

CAMPUS SAFETY INTERACTION PROGRAM

Educational Information about Sexual Misconduct, Relationship Violence, and Stalking

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I. Introduction

This document articulates the efforts of various departments and offices at Wayne State University to provide a caring and effective institutional response to students who report being a victim/survivor of sexual misconduct, stalking and/or relationship violence. The university is committed to creating a community free from violence. The university also seeks to bring together its police, medical, psychological, administrative and disciplinary services to assist victims/survivors of violence and to convey to the university community its intolerance of acts of violence. A consistent institutional response to sexual misconduct, stalking, and relationship violence will have a powerful effect in lessening its occurrence. What is necessary is to encourage the reporting of incidences and communicating a clear message that all acts of violence at WSU will not be tolerated.

Because of the sensitive nature of sexual misconduct, stalking, and relationship violence, many victims/survivors do not report the crimes. A victim/survivor's reluctance to report persists partly due to the myths that erroneously place blame and responsibility for the crime on the victim/survivor rather than the perpetrator. Victims/survivors of sexual misconduct, stalking, and relationship violence often internalize feelings of guilt and shame; fear others will blame them, minimize their trauma, and not understand their pain; and do not seek help or support. Victims/survivors may come forward at various entry points in the system, with

differing emotional states and at varying lengths of time following the violence. Victims/survivors are at high risk for poor school and job performance, underachievement and academic attrition. Thus, WSU is committed to creating a supportive climate that encourages victims/survivors to report incidents, provides necessary services to assist victims/survivors, and continually take steps to make the campus community safer for students, staff and faculty.

The following protocol specifies the procedures that WSU will follow to respond when an incident of sexual misconduct, stalking or relationship violence has been reported. It includes who will be notified, what procedures will be implemented, and how the rights of victims/survivors and accused students will be protected. Formalized procedures help ensure that victims/survivors receive the support and services they need, as well as facilitate compliance with school policies and legal mandates. The Dean of Students, Associate Deans of Schools and Colleges and Housing personnel should have a copy of this protocol and be familiar with the protocol. Staff in contact with students should also possess copies of the protocol and be familiar with the protocol in order to provide assistance to each victim/survivor in each unique situation. It is important that all staff offer support and explain the rationale for the procedures in the protocol, because procedures may seem frightening to the victim/survivor. Initial reactions often play a key role in the victim/survivor's perceptions of the incident. It is very important for victims/survivors to feel a sense of control in the process of recovery and thus it is important to respect the decisions of victims/survivors; regardless if the staff person thinks it is the best decision. When protocols require that the incident be reported, the victim/survivor must be informed of the mandated notification.

Whenever possible, telephone numbers, campus addresses, web-sites or e-mail addresses have been included in order to provide contact information or expanded explanations of University policies and procedures that may be relevant to victims/survivors of sexual misconduct, stalking and relationship violence

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II. Definitions

Sexual Misconduct

Sexual misconduct is nonconsensual physical contact of a sexual nature. Sexual misconduct can take on many forms including:

- 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 sexual organ
 - (b) any body part of another person with one's sexual organ, 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 which 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.

Consent

For the purposes of this policy, consent shall not be deemed to have occurred if given by a person who is under the age of legal consent or who is unable to make a reasoned judgment concerning the nature of the activity because of his or her intoxication, unconsciousness, mental deficiency or incapacity, or if the product of threat or coercion.

Sexual Assault and Rape

In Michigan the legal term used for "sexual assault" or "rape" is Criminal Sexual Conduct (CSC). The CSC law covers marital partners, children and same sex sexual assault. There are four "degrees" of CSC, which have been summarized below. The degree of the charge depends on a number of circumstances, including the victim/survivor's age, mental capacity, use of weapons, or family relation. Severity of sentencing also depends on many factors. Most perpetrators do not receive the maximum sentence. These laws can be very complicated. If the perpetrator is charged with one of these crimes, the victim/survivor can contact an advocate at the Detroit Rape Counseling Center at Receiving Hospital (313-745-4811) or Campus Police (577-2222 or www.police.wayne.edu) for help in understanding the criminal process.

First Degree CSC [MCL 750.520b] or Third Degree CSC [MCL 750.520d]; both of these crimes involve sexual penetration. CSC First degree means the sexual penetration must be accompanied by any one of a number of aggravating circumstances. Sexual penetration [MCL 750.520a Definition] means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

Second or Fourth Degree CSC; both of these crimes involve sexual contact. The contact must be accompanied by any one of a number of aggravating circumstances (See the chart below specific circumstances). Contact includes touching the groin, genital area, inner thigh, buttocks or breasts, or the clothing covering these parts [MCL 750.520c & 750.520e].

Acquaintance rape

Acquaintance rape is rape by a non-stranger, who may be a friend.

Date rape

Rape by someone the victim/survivor has been dating or is dating.

Sexual Harassment

Wayne State University defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodations or public services, education, or housing;
- Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or public services, education, or housing; or
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

Relationship Violence

Relationship violence is controlling, abusive, and aggressive behavior in a romantic relationship. It can include verbal, emotional, physical, or sexual abuse, or a combination of them. Dating violence and domestic violence are forms of relationship violence.

According to the Michigan Penal Code, a dating relationship means frequent, intimate associations primarily characterized by the expectation of affectionate involvement. In Michigan, dating violence is a punishable offense (assault & battery: MCL 750.81; assault with infliction of serious or aggravated injury: MCL 750.81a).

Stalking

This document will use the term stalking as defined by the Michigan Penal Code as "a 'willful course of conduct' involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, 'harassed', molested, and that actually causes the victim/survivor to feel terrorized, frightened, intimidated, or molested," (MCL 70.411h). In this definition, "willful course of conduct" refers to a pattern of behavior made up of a series of two or more separate and noncontiguous acts which share the same purpose. The term "harassed" is defined as repeated contact without permission, resulting in emotional distress.

Stalking takes on many forms. According to anti-stalking laws, a person can be charged with stalking for willfully and repeatedly contacting another individual, without permission, causing that person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Under these laws, assailants could be charged with stalking for repeatedly:

- following or appearing within sight of another
- approaching or confronting another individual in a public or private place
- appearing at the work place or residence of another
- entering or remaining on an individual's property
- contacting by telephone
- sending mail
- sending electronic mail

Anyone can be a victim of stalking. Anyone can be a stalker. A stalker could be someone you know well, someone you know casually, a former romantic partner or a total stranger. If you are a victim/survivor of stalking, the following guidelines will assist you but use your judgment as to what actions to take. Every situation is different.

- Communicate to the stalker that you do not want any contact with him/her.
- Report the stalking to campus police (577-2222).
- Document the case as much as possible (tape recordings, notes, identifying information)

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III. Rights

The victim/survivor and the accused of sexual misconduct, stalking, and/or relationship violence have rights that will be maintained.

Victim/Survivor Rights

1. Victims/survivors of sexual violence and relationship violence have the right:
 - to be free from any suggestion that they must prosecute to be assured of any other right guaranteed under this policy;
 - to have any allegations of sexual assault treated seriously;
 - to be treated with dignity; and
 - to be free from any presumption that victims/survivors are responsible for the acts committed against them, including the right to be free from any pressure from anyone to: report crimes if the victim/survivor does not wish to do so; report crimes as lesser offenses than the victim/survivor perceives the crime to

be; refrain from reporting crimes; and refrain from reporting crimes to avoid unwanted personal publicity.

2. Victims/Survivors of sexual violence and relationship violence have the right to access University resources including:
 - to be notified of existing campus and community-based medical, counseling, mental health and student services for victims/survivors of sexual assault whether or not the crime is formally reported to campus or civil authorities;
 - to have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling; and
 - to be informed of and assisted in exercising: any rights to confidential or anonymous testing for sexually transmitted infections, human immunodeficiency virus, and/or pregnancy; any rights that may be provided by law to compel and disclose the results of testing of alleged perpetrators for communicable diseases.

3. Victims/Survivors of sexual violence and relationship violence have the right to information from the university as the options available to them including:
 - to be informed of the Student Due Process Policy;
 - to meet with the University Judicial Officer to discuss the violation of the Student Due Process Policy (Section 4.19 “all forms of sexual misconduct”);
 - to bring judicial charges against the alleged perpetrator;
 - to be notified of the outcome of the Judicial case filed against the accused; and
 - to file a request with the “Tuition and Fees Appeal Board” (TFAB), directed by the Ombudsperson, to withdraw from classes with full cancellation of all tuition and fees, including the registration fee.

4. Victims/Survivors of sexual violence and relationship violence have the right to maintain their Legal Rights including:
 - to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported;
 - to receive full and prompt cooperation and assistance from campus personnel in notifying the proper authorities; and
 - to receive full, prompt, and victim-sensitive cooperation from

campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

5. Victims/survivors of sexual violence and relationship violence have the right to changes in campus living arrangements including:
 - to require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims/survivors by their alleged perpetrators; and
 - to be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.

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Rights of the Accused

The rights of students who have been charged with a violation of the Student Due Process Policy, including all forms of sexual misconduct, relationship violence and stalking, are, but not limited to, the following:

1. The right to be notified in writing of any the violations of the Student Due Process Policy, including the alleged prohibited behavior, the time, date and place of the alleged prohibitive behavior and the time, date and place of the fact-finding conference with the Judicial Officer;
2. The right to meet with the Judicial Officer, in a fact finding conference, who will present the charges and collaborating evidence against the student and explain and answer questions concerning the charges, the Student Due Process Policy and relevant community standards;
3. Upon request, the right to review a copy of each document pertinent to the alleged violation of the Student Due Process Policy, at the fact-finding conference;
4. The right to submit written arguments or statements pertinent to the charges presented against the student. Including, the opportunity to challenge the statements of others and present information on their own behalf in a fair and impartial fact finding conference, Informal Disciplinary Conference or formal Committee Hearing;

5. The right to consult an advisor before, during and after the Informal Disciplinary Conference or the Hearing Procedure pursuant to Section 13.9 of the Student Due Process Policy;
6. The right to introduce documents, to call witnesses, question witnesses and Committee members and present other forms of evidence at the formal Hearing Committee; and
7. The right to appeal the recommendation of the Hearing Committee and the subsequent decision by the Dean based on this recommendation, pursuant to Section 16.0 of the Student Due Process Policy.

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IV. Confidentiality

Every effort will be made to preserve the identity of the victim/survivor. However, there are instances in which WSU has responsibility to disclose information regarding circumstances of specific incidents. For example, when the health and safety of the victim/survivor or others on campus is threatened, WSU cannot guarantee complete confidentiality. Additionally, there are times that employees and students may need to be alerted about an assault in a specific geographical area when the perpetrator remains at large. In such occasions, information of the circumstances will be released, but the alleged victim/survivor will not be identified.

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