

Shawnee State University

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SUBJECT:	PREVENTION OF AND RESPONSE TO SEXUAL ASSAULTS	RECOMMENDED BY:	Paul Crabtree
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A university can function effectively only when the rights and responsibilities of all its members are clearly recognized. Each member of the campus community is responsible to the whole and must be concerned with the needs, rights and dignity of the individual members.

Shawnee State University recognizes the seriousness of sexual assault and is committed to the prevention of such offenses, while treating a victim who alleges a sexual assault has occurred with dignity and understanding.

Sexual assault includes, but is not limited to, forcing, threatening to force, coercing or deceiving another to engage in sexual activity knowing that the activity is offensive to that person or when the person is unable to assess the nature of or control his/her own conduct as a result of impaired judgment due to the influence of a controlled or intoxicating substance. In addition, sexual assault occurs when a person is unconscious or physically unable to communicate unwillingness to participate in sexual activity. The definitions of O.R.C. 2907.01 are incorporated by reference. Any offense under O.R.C., Chapter 2907, constitutes a sexual assault.

1.0 Awareness and Prevention of Sexual Assaults

Throughout the academic year, various University departments--including Campus Security, Counseling and Assessment Center, Women's Program (G.R.O.W.), Student Life, as well as Academic Affairs--offer educational and prevention programs in a variety of formats which focus on the issue of sexual assault. These programs are presented through classroom presentations, workshops, seminars and video/informational brochures. All members of the University community are encouraged to actively participate in becoming educated about this issue and incorporating that knowledge into their daily routines on campus.

2.0 Procedures for Reporting --an Alleged Sexual Assault

- 2.1 The person who alleges that a sexual assault has occurred should notify the Office of Campus Security immediately.
- 2.2 The person who alleges that a sexual assault has occurred has the right to prompt and full cooperation from Campus Security.
- 2.3 All University personnel with the exception of those providing mental health services are required to report to the Office of Campus Security that a sexual assault has been alleged.

3.0 Rights of an Individual Who Alleges that a Sexual Assault has Occurred

- 3.1 To be informed of the importance of preserving evidence as may be necessary to prove criminal sexual assault;
- 3.2 To be informed to whom the alleged sexual assault should be reported on campus, i.e., Chief of Security and Vice President of Student Affairs;
- 3.3 To be informed of their option to notify proper law enforcement authorities, including Campus Security and the local Police Department, and the option to be assisted by Campus Security in notifying the Police Department if the individual chooses;
- 3.4 To be informed of their option to receive, with or without the assistance of Campus Security, immediate medical treatment following an alleged sexual assault;
- 3.5 To be informed of existing counseling or mental health services both on and off campus;
- 3.6 To be informed of available assistance through the Office of the Vice President of Student Affairs regarding procedures for instituting an on campus hearing and the possible disciplinary sanctions to be imposed following the final determination of the hearing;
- 3.7 To be informed of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the individual and if such changes are reasonably available;
- 3.8 To be informed of the option to have a victim advocate appointed by the Vice President of Student Affairs to assist the individual in understanding the rights and options available as well as provide support through the disciplinary hearing process if the individual chooses to pursue this option and to arrange for the necessary support services requested by the individual.

4.0 Procedures for On-Campus Disciplinary Proceedings Involving Alleged Sexual Assaults

The aim of disciplinary hearings is to encourage responsible behavior, to maintain social order and to protect the rights of others. In addition to the procedures outlined in the "Discipline Proceedings and Investigation" section of

the Code of Student Conduct, the following procedures and rights are applicable to cases involving alleged sexual assaults which occur on University property.

- 4.1 A written complaint of the alleged sexual assault must be submitted to the Vice President of Student Affairs.
 - 4.2 An interview will be conducted by the Vice President of Student Affairs or his designee in which the due process and hearing procedures for the accused and the rights of the accuser will be discussed and:
 - 4.2.1 to receive written notification of the time and place of the hearing;
 - 4.2.2 to be informed that both the accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding;
 - 4.2.3 to receive explanation of the degree of burden of proof, which is the "preponderance of evidence" in on-campus disciplinary proceedings, in contrast to "beyond a reasonable doubt" in off campus criminal proceedings;
 - 4.2.4 to remain present during the entire proceeding;
 - 4.2.5 to present evidence and witnesses in his/her own behalf;
 - 4.2.6 to hear and respond to evidence and testimony presented at the hearing;
 - 4.2.7 to make a "victim impact statement"
 - 4.3 Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding alleging a sexual assault.
 - 4.4 Prior sexual activities of the accused and the accuser will not be used as evidence in the disciplinary hearing to the same extent as that evidence is not admissible under O.R.C. 2907.02 and 2907.05.
- 5.0 Sanctions Following an On-Campus Disciplinary Proceeding

Following an on-campus disciplinary hearing, a finding of guilty against the accused for a sexual assault can result in a maximum sanction of immediate dismissal. Refer to the Code of Student Conduct, "University Sanctions" section for an explanation of possible imposed sanctions.