A copy of Albion College's statement, "Stalking, Domestic Violence, and Dating Violence Policy, Procedures, and Prevention," will be provided to anyone who files a complaint. Victims of stalking, domestic violence, and dating violence have the right and are encouraged to pursue a criminal complaint against the accused and, if the alleged offender is an Albion student, within

the College judicial process. One or both of these options may be pursued, and the College will assist survivors in filing a criminal complaint as requested. Victims may also request changes in academic, living, transportation, and working situations whether or not they choose to report the incident to the College or to civil authorities. The College will provide such accommodations if they are reasonably available.

Anyone who wishes to file a complaint with the College should contact the Office of Campus Safety (ext. 1234 or 517/629-1234). All allegations will be investigated and resolved by the College in a prompt, fair, and impartial manner. College officials will protect the confidentiality and personally identifiable information of the survivor to the extent possible during the investigation and judicial process while providing due process for the respondent.

The Albion Department of Public Safety (ADPS) should be contacted to file a criminal complaint of stalking, domestic violence, and dating violence (911). If the incident did not occur in the city of Albion, ADPS will assist complainants in filing criminal complaints with the appropriate law enforcement agency.

Procedures for Resolution

Cases involving alleged violations of this policy by a student are processed in accordance with the Albion College judicial process. Administrative Hearing officer(s) who hear stalking, dating violence, and domestic violence cases are trained annually on issues related to these offenses and how to conduct a hearing process that protects the safety of survivors and promotes accountability. The judicial process is described in the Albion College *Student Handbook*. In accordance with the 2013 reauthorization of the Violence Against Women Act, the additional judicial process rights and procedures listed below apply to cases involving these offenses.

- The complainant and respondent are entitled to all of the same opportunities during disciplinary proceedings.
- The complainant and respondent each has the right to have an adviser of his or her choice present during all interviews, conferences, and meetings, including the hearing.
- The extent to which the adviser may participate in the proceedings is limited to providing the complainant or respondent private support, guidance, or advice.
- During the hearing, the adviser may assist his/her advisee in formulating statements for

the hearing officer(s). Such assistance, however, may not obstruct the orderly process of this hearing. The adviser may not directly interact with other persons during the hearing.

- The adviser is an individual who is not a party to the case.
- The adviser may not serve as a witness.
- In a timely manner, the complainant and respondent shall be simultaneously informed in writing of the outcome of the hearing and procedures for appealing the decision (i.e., request for an appeal review).
- The complainant and respondent shall also be simultaneously notified in writing if any part of the hearing decision is changed prior to the final decision, as well as when the decision becomes final.

The College has no legal authority to enforce orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by courts. However, the vice president for student affairs or his/her designee may require an individual or group to curtail or modify behavior and/or activities, including prohibiting contact with specified individuals such as physical contact or oral, written, electronic, third-party, or other communication, whenever these behaviors and/or activities are viewed as threatening or injurious to the well-being, safety, or property of any person(s), or to the property or orderly functioning of the College (e.g., living, learning, or working environment). Violations of such restrictions are considered violations of College policy and may result in student(s) being required to leave campus immediately.

Retaliation

Retaliation against a person who reports, complains about, or participates in an investigation or other procedures for addressing complaints of stalking, dating violence, or domestic violence will not be tolerated. Individuals should notify the director for campus safety in a prompt manner if they believe they have been retaliated against so that the behavior can be investigated and appropriate action taken.

Resources

On-Campus

Counseling Services — Ext. 0236

The Counseling Services Office offers free, confidential counseling and support to victims of stalking, dating violence, and domestic violence.

Counseling staff are dedicated and experienced in providing personal assistance to those affected by these offenses.

Anna Howard Shaw Women's Center—Ext. 0226

The Women's Center offers information and educational material, advocacy, support, and consultation regarding these offenses.

Off-Campus

S.A.F.E. Place Shelter, Battle Creek—

269/965-SAFE (7233) or 888/664-9832.

S.A.F.E. Place can assist with shelter, court advocacy, referrals, and comprehensive counseling programs for victims of stalking, dating violence, and domestic violence.

AWARE—Jackson (incidents involving intimate partners only)—517/783-2861

Assistance and support in reporting to law enforcement; counseling and support groups offered. 24-hour calls/availability.

Sexual Assault Services of Calhoun County—

888/383-2192 (24-hours)

Offers short-term individual counseling; trained staff or volunteer advocates provide assistance and support to victims at area hospitals and police departments. 24-hour calls/availability. All services provided free of charge.

Legal Services of South Central Michigan—

269/965-3951, or 800/688-3951.

National Domestic Violence Hotline—800/799-SAFE.

Same Sex & LGBTQ Intimate Partner Violence Resources

- **National Hotline**—888/843-4564.
- **Equality MI (Detroit)**—
313/537-7000, ext. 2, counseling and referral.
- **Ozone House (Ann Arbor)**—
734/662-2222. Offers a safe house/shelter and counseling services.

Education

Educational programs on recognizing, preventing, and responding to incidents of stalking, dating violence, and domestic violence shall be held at the beginning of each semester for new students (first-year and transfers), and for new employees. Ongoing educational programs about these topics will also be provided for all members of the Albion College community.

ALBION COLLEGE
POLICY AND PROCEDURES FOR ADDRESSING
COMPLAINTS OF SEXUAL HARASSMENT

I. SCOPE

The Policy and Procedures for Addressing Complaints of Sexual Harassment (Policy) applies to complaints of sexual harassment based on the alleged conduct of any Albion College faculty member, staff member, or student. Any Albion College student, any employee of the College or the College itself may file a complaint of sexual harassment against a faculty member, staff member, or student under this Policy. In those instances based on the alleged conduct of a student who is also an employee of the College, the Vice President for Student Affairs will determine whether the complaint will be addressed through the procedure for filing a complaint against a staff member or through the College Judicial Process.

II. POLICY

Albion College is committed to maintaining a living, learning, and working environment for students, faculty, and staff that is free of sexual harassment. Sexual harassment is contrary to the standards of the College community, and it is a barrier to fulfilling the College's academic mission. Sexual harassment is also illegal. It is prohibited in the employment context by Title VII of the 1964 Civil Rights Act, in the education context by Title IX of the Educational Amendments of 1972 and, in both employment and education contexts, by Michigan's Elliott-Larsen Civil Rights Act, adopted in 1976. It will not be tolerated at Albion College. All members of the College community have an obligation to participate in any investigation of a sexual harassment complaint.

Sexual harassment can be a very serious matter having far-reaching effects on the lives and careers of individuals. Intentionally false accusations can have similar impact. Both a person who sexually harasses another, and a person who knowingly and intentionally files a false complaint under this Policy, are subject to appropriate remedial action. An individual may engage in conduct of a sexual nature that may not be sufficiently severe, persistent, or pervasive to constitute sexual harassment as described below, but is nonetheless inappropriate. Such conduct may violate other College policies, and the College will take appropriate action.

III. DEFINITION OF SEXUAL HARASSMENT

For the purpose of determining whether a particular course of conduct constitutes sexual harassment under this Policy, the definition listed below will be used.

Unwelcome sexual advances, requests for sexual favors, and other oral or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a College activity; or

2. Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a College activity; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a College activity.

Sexual assault that includes any incidents of "criminal sexual conduct" as defined by Michigan law will not be tolerated by Albion College. In addition to potentially constituting an offense under the Albion College Sexual Assault Policy, an incident of alleged sexual assault may also constitute sexual harassment.

Some examples of conduct that may constitute sexual harassment include, but are not limited to:

Unwanted sexual statements – sexual or "dirty" jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one's sexual activity in front of others, and displaying or distributing sexually explicit drawings, pictures, and/or written material. Unwanted sexual statements can be made in person, in writing, electronically (email, instant messaging, blogs, web pages, etc.), and otherwise.

Unwanted personal attention – letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted, and stalking.

Unwanted physical contact of a sexual nature or physical sexual advances – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, intercourse, or other sexual activity.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, one severe incident, even if isolated, can be sufficient.

This Policy addresses intentional and unintentional conduct. Sexually-related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe, persistent or pervasive as to interfere unreasonably with academic, other educational, or employment performance or participation in a College activity or living environment.

Sexual harassment often occurs when one person has actual or apparent power or authority over another; however, it may also occur between individuals of equal status or rank within the College. It is also possible for a person who is not in a position of power or authority over another to sexually harass that person, such as a professor being sexually harassed by a student or a supervisor being sexually harassed by a supervisee. Sexual harassment can occur between persons of the same sex and persons of the opposite sex.

In the event of a complaint of sexual harassment, the College will in general, be unsympathetic to a defense based upon consent when the facts establish that a professional faculty-student, staff-student, or supervisor-employee power differential existed within the relationship.

Although sexual harassment as described and prohibited by this Policy includes a wide range of behaviors, it does not include certain discriminatory conduct even though that conduct may be otherwise unlawful, offensive, or prohibited by College policy. A finding of sexual harassment constitutes a violation of College policy.

IV. PROCEDURES

The College may deviate from these Procedures (e.g., processing a complaint during a break period) as necessary to achieve the goals of prompt, thorough, and effective complaint resolution in a procedurally fair manner with no unnecessary delays. The College recognizes that these types of matters can be difficult for all parties involved. As such, the College strives to complete the investigative phase within 60 calendar days. However, depending upon the nature and complexity of the investigation, investigations may be completed before or after this time frame.

A. Time Frame for Filing a Complaint

The College can take corrective action only when it becomes aware of problems. Therefore, the College encourages persons who believe that they have experienced or witnessed sexual harassment to come forward promptly and to seek assistance within the College. The College will work to achieve a fair and equitable resolution of all complaints of sexual harassment regardless of when the complaints are filed. Individuals also have the right to pursue a legal remedy for sexual harassment in addition to proceeding under this policy.

B. Lodging and Processing a Complaint Against a Student

An individual may file a complaint about alleged sexually harassing behavior by a student by contacting the Office of Campus Safety, Office of Residential Life, or Office of the Vice President of Student Affairs.

All complaints of alleged sexual harassment against a student will be referred to and managed according to the Albion College Judicial Process (including appeals). However, in those instances based on the alleged conduct of a student who is also an employee of the College, the Vice President for Student Affairs will determine whether the complaint will be addressed through the procedure for filing a complaint against a staff member or through the College Judicial Process. A complete description of the Judicial Process, including appellate procedures, is contained in the *Albion College Student Handbook*.

C. Lodging and Processing a Complaint Against a Faculty Member or Staff Member

Complaints about alleged sexually harassing behavior of a College faculty member or staff member should be made by contacting the faculty member's or staff member's immediate supervisor, Office of Human Resources, or Vice President/Provost of the division in which the staff member works. All complaints will be forwarded to the Director for Human Resources at which time a Complaint Intake Form (CIF) will be completed.

A complaint against a faculty member or staff member must be processed under this Policy. Therefore, a faculty member Complainant may not initiate or process a complaint utilizing the Faculty Grievance Procedures. The person(s) who brings forward a complaint of sexual harassment shall be designated as the Complainant(s) and the answering party shall be designated as the Respondent.

1. Investigation

The College shall investigate all complaints of alleged sexual harassment against a faculty member or staff member. The Director for Human Resources, Associate Provost, and Director for Campus Safety or their designees (the “Investigators”) shall perform the investigation. The Director of Human Resources shall ensure that there is male and female gender representation among the Investigators. Designees shall be appointed by the Investigator in consultation with the Senior Officer of the College who supervises an Investigator to be replaced.

The purpose of an investigation, that will include interviewing the parties and witnesses as appropriate, is to gather and assess evidence. The standard of proof used to determine the facts of the case will be a “preponderance of the evidence” standard (i.e., that which is believed is more likely than not to have occurred based on the information presented).

2. Outcome

At the conclusion of the investigation, the Investigators will prepare a written report of the investigation that will include a determination regarding the merit of the allegations. This will be the end of the Investigators’ involvement in the matter. Possible outcomes of an investigation are (1) a finding that the allegations are not warranted or could not be substantiated, (2) a finding that the allegations are substantiated and constitute sexual harassment or other inappropriate behavior, and, if so, referral to the appropriate administrator for appropriate remedial action. This report will be provided to the appropriate administrator who is the person who (a) serves on the President’s Administrative Council (PAC), and (b) is a Senior Officer of the College (e.g., Provost or Vice President). A copy of the report will also be provided to other College officials as necessary to ensure proper resolution and follow-up regarding the matter.

If sexual harassment or other inappropriate behavior is substantiated, the appropriate administrator makes the final determination of what, if any, remedial action will be taken. Remedial Action may include, but is not limited to, education, training, negotiated settlement of the complaint, a warning, a reprimand, a suspension, or termination of employment. The severity of the remedial action will depend on the frequency, duration, and/or severity of the offense, and any history of similar conduct. Prior to determining remedial action, the appropriate administrator will consult with the Director for Human Resources. In the case where the Respondent is a faculty member and dismissal for cause is being considered, the Dismissal for Cause section 2.14.5 of the *Albion College Faculty Handbook* will be followed.

In all cases including those that fall under dismissal for cause, the appropriate administrator will communicate the finding and remedial action (if applicable) in a letter to the Respondent. This administrator will communicate the finding in a letter to the Complainant as well as a description of the remedial action that the administrator has deemed appropriate when there has been a finding of sexual harassment pursuant to this Policy. These letters and the Investigators’ report are kept

on file by the appropriate administrator. In cases where the Respondent is found responsible, a copy of the letter to the Respondent will also be filed in the Respondent's Human Resources Office personnel file. The Investigators' report will be kept on file in the Human Resources office.

3. Appealing the Outcome

Appeals by bargaining unit employees shall be processed in accordance with the grievance procedure outlined in the applicable Labor Agreement.

A Respondent faculty member has the right to one appeal in accordance with the "Faculty Grievance Procedures: Procedure for Type 3 Grievances" in the *Albion College Faculty Handbook 2.15.7*.

All other staff members have the right to one appeal of the Finding(s) and/or Sanction(s) to the appellate administrator. The appellate administrator is the direct supervisor of the appropriate administrator or designee who serves on PAC. Appeals will only be considered when based on at least one of the four criteria listed below.

- There were Policy process procedural errors that substantially affected the rights of the Respondent;
- New evidence has been discovered that is of a character directly affecting the decision;
- The decision is incompatible with the evidence; and/or
- The penalty is excessive.

The appellate administrator communicates the appeal decision in writing to the Respondent, Complainant, PAC appropriate administrator, and Director for Human Resources.

Appeals will be submitted in writing to the appellate administrator within ten (10) business days of receiving the written final determination.

D. Advocacy

Investigators do not function as advocates for Complainants or Respondents. Investigators can, however, identify support resources for Complainants and Respondents.

E. Support Persons

During the investigative process, the person filing the complaint or the person against whom the complaint is filed may have a support person present. This person must be a full-time student, full-time faculty member, or full-time staff member who is not an attorney and is not a witness to the behavior in question. A support person may be present during interviews or other meetings related to this procedure, but may not participate or interfere through his or her presence in the investigative process.

F. College Action

The College may assume the role of a Complainant and pursue a report or complaint of sexual harassment. The College may respond to complaints or reports by persons external to the College community about alleged sexually harassing conduct by College faculty members, staff members, or students.

G. Anonymous Complaints

The College may not be able to resolve a complaint filed anonymously unless sufficient information is furnished to enable the College to conduct a meaningful and fair investigation.

H. Retaliation

Retaliation against a person who reports, complains about, or participates in an investigation or other procedures for addressing complaints of a sexual harassment allegation will not be tolerated. Persons should notify the Director for Human Resources or Director for Campus Safety in a prompt manner if they believe they have been retaliated against so that the behavior can be investigated. If the College determines retaliation has occurred, then an individual who retaliated against someone who participated in any part of the procedures will be subject to appropriate remedial action.

I. Confidentiality

Sexual harassment complaints will be handled in a confidential manner to the extent possible and consistent with principles of due process.

J. Conflict of Interest

A conflict of interest is a significant professional or personal involvement with the facts or the parties to a dispute. Any participant or administrator who has a conflict of interest in a dispute covered by these procedures, or a concern about a conflict on the part of another, will report it to the Director for Human Resources. The Director for Human Resources will decide how to address the situation. If there is a conflict of interest involving the Director for Human Resources, the Director's supervisor will decide how to address the situation. If there is a conflict of interest involving the PAC appropriate administrator, the President will decide how to address the situation. If there is a conflict of interest involving the President, the Chair of the Board of Trustees will decide how to address the situation.

Approved by the Board of Trustees (May 13, 2011)

Albion College acknowledges that best practices which include state and federal laws and/or regulations, continue to change, e.g., 2013 Reauthorization of Violence Against Women Act (VAWA). Consequently, if College policies and procedures conflict with or are not in line with current best practices, then current best practices, including state and federal laws and/or regulations, will take precedence over conflicting College policies and procedures.
(February 13, 2016)

Albion College

Sexual Assault Resource Contact Information

Confidential and Emergency Services

Sexual Assault Services of Calhoun County (SAS) Hotline (24/7)
888-383-2192 or #9876 (*only on campus phone*)

Counseling Services (*After-hour access available. Call Campus Safety; request to talk with counselor-on-call.*)
517-629-0236

Student Health Services (*only normal business hours*)
517-629-0220

Reporting and Referral Services

****NOT Confidential****

Albion Department of Public Safety (24/7)
Dial 911 from cell phone.

Campus Safety (24/7)
517-629-1234

If a student prefers, a female Campus Safety staff member is normally available to explain the reporting and investigative process. If possible, a staff member will arrange to meet you at a location of your choice on campus.

College Title IX Coordinator, Lisa Locke (*only normal business hours*)
517-629-0206

See www.albion.edu/shp for additional information.

This document is prepared by the Student Affairs office. For suggestions and questions, contact studentaffairs@albion.edu.

Albion College
Sexual Assault Reference Guide

Emergency & Reporting Process

- Albion Department of Public Safety (ADPS): Dial 911 on *non-campus phone*. (If you call ext. 0911 on campus phone, Campus Safety will contact ADPS for you.)
- Campus Safety: ext. 1234 or ext. 0911 (note four digits) or 517/629-0911. **If a student prefers, a female Campus Safety staff member is normally available to explain the reporting and investigative process. If possible, a staff member will arrange to meet you at a location of your choice on campus.**
- Preserving evidence (from your clothing and physical being) is important if you decide to make a complaint.

Confidential & Free Resources

The College is required by Federal law to conduct a prompt, thorough, and impartial investigation into all allegations of sexual assault. To maintain anonymity, survivors or others who report a sexual assault need to contact a confidential source listed below.

Other College faculty and staff are expected to report the information they receive to Kenneth Snyder, (Associate Dean of Students/Director for Campus Safety) or Lisa Locke (Title IX Coordinator). They limit any disclosures to what is reasonably necessary to conduct a fair and thorough investigation and to appropriately address the allegations. The College's ability to investigate an assault is dependent upon a survivor's decisions. Survivors are encouraged but not required to report a sexual assault. Survivors decide to whom and how much information they decide to give others.

Students (except Resident Assistants, Smooth Transitions Mentors, and First-Year Experience Mentors) are not required to report a sexual assault, but are encouraged to do so.

Emergency Confidential Services

- Sexual Assault Services (SAS) Hotline: 888/383-2192 OR: #9876 (Only use on campus phone; must push # sign. Press ONLY 5 symbols - #9876. DO NOT dial 1-517-629-9876.)
- Call SAS to reach Sexual Assault Advocates (SAA) who provide **confidential** services 24/7.
- Student Health Services (students only)ext. 0220 (Only during regular hours)
- Counseling Services (students only).....ext. 0236 (After-hour access available)

Non-Emergency Confidential Referral Services

- SAS Local Sexual Assault Advocates (LSAAs) (current faculty, staff, and students)
See www.albion.edu/shp for contact and availability information.
- Employee Assistance Program (only Union Employees and full-time salaried employees)
Refer to the Employee Service Manual available from the Albion College HR site.

Same-Sex & LGBTQ Intimate Partner Violence Resources

- National Hotline – 888/843-4564 (Monday-Friday 4:00 p.m.-Midnight, Saturday Noon-5:00 p.m.)
- Advice and Counseling Services: Equality MI (victim assistance and referral) (Detroit) – 866/926-1147
- Ozone House: Safehouse/Shelter or Counseling Services (Ann Arbor) – 734/662-2222 (24/7)

Important Facts

- A medical exam is very important to ensure that you are not injured and have not contracted an STI.
- The sooner you talk to a support person, the sooner you will begin to recover from an assault.
- The SAS Sexual Assault Advocates will listen and support you, explain your options in detail, and assist you at the hospital or in making a report, etc.
- Remember: The assault was not your fault. Also: What to do is always your choice.
- The best way to help a friend who was assaulted is to listen, believe her/him, and do not judge, and make appropriate referrals.

Physical Check-up

- If you call the SAS Hotline within 120 hours of an assault, you can have a free physical exam by a specially trained, female Sexual Assault Nurse Examiner (SANE).
- You may receive services for any length of time through Student Health Services.

Title IX Coordinator

- Title IX Coordinator, Lisa Lockeext. 0206

The Albion College Sexual Assault Policy is located in the Student Handbook, Section VI, Policies and Expectations, Appendix B, www.albion.edu/handbook/policies-and-expectations. Copies are also available at the Office of Human Resources, the Office of the Provost, and the Office of Student Affairs.

ALBION COLLEGE SEXUAL ASSAULT STUDENT REPORTING PROCEDURES

Survivors of sexual assault have the right and are encouraged to pursue a complaint against the accused in the legal system and within the College Judicial Process. Survivors have the option of filing a criminal complaint, filing a civil complaint, and filing a complaint with the College. Survivors may choose one or any combination of these options. The following is a brief description of the options available to a survivor for filing complaints, and access to a survivor's information is restricted to the greatest extent possible.

Confidential Issues

The College is required by Federal law to conduct a prompt, thorough, and impartial investigation into all allegations of sexual assault. To maintain anonymity, survivors or others who report a sexual assault need to contact a confidential source listed below.

Other College faculty and staff are expected to report the information they receive to Kenneth Snyder, (Associate Dean of Students/Director for Campus Safety) or Lisa Locke (Title IX Coordinator). They limit any disclosures to what is reasonably necessary to conduct a fair and thorough investigation and to appropriately address the allegations. The College's ability to investigate an assault is dependent upon a survivor's decisions. Survivors are encouraged but not required to report a sexual assault. Survivors decide to whom and how much information they decide to give others.

Students (except Resident Assistants, Smooth Transitions Mentors, and First-Year Experience Mentors) are not required to report a sexual assault, but are encouraged to do so.

The on-campus resources that are exempt from this regulation are listed below.

- Student Health Services (students only)..... ext. 0220 (Only during regular hours)
- Counseling Services (students only) ext. 0236 (After-hour access available)
- SAS Local Sexual Assault Advocates (LSAAs) (current faculty, staff, and students)
See www.albion.edu/shp for contact and availability information.

Filing a Complaint within the College Judicial Process

A survivor can choose to file a complaint within the College Judicial Process. All complaints are investigated by the Office of Campus Safety. If a student prefers, a female Campus Safety staff member is normally available to explain the reporting and investigative process. If possible, a staff member will arrange to meet you at a location of your choice on campus. The complaint will normally be referred to the College Judicial Process.

After the investigation is completed, the case is normally scheduled for an Administrative Hearing. Staff and/or faculty members who are trained in sexual assault issues, serve as Hearing Officer(s). The standard of proof is a preponderance of the evidence.

A complete description of the College Judicial Process [that includes reauthorization of Violence Against Women Act (VAWA) provisions] can be viewed online at www.albion.edu/handbook/procedures. A copy, including the rights of survivors, can be made available by Campus Safety staff.

Filing a Criminal Complaint

A survivor can choose to file a criminal complaint with a police agency. If the assault occurred on campus or in town, the City of Albion Department of Public Safety (ADPS) is responsible for investigating the complaint. If the assault occurred somewhere else, ADPS can assist survivors in contacting the appropriate police agency to conduct the investigation. Some pertinent information about a police investigation is explained below.

- If the assault is reported within 120 hours of when it occurred, the police will request that the survivor go to the hospital for a sexual assault examination. This examination is conducted by a trained nurse, known as a SANE nurse, who will ask what happened and will complete a physical examination to gather evidence for the investigation. There is no charge for this examination. (SANE stands for Sexual Assault Nurse Examiner.)
- The police will talk to the survivor about what happened.

- The police will interview witnesses, contact the suspect, and gather all relevant evidence related to the incident.
- The police will then forward a report on their investigation to the County Prosecutor, who decides whether or not to prosecute the case.
- The prosecutor may want to interview the survivor before making a decision about the case.
- If the prosecutor brings charges against the person who has been accused of the assault, the survivor becomes a witness in the case against this individual, and will be subpoenaed to testify during the criminal process.

NOTE: The police and/or the prosecutor may choose to investigate and prosecute a complaint even if the survivor does not wish to press charges or changes his/her mind about filing a criminal complaint.

Filing a Civil Complaint

A survivor can choose to file a civil lawsuit. The goal of a lawsuit is to compensate the survivor for damages caused by the actions of the person who committed the assault. Here are some key points to consider about this option:

- The survivor does not have to file criminal charges to pursue a civil lawsuit.
- The survivor will need to hire an attorney.
- The standard of proof for a lawsuit is “preponderance of evidence” not “reasonable doubt”.
- The process can take 2-5 years to complete.

IMPORTANT RESOURCES

- **Office of Campus Safety - ext. 1234 or 517/629-0911**
- **Albion Department of Public Safety - 911 on *non-campus phone***
- **Title IX Coordinator, Lisa Locke, Human Resources Office – ext. 0206**
- **Vice President for Student Affairs and Dean of Students - ext. 0226** - The Vice President for Student Affairs and Dean of Students is able to assist survivors request changes in academic, living, transportation, and working situations whether or not they choose to report the incident to the College or to civil authorities. The College will provide such accommodations if they are reasonably available.
- **Student Health Services - ext. 0220** - The Student Health Services staff are trained in sexual assault response. All conversations and examinations are strictly **confidential**.
- **Oaklawn Hospital (Marshall) – 517/629-2630**
- **Allegiance Health Hospital (Jackson) – 517/788-4800**
- **Counseling Services - ext. 0236** - The Counseling Services staff offer 24/7 free, **confidential** counseling, and support to survivors of sexual assault. The counseling staff are experienced in providing assistance to survivors as well as friends affected by this type of trauma.
- **Sexual Assault Services of Calhoun County – 888**
- **/383-2192 (24-hours) or #9876 (dial only 5 digits from any campus phone)** - Offers **confidential**, short-term individual counseling; trained staff or volunteer Sexual Assault Advocates provide support and advocacy to survivors at area hospitals and police departments with 24-hour call availability. All services provided free of charge.
- **SAS Local Sexual Assault Advocates (LSAAs)** - See www.albion.edu/shp for contact and availability information.
- **AWARE - Jackson - 517/783-2861** - Staff from AWARE will accompany survivor to Allegiance Health Hospital and City Police or Sheriff Department. **Confidential** counseling and support groups with 24-hour call availability.
- **Legal Services of South Central Michigan** – 269/965-3951, or 800/688-3951

Same-Sex & LGBTQ Intimate Partner Violence Resources

- **National Hotline** – 888/843-4564 (Monday-Friday 4:00 p.m.-Midnight, Saturday Noon-5:00 p.m.)
- **Advice and Counseling Services: Equality MI (victim assistance and referral) (Detroit)** – 866/926-1147
- **Ozone House: Safehouse/Shelter or Counseling Services (Ann Arbor)** – 734/662-2222 (24/7)

Albion College
Sexual Harassment Reference Guide
2017-2018

Sexual Harassment

Definition

Unwelcome sexual advances, requests for sexual favors, and other oral or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a College activity; or
2. Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a College activity; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a College activity.

Reporting Sexual Harassment

The College can take corrective action only when it becomes aware of problems. Therefore, the College encourages persons who believe that they have experienced or witnessed sexual harassment to come forward promptly and to seek assistance within the College. The College will work to achieve a fair and equitable resolution of all complaints of sexual harassment.

Reporting allegations of sexually harassing behavior by a student may be made to the Office of Campus Safety (ext. 0213), the Office of Residential Life (ext. 0224), or the Office Student Affairs (ext. 0226).

Reporting allegations of sexually harassing behavior by a faculty or staff member may be made to the Title IX Coordinator, Lisa Locke, Human Resources Office (ext. 0206), to the faculty or staff member's immediate supervisor, or to the Vice-President/Provost of the division in which the faculty or staff member works.

Confidential Consultation

Any faculty member, staff member, or student may also seek free and private consultation from the following campus resources as designated:

- Counseling Services (students only).....ext. 0236
- Employee Assistance Program (union Employees and full-time salaried employees)
Refer to the Employee Service Manual available from the Albion College HR site.

NOTE: The College is required by Federal law to conduct a prompt, thorough, and impartial inquiry into all allegations of sexual harassment. As a result of this requirement, it may not be possible to maintain the confidentiality of survivors or others who report a sexual harassment to College personnel (except for the two services listed directly above this notation). However, the College will limit any disclosures to what is reasonably necessary to conduct a fair and thorough investigation and to appropriately address the allegation.

For Further Information

Information concerning sexual harassment is available from:

- Anna Howard Shaw Women's Center (Materials only - Kellogg Center, room 448)
- Office of Campus Safety (1003 E. Cass St.)
- Title IX Coordinator, Human Resources Office (1003 E. Cass St.)
- Office of the Provost (Ferguson Hall, Suite 201)

Albion College's Policy and Procedure for Addressing Complaints of Sexual Harassment may be viewed at www.albion.edu/shp. Copies are also available at the Office of Human Resources, the Office of the Provost, and the Office Student Affairs.