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ALBION COLLEGE
SEXUAL ASSAULT POLICY, PROCEDURES, AND PREVENTION
2017-2018 ALBION COLLEGE STUDENT HANDBOOK

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 LSAA's, 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 SAAs will advise survivors on their options for medical and emotional care as well as legal remedies. At the request of the survivor, the SAA 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 SAA will continue to assist the survivor through whichever legal procedures she/he chooses to pursue. Communications between a survivor and a SAA 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 SAA 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 SAA will be available to advise the survivor of her/his options in the following areas:

1. Medical—The SAA 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 SAA is familiar with the range of reactions survivors have to sexual assault. The SAA 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 SAA will provide the survivor with a list of resources.
3. College Policies—The SAA is familiar with Albion College policies and procedures regarding sexual assault. The SAA 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.

