

Huntington University Sexual Assault Policy

Introduction

Huntington University is deeply committed to providing a safe academic, working and living environment for its students, faculty and staff. The university is particularly concerned about the increasing number of sexual assaults occurring on the nation's campuses. HU condemns any form of sexual offense as defined within the policy. Should members of the university community become a victim of, or have knowledge of, a sexual assault occurring on university property, or occurring in the course of a university sponsored activity or perpetrated by a member of the university community, they are urged to report the incident to campus authorities immediately.

Through its educational efforts, Huntington University seeks to encourage healthy relationships among its students. Whenever sexual offenses occur, trust and the sense of Christian community the university seeks to develop are violated. Such violations not only impact those directly involved in the incident, but also, subcommunities of the university that affect the broader community as a whole.

This policy delineates how Huntington University defines sexual assault, how decisions are to be made, when this policy is implemented, what types of behaviors are prohibited, how violations will be addressed, and how survivors of sexual assault will be supported by the university.

Examples of Violent and Unacceptable Behavior

Huntington University does not tolerate sex discrimination, including harassment, stalking, sexual misconduct or sexual violence in any form. These behaviors are demeaning and interfere with the rights of others to pursue their education in an atmosphere that is safe and respectful. Overt acts of harassment and assault, any sexual contact without consent and any gender-based violence are strictly prohibited.

Examples of violent and unacceptable behavior include, but are not limited to:

- ❖ sexual contact without consent
- ❖ sexual contact while a person is incapacitated
- ❖ sexual exploitation of another person, such as posting sexual pictures on social media
- ❖ coercion for sexual contact
- ❖ stalking
- ❖ threatening or intimidating a person for sexual contact

Reporting Sexual Assaults

Huntington University encourages all victims of sexual assault to report such incidents to the Student Life Office or the Huntington Campus Police. The decision to file a report with the Huntington Campus Police or any other local, county, or state law enforcement agency is to be made by the victim. Filing a report with the police does not commit the victim to any subsequent course of action. While follow-up options are presented and discussed, the final decisions are left to the victim. Student Life personnel will help victims contact the police if assistance is requested. Following a sexual assault, the victim's physical well-being is a primary concern because of the risk of sexually transmitted diseases, pregnancy, and/or physical injuries, which may not be apparent. All victims should seek immediate medical attention; however, even if time has passed, it is important to seek medical care.

Reporting and Immediate Action Resources

Huntington City Police - 911

Huntington Campus Police
(6:00 pm – 6:00 am) – (260) 224-1412

Associate Dean for
Student Development
Jesse Brown – (260) 224-1408

Associate Dean for Student Life
and Director of Counseling Services
Martha Smith – (260) 224-1407

Parkview Huntington
Hospital – (260) 355-3000

Forensic Nursing Specialties, Inc. – (260) 423-2222

Procedures

1. Definitions:

- ❖ **Complainant:** is an individual or group of individuals who believe that unlawful sexual harassment or assault may have or has occurred.
- ❖ **Respondent:** is an individual or group of individuals against whom an allegation of unlawful sexual harassment or assault is made.
- ❖ **Complaint:** is an allegation that a student, employee or applicant for admission or employment has been subjected to unlawful sexual harassment or assault.
- ❖ **Preponderance of evidence:** is the standard of determining the validity/outcome of a complaint. Preponderance infers it is more likely than not, that the alleged incident did or did not occur.
- ❖ **Sexual assault category I** is defined as engaging in sexual intercourse with any other person without that person's consent.
- ❖ **Sexual assault category II** is defined as the act of making sexual contact with the intimate body part of another person without that person's consent.
- ❖ **Sexual Misconduct** includes forced kissing, and/or touching of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks or clothing covering them). Sexual misconduct shall also include any other type of sexual behavior or activity not mentioned elsewhere in this policy that is done without consent and/or by force.
- ❖ **Consent** is defined as an unambiguous and willful participation or cooperation in an act or as an attitude that is commonly understood to be consistent with the exercise of free will. Refusal to consent does not have to be verbal; it can be expressed with gestures or body language.

2. Confidentiality

The university will make every reasonable effort to preserve an individual's privacy and protect the confidentiality of information related to the violation.

3. Investigation

- a. When a complaint is officially filed by a survivor of sexual assault, the Vice President for Student Life will request that the survivor sign a detailed written statement (authored by the survivor or the investigator). When this statement is filed, if the alleged perpetrator is a student, the following procedures shall be followed.
- b. The Vice President for Student Life shall have the alleged perpetrator report to the Student Life office within a reasonable time, not to exceed the next business day the university is open.

- c. When the alleged perpetrator reports, the alleged perpetrator will be informed by the Vice President for Student Life of the reported sexual offense, the alleged policy violation, and his/her rights regarding procedure and appeal.
- d. The alleged perpetrator will be given the opportunity to present his/her side of the story at that time. If the alleged perpetrator does not report to the office as directed, implementation of this policy will proceed.
- e. The Vice President for Student Life will determine whether there is reasonable cause to believe that a policy violation may have occurred. If:
 - i. There is reasonable cause to believe a policy violation has occurred and
 - ii. There is reasonable cause to believe that the alleged perpetrator may pose a threat or danger to the safety of the community, The VP for Student Life may suspend the student on an interim basis when his/her behavior indicates that his/her continued presence on campus constitutes a danger to the normal operation of the institution, or to the safety of himself/herself or other, or to the property of the university. The suspension shall continue until the completion of the disciplinary proceedings or until the behavior giving rise to the interim suspension is resolved.

The interim suspension of the alleged perpetrator from campus shall not constitute a determination that the alleged perpetrator has violated this policy.

An investigation will then take place, conducted by a university official other than the hearing officer according to established investigatory procedures.

4. Hearing Process

The hearing process is to take place as soon after the incident is reported as is reasonable, no longer than seven days from the date of filing or the notification of the alleged perpetrator, whichever is later. The hearing may take place at a later date at the discretion of the VP for Student Life if he/she determines that reasonable cause exists for convening the meeting later.

The Hearing Panel that hears a case under this policy shall administer its proceedings under these fundamental assumptions:

- a. There will be no reference to the past consensual, nonviolent sexual contact and/or conduct of either survivor or alleged perpetrator.

- b. No physical evidence of a sexual offense is necessary to determine that one occurred, nor is a visit to the hospital or the administration of a rape kit required.
- c. The fact that an alleged perpetrator was under the influence of drugs or alcohol or mental dysfunction at the time of the offense will not excuse or justify the commission of any sexual offense.
- d. The survivor is not being asked if they were under the influence of drugs or alcohol or what they were wearing at the time of the alleged sexual offense.

The Hearing Panel shall consist of the Vice President for Student Life, two designated faculty members and the Associate Dean for Student Life. Faculty members should be chosen with the intent of maintaining a sense of gender balance for the panel.

After reviewing the report of the investigator, the hearing panel:

- a. Reads the charge to the alleged perpetrator and asks the alleged perpetrator whether he/she is responsible or not responsible for misconduct in question
- b. Asks for a full statement from both the survivor and the alleged perpetrator describing the incident and giving relevant background
- c. Hears statements from witnesses
- d. Questions the survivor, alleged perpetrator, and witnesses

The survivor and alleged perpetrator have the opportunity to respond to all statements and information presented to the panel. At the discretion of the VP for Student Life, the alleged perpetrator may or may not be present when the survivor presents his/her statement and is questioned by the members of the hearing panel. Both the survivor and the perpetrator have the right to have support / representation with them during the hearing. All representatives should be made aware that this is not a court proceeding, but is instead a university disciplinary hearing.

In private session, the hearing panel will make a final determination of the responsibility or non-responsibility of the respondent for the misconduct charged.

If the perpetrator is found responsible for the violation, the investigators will consult the sanction guidelines of this policy and determine an appropriate penalty. The survivor and alleged perpetrator will be notified of the finding of the hearing and the penalty imposed.

5. Appeal Process

- a. In the event that the alleged perpetrator or survivor is not satisfied with the decision of the Hearing Panel, then he/she shall have the right to appeal the decision. All appeals must be submitted within 48 hours of receiving that decision.
- b. This appeal shall be made to the President of the university, who shall have the final word on the case. Conditions under which change in finding or fact or penalty can be modified under appeal are limited to the following:
 - i. Major departure from established hearing procedures is evident
 - ii. An excessively lenient or harsh sanction was ordered given the facts of the case

Sanction Guidelines

Sexual Assault I

In the event a student is found responsible for Sexual Assault I, one of two penalties is most common:

1. Immediate expulsion. This penalty becomes more likely to be chosen by the hearing officer with increasingly strong evidence of lack of consent and increasing severe forms of violence involved in the incident.
2. Immediate suspension for a period of no less than the current and subsequent semester;
3. successful completion of a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and
4. upon returning to campus, be subject to mandatory housing relocation and class scheduling that the perpetrator and survivor avoid all contact unless the survivor agrees otherwise; and
5. disciplinary probation through graduation that will include provision that in the event of a second violation of campus policy of the university Lifestyle Agreement, the perpetrator will be expelled immediately.

Sexual Assault II

For most cases in which Sexual Assault II has been committed, the following sanction is most common:

- a) Immediate suspension for a period of no less than the current and subsequent semester;
- b) successful completion of a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and
- c) upon returning to campus, be subject to mandatory housing relocation and class scheduling that the perpetrator and survivor avoid all contact unless the survivor agrees otherwise; and
- d) disciplinary probation through graduation that will include provision that in the event of a second violation of campus policy of the university Lifestyle Agreement, the perpetrator will be expelled immediately.

Sexual Misconduct

In the event that an individual is found responsible for sexual misconduct the following sanction is most common:

- a) successful completion of a treatment program for sexual offenders approved by the Director of Counseling Services before returning to campus; and
- b) upon returning to campus, be subject to mandatory housing relocation and class scheduling that the perpetrator and survivor avoid all contact unless the survivor agrees otherwise; and
- c) disciplinary probation for a period of no less than one year; and
- d) a provision that in the event a second violation of campus policy of the university Lifestyle Agreement, the perpetrator will be expelled immediately.