

WAYNE STATE UNIVERSITY

University Policy

01-5 Sexual Assault (Second Release 12/03)

1.0 Purpose

- 1.1 This University Policy is issued pursuant to the Board of Governors' statutes "Sexual Harassment" and "Student Due Process Policy". It is the purpose of this University Policy to assure the fullest possible awareness of Wayne State University's policy on sexual assault, and to confirm and regularize Wayne State University's procedure regarding sexual assault.

2.0 Definitions

- 2.1 Sexual assault includes, but is not necessarily limited to any of the following:
- Any intentional, unconsented, unwelcome physical contact or threat of unwelcome physical contact or attempt thereof, of: (a) an intimate body part of another person, such as a sexual organ, (b) any body part of another person with one's sexual organs, or (c) any part of another person's body with the intent of accomplishing a sexual act; or
 - Unwanted, inappropriate disrobing of another person, or purposeful exposure of one's genitals to another without the other's consent; or
 - Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent; or
 - Any behavior that is proscribed as "criminal sexual conduct" under the Michigan Penal Code, notwithstanding whether criminal charges have been brought against the individual alleged to have engaged in such behavior.
- 2.2 For purposes of this policy, consent shall not be deemed to have occurred if given by a person who is unable to make a reasoned judgment concerning the nature or harmfulness of the activity because of his or her intoxication, unconsciousness, mental deficiency or incapacity, or if the product of threat or coercion.

3.0 Prohibited Conduct

- 3.1 Sexual assault violates the standards of conduct expected of every member of the University community, and is strictly prohibited. Any employee or student found to have engaged in sexual assault against another member of the University community will be subject to disciplinary action.

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- 3.2 Disciplinary action by the University is not intended as a substitute for civil or criminal process. Members of the University community are accountable both to civil authorities and to the University for acts that constitute violations of law and University policy. Disciplinary action for violation of this policy shall not be subject to challenge on the grounds that civil or criminal proceedings are pending, or that civil or criminal charges involving the same incident have been invoked, dismissed, or reduced.
- 3.3 Sexual assault violates the laws of the State of Michigan. Victims of and witness to incidents of sexual assault are strongly urged to immediately notify the Department of Public Safety.

4.0 Sanctions

- 4.1 Students who engage in sexual assault are subject to University disciplinary action pursuant to the Student Due Process Policy, which provides for a full range of sanctions up to and including expulsion. Any person may initiate charges against a student believed to have committed a sexual assault by filing charges and providing information pertinent to the charge with the Judicial Officer appointed by the President or his/her designee.
- 4.2 Employees who engage in sexual assault are subject to disciplinary action pursuant to applicable collective bargaining agreements. Non-represented employees are subject to disciplinary action in accordance with the Handbook for Non-Represented Employees.
- 4.3 Any person falsely reporting or accusing another of sexual assault shall be subject, as applicable, to disciplinary action pursuant to the Student Due Process Policy, collective bargaining agreement, or Handbook for Non-Represented Employees.
- 4.4 Nothing in this executive order shall be construed to limit the existing authority, duties or responsibilities of the Office of Equal Opportunity, Policy Development and Analysis.
- 4.5 Sanctions outlined in this section are not exclusive. The University reserves the right to pursue or seek additional sanctions or report assaultive behavior to appropriate authorities. Perpetrators of sexual assault may also be subject to civil or criminal prosecution.

5.0 Procedures That Should Be Followed If A Sex Offense Occurs

- 5.1 Victims of or witnesses to sexual assaults are strongly urged and advised to notify immediately the University's Department of Public Safety

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(Police) at 313/577-2222, as well as other University authorities. Reports prepared and investigations conducted by the Department of Public Safety shall be submitted to the Detroit Police Department for a coordinated effort toward resolution and prosecution.

- 5.2 Victims and/or witnesses may also initiate a report/investigation by contacting the University Judicial Officer, who will assist in notifying the Department of Public Safety. Victims may also be assisted by University Counseling and Psychological Services and by the Office of Equal Opportunity, Policy Development and Analysis.
- 5.3 Because the collection of evidence by medical and police personnel is critical to the prosecution of sexual assault offenses, victims are strongly advised to delay changing clothes, cleaning their persons or clothing, or applying medication, except as may be medically necessary.
- 5.4 All cases reported to the Department of Public Safety shall be thoroughly investigated. The first priority of the responding public safety officers shall be to care for the victim. The officers shall assist the victim in obtaining appropriate medical attention, giving due regard to the collection of evidence by medical personnel. Evidence technicians shall be responsible for the collection and preservation of crime scene evidence. Interviews of the victim shall be conducted by same gender officers, if that is the victim's preference. Officers shall accommodate the victim's choice of location for lodging a complaint. The identity of the victim shall not be released to the public or the media. If an arrest is made, a public safety officer shall be made available to accompany the victim throughout the criminal proceedings, including line-ups, preliminary examinations, pre-trial conferences, trials, and sentencing.

6.0 Special Living And Academic Arrangements

- 6.1 Where appropriate and reasonably necessary for the ongoing security of a victim who resides in University housing, the Housing Authority will, upon request, provide alternative housing arrangements.
- 6.2 Where appropriate and reasonably necessary for the ongoing security of a victim who is or becomes enrolled in classes at the University, the Dean or his/her designee from the school or college in which the student is or becomes enrolled will, upon request, provide alternative academic arrangements.
- 6.3 Where appropriate and reasonably necessary for the ongoing security of a victim who is a student employee of the University, the University Counseling and Psychological Services will, upon request, coordinate an effort to locate and place the student in alternative employment.

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7.0 Campus And Community Resources

Wayne State University and the broader community provide a variety of resources for victims of sexual assault. These resources include:

7.1 *University Resources*

University Counseling Services
Wayne State University
552 Student Center Building
Detroit, MI 48202
313/577-3398

Equal Opportunity, Policy Development and Analysis
Wayne State University
3660 Academic/Administrative Building
Detroit, MI 48202
313/577-2280

Merrill Palmer Institute - Counseling for Children
Wayne State University
71A East Ferry Avenue
Detroit, MI 48202
313/872-1790

Ombudsperson
Wayne State University
1326 Faculty/Administration Building
Detroit, MI 48202
313/577-3487

Department of Public Safety
Wayne State University
76 West Hancock
Detroit, MI 48202
313/577-2222

University Health Center - Life Stress Center
Detroit Receiving Hospital
4201 St. Antoine, Rm 3S14
Detroit, MI 48201
313/745-4811
University Health Center - Rape Counseling Center
4201 St. Antoine
Detroit, MI 48202

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313/745-4335

Provides police protections on campus and nearby areas and also offers special programs to meet the needs of students, staff, and faculty.

University Judicial Officer
Wayne State University
470 Student Center Building
Detroit, MI 48202
313/577-6826

7.2 ***Community Resources***

Detroit Police Department (3rd Precinct)
1240 W. Forest
Detroit, MI 48202
313/833-1123

Provides police protection within the city of Detroit; also offers special programs to meet the needs of Detroit citizens.

HAVEN (Help Against Violent Encounters Now)
(LOCATION IS CONFIDENTIAL)
PO Box 431045 (mailing address)
Pontiac, MI 48343
248/334-1284 (administration)
248/334-1274 (24 hour crisis line)

Provides residential and nonresidential domestic violence and sexual abuse prevention and treatment services, including emergency shelter for adult victims and their children; court advocacy for victims of sexual assault and their families; support groups for domestic violence, rape, and incest victims; counseling and parenting classes.

Southeast Michigan Anti-Rape Network (SEMARN)
PO Box 10238
Detroit, MI 48210
313/833-1660 (Rape Counseling Center)

A coalition of agencies in Calhoun, Genesee, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne Counties dedicated to the prevention and treatment of sexual assault; including information and referral services and emergency financial assistance for survivors of sexual assault who are clients of member agencies.

Turning Point
(LOCATION IS CONFIDENTIAL)
PO Box 1123 (mailing address)

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Mt. Clemens, MI 48046
810/463-4430 (administration)
810/463-6990 (24-hour crisis line)

Provides shelter and other support services for sexual assault victims and for spouse or partner abuse victims and their children; transportation for shelter residents to obtain needed services; limited financial assistance; child care services for shelter residents; individual and group counseling and legal assistance.

8.0 Educational Programs

8.1 The Associate Provost for Student Development and Campus Life, or his/her designee, and the Director for Equal Opportunity, Policy Development and Analysis shall establish and maintain awareness programs to inform the University community about risks and myths of sexual assault and to promote an environment at Wayne State University which is free from sexual assault and consistent with other protections and personal freedoms.

9.0 Duration

9.1 This University Policy is revocable at any time and without notice.

10.0 Effective Date

10.1 This University Policy is effective upon issuance.

Signed by President Irvin D. Reid December 18, 2003.