

Campus Guide for Prevention and Response to Sexual Misconduct: **Know Your Rights - Protect Yourself**



Published for ACC students and employees by
The Clery Coordinator, Title IX Coordinator, Office of
Academic and Student Affairs, and the Clery/Title
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ALPENA
COMMUNITY COLLEGE

Sexual Misconduct Policy Summary

ACC is firmly committed to maintaining a campus environment free from sexual harassment and sexual violence, including domestic violence, dating violence and sexual assault, collectively referred to as Sexual Misconduct.

Sexual Misconduct diminishes individual dignity, jeopardizes the welfare of our students and employees and impedes access to educational, social, and employment opportunities. Sexual Misconduct violates our institutional values of respect, integrity, accountability and excellence. Sexual Misconduct is expressly prohibited by College policy as well as by law.

Know Your Rights

All students and staff are strongly encouraged to read and understand the College Policy on Sexual Misconduct. (Policy 7009).

The full policy is found on the ACC website in the Policies & Procedures Manual and explains how the College will proceed once it is made aware of reported Sexual Misconduct in keeping with our institutional values and to meet our legal obligations under Title IX, the Jeanne Clery Act, the Violence Against Women Reauthorization Act, and other applicable law.

WHAT IS CONSENT?

- Consent is *informed*
- Consent is *voluntary and mutual*
- Consent may be *withdrawn at any time*
- Consent is *not* consent if a person is:
 - Impaired or incapacitated by drugs or alcohol
 - Unconscious, asleep, or unaware
 - Unable to understand due to mental, physical or developmental disability
 - Coerced or threatened
- Clear, unimpaired, voluntary consent is the **only form of consent**

Silence or lack of resistance is
NOT consent

Protect Yourself

Acquaintance rape or date rape is the most common form of rape on college campuses. The same criminal laws apply whether the rapist is an acquaintance or a stranger. Regardless of the relationship, rape is never excusable.

- Set sexual limits and communicate them clearly.
- Trust your instincts.
- Exercise control over your environment.
- Don't assume that previous permission for sexual contact applies to the current situation.
- Recognize that dating does not give you the right to abuse or violate another person.

ACC Complaint Procedure for Sexual Misconduct

The procedures for reporting and responding to reports of sexual harassment or sexual violence are found in ACC Board Policy 7009 – Sexual Misconduct.

- The accuser and the accused are both entitled to the same opportunities during a disciplinary proceeding.
- The complainant and the accused will be informed in writing of the outcome of any College disciplinary proceedings arising out of complaints of Sexual Misconduct.
- The College will consider changing a victim's academic and living situation after an alleged sex offense if requested by the victim and if reasonably available.
- Reports of sexual harassment and sexual violence are not generally confidential due to the duties required of ACC by law. Licensed counselors and pastors acting in their official capacity are considered confidential resources. Discussions with confidential resources will not result in further action by the College unless a non-confidential report is made.
- In determining whether a violation of the Sexual Misconduct Policy occurred, the College will apply a "preponderance of the evidence" standard. This is a lesser burden of proof than the "beyond a reasonable doubt" standard used in criminal cases.
- ACC considers reporting assaults to be of paramount importance. The College will consider extending limited immunity from sanctions to complainants involved in violation of ACC policy on alcohol. Depending on the circumstances, ACC will attempt to resolve the alcohol violation by the complainant or reporting student through education and counseling, if possible.

What is **Sexual Misconduct?**

Sexual Misconduct includes all the following terms, which are defined briefly below. A more complete definition of these terms can be found in Policy 7009 and also in the ACC publication "Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking." Sexual Misconduct is not tolerated by Alpena Community College. The College will respond promptly to all reports of sexual harassment among employees, students, and College visitors.

Sexual Harassment

A form of discrimination based on sex. See below. Sexual harassment includes sexual violence.

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Including but not limited to: sexual assault, domestic violence; dating violence; and stalking.

Sexual Violence

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It can also include pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. Dating Violence does not include acts covered under "Domestic Violence"

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim.

Domestic Violence

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

An offense that meets the definition of rape, fondling, incest, or statutory rape under the uniform crime reporting (UCR) system of the FBI. The terms "rape", "fondling", "incest" and "statutory rape" are specifically defined in the ACC publication "Rights and Options" In Michigan, sexual assault includes an assault with intent to commit criminal sexual conduct. It also includes acts and attempted acts of criminal sexual conduct.

Sexual Assault

Sexual Harassment

Unwelcome conduct, communication or behavior on the basis of sex where:

- Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment, education, housing or public services
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual or decisions affecting the individual's housing, or public services
- 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, education, or housing environment

What is Sexual Harassment?

Sexual harassment is a form of discrimination based on sex. Sexual violence is a form of sexual harassment. Sexual harassment may include incidents between any members of the College community, including faculty and other academic appointees, staff, coaches, residents and interns, students, student employees and non-student or non-employee participants in College programs

CONTACTS & RESOURCES

Police:

Michigan State Police – Alpena 989.354.4101
Alpena City Police 989.354.1800
Alpena County Sheriff's Office 989.354.9830
Oscoda Township Police 989.739.9113
Iosco County Sheriff's Office 989.362.6164
Emergencies – Dial 911

Community Agencies:

Hope Shores Alliance of Alpena 989.356.2560
Hope Shores Alliance of Oscoda 989.739.0144
Hope Shores Alliance Toll Free 800.396.9129
Legal Services 989.356.9081
Department of Human Services 989.354.7200
Community Mental Health 989.356.2161

Personal Protection Orders:

Alpena County Circuit Court 989.354.9573
Iosco County Circuit Court 989.846.6200

Hospitals

MidMichigan Medical Center
1501 West Chisholm Street, Alpena, MI
Main Switchboard 989.356.7390
Emergency Room 989.356.7252

St. Joseph Health System

200 Hemlock Street, Tawas City, MI
989.362.3411

College Reporting:

The Title IX Coordinator or a deputy coordinator will meet with a complainant to explain College procedures and the process for filing a complaint.

Students report to:

Nancy Seguin
Dean of Students and Deputy Title IX Coordinator
Office: Van Lare Hall Room 109
Phone 989.358.7212
HUSH Phone 989.358.7442

Employees report to:

Carolyn Daoust
Title IX Coordinator and Director of Human Resources
Office: Van Lare Hall Room 102
Phone 989.358.7211

Online Resources:

- Michigan Coalition to End Domestic and Sexual Violence — www.mcedsv.org
- Sexual Assault and Rape Crisis — www.swop-mi.org/swop.rape.htm
- Department of Human Services Resource Directory www.michigan.gov/domesticviolence

WHAT SHOULD YOU DO IF A SEXUAL ASSAULT OCCURS?

Seek Medical Attention

If you or someone you know has safety concerns or needs medical attention, call 911 or go to a local emergency room immediately. Seek medical attention quickly to determine any physical injury, treat or prevent sexually transmitted disease and obtain a rape exam.

Preserve the Evidence

Avoid bathing, showering, urinating, brushing your teeth, washing your hands, changing clothes, eating or drinking until evidence is collected, Don't clean up or move items where the assault occurred. Write down the details. Save all relevant digital information such as texts, emails, voice mails, any social media posts, and photos.

Report a Crime

Sexual assault and domestic violence are crimes. Victims are encouraged, but not required, to report these crimes to the police. If you choose, College officials will assist you in notifying the police.

Report to College Officials

Reports of Sexual Misconduct involving a student or employee should be made to the College officials listed on this page, or to an official listed in the Policy. The College has an obligation to investigate reports of sexual violence and take prompt and appropriate action. If a victim does not want to come forward, it will limit the College's ability to take action.

Obtain Community Support Services

Support services are available through your local domestic violence/sexual assault shelter program and other community resources listed on this page that provide victim's information about counseling, mental health services and legal rights. You may wish to seek a personal protection order to prevent further instances of stalking or domestic violence.

Request Support Services from the College

A student who has experienced Sexual Misconduct has the right to request accommodations from the College. You should make the request of the Dean of Students or the Title IX Coordinator. The College will assist in providing accommodations that are reasonably available. This could include change to class schedules, housing or transportation.

Obtain Additional Information

The ACC publication, "Rights and Options: What Every Student Should Know About Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking" contains detailed information. It is available on the ACC website and in the offices of the Title IX Coordinator and Deputy Title IX Coordinator.