

CAMERON UNIVERSITY

Sexual Assault Policy

Policy Statement

The university is committed to providing an institutional environment where all persons may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. Cameron University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. It strongly condemns this type of misconduct, will not tolerate offenders, supports those who have been victimized, and takes action to prevent domestic violence, dating violence, sexual assault, and stalking.

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Who Should Know This Policy

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|---------------------|--------------------------------------|
| √ President | √ Faculty |
| √ Vice Presidents | √ Other Accounting/Finance Personnel |
| √ Deans | √ Students |
| √ Department Chairs | √ Other Groups |
| √ Directors | √ All Employees |
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Responsibilities

Responsible for Policy

University Officer Responsible
Zeak Naifeh

Dean of Students

Procedure

STATEMENT OF PURPOSE: Due to the sensitive and often violent nature of incidents involving sexual misconduct, the following policy is provided for guidance in the support, investigation and adjudication of alleged cases of domestic violence, dating violence, sexual assault and stalking. This policy shall also serve as a guideline for education and prevention related to sexual misconduct.

1.0 Definitions

- 1.1 Sexual misconduct may include but is not limited to domestic violence, dating violence, sexual assault, or stalking.
- a. Domestic violence: behaviors used by one person in a relationship to control the other;
 - b. 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;
 - c. Sexual assault: non-consenting and forced sex acts; the type of force includes physical violence, coercion, threat of harm, or administering a substance to intentionally materially impair an individual for the purpose of sexual contact;
 - d. Sexual abuse: attempting or making non-consensual sexual contact, including but not limited to, fondling against the individual's will or in circumstances where the individual is unable to give consent by reason of incapacity or age;
 - e. Obscene or indecent behavior: includes, but is not limited to, exposure of one's sexual organs with the intent to offend others;
 - f. Stalking: repeated conduct which reasonably and subjectively causes another person to fear for his/her safety or which causes person to alter his/her activities as a result of the repeated conduct.
- 1.2 "Consent" means the positive cooperation in act or attitude pursuant to an exercise of free will. The persons consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. The determination regarding the presence or absence of consent shall be based upon the totality of the circumstances present in a particular case, including the context in which the alleged incidents occurred. Consent will not be implied from silence or passivity alone.
- 1.3 "Lack of consent" means:
- a. the victim has not given consent;
 - b. the victim is incapable of giving consent because of mental, developmental, or physical disability, or lack of legal age of giving legal consent;
 - c. force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person
 - d. the victim is incapable of resisting or giving consent as a result of being intoxicated by alcohol, beer, or being under the influence of drugs; or
 - e. the victim is, at the time, unconscious of the nature of the act.

2.0 Reporting

- 2.1 Persons who have complaints alleging sex offense, domestic violence, dating violence, sexual assault or stalking are encouraged to report the incident. University personnel will assist in

notifying appropriate law enforcement authorities, if the victim so chooses, though the victim may decline to notify such authorities.

- 2.2 In the event of a sexual misconduct, the victim is encouraged to report the crime to the Office of Public Safety if the act occurred on campus or to the appropriate authority if the crime occurred off campus. Reports may also be made to other campus authorities, including but not limited to the Dean of Students, Director of Student Development, the Director of Athletics, the Director of Student Housing, Director of the Student Wellness Center, the Director of Human Resources or the Title IX Coordinator.
- 2.3 Victims should take care to preserve the evidence of a sexual misconduct which may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
- 2.4 Victims of sexual misconduct have a right to file criminal charges. Prosecution of the perpetrator is a matter for the victim to consider apart from reporting the crime.
- 2.5 Victims also have the right to file a complaint with the University and have the complaint investigated by the university. Complaints with the university may be filed in the following manner:
 - a. Complaints against students or student organizations should be reported to the Dean of Students.
 - b. Complaints against faculty or staff should be filed with the University's Office of Human Resources.
 - c. Complaints against visitors or guests should be directed to the Office of Public Safety.
 - d. Students may also report an incident to any University staff or faculty member who will in turn inform the appropriate authorities.
- 2.6 False reporting of a crime is a misdemeanor and will be treated seriously.

3.0 Support and Referral

- 3.1. Victims are strongly encouraged to seek professional help.
 - a. The university's Student Wellness Center can provide emergent care and referral for forensic testing.
 - b. The university's mental health counselors can provide counseling services.
 - c. The Student Wellness Center and the Office of Public Safety maintain a contact for the community S.A.N.E. (Sexual Assault Nurse Examiners) agency.
- 3.2 The University will, in cooperation with law enforcement authorities, make efforts to shield the victim from unwanted contact with the alleged assailant, including transfer of the victim to alternative classes or University-owned housing, if these options are available and feasible.
- 3.3 The university will provide information regarding orders of protection and may also issue a no contact order.
- 3.4 The institution will make every effort to protect the confidentiality of victims, to the extent permissible by law.

- 3.5 The university will make available written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.
- a. Written notification will be provided to victims that will include information about options for, and available assistance in, changing academic, living, transportation and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
 - b. A student or employee who reports that he or she has been a victim of domestic violence, dating violence, sexual assault or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options.

4.0 Disciplinary Procedures in Alleged Cases of Domestic Violence, Dating Violence, Sexual Assault, or Stalking:

- 4.1 Members of the university community accused of sexual misconduct will be subject to university disciplinary procedures when the alleged incident has occurred on campus or when the incident has occurred off campus and materially affects the learning environment or operations of the university.
- 4.2 Domestic violence, dating violence, sexual assault and stalking are serious violations of the university's Code of Conduct, Faculty Handbook and Staff Handbook, and allegations will be investigated and handled according to the misconduct procedures listed in each.
- 4.3 Proceedings shall provide a prompt, fair and impartial investigation and resolution and will be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- 4.4 "Preponderance of the evidence" will be the standard of evidence that will be used during any institutional conduct meeting. As defined in the Code of Student Conduct, "preponderance of the evidence" means that quantum of evidence which, when given probative force, would tend to prove that a fact is more likely to be true than not.
- 4.5 Following a final determination of an institutional disciplinary procedure regarding domestic violence, dating violence, sexual assault or stalking, the university shall impose appropriate sanctions and protective measures. Where it is determined that sexual misconduct is more likely than not to have occurred, the University will take disciplinary action to the maximum extent allowed by applicable University disciplinary policy, including but not limited to expulsion or termination.
- 4.6 The university will provide notification to both the accused and accuser as to the outcome of any disciplinary proceedings regarding the complaint, subject to the limitations of state and federal laws.
- 4.7 The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including

- a. the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and
- b. both the accuser and the accused shall be simultaneously informed, in writing, of the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final.

5.0 Education and Prevention on Campus:

- 5.1 The university will create a comprehensive education program to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.
- 5.2 Human Resources will ensure employees have access to appropriate awareness and prevention educational opportunities and will require training of all new employees.
- 5.3 The Student Wellness Center will coordinate ongoing awareness and prevention programming for students, to include online learning modules, trainings and workshops, as well as targeted information for new students to be presented in select courses.
- 5.4 The university encourages bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking. Bystanders are encouraged to report all concerns to the Office of Public Safety or Dean of Student Services, so that appropriate action may be taken.
- 5.5. Students and employees are encouraged to recognize warning signs of abusive behavior and will annually be offered opportunities to learn how to avoid potential attacks.

6.0 Compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act)

- 6.1 The Clery Act requires all post-secondary institutions to publish and distribute certain information regarding campus crimes, including reports of campus domestic violence, dating violence, sexual assault and stalking, as well as policies and programming to all current students, employees and to any applicant who so request.
- 6.2 This information is compiled annually by the Office of Public Safety and made available upon request.

Contacts

Policy Questions: Zeak Naifeh, Dean of Students, (580) 581-2244

Forms

In support of this policy, the following forms are included:

None

Policy History

Policy

Issue Date:	June 29, 2010
Reviewed, no revision:	February 2016
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