

- Lock car doors and keep the windows rolled up; lock valuables in trunk.
- Notify Campus Safety of suspicious-looking individuals.
- Remain alert to surroundings.
- Report any annoying or harassing phone calls to Campus Safety or hall directors.

Sexual Assault

I. Overview

Olivet College recognizes that sexual assault is a crime which undermines self-esteem and individual growth. Further, the college accepts responsibility for combating sexual assault in all ways appropriate to an institution of higher education. The college has and will continue to educate the campus community about sexual assault and to cultivate an environment discouraging the attitudes and behaviors that may lead to sexual assault.

II. Prevention: Protect Yourself

A. Communication is Key

It can be difficult to discuss sexual expectations with someone— especially when it is early on in a relationship. However, everyone must take responsibility to prevent sexual misconduct. These suggestions may help you avoid potentially damaging situations:

- Get to know your partner, discuss sexual expectations before you find yourself in an intimate situation.
- Clearly communicate your desires and limits.
- Be responsible for your use of alcohol and other drugs and realize that alcohol and other drugs lower your sexual inhibitions and may make you vulnerable to someone who might seek to take advantage of an intoxicated person.
- Be assertive. Tell a sexual aggressor “NO” clearly and loudly.
- Pay attention to the nonverbal actions of you and your partner.
- Accept the decision made by your partner.
- Understand and accept that you are responsible for your behavior and choices.

B. Be Aware – Be Assertive – Trust Your Instincts

- Set your sexual limits. Decide what your limits are and how far you want to go.
- If you choose to drink, do so responsibly, and always have a trusted DSP (Designated Sober Person) with you. Discuss your boundaries and plans for the night in advance and stick with them.
- Don’t leave the party with, or accept a ride from, a person you’ve just met. Trust your instincts. If someone or something doesn’t feel right there is probably a reason.

C. Responsibilities for Initiators of Sexual Activity

If you find yourself in the position of being the initiator of sexual activity, you owe sexual respect to your potential partner; these suggestions may help you do this:

- Clearly communicate your intentions to your sexual partner and give him or her a chance to clearly relate his or her intentions to you.
- Mixed messages from your partner should be an indication that better communication is necessary before activities progress. You need to respect the timeline with which your partner is comfortable.
- Do not take advantage of someone’s intoxicated state, regardless of how they became intoxicated.
- Understand that consent to some forms of sexual activity does not necessarily imply consent to other forms of sexual activity.

- Silence and passivity cannot be interpreted as indications of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication.

Note: Sex with an intoxicated person can be legally interpreted as sexual assault in the State of Michigan (see “Consent” below).

III. Definition of Terms

Sexual Misconduct

Sexual Misconduct is any sexual act that takes place without effective consent. Consent is not effective in cases where age, intoxication, mental status, incapacitation, etc. prevent a person from knowing the fact, nature, and extent of the sexual situation, or where a person has been compelled through coercion, threats, intimidation, fraud, or force. (For more information, see “Consent” below.) Sexual Misconduct includes but is not limited to the following: Rape is any sexual penetration (anal, oral or vaginal), however slight, with any object, by any person, without consent. Sexual assault is any sexual touching, however slight, with any object or by any person, without consent. Sexual harassment is defined in the “Sexual Harassment” section of this document. Sexual harassment is a Title IX offense.

Consent

- Consent is an informed, knowing, and voluntary mutually understandable willingness to do the same thing, at the same time, at the same place, in the same way, with one another.
- Consent is a process, which must be asked for every step of the way; if you want to move to the next level of sexual intimacy, just ask.
- Consent is never implied and cannot be assumed, even in the context of a relationship. Just because you are in a relationship does not mean that you have permission to have sex with your partner.
- The fact that you were intoxicated is not a legal defense to rape. “But I was drunk,” is not a legitimate excuse. A person who is intoxicated cannot legally give consent. If you’re too drunk to make decisions and communicate with your partner, you’re too drunk to consent.
- The absence of a “no” doesn’t mean “yes.” Submission due to coercion or intimidation is not real consent.
- If a person resists to the point where additional resistance would be futile or until his/her resistance is forcibly overcome, submission thereafter is not consent.
- There must be a choice between engaging or not engaging in sexual activity.
- It is the responsibility of the initiator of the sexual activity, or the person who wants to engage in the specific sexual activity, to make sure that he or she has consent from his/her partner(s).
- Communication, respect, and honesty make sex and relationships better.

Olivet College Sexual Assault Policy

I. What You Can Do Following a Sexual Assault

A. Get to a Place of Safety

Leave the location of the incident, go to some place you feel safe. You may wish to contact a close friend or family member to assist you.

B. Report the Incident to an RA, Hall Director, or Campus Safety

RAs and Hall Directors will file an incident report and alert Campus Safety. Your well-being is important to us. We are here to assist you during this difficult time. Campus Safety will take a report and notify local law enforcement. Law enforcement will take a report. At any point you are free to tell law enforcement you do not wish to speak with them or file a complaint.

C. Obtain Medical Treatment

A person who has experienced a sexual assault is encouraged to seek medical attention to test for STDs and pregnancy, as well as for collection of medical/legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution or civil action. To maximize the efficacy of the evidence collected the exam should take place within 72 hours after the sexual assault has occurred. Partial evidence may be collected up to 120 hours after the assault. To help preserve evidence, it is important that victims do not douche, shower or bathe. Clothing may be placed in a paper bag to be taken to the exam. Hall Directors on duty are available to transport survivors to the exam. Medical facilities are listed under Community Resources below.

D. Meet with the Dean of Student Life

The Dean of Student Life or his/her designee will contact you to ensure you are safe, medical needs have been addressed, you have been informed of the college policies and procedures governing the offense, options under the law and other factors that may be of concern.

E. Proceed with a Judicial Hearing

Refer to the section “Judicial Hearing” of this Handbook.

F. Seek Counseling

Sexual assault is a traumatic experience and professional help can assist with the healing process. One way for the survivor of sexual assault to remain in control is to report the assault to a confidential counselor where no action will be taken without the survivor’s consent, unless required by law.

Olivet College Abbot Road Counseling Service. Call the Office of Student Life to schedule an appointment at Ext. 7607

Sexual Assault Services of Calhoun County. All services are free of charge
Crisis Line 1-888-383-2192
Office: 269 -245-3925

G. Proceed with a Criminal Suit

The police report will be reviewed by the Prosecuting Attorney’s Office. Once the Prosecutor’s Office reviews the evidence a determination on whether or not to proceed with the case will be made. The survivor will have the option of pressing charges and proceeding with a criminal case. All services from the Prosecuting Attorney’s Office are free of charge.

II. Proceed with a Civil Suit

Survivors may decide to proceed with a civil law suit against the assailant. A civil attorney may be obtained by the survivor.

III. Campus and Community Resources

Campus Safety Ext. 7911

Betsy Dole Women’s Resource Center Ext. 6638
Hours: Monday – Friday 8:00 a.m. – 4:30 p.m.

Abbott Road Counseling Service

Call the Office of Student Life to schedule an appointment. Ext. 7607

To Report Anonymously:**myOlivet web page for Anonymous Reporting**

Go to myOlivet, Click on Student Life, Click on the left side Campus Safety Folder, then you will find the incident reporting on the right of that page -

https://my.olivetcollege.edu/ICS/Campus_Life/Campus_Safety/

While filling out the report you will have the option to make it anonymous.

Sexual Assault Services of Calhoun County

Medical and counseling services are free of charge

(Sexual Assault Nurse Examiners – S.A.N.E.)

24 hour Crisis Line 1-888-383-2192

Office: 269-245-3925

Listening Ear - 24 Hour Help Line

1-517-337-1717

IV. Amnesty Policy

In cases where an individual wishes to report a sexual assault he/she is not subject to judicial action for underage possession or consumption of alcohol.

V. Confidentiality

Olivet College will preserve student confidentiality to the extent possible and allowed by law. An individual can speak confidentially with certain persons in legally protected roles at Olivet College including counselors and clergy. Procedures for handling sexual assault violations are processed through the Office of Student Life. All information regarding an incident is absolutely confidential and details are not released to other employees or students. Family Educational Rights and Privacy Act (FERPA) prohibits the disclosure of conduct records to any third party without written permission from the student(s) involved. However, parents or guardians will be contacted in cases in which minors (under age 18) are involved in incidents of sexual assault.

VI. Summary of the Michigan Criminal Sexual Conduct (CSC) Statute

To review the statute in its entirety, see Appendix A.

CSC First Degree (Felony): Sexual assault involving penetration using a weapon, coercion, physical force and/or physical violence.

CSC Second Degree (Felony): Sexual assault without penetration, using a weapon, coercion, physical force and/or physical violence.

CSC Third Degree (Felony): Sexual assault involving penetration, but to a lesser degree of force and coercion.

CSC Fourth Degree (Misdemeanor): Sexual assault involving touching of specific body parts such as the breast, genitals or buttocks.

Important Features of the Michigan CSC Statute

- The victim does not need to prove that he/she physically resisted during the assault. Sexual assault is defined by the actions of the abuser.
- During a trial the victim's sexual history cannot be brought into the case.
- It is against the law to have sexual contact with someone who is incapacitated (drunk, drugged, unconscious, or asleep) because they cannot give consent.

VII. Disciplinary Sanctions

Any student found responsible by the College Judicial system or by the Legal System for committing sexual assault as defined under Michigan's Criminal Sexual Conduct (CSC) statute will face sanctions ranging from suspension to expulsion depending on the severity of the incident and taking into account any previous disciplinary infractions. To review a summary of College actions based on the Michigan Criminal Sexual Conduct statute, see below.

CSC 1st, 2nd and 3rd Degree (Felonies) – Expulsion

Expulsion is the most serious college action and involves the permanent exclusion of the student from Olivet College. Expulsion from the college involves the following: forfeiture of all rights and degrees not actually conferred at the time of the expulsion; notification of the expulsion provided to the student; withdrawal from all courses; and forfeiture of all fees according to the normal withdrawal policy of the college. A notice of expulsion will accompany any transcript requested by a student for a period of five years. Any student expelled from the college is prohibited from visiting the college premises except when engaged in official conferences approved in writing in advance by the Vice President and Dean of Student Life or their designee.

CSC 4th Degree (Misdemeanor) – Suspension

Suspension from the college involves the exclusion of the student from participation in any academic or other activities of the college for a specified period of time, which may be indefinite. Student will incur a minimum fine of \$500 and will be immediately suspended for the remainder of the current semester and at least one additional semester. Prior to returning to campus readmission must be approved by the Vice President and Dean of Student Life. The student will be required to seek counseling before returning to campus. A second offense will result in expulsion. Any student accused of sexual assault will face an interim suspension pending a judicial hearing. For details on interim suspension see page 6 of this handbook.

Survivor Rights

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to college administrators;
- The right to have others present, (in support or advisory roles), during a campus disciplinary hearing;
- The right not to have prior sexual history admitted as evidence in a campus hearing;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, usually within 24 hours of the end of the judicial hearing;
- The right to be informed by college officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:
 - Change of an on-campus student's housing to a different on-campus location;
 - Assistance from College support staff in completing the relocation
 - Arranging to dissolve a housing contract and pro-rating a refund
 - Exam (paper, assignment) rescheduling
 - Taking an incomplete in a class
 - Transferring class sections
 - Temporary withdrawal
 - Alternative course completion options
- The right to make a victim-impact statement at the campus judicial proceeding and to have that statement considered by the board in determining its sanction;

- The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing, or other improper behavior that presents a danger to the welfare of the complaining student or others
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by Campus Safety
- The right to appeal the finding and sanction of the judicial body, in accordance with the standards for appeal established by the institution
- The right to preservation of confidentiality, to the extent possible and allowed by law
- The right to bring a victim advocate or advisor to all phases of the investigation and campus judicial proceeding. Both the accused and accuser may have an individual of their choice present to give advice and support. This individual may only provide support and counsel to the student and may not actively participate in the hearing, unless clarification is needed, as determined by the hearing officer or panel.
- The right to present relevant witnesses to the campus judicial body, including expert witnesses
- The right to be fully informed of campus judicial rules and procedures as well as the nature and extent of all alleged violations contained within the complaint
- The right to be present for all testimony given and evidence presented before the judicial body
- The right to have complaints heard by judicial officers who have received annual sexual misconduct adjudication training
- The right to be informed in advance of any public release of information regarding the complaint
- The right not to have released to the public any personal information about the complainant, without his or her consent

Accused Rights

The accused student has similar rights to the victim with respect to due process and fair treatment. The College will provide a timely and thorough investigation, and will treat the accused with respect before, during, and after the student conduct process. Students accused of sexual assault are entitled to fairness no matter what disciplinary process is used. Students should contact the Office of Student Life for detailed information regarding the selected process. If a Judicial Board Hearing occurs, procedural requirements are not as formal as those in civil courts of law. A student involved in a sexual assault investigation has the following rights:

- The student has the right to receive a written description of the alleged charges against him/her and a notice of the hearing.
- The student has the right to be present throughout the hearing but not during the deliberation of the hearing officer or Judicial Board.
- The student has the right to remain silent (i.e. not to testify against oneself), but must understand that if silence is maintained, the case will be determined on the evidence presented.
- The student has the right to respond to the charges against him/her.
- The student has the right to hear all of the information presented and to question witnesses who testify at the hearing.
- The student has the right to present pertinent evidence and witnesses to substantiate his/her case.
- The student has the right to be assisted in all matters within the college disciplinary system by a member of the college community or by a student advocate. The advisor or student advocate role is to help a student prepare a case, but not to present it.
- Both the accused and accuser may have an individual of their choice present to give advice and support. This individual may only provide support and counsel to the student and may not actively participate in the hearing, unless clarification is needed, as determined by the hearing officer or panel.

- The student has the right to request an appeal, if their case meets the qualifications of disciplinary action taken against him/her. The accused in a sexual assault case will have the opportunity to fully provide his/her side to the investigator. If there is evidence of false accusation that will be considered in the investigation and the investigators analysis of the evidence will be provided in a written report upon completion of the investigation. The Student Handbook states that no person shall knowingly furnish false, forged, fictitious or misleading information whether conveyed orally, electronically or otherwise to any Safety Officer or College Official. No person shall knowingly make or furnish to any Safety Officer or College Official any fictitious report of the commission of a violation of any student handbook codes, federal or state law or local ordinance. Minimum fine is \$500 and possible suspension

Information on Rape Trauma Syndrome

Rape Trauma Syndrome is a stress reaction, resulting from either a completed or attempted sexual assault. Not all the reactions encompassed by RTS are experienced by each survivor; rather, RTS represents a range of possible reactions. RTS reactions vary from person to person. RTS has two major phases: the immediate or acute phase, in which the survivor's lifestyle is completely disrupted, and the long-term phase, in which the survivor must reorganize this disrupted lifestyle. Characteristics of the first phase include anger, confusion, shock, disbelief, fear, shame, guilt, lack of self-esteem, and flashbacks to the incident. The long-term phase may be characterized by difficulty in concentrating, sleeping and eating pattern disturbances, inability to trust, anxiety and mood swings, and continued flashbacks.

How to Help a Friend Who Has Been Sexually Assaulted

- Listen and believe.
- Reinforce that the assault was not her/his fault.
- Validate her/his experience.
- Be supportive and try to remain calm.
- Allow the survivor to offer or not offer details of the assault. Don't pry.
- Understand that she/he might not want to be touched.
- Don't gossip. Keep all information confidential.

Anonymous Incident Reporting

Anyone can file an anonymous report at any time. You can call 269-749-7142 and leave a message or you can log on to myOlivet under the Student Life tab, https://my.olivetcollege.edu/ICS/Campus_Life/. On myOlivet you may fill out and submit the form.

Bias Incident Reporting

Bias incidents are instances of verbal or non-verbal conduct or behavior that is threatening, harassing, intimidating, discriminatory, or hostile and is based on a category protected under the Olivet College Discriminatory Harassment Policy (DHP) such as a person's age, color, disability status, gender, gender identity, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status or weight. However, because the expression of an idea or point of view may be offensive or inflammatory to some, it is not necessarily a bias-related incident or a discriminatory act, under the DHP. Olivet College values freedom of expression and the open exchange of ideas and, in particular, the expression of controversial ideas and differing views that is a vital part of the college discourse. A bias incident that is not an act of discrimination or harassment prohibited under the DHP may only be recorded for internal monitoring purposes in order to target resources and support to specific areas within the college.