

Albion College
Division of Student Affairs
SEXUAL ASSAULT STUDENT REPORTING PROCEDURES
2011-2012

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, but access to information is restricted to the greatest extent possible.

Confidential Issues

The College is required by Federal law to conduct a prompt, thorough, and impartial inquiry into all allegations of sexual assault. As a result of this requirement, it may not be possible to maintain the confidentiality of survivors or others who report a sexual assault to College personnel (except for the two services listed directly below this paragraph). 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.

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

- Student Health Services (students only).....0220
- Counseling Services (students only)0236

Filing a Complaint within the College Judicial System

A survivor can choose to file a complaint within the College Judicial Process. All complaints are investigated by the Office of Campus Safety, and are then normally referred to the College Judicial Board.

An investigation includes:

- A statement from the survivor (normally in writing) about what happened,
- Interviews with witnesses,
- An interview with the Respondent (the person who is being accused), and
- Gathering other information relevant to the incident.

After the investigation is completed, the case is normally scheduled for a Judicial Board Hearing. The Judicial Board is comprised of students, staff, and faculty, and they decide the facts of the case after reviewing all evidence allowed at a Hearing. Some pertinent information about a Judicial Board Hearing is listed below.

- The Board and all parties normally review in advance all written reports that will be presented at the Hearing.
- A survivor has the right to attend the hearing and to have an advisor present during the Hearing. The advisor must be a current Albion College student, faculty, or staff member who is not an attorney and not a party to the case.
- A survivor must be in the same room as the Respondent during the Hearing, but the room will be arranged so that they cannot see each other.
- A survivor has the option of making an opening and closing statement as part of the Hearing, but is not required to do so.
- A survivor will be asked questions by members of the Judicial Board and also by the Respondent, but the Respondent's questions are communicated through the Judicial Board Chair. A survivor also has the opportunity to ask questions of the Respondent, but questions pass through the Judicial Board Chair.
- The Hearing is confidential.

A complete description of the College Judicial Process can be viewed online at:

www.albion.edu/handbook/procedures .

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 96 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 NUMBERS

Office of Campus Safety—Ext. 1234

Albion Department of Public Safety—911 on non-campus phone.

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)—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 dedicated to and experienced in providing personal 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 survivor 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 from AWARE will accompany survivor to Allegiance Health Hospital and City Police or Sheriff Department. **Confidential** counseling and support groups. 24-hour calls/availability.

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 in a number of areas such as notifying faculty that a survivor is not able to attend classes for personal reasons and arranging transportation home or to other locations off-campus. (Note that only faculty may excuse students from attending classes.)

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