

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 IX Task Force.

Revised: August 2020

ALPENA
COMMUNITY COLLEGE

Sexual Misconduct Policy Summary

ACC is firmly committed to maintaining a campus environment free from sexual harassment, sex discrimination, and sexual assault, including domestic violence, dating violence, and stalking, 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 laws.

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- Consent may be *withdrawn at any time*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, sex discrimination and other forms of sexual harassment are found in ACC Board Policy 7009-Sexual Misconduct.

- Reports of alleged Sexual Misconduct should be made to the Title IX Coordinator, in any of the following ways, at any time including non-business hours:
 - Fill out the Sexual Misconduct Reporting Form found at https://discover.alpenacc.edu/safety/docs/sexual_misconduct_reporting_form.pdf
 - Call the Title IX Coordinator at the phone number listed in this brochure to make a verbal report of Sexual Misconduct
 - File a Formal Complaint of Sexual Harassment
- Regardless of whether the Complainant wishes to pursue a formal grievance process or other measures, the College will offer Supportive Measures as reasonable and appropriate, to promote safety and remedy the effects of alleged Sexual Misconduct. This may include class schedule modifications, referral to resources in the community, altering housing arrangements, etc.
- If an investigation is required, the College will provide written notice to both parties of the allegations and their rights.
- Both parties have the right to have an Advisor of their choice accompany them to any meeting or proceeding.
- In a case alleging Sexual Harassment, both parties have the right to a hearing conducted by a trained Decision Maker. Both parties also have the right to voluntarily agree to an informal resolution procedure (unless prohibited by law or College policy.)
- A person who is accused of Sexual Harassment is presumed to be "not responsible" until such person is determined to be responsible based on a preponderance of the evidence

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 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.

Discrimination on the basis of sex, which includes discrimination on the basis of sexual identification and gender identity. Sex Discrimination can be manifested by unequal access to educational programs and activities, or unequal treatment on the basis of sex in conducting those programs and activities.

Sex Discrimination

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

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

Title IX Sexual Harassment*

Defined by federal law as conduct on the basis of sex which satisfies one or more of the following:

- An employee of the College conditioning an educational aid, benefit or service on an individual's participation in unwelcome sexual conduct (Quid Pro Quo Sexual Harassment.)
- Unwelcome conduct on the basis of sex that a reasonable person finds to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the College's education program or activity (Hostile Environment Sexual Harassment.)
- "Sexual Assault" as defined by the Clery Act, which includes forcible and non-forcible sex offenses as defined under the Uniform Crime Reporting system (UCR) of the FBI. Sexual Assault also includes Dating Violence, Domestic Violence and Stalking.

*Sexual Harassment under Michigan Law is defined in the Michigan Elliott-Larson Civil Rights Act and is somewhat different than the Title IX definition

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
ACC Campus Police – Call or Text 989.884.3448

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 Road, Tawas City, MI
989.362.3411

College Reporting:

The Title IX Coordinator or a designee will meet with a complainant to explain College procedures and the process for filing a formal grievance.

Mandatory Reporters:

All College employees are “mandatory reporters” having a duty to promptly report allegations of Sexual Harassment and other Sexual Misconduct to the Title IX Coordinator, unless a specific exception applies.

Students and Employees report to:

Carolyn Daoust
Title IX Coordinator and Director of Human Resources
Office: Van Lare Hall Room 102
Phone: 989.358.7211
Email: daoustc@alpenacc.edu

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 Title IX Coordinator

Reports of Sexual Misconduct involving a student or employee should be made to the Title IX Coordinator. The person who experienced Sexual Misconduct may, but is not required to, pursue a formal grievance procedure or seek an investigation. If the College determines an investigation is required, the Title IX Coordinator will notify the parties in writing of the allegations and their rights. Both parties have the right to be treated equitably. A person accused of Sexual Harassment is presumed “not responsible” until determined to be responsible based on a preponderance of the evidence.

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.

Obtain Supportive Measures from the College

When the College has actual knowledge of a report of Sexual Harassment or other Sexual Misconduct, it will offer Supportive Measures as appropriate on a case-by-base basis. This could include change to class schedules, housing, transportation, or other non-punitive measures to promote safety and remedy the effects of the alleged Sexual Misconduct. Supportive Measures may be offered to any member of the college community.

Obtain Additional Information

The Title IX Coordinator can provide additional information regarding your rights and options.