



Eastern Michigan University
Sexual Assault Survivor Handbook

Produced by EMU's SMART Project

Introduction

This handbook is intended for adult survivors of sexual assault. It has been prepared by the Eastern Michigan University (EMU) SMART Project (*Sexual Misconduct Awareness and Reporting Tools for a Safer EMU Community*) in conjunction with the Student Well-Being Office, the Women's Resource Center, and Counseling and Psychological Services (CAPS). The handbook was prepared with the purpose of providing you with accurate information regarding the medical and legal concerns that you may be having, as well as to discuss issues regarding your physical and emotional healing. We hope to increase help-seeking behaviors by reducing the stigma and fear surrounding sexual assault and reporting.

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Much of this information has been adapted from "A Handbook For Survivors of Sexual Assault" distributed by the Michigan Coalition to End Domestic and Sexual Violence and the "Survivors of Sexual Assault Handbook" distributed by the University of Michigan Sexual Assault Prevention and Awareness Center.

Revised by EMU Women's Resource Center/SMART Project August 2016.

Relevant acronyms and contact information:

- EMU: Eastern Michigan University
- SAFE: Sexual Assault Forensic Exam
- CAPS: Counseling and Psychological Services
Snow Health Center, 3rd floor
734.487.1118
- UHS: University Health Services
Snow Health Center, 2nd floor
734.487.1122
- WRC: Women's Resource Center
356 Student Center
734.487.4282
- SafeHouse Center
4100 Clark Rd. Ann Arbor, MI
734.995.5444

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Chapter 1 – Your Feelings and Recovery

Your Feelings and Recovery

Survivors of sexual assault experience a wide range of reactions. Some have said that after the assault their emotions go up and down or from one extreme to another. It is important for you to know that what you are feeling and thinking right now is okay. Your reactions are your own way of coping with the crime that has been committed against you.

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1.1 What You May Be Feeling

There is no standard response to sexual assault. You may experience a few, none, or all of the following:

Shock and Numbness: Feelings of confusion, being easily overwhelmed, not knowing how to feel or what to do, feeling “spacey” or “out of it.” You may react in a way that is similar to your reactions during other crises in your life (for example with tears, irritability, nervous laughter, withdrawing).

What You Can Do: Be aware that these are normal reactions to trauma. Each person handles crisis differently, so think of things that helped you get through crises in the past. Get help to sort out what you would like to do and how you may want to organize your time, thoughts, and decisions. Be compassionate toward yourself; give yourself time to heal.

Loss of Control: Feeling like your whole life has been turned upside down and that you will never have control of your life again. Your thoughts and feelings seem out of control.

What You Can Do: Try to get as much control over your life as you possibly can, even over small things. Ask for information that may help you sort out your thoughts and feelings. Use outside resources, such as counselors and legal professionals. Ask how other people have handled similar situations. Try to make as many of your own decisions as possible. This may gradually help you regain a sense of control over your own life.

Fear: Fear that the assailant may return; fear for your general physical safety; fear of being alone; fear of other people or situations that may remind you of the assault.

What You Can Do: If you want company, do not hesitate to ask people who you trust to be with you day and night. You may want to make your physical environment feel more safe (moving, making your home more secure, and/or getting to know your neighbors better).

Guilt and Self-Blame: Feeling like you could have or should have done something to avoid or prevent the assault; doubts regarding your ability to make judgments.

What You Can Do: Blaming yourself is sometimes another way to feel control over the situation, thinking that if you avoid similar circumstances, it will not happen to you again. No matter what the situation was, you did not ask to be hurt or violated.

Isolation: Feeling that this experience has set you apart from other people; feeling that other people can tell you have been sexually assaulted just by looking at you; not wanting to burden other people with your experience.

What You Can Do: Recovering from an assault can be a very lonely experience. However, you are not alone in what you are feeling. You may find it reassuring to talk to others who have been assaulted, a mental health professional, or staff at the Women’s Resource Center who have worked with other sexual assault survivors.

Vulnerability, Distrust: Feeling that you are at the mercy of your own emotions or the actions of others; not knowing who to trust or how to trust yourself; feelings of suspicion and caution.

What You Can Do: Trust your instincts in regards to who you want to talk with about what happened to you. Try to talk with people whom you have found to be the most dependable in the past; select those who have been good listeners and non-judgmental. Feelings of general suspicion may subside as you begin to find people you can trust.

Sexual Fears: Feelings that you do not want to have sexual relations; wondering whether you will ever want or enjoy sexual relationships again; fears that being sexually intimate may remind you of the assault.

What You Can Do: Try to tell your partner what your limits are. Let your partner know if the situation reminds you of the assault and may bring up painful memories. Let your partner know that it is the situation, not them, that is bringing up the painful memories. You may feel more comfortable with gentle physical affection. Let your partner know what level of intimacy feels comfortable for you.

Anger: Feeling angry at the assailant. You may find yourself thinking about retaliation. You may be angry at the world since you no longer feel safe. If you are religious, you may feel angry that your faith did not prevent this.

What You Can Do: Be accepting of your anger. Thoughts of being violent toward the assailant do not mean that you are a violent or bad person. You have the right to feel angry about the violation you have experienced. You may want to talk to people who understand this.

Disruption of Daily Activities: During the first few days or weeks after the assault you may feel preoccupied with intrusive thoughts about the assault. You may experience difficulty concentrating, nightmares, sleep disturbances, changes in appetite, 'startle reactions,' phobias, general anxiety or depression. You may have memories of a prior crisis.

What You Can Do: Although these are common reactions, they can be quite disturbing. Take things very slowly. Some people find it helpful to keep a notebook in hand to write down feelings, thoughts, ideas, or details of the assault; keeping the thoughts and feelings in one place may make them feel more manageable.

1.2 Common Reactions to Traumatic Events

Initial Crisis: For the first few days or weeks, the assault may seem unreal. You may feel numb or you may experience intense or heightened emotions. You might even have physical symptoms of shock: feeling weak, nauseated, moving slowly, nightmares or inability to sleep. There is nothing wrong or unusual about these kinds of reactions.

Outward Adjustment: This is the time when pressure to "get on with your life" might come from within or from others in your life. Many survivors may appear, on the outside, to have forgotten about the assault or be satisfactorily "dealing with it" as they deal with practical matters such as returning to school, work, or other normal routines. Sometimes well intentioned family members, friends, or significant others encourage this. You may find yourself trying to block the experience out of your memory. This can be an important and self-protective coping mechanism for the short term.

Secondary Crisis: For many people, something happens in their life (a trigger) which may make their previous coping mechanisms ineffective, causing them to face the assault. Acknowledging the assault may be quite painful. What formerly seemed unreal or was denied may become very real to you. Survivors of sexual assault describe feeling depressed and/or having flashbacks or obsessive thoughts about the assault. You may replay the assault or parts of the assault in your mind many times. You may also experience intense anger. Again, it is important to remember that these responses are completely normal.

Integration: You are changed by the assault, but have integrated the experience as one event among many life experiences. You may feel as though you have survived the assault and have dealt with the thoughts and emotions of the trauma. You may still spend time thinking about and talking about the assault, but may find that when triggers and flashbacks do occur, the feelings surrounding the experience do not last long and may become less intense over time.

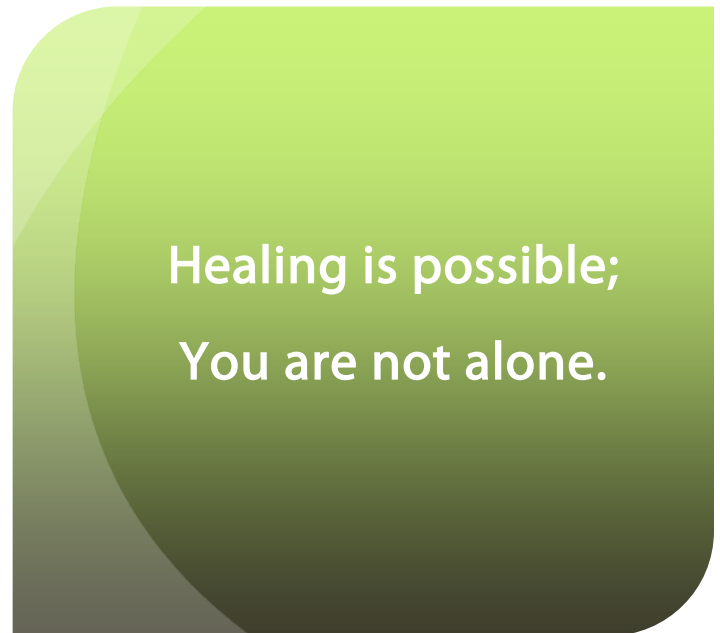
Healing is possible; however it will take work. You may need the support of loved ones or the help of caring professionals. Remember that others have gone through this and YOU ARE NOT ALONE. See the resource section at the end of this book for more information about local resources.

1.3 Recovery

Experiencing so many different emotions is a part of working through what has happened to you. Right now, you may wonder when you will “get your life back.” Or you may not be feeling much at all. There is no right or wrong way to react to sexual assault. Many survivors have found that patience, time, and support from others has helped them recover.

SafeHouse Center and other rape crisis centers have worked with many who have had similar experiences. A good counselor will understand and help you work through the emotional roller coaster that you may be on.

At EMU, you can reach out to Counseling and Psychological Services for mental health support, or the Women’s Resource Center for peer support.



1.4 Coping Skills

Positive and Negative Coping Methods

Positive coping methods are those that help to reduce anxiety, lessen other distressing reactions, and improve the situation in a way that does not harm you further, and which improves things not only today, but tomorrow and in the future as well. Positive coping methods can include:

- Muscle relaxing exercises
- Breathing exercises- slow, deep breaths
- Exercise in moderation, including walking, jogging, or swimming
- Meditation, stretching, or yoga
- Hot baths
- Journaling
- Taking a self-defense training or martial arts class
- Calling a rape crisis center hotline
- Joining a support group
- Positive distracting activities, including recreational or work activities such as: cooking, gardening, taking a walk, drinking tea, going to the park, calling a friend, listening to music, or doing arts and crafts.

Negative coping methods can make problems worse. They may reduce your anxiety immediately, but may cause more permanent change and additional problems. Negative coping methods can include:

- Continuing to avoid thinking about the problem
- Use of alcohol or drugs
- Avoiding counseling
- Aggressive or violent actions
- Social isolation (keeping to yourself)
- Overeating or restricting food
- Cutting or hurting oneself
- Workaholism (working too much)

Ideas for Controlling Memories of Sexual Assault

After experiencing a sexual assault you may be flooded with thoughts, feelings, or images of the assault. One helpful way to cope is to practice strategies to help you stay in the moment. Here are some steps to help you actively stay in the present or “here and now”:

- Keep your eyes open and actively look around you. Look around the room or area where you are. Turn the light on if it is off.
- Say a safety statement: “My name is (name). I am safe right now. I am in the present, not the past. I am at (location) and the date is (date).”
- Touch objects around you (a pen, your purse, a book, your clothing, your chair) and notice how they feel.
- Carry something in your pocket or purse (ring, a rock, any safe object) that you can touch whenever you have thoughts of the assault.
- Say a coping statement: “I can cope right now. This feeling will pass.”
- Think of people you care about (look at photographs of your best friend).
- Run cold water over your hands.
- Jump up and down.
- Stretch.
- Eat something and notice how it tastes.

Find the strategies that work for you. What works for one person, might not work for another.

Chapter 2 – Support

2.1 Campus Support

Eastern Michigan University has a variety of places where survivors of sexual violence can find support. EMU aims to create a safe, empathetic, and respectful campus environment. You can find the following types of support on campus:

Counseling and Psychological Services (CAPS)

CAPS offers short-term counseling that focuses on finding solutions to problems and relieving symptoms. There are many reasons students come to CAPS for counseling. Common examples include the desire to: decrease anxiety or worry; reduce feelings of sadness or depression; deal with relationship problems, and learn how to cope with stress. CAPS services are free and include individual and group counseling for all currently-enrolled students. CAPS provide daily walk-in triage slots to assigned clinicians to manage emergencies for students in crisis.

Title IX Coordinator

The Title IX Office is responsible for implementing and monitoring Title IX Compliance on behalf of the University. For survivors, this means the administration of accommodations, as well as the complaint and grievance procedures for the handling of suspected or alleged sexual misconduct. The Title IX Coordinator can assist individuals with understanding their reporting and investigation options, streamlining access to other campus support services, and providing academic, housing, and other accommodations.

Women’s Resource Center (WRC)

The WRC has been designated as a non-confidential space for survivors to talk about their experience, understand their reporting and investigation options, receive affirmation, and begin their healing journey. The WRC can also provide safety planning, tips about how a survivor can disclose to loved ones, and suggestions on how friends, family, and others can best support a survivor. Anyone on campus can also become involved in the WRC’s educational programs to raise awareness about sexual assault, combat rape culture, and eliminate the stigma experienced by many survivors.

Alliance for Sexual Assault Prevention (ASAP)

ASAP is a registered student organization that offers a peer group for survivors of sexual and domestic violence. They also host various events throughout the year to raise awareness of gender-based violence and advocate for continued evolution of the campus climate.

2.2 Community Support

EMU is located just 3 miles from Washtenaw County’s sexual assault and domestic violence shelter. SafeHouse Center provides support for those impacted by sexual assault or intimate partner domestic violence. SafeHouse provides free and confidential services for any person victimized that lives, works, or attends school in Washtenaw County. Their services include emergency shelter, counseling, legal advocacy, support groups, and a 24 hour Helpline Line. To access any of these services call 734-995-5444 or go to www.safehousecenter.org.

Shelters in Neighboring Counties

First Step (Wayne County)
734-722-6800
www.firststep-mi.org

Lacasa Center (Livingston County)
866.522.2725
www.lacasacenter.org

HAVEN (Oakland County)
248-334-1274
www.haven-oakland.org

AWARE (Jackson County)
517-783-2861
www.awareshelter.org

Catherine Cobb Domestic Violence Project (Lenawee County)
517-265-5352
www.fccsoflenawee.org

Family Counseling & Shelter Services (Monroe County)
734-242-7233
www.fcsmc.org

2.3 Talking with Friends, Family, and Significant Others

Talking with Friends & Family

Telling others about being sexually assaulted is a personal decision. Some find it healing, while others may find it adds to the trauma of the assault. It may take weeks, months, or years to find the strength to say three words, "I was raped" or "I was assaulted". However, those who care about us most are often our most natural systems of support. Sharing what you have experienced with friends and family members can provide a safe and comfortable circle of support when we need it most.

If there is one person you feel confident will support you, tell them first, and then see if they will help you tell others. Know you are not alone and you do not have to go through the healing process by yourself. Feelings of self-blame or embarrassment may hold you back, but remember this is not your fault and you could have done nothing to prevent it.

In the end, you know your situation the best and are most equipped to know who will be the most caring and empathetic during your healing journey. Relying on those individuals during a difficult time can have a positive impact on recovery.

Talking with Significant Others

You may be wondering who you should tell or what you should say to significant people in your life. Parents, friends, employers, neighbors, and partners can be sources of support and solace. Follow your own heart when deciding who to turn to. You may worry that you are relying on others too much. It is okay to ask for help in times of crisis. People who truly care about you will want to help; people who truly care about you may need to be told how to help you. It is okay to tell people what you need from them. It is okay to say:

"I don't want to be touched."

"I need to be held."

"I would like to talk about what happened."

"I don't want to discuss that."

If someone close to you is having a difficult time being supportive or coping with your assault, you might ask them to read the following section.

2.4 How to Help a Survivor

How to Help a Survivor of Sexual Assault

- Believe them.
- Reinforce that the assault was not their fault.
- Validate their experience.
- Be supportive, don't overreact.
- Be patient. The survivor may express a range of strong emotions.
- Allow the survivor to offer or not offer the details of the assault. DON'T PRY.
- Don't gossip. Allow the survivor to choose with whom they want to share the details of the assault.
- Understand that the survivor might not want to be touched.
- Consider that this experience is only ONE part of this person's life. Don't let it overshadow other aspects and experiences.
- Avoid being overly protective or attentive. The survivor may want safety and company, but not necessarily want to be the center of attention.
- Don't take decision-making power away from the survivor.
- It is okay for you to have needs as well! Find support for yourself.

Chapter 3 – The Facts

3.1 Myths & Facts

Several myths exist about sexual assault. These myths often shift responsibility and blame from the assailant to the victim. Understanding the myths surrounding sexual assault may help you in your recovery. What happened to you is a crime. You are not to blame for the assailant's behavior.

MYTH: Rape is caused by the perpetrator's uncontrollable sexual urge.

FACT: Rape is a crime of violence in which sex is used as a weapon. The rapist attacks the victim in an effort to seize power and control.

MYTH: Individuals who commit rape are mentally ill or psychotic and cannot help themselves.

FACT: Very few perpetrators are mentally incompetent and/or out of touch with reality. Rapes may be planned or carried out by acquaintances, intimate partners, family members, or strangers.

MYTH: The victim must have "asked for it" by being seductive, careless, drunk, high, etc....

FACT: No one asks to be abused, injured or humiliated. This line of thought blames the victim for what happened instead of the perpetrator who chose to commit the crime. Individuals of all ages, from all walks of life, have been targets of sexual assault. Not one of them "caused" their assailant to commit a crime against them.

MYTH: If women would just stop drinking so much, they wouldn't be sexually assaulted.

FACT: Alcohol is a weapon that some perpetrators use to control victims and render them helpless. As part of their plan, assailants may encourage victims to use alcohol or may identify individuals who are already drunk. Alcohol is not a cause of rape, but is one of many tools that perpetrators use.

MYTH: If the victim did not physically struggle with or fight the assailant, it wasn't really rape.

FACT: Assailants are not looking for a fight. They use many forms of coercion, threats and manipulation to rape. Alcohol and other drugs such as Rohypnol are often used to incapacitate victims. Michigan law defines sexual assault by the action of the perpetrator, not the victim. In fact, there is a specific law that says that the victim does not need to resist the perpetrator in order for it to be considered rape.

MYTH: Most perpetrators are strangers to their victims.

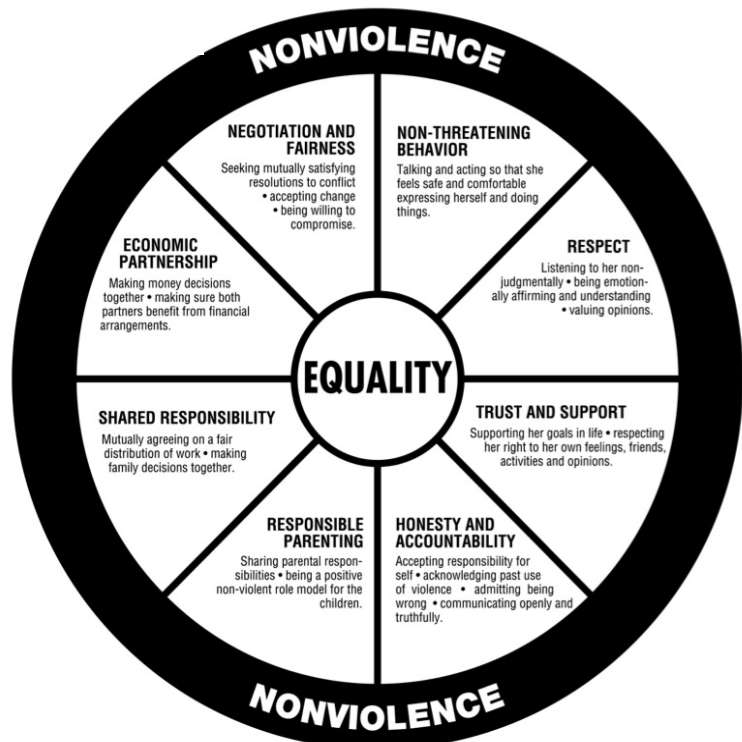
FACT: Most rapes are committed by someone that the victim knows or is familiar with, such as a neighbor, friend, acquaintance, co-worker, classmate, spouse, partner or ex-partner.

MYTH: Serial rapists are uncommon.

FACT: Most perpetrators of sexual assault are serial, meaning that they choose to use coercion, violence, threats of force, etc., to assault multiple victims.

3.2 Power and Control Wheel; Equality Wheel

The Power and Control Wheel is a way to describe sexual and intimate partner violence. It is a helpful tool to explore the multiple ways in which relationships can be violent. In contrast, the Equality Wheel was developed not to describe equality per se, but to describe the changes needed for individuals who enact sexual violence to move from being abusive to non-violent. For example, the "emotional abuse" segment on the Power and Control Wheel is contrasted with the "respect" segment on the Equality Wheel. So the wheels are used together as a way to identify and explore abuse, then encourage non-violent change.



Source: Domestic Abuse Intervention Project, Duluth, Minnesota

Chapter 4 – Medical Concerns

Receiving immediate and follow-up medical attention is one of the most important things that you can do for yourself if you have been sexually assaulted. You may have injuries that need to be treated, and you may want to be tested for pregnancy and sexually transmitted infections (STIs).

4.1 If You Were Assaulted Recently

You are encouraged to go to an emergency room of your choosing. The most important reason to do this is to check for injuries. Shock, and general aches and pains from the assault may be difficult to distinguish from a serious injury. Although it will not be easy, an exam may help set your mind at ease. You will also be given important information about STIs and pregnancy.

If you are not already using contraception, you may want to ask your doctor or nurse about emergency contraception, known as “the morning after pill.” This treatment is a high dose of estrogen that has proven effective as in pregnancy prevention if taken within 72 hours of the assault. Your doctor or nurse will be able to discuss the risk and benefits of such a treatment. The hospital may also give you antibiotics for gonorrhea and chlamydia. You may be started on a vaccination series for the prevention of hepatitis B and referred for testing for HIV and syphilis. If base-line tests for pregnancy and STIs are completed, they will only tell you if you were infected or pregnant before the assault.

Another important reason to receive immediate medical attention is to collect physical evidence for a criminal investigation. Under Michigan law, every hospital emergency department is required to offer a Sexual Assault Evidence Collection Kit, if the assault happened within the previous 96 hours. Evidence is best collected within six hours of the assault. You are not required to have the kit completed, and the hospital cannot refuse to use the kit if you are undecided about prosecuting your perpetrator.

Both the St. Joseph Mercy Hospital and the University of Michigan emergency rooms have a Sexual Assault Nurse Examiner program available for treatment, testing and evidence collection.

Specially trained staff at hospital emergency departments or nurse examiner programs can complete a sexual assault evidence collection exam. This standardized exam is a series of lab tests that are designed to collect physical evidence for use in the prosecution of a sexual assault. Your nurse, doctor or SafeHouse Center advocate can explain exactly what the exam entails.

Who pays for the hospital visit? The Michigan SAFE Response program, (effective January 2009) ensures that sexual assault victims are never directly billed for medical forensic exams. The SAFE Response program will pay for the exam whether or not the victim chooses to report the assault to law enforcement. If the victim has medical insurance which would cover the cost of the exam, the SAFE Response legislation requires that insurance be used to pay for the exam, unless the victim believes that billing insurance will substantially interfere with his/her personal privacy or safety. As a safeguard, the legislation requires that the victim’s written permission must be obtained before insurance is billed. SAFE Response will pay for an exam if a patient who is a victim of sexual assault had no insurance, or the patient believes that billing insurance will substantially interfere with his/her personal privacy or safety. SAFE Response will also pay costs that the patient’s insurance company will not pay, like co-pays or deductibles. SAFE Response will pay up to \$600 for any one exam, as follows: up to \$400 for the use of an emergency room, clinic, or examination room, and the sexual assault medical forensic examination and related procedures other than laboratory services and dispensing pharmaceutical items related to the sexual assault; up to \$125 for laboratory service; and up to \$75 for dispensing pharmaceutical items related to the sexual assault. See Chapter 4 of this handbook for more information about Crime Victim’s Compensation Board.

The following link contains additional information about the Crime Victim's Compensation Board and a downloadable SAFE Response Claim form: http://www.michigan.gov/mdch/0,1607,7-132-54783_54853---,00.html

Will I need to make a police report? Many hospitals interpret the law mandating hospitals and physicians to report all injuries due to violence as a mandate to report all sexual assault to the police. Being treated at an emergency department or having a sexual assault evidence collection kit completed does not mean that you have to talk to the police. You can choose not to speak to the officers. If you are currently unsure about participating in criminal prosecution, having the sexual assault evidence collection kit completed will help keep your options open. Typically, evidence may be kept for a few weeks as you consider your options. Hospital personnel should inform you of how long the evidence will be stored prior to destruction. The sexual assault evidence collection kit cannot be released to the police without your signature on an authorization form.

"Rape Drugs" Some assailants use drugs (such as Rohypnol, also known as Roofies; Gamma hydroxybutyric acid, also known as GHB; or Ketamine also known as Special K; to name a few) to physically control their victim and render them defenseless. If you believe you were drugged, inform your doctor. Blood or urine tests may detect the drug in your system. Testing should be done as soon as possible as some drugs can only be detected within 12 hours of ingestion.

What about a private doctor? Although you may feel more comfortable with your family doctor, he or she will likely not be available 24 hours a day, and will most likely send you to the hospital to have the sexual assault evidence collection exam completed. Private doctors do not have access to the kit. The hospital that treats you after the assault can send your discharge information to your private doctor and you can complete your follow-up care with her or him.

What about University Health Service (UHS)? If you are considering reporting what happened to you, you may want an evidence collection kit. UHS does not gather evidence for kits. They refer to St. Joseph Mercy Hospital for this procedure. If you would simply like antibiotics, Plan B, and a medical exam, UHS should be able to assist you during their regular business hours.

4.2 If You Were Assaulted in the Past

It is still very important to receive medical attention. You may want to have pregnancy and STI tests done. Although a sexual assault evidence collection exam can be performed at any time, the chances of collecting evidence decreases significantly when more than a few days have gone by. However, you can still report the crime to the police and prosecution is still possible.

Follow-up Medical Care

A follow-up test for pregnancy is recommended. Even if you were given preventative medication it is very important that you are re-tested a few weeks after the assault. A follow-up exam will also give you the opportunity to check your injuries and discuss any new physical symptoms that may have developed since the assault. Also, any sexually transmitted infections that you may have contracted from the offender will not show up until later.

The hospital that treated you after the assault will have sent the hospital discharge paper to your doctor or given you the option to return to the hospital for a follow-up exam. The follow-up exam may bring back memories of the assault. This may be difficult for you and you may want extra support and counseling. If you are uninsured or have financial concerns, you can get pregnancy and STI tests at University Health Service (UHS) (734-487-1122), Planned Parenthood or the health department. UHS accepts the EMU Student Insurance Plan and accepts regular forms of payment (cash, check, credit). Planned Parenthood will charge you based on your ability to pay.

4.3 Common Sexually Transmitted Infections (STI)

Testing for STIs

You may want to keep track of STIs for which you have been tested or treated. Ask your doctor or nurse exactly which tests are being completed. It may take several years for the symptoms of some STIs to show up. Information and testing could potentially save your life. The tables on the following page contain information about the eight most common STIs. Ask your healthcare professional for more information.

HIV/AIDS

While sexual assault survivors are at low risk for HIV infection, an HIV test may help you feel more comfortable. It is recommended that you get tested 2-6 weeks following the assault and again at 3, 6 and 12 months following the assault. University Health Services and the county health department will have information about free, anonymous HIV testing. You can ask a health care professional or sexual assault counselor for more information.

If it is determined by your doctor that you are at high-risk for HIV infection (i.e. your assailant is HIV positive or engages in high-risk behaviors such as injecting drugs) you may be a good candidate for HIV post exposure antiretroviral therapy. Your doctor will be able to discuss the risks, potential benefits and cost of this treatment with you. Assailants may be charged with a felony if they know that they have been diagnosed with HIV, or know they are HIV positive and engage in sexual penetration with another person without having first informed them of their own HIV/AIDS diagnosis. [MCL 333.5210 Public Health Code].

STI and HIV Testing of the Defendant

During the criminal proceedings, if a defendant is bound over to circuit court for a violation of a criminal sexual conduct offense and the district court determines there is a reason to believe that the violation involved sexual penetration or exposure to a bodily fluid of the defendant, the court shall order the defendant to be examined and tested for Sexually Transmitted Diseases (STIs), Hepatitis B infection, Hepatitis C infection or for the presence of HIV or an antibody to HIV.

With the victim's consent the court will forward the victim's name, address and phone number to the medical facility that conducts the defendant's testing. The medical provider will immediately notify the victim of the test results. [MCL 333.5129].

There are many options for free or low-cost STI, pregnancy, and HIV tests. Contact UHS, Planned Parenthood, or your county health department for more information.

Sexually Transmitted Infections

Infection	Symptoms	Possible Problems	Treatment
Gonorrhea	May show no symptoms. Discharge. Painful urination. Similar symptoms as Chlamydia.	Repeated pelvic infections. Damage to newborns. If untreated, can cause disease.	Curable with antibiotic treatment.
Chlamydia	May show no symptoms. Discharge. Painful urination and intercourse. Dull pelvic pain. Bleeding between menstrual periods.	Infertility in men and women. Eye and lung infections in newborns.	Curable with treatment.
Herpes	Blister-like sores. Swollen glands. Not always painful. Achy flu-like feelings. Symptoms may go unnoticed or go away.	Can cause severe damage in newborns if mother has an active infection.	Caused by a virus. Can be treated but not cured.
Syphilis	A sore. Usually painless. Later rash may develop on other parts of the body.	Heart, spine, and brain may be affected. Severe threat to developing fetus.	Cured with antibiotics.
Hepatitis B	Symptoms may vary a great deal.	May cause liver cancer. May be fatal. Can be transmitted to newborns.	A vaccine is available to prevent.
HIV/AIDS	Night sweats, shortness of breath, dry cough, swollen glands, rapid weight loss, increase in severity and number of illnesses.	Possibly fatal.	No cure has yet been found. Some experimental treatments available.
Genital Warts	Warts around genital area or rectum.	Can grow large and become obstructive.	Can be treated by a doctor.
Trichomoniasis	Itching. Heavy discharge. Frequent and painful urination.	Partners can pass back and forth, leading to repeated infections.	Curable with treatment.

Chapter 5 – The EMU Reporting System

5.1 Title IX Policy and Procedure

The Title IX process at EMU protects faculty, staff, and students from discrimination on the basis of sex. Some of the behaviors prohibited by Title IX include sexual harassment, sexual assault, rape, stalking, and retaliation. This policy is in place to help those who are the targets of these behaviors, and to hold the perpetrators accountable.

Title IX is here to help you connect with support services, understand reporting options, and offer appropriate accommodations. Here is important information about the Title IX office you should know:

- The first priority of the Title IX Coordinator is to determine what you need to feel safe right now.
- Sharing your story with the Title IX Coordinator does not mean that an investigation will take place. In most cases, the Title IX office honors the request of the survivor to proceed with an investigation or not.
- There is no statute of limitation on what the Title IX Coordinator can look into or offer support. Sharing your story a month, six months, a year, or more after the assault took place is welcome.
- There are many different types of reporting options. Sharing with the Title IX Coordinator is not the same as reporting to the police. See more about this below.

5.2 Reporting Options

You have many different options when it comes to filing a formal report. Talking through these choices with the Title IX Coordinator, a counselor, or victim advocate can be very helpful in determining which is the right choice for you.

1. File no formal report with the Title IX Coordinator nor the police (either EMU or Ypsilanti PD).
2. File a report with the Title IX Coordinator.
 - a. This will start a campus investigation handled by a trained investigator.
 - b. The investigation should be completed within 60 days, unless a concurrent criminal investigation necessitates a delay.
 - c. The alleged perpetrator will be adjudicated based on the EMU Sexual Misconduct and Interpersonal Violence Policy (Appendix A).
 - d. If the alleged perpetrator is found responsible for violating this policy, consequences range from a warning to permanent dismissal.
 - e. Your sexual history will never be used to prove character or reputation.
 - f. You have the right to appeal the final outcome.
3. File a report with EMU police, or your local police.
 - a. This will start a criminal investigation handled by the police department with whom the report was filed.
 - b. The alleged perpetrator will be adjudicated based on applicable local, state, and/or federal laws.
 - c. The findings of the investigation will be given to the assigned prosecutor, who will determine if the evidence warrants the filing of criminal charges (see section 6.1).
 - d. If criminal charges are filed, the criminal court process would begin (see section 6.2).
4. File a report with both the Title IX Coordinator and the appropriate police department.
 - a. Both a campus and criminal investigation will take place, as described above.
 - b. These investigations are conducted separately and may come to different conclusions based on the different standards of evidence used.

Chapter 6 – Criminal and Civil Justice System

6.1 Filing a Police Report

With accurate information about the law and support from friends and family, many sexual assault survivors choose to report the crime and participate in a criminal case against the perpetrator. It is not an easy process for the survivor, but some have found it to be helpful in their journey to healing. If you decide to speak to the police, you can have a friend or an advocate present to support you. You may want to write down everything you can remember about the assault and the perpetrator prior to filing a report. This will help you when you meet with a police officer. The police will interview you about what happened. Some questions might seem personal or embarrassing, but it is important for the police to get as much information as possible.

After the police report is made, a detective will be assigned to investigate the crime and submit the case to the prosecutor or city attorney's office. The decision to prosecute belongs to the prosecutor or city attorney. This decision is based on the evidence that is available to the prosecutor. Sometimes cases are not prosecuted. This is usually because it is believed that there is not enough evidence to prove to a jury or judge that the defendant is guilty, not because the prosecutor does not believe you.

6.2 The Court System

There are two basic types of cases that go to court: criminal and civil.

A criminal case is one in which the state of Michigan is seeking to punish a person who has committed a crime. A crime is an act committed in violation of the law and is punishable by imprisonment or fines. In a criminal court case the prosecuting attorney, acting on behalf of "the people," brings charges against the individual accused of perpetrating the crime, known as the defendant. The survivor of a sexual assault is considered a witness to the crime, not a party in the criminal case.

Criminal sexual conduct or rape is a criminal offense. Information about the criminal justice process is included in this handbook.

The civil justice system involves any case that is not a criminal prosecution. Civil cases involve one person, the plaintiff, bringing a legal action against another person, the defendant. Divorce, custody, personal protection orders and torts are examples of civil matters. Survivors of sexual assault have successfully sued perpetrators for emotional distress, physical injury costs and other monetary damages. Information about the civil justice process is included in this handbook.

6.3 Your Role in the Criminal Justice Process

You are a witness in the state's case against the perpetrator. You will be subpoenaed to testify during the criminal process. The prosecuting attorney or city attorney will present the case on behalf of the "people of the State of Michigan" and does not represent you specifically. However, as the victim of a crime, you do have certain rights. You can contact the prosecuting attorney or city attorney's office to find out which prosecutor is working on the case. You can contact that attorney with any questions you have about the criminal case. An advocate, from SafeHouse in Ann Arbor can help you with this and any other aspect of the criminal justice system and your case.

6.4 Stages in the Criminal Process

Warrant Request and Authorization: The detective/officer assigned to your case will forward a report to the prosecuting attorney's office. The prosecutor may want to interview you. Because sexual assault is a crime against the citizens of Michigan, the prosecutor represents the people of the State of Michigan and not you specifically. The prosecutor will make the decision about whether or not to prosecute. If you haven't heard from the prosecutor, you can call the prosecuting attorney's office and ask to speak with him/her. If the decision to prosecute is made, there will be an arrest warrant issued or a notice to appear in court for the defendant (perpetrator).

Arraignment in District Court: The district court judge will read the charges and the defendant will be given the opportunity to plead. Bond will be set at this time. Bond is an amount of money that needs to be paid to ensure that the perpetrator will show up for court again. Sometimes no bond is set, other times a very high bond is set, so that the perpetrator is forced to stay in jail. If the defendant is released the judge may order conditions of bond. The prosecuting attorney may request a condition of bond that orders the defendant not to come near you or contact you. You can talk with the prosecutor and have him/her request this type of bond condition, usually referred to as a "no contact condition." The victim may submit an affidavit (sworn statement) asserting acts or threats of physical violence or intimidation by the defendant against the victim or the victim's immediate family. The prosecutor may initiate Bond Revocation proceedings. The local police may arrest the perpetrator if they violate a protective condition of bond. If you are experiencing harassment, intimidation, or threats by the perpetrator, contact the local police and notify the prosecutor assigned to the case.

Preliminary Exam: This is a formal hearing in front of the district court judge. The prosecutor will try to prove that a crime took place, that it took place in your county, and that the perpetrator is a likely suspect. The prosecutor must prove that there is reasonable cause that the crime took place and the accused committed it for the case to continue. You will be required to testify. At the beginning of your testimony you will have to look at the perpetrator and identify him/her for the court. The prosecutor and the attorney for the defendant will ask you questions. The case may be dismissed at this point or bound over to circuit court for trial. Sometimes the defendant may waive the right to a preliminary exam and the case will go straight to circuit court.

Arraignment in Circuit Court: The charges will be read to the defendant in circuit court. The defendant will again be given the opportunity to plead. If the defendant pleads guilty or no contest, a sentencing date will be set. If the defendant pleads not guilty, a trial date will be set.

Pretrial Conference and Motions: The court may hear motions to determine what evidence will be admitted. The defense attorney and the prosecutor may discuss a plea bargain.

Trial: The prosecutor will try to prove "beyond reasonable doubt" that the defendant committed the crime. "Beyond reasonable doubt" is the standard of evidence required to find a person guilty in US court and generally the burden of proof will fall on the Prosecuting Attorney to determine this in these cases. The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is called as a witness the court may, for good cause, order the victim to be sequestered until the victim first testifies. As the accused, the defendant has the right to stay in the courtroom throughout the entire trial. The trial could take several days to complete. If the defendant is convicted, a sentencing date will be set.

Sentencing: If the defendant is convicted or pleads guilty or no contest, the probation department will make a sentencing recommendation to the judge. You have the right to submit or make a written or oral impact statement to the probation officer for use in preparing the presentence investigation report. [MCL 780.824]. Written statements turned in before the sentencing date will become part of the file. This means that the defense attorney will have access to it and may share it with the perpetrator. If you choose, you will have the right to make your oral statement at the time of the sentencing proceedings (even if you do not complete a written statement).

Your "Victim Impact Statement" may include, but is not limited to, the following: nature of any physical, psychological or emotional harm suffered, explanation of any economic loss or property damage, opinion of the need for or extent of restitution and a recommendation for the defendant's sentence. [MCL 780.823].

The victim has the right to make an oral impact statement at the sentencing. If you are physically or emotionally unable to make the oral impact statement, you may designate any other person 18 years or older to make the statement on your behalf. The court shall consider the victim's statement when imposing sentence on the defendant. [MCL 780.825].

Appeal: The defendant has the right to appeal the decision. Upon request of the victim, the prosecuting attorney shall notify the victim of the following:

- That the defendant filed an appeal of his or her conviction or sentence or the prosecuting attorney filed an appeal;
- Whether the defendant has been released on bail or other recognizance pending the outcome of the appeal within 24 hours of receiving notice;
- Time and place of appellate court proceedings within 24 hours of notification; and
- The result of the appeal.

The prosecuting attorney shall provide the victim with a brief explanation of the appeal process. If the case is returned to trial or a new trial is ordered, the victim has the same rights as previously requested. [MCL 780.828].

6.5 Crime Victims Compensation & Civil Suits

Crime Victims Compensation

As a victim of a crime, you may be eligible for monetary assistance. Assistance may include: compensation for medical expenses, counseling, rehabilitation, and loss of earnings resulting from an injury that is the direct result of a crime. Claims should be filed within one year; however, there are exceptions for child victims of sexual abuse and upon petition for good cause. You can get a claim form from Crime Victim Services Commission, the local Prosecuting Attorney, any State Police post, or from SafeHouse Center.

Below are the law enforcement considerations that must be met to receive victim's compensation: the crime must be reported to a law enforcement agency within 48 hours unless there was a good cause for the delay. This provision is waived for child victims. The victim must be willing to cooperate with law enforcement agencies, the prosecutor, and the Commission.

The SAFE Response program, which is administered by the Crime Victims Compensation board, will also pay for your medical forensic exams. The following link contains additional information about the Crime Victim's Compensation Board and a downloadable SAFE Response Claim form:

http://www.michigan.gov/mdch/0,1607.7-132-2940_3184-209187--,0.html. See Chapter Three for more details about the SAFE Response program.

If you have difficulties completing the paperwork, SafeHouse Center may be able to assist you.

Civil Suit

You have the option of filing a civil lawsuit. By doing this, you could possibly be awarded monetary damages. Here are some key points to keep in mind about this option:

- You will need to hire an attorney.
- You do not have to pursue criminal charges in order to file a civil lawsuit.
- You will be the Plaintiff and the perpetrator will be the Defendant.
- The process can take 2-5 years to complete.
- If the defendant is found guilty in the criminal trial, the only issue in the civil trial is over the type and amount of damages you should receive.
- If the defendant was found not guilty in a criminal proceeding, or if there was no criminal proceeding, then the plaintiff only needs to prove that the defendant committed wrong by a "preponderance of the evidence", rather than beyond a "reasonable doubt". "Preponderance of evidence" assumes that something has more likely than not happened, or that something is over 50% likely to have happened, whereas "reasonable doubt" assumes that there is no plausible reason to believe otherwise." Therefore, it is generally easier to prove a "preponderance of evidence" compared to "reasonable doubt.
- Your sexual history may be brought into the trial.

The goal of a civil suit is to compensate the survivor for injury caused by the action of the defendant. If the defendant is found responsible in the civil action, an award of damages may be compensatory, punitive, or both. The goal of compensatory damages is to pay for the losses suffered by the victim. The primary purpose of punitive damages is to punish and deter criminals or third parties.

6.6 Stalking

If you were assaulted by someone that you know, you may be at risk of being stalked or harassed by the perpetrator or by friends or family of the perpetrator. If the person who assaulted you was a stranger, the chances of being stalked by him/her are less, but still possible.

Michigan's Anti-Stalking Laws

Stalking: This is a crime defined as a willful course of conduct involving repeated or continuing harassment of another individual that causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. This crime is a misdemeanor punishable up to one year in prison or up to a \$1,000 fine or both. If the victim is a minor and the perpetrator is 5 or more years older than the victim, this crime is a felony punishable up to 5 years in prison or up to a \$10,000 fine or both. [MCL 750.411h].

Aggravated Stalking: This is a crime that includes the factors listed above plus one of the following aggravating factors: making credible threat of injury, violating a Personal Protection Order (PPO), violating a bond condition, or having a previous conviction for stalking. This crime is a felony punishable by up to 5 years in prison or up to a \$10,000 fine. If the victim is a minor and the perpetrator is 5 or more years older than the victim, this crime is a felony punishable by up to 10 years in prison and up to a \$15,000 fine. [MCL 750.411i].

6.7 What To Do If You Are Being Stalked

Report harassing/uninvited contact to your local police department. Even if the police cannot take any action at first, reporting the incident will begin to document the history of stalking.

Plan for your safety. Tell your co-workers and neighbors what is going on. Get a cellular phone if you can. Teach your children how to call 911. Consult The Women's Resource Center or SafeHouse Center for safety planning that is specific to your situation.

Keep a log of all the harassing incidents. Include the time, place, and description of the incident, as well as any witnesses to the incident.

Get a Personal Protection Order (PPO). You can fill the paperwork out on your own, have someone at SafeHouse Center assist you, or retain an attorney.

6.8 A Personal Protection Order (PPO)

A PPO is an order from the court to the stalker that prohibits certain activity. If the stalker violated the order they could be sentenced up to 93 days in jail and/or a \$500 fine.

A PPO Can Prohibit the Stalker From Any or All of the Following: Entering the property where you live or work, appearing within your sight, following you, assaulting you, threatening you, calling you, possessing or buying a gun, or any other conduct that interferes with your personal liberty.

Who Can Get a PPO? If you currently have, or have had in the past, one or more of the following relationships to the perpetrator: spouse, dating, have a child in common, or reside in the same household OR if the stalker is a stranger and has committed any of the prohibited behaviors listed in the above paragraph.

Filing for a PPO: The paperwork is available at the county clerk's office. You can fill it out on your own, have someone at SafeHouse Center help you, or retain an attorney. You can request that the PPO be signed by the judge without having to go to trial. However, the judge may order a trial in order to show good cause for why the PPO should be issued. The PPO goes into effect immediately when the judge signs it. If there was no trial and the PPO was signed by the judge, the stalker will have 14 days after they are served to request a trial. If the judge does not sign the PPO, they are required to give a written reason for why they did not sign it.

Chapter 7 - Resources

7.1 Important Contact Information

Confidential Resources

On campus – Counseling and Psychological Services (CAPS)
734-487-1118
313 Snow Health Center

Off campus – SafeHouse Center
734-995-5444
4100 Clark Rd.
Ann Arbor, MI 48105

Campus Resources – Not Confidential

EMU Department of Public Safety (DPS)
734-487-1222 (Business Line)
911 (On-Campus Emergency)
1200 Oakwood St.

Title IX Coordinator
734-487-3617
246B Student Center

Women's Resource Center
734-487-4282
356 Student Center

University Health Services (UHS)
734-487-1122
Snow Health Center, 2nd Floor

Student Well-Being
734-487-1107
315 Snow Health Center

LGBT Resource Center
734-487-4149
354 Student Center

Center for Multicultural Affairs
734-487-2377
358 Student Center

Disability Resource Center
734-487-2470
246 Student Center

Office of Diversity & Affirmative Action
734-487-3430
140 McKenny Hall

Community Resources

Ypsilanti Police Department
734-483-9510
911 (Off-Campus Emergency)

Ann Arbor Police Department
734-994-2875 (Complaint Desk)
911 (Off-Campus Emergency)

Washtenaw County Sheriff's Department
734-971-8400

St. Joseph Mercy Hospital
734-715-3000 (Emergency Room)

Washtenaw County Prosecuting Attorney's Office
734-222-6620

National and State Resources

Rape, Abuse & Incest National Network (RAINN)
1-800-656-HOPE (4673)

Michigan Coalition Against Domestic and Sexual Violence
3893 Okemos Road, Suite B2 Okemos, MI 48864
(517) 347-8470
TTY: (517) 381-8470 www.mcadsv.org general@mcadsv.org

Crime Victim Services Commission
Lewis Cass Bldg.
320 S. Walnut St., 5th Fl. Lansing, MI 48913 (517) 373-7373

7.2 Local/National Resources on Sexual Violence in Marginalized Populations

We recognize that in marginalized populations, there are additional barriers to seeking help after experiencing sexual violence. Below is a list of national resources that support individuals in this communities who are victims/survivors of sexual assault.

LGBTQ+ Community

GLBTQ Domestic Violence Project www.glbtqdv.org

The Network/La Red www.tnlr.org

Native American Community

Mending the Sacred Hoop www.msh-ta.org

Tribal Resource Center www.tribalresourcecenter.org

Muslim Community

ACCESS (Dearborn) www.accesscommunity.org

Jannah - www.jannah.org/sisters

Individuals with Disabilities

Abused Deaf Women's Advocacy Services www.adwas.org

The Arc www.thearc.org

Homeless Individuals

Victim Rights Law Center www.victimrights.org/surviving-sexual-violence

Male Survivors

Male Survivor www.malesurvivor.org/index.php

1 in 6 www.1in6.org

Appendix A: Eastern Michigan University Sexual Misconduct and Interpersonal Violence Policy

3.7.7. Sexual Misconduct and Interpersonal Violence Policy

Effective Date: 7-01-2016

Revision Date:

INTRODUCTION

TITLE IX COORDINATOR CONTACT INFORMATION

The President of Eastern Michigan University has appointed a Title IX Coordinator to oversee the University's central review, investigation and resolution of reports of sexual harassment, sexual violence, intimate partner violence and stalking. The contact information for the Title IX Coordinator and Deputy Title IX Coordinators is below:

Melody A. Werner

Title IX Coordinator

734.487.3617

mwerner@emich.edu

Sharon Abraham

Deputy Title IX Coordinator

Director, Diversity and Affirmative Action

Human Resources

734.487.3430

sabrahal@emich.edu

Jeanette Zalba

Deputy Title IX Coordinator/Director, Housing and Residential Life

734.487.5372

jzalba@emich.edu

Erin Kido

Deputy Title IX Coordinator

Senior Associate Athletic Director/Senior Women's Administrator

734.487.1050

ekido@emich.edu

I. UNIVERSITY POLICY STATEMENT

Eastern Michigan University is an institution built upon honor, integrity, trust, and respect. Consistent with these values, the University is committed to providing a safe and non-discriminatory learning, living, and working environment. The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities. To that end, this policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 ("Title IX"); Title VII of the Civil Rights Act of 1964 ("Title VII"); and Michigan's Elliott-Larsen Civil Rights Act. The University also addresses such behavior pursuant to its obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"). The University prohibits Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, and Sexual or Gender-Based Harassment, collectively referred to as "Prohibited Conduct." Retaliation against a person for the good faith reporting or participation in any investigation or proceeding under this Policy is also a form of Prohibited Conduct. These forms of Prohibited Conduct are unlawful, undermine the character and purpose of the University, and will not be tolerated. The University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The University conducts ongoing prevention, awareness, and training programs for Employees and Students to facilitate the goals of this policy.

A Student or Employee determined by the University to have committed an act of Prohibited Conduct is subject to disciplinary action, up to and including separation from the University. Third Parties who commit Prohibited Conduct may have their relationships with the University terminated and/or their privileges of being on University premises withdrawn.

Where the date of the Prohibited Conduct precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred.

II. SCOPE OF POLICY

A. To Whom Does the Policy Apply?

This policy is applicable to Students, Employees, and Third Parties.

1. “Student” includes any person who meets any of the following criteria:

- is enrolled in any number of courses, in any format at EMU,
 - is living in University housing, and/or
 - is not officially enrolled for a particular term, but whose EMU record indicates a continuing relationship with the University. The term relationship includes, but is not limited to:
 - those eligible and/or applying for reenrollment and/or readmission;
 - those involved in an appeal or grievance process; and
- those with unresolved business matters with EMU.
2. “Employee” includes all persons who are legally defined as employees of the University.
3. “Third Parties” includes all contractors, vendors, visitors, guests or any other third parties.
- The University’s ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the University. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the University’s commitment to a prompt and equitable process consistent with federal and state law, federal guidance, and this policy.
 - Where the Respondent is not a University Student or Employee, or a participant in any University related program or activity, the University’s ability to take action may be limited.

B. When and Where Does This Policy Apply

This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees and Third Parties when:

1. the conduct occurs on campus or other property owned or controlled by the University;
2. the conduct occurs in the context of a University employment or education program or activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
3. the conduct occurs outside the context of a University employment or education program or activity, but has continuing adverse effects that create a hostile environment for Students, Employees or Third Parties while on campus or other property owned or controlled by the University or in any University employment or education program or activity.

C. Intersection with Other Policies

The University’s Office of Diversity and Affirmative Action (D&AA) administers separate policies ([EEO/Affirmative Action](#) and [Civil Rights](#)) that address of discrimination and harassment not covered by this Policy. Where Prohibited Conduct violates the Sexual Misconduct Policy and also violates other policies, the University’s response will be governed by this Policy. Questions about which policy applies in a specific instance should be directed to the University’s Title IX Coordinator. In addition, conduct may be inappropriate, but not a violation of this Policy. Such conduct will be reviewed by the Title IX Coordinator and may be addressed through other appropriate processes (e.g. administrative offices, collective bargaining agreements, student conduct proceedings).

III. PROHIBITED CONDUCT

Prohibited Conduct includes the following specifically defined forms of behavior: Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Stalking, Sexual or Gender-Based Harassment, and Retaliation.

Conduct under this policy is prohibited regardless of the sex, sexual orientation and/or gender identity/expression of the Complainant or Respondent. [1] Being impaired by alcohol or other drugs does not excuse a Respondent from responsibility for committing Prohibited Conduct that violates this policy.

A. SEXUAL ASSAULT

- **Sexual Assault** is:

Sexual Contact and/or Sexual Intercourse that occurs without Consent.

- o Sexual Contact includes touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts, and/or making another touch you or themselves with or on any of these body parts.
- o Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger, however slight; (b) anal penetration by a penis, object, tongue, or finger, however slight; and (c) any contact between the mouth of one person and the genitalia of another person.
- Consent is:
 - o informed (knowing);
 - o voluntary (freely given); and
 - o clearly communicated, through the demonstration of clear words or actions a person has indicated willingness to engage in a particular form of sexual activity.

Consent cannot be gained by force or coercion. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. Coercion is conduct, including intimidation and express or implied threats of immediate or future physical, emotional, reputational, financial, or other harm to the Complainant or others, that would reasonably place an individual in fear and that is employed to compel someone to engage in sexual activity.

An incapacitated individual cannot consent to sexual activity.

Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

A person who is incapacitated is unable, temporarily or permanently, to give Consent because of physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

When alcohol or other drugs are involved, it is important to understand the level of impairment that results from a person's level of consumption. The impact of alcohol and other drugs varies from person to person, and a person's level of impairment can change quickly over time. A person's level of impairment is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility.

Evaluating whether another individual is incapacitated requires an assessment of whether the consumption of alcohol or other drugs has rendered that individual physically helpless or substantially incapable of:

- making decisions about whether to engage in Sexual Contact or Sexual Intercourse; or
- communicating Consent to Sexual Contact or Sexual Intercourse.

In evaluating Consent where the question of incapacitation is at issue, the University asks two questions: (1) *did the person initiating sexual activity know that the other party was incapacitated, and if not, (2) should a sober, reasonable person, in the same situation, have known that the other party was incapacitated?* If the answer to either question is yes, then there has not been consent.

One should be cautious before engaging in Sexual Contact or Sexual Intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether consent has been sought or given. If one has doubt about either party's ability to give consent, the safe thing to do is to forego all sexual activity.

Additional guidance about Consent and Incapacitation:

- A person who initiates a specific sexual activity is responsible for obtaining Consent for that activity.
- Consent is not to be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may not be sufficient to ascertain Consent.
- Consent is not to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in any sexual activity.
- Consent to engage in one sexual activity is not Consent to engage in a different sexual activity or to engage in the same sexual activity on a later occasion.
- Consent to engage in sexual activity with one person is not Consent to engage in sexual activity with any other person.
- Consent can be withdrawn by either party at any point. Once Consent is withdrawn, the sexual activity must cease immediately.

B. SEXUAL EXPLOITATION

Sexual Exploitation is purposely or knowingly doing any of the following:

- causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that persons' ability to give Consent to sexual activity.
- allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., livestreaming of images) without the consent of all subjects or participants;
- engaging in voyeurism (e.g., watching private sexual activity without the consent of all participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy;
- recording or photographing private sexual activity and/or a person's intimate parts without the consent of all subjects or participants;
- disseminating or posting images of private sexual activity and/or a person's intimate parts without the consent of all subjects or participants;
- prostituting another person; or
- exposing another person to a sexually transmitted infection or virus without the other's knowledge.

C. INTIMATE PARTNER VIOLENCE^[2]

Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.

Intimate Partner Violence may include any form of Prohibited Conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Physical Assault is attempting, threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person or group. In general, Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

D. STALKING^[3]

Stalking occurs when a person engages in a Course of Conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

Course of Conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.

Substantial emotional distress means significant mental suffering or anguish.

Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

E. SEXUAL OR GENDER-BASED HARASSMENT

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (1) and/or (2), below, are present.

Gender-Based Harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.

1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person's employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as "quid pro quo" harassment); or
2. such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
 - The frequency, nature, severity, location, duration and context of the conduct;
 - whether the conduct implicates concerns related to academic freedom or protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

Examples of possible Sexual Harassment include:

- Offering or implying an employment related reward (such as a promotion, raise, or different work assignment) or an education related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.
- Threatening or taking a negative employment action (such as termination, demotion, denial of an employee benefit or privilege, or change in working conditions), or negative educational action, (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's job or academic work more difficult because sexual conduct is rejected.
- Excluding a person from a program, activity or facility based on sex, sexual orientation or gender identity.
- Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments about a person's sexuality or sexual experience. Such conduct between peers must be sufficiently severe, persistent, or pervasive that it creates an educational or working environment that is hostile or abusive.

- Explicit sexual pictures are displayed in a professor’s office or on the exterior of a residence hall door.
- The use or display in the classroom or workplace, including electronic, or pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.
- Touching oneself sexually in view of others without their consent.

F. RETALIATION

Retaliation means any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in the processes contained in this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of Prohibited Conduct. A good faith pursuit by either party of civil, criminal or other legal action, even in response to an initial report under this Policy, does not constitute retaliation.

IV. HOW TO REPORT

There are two options for reporting Prohibited Conduct – Department of Public Safety (criminal) and the Title IX Office (University Complaint). A Complainant may choose to report to one, both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and University complaints. The University will support Complainants in understanding, assessing and pursuing these options and will assist a Complainant in notifying law enforcement and seeking medical treatment or counseling.

A. **Law Enforcement – EMU Department of Public Safety (Criminal)**

The Department of Public Safety is a fully deputized police department. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

A report to DPS is a criminal complaint. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the University urges Complainants to report Prohibited Conduct immediately to the [Department of Public Safety](#) at 734.487.1222 . However, Complainants have the right to notify or decline to notify law enforcement. In the event of conduct that poses a threat to the health or safety of any individual, the University may initiate a report to law enforcement.

B. **EMU Title IX Office (University Complaint)**

The Title IX Coordinator is a University employee and is responsible for monitoring compliance with Title IX; ensuring appropriate education and training; coordinating the University’s investigation, response, and resolution of all reports under this policy; and ensuring appropriate actions to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures. The University has also designated Deputy Title IX Coordinators to assist the Title IX Coordinator in the discharge of these responsibilities.

- The University urges anyone who has experienced or knows about an incident of Prohibited Conduct to immediately contact the Title IX Coordinator.
- The University’s Title IX Coordinator or any Deputy Title IX Coordinator may be reached by telephone, email, or in person at their respective locations, email addresses and/or phone numbers listed in the Introduction to this Policy or @ emich.edu/title-nine.
- The University’s website is available for online reporting @ emich.edu/title-nine

Time Frame for Reporting: There is no time limit for reporting Prohibited Conduct to the University under this policy; however, the University’s ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or an Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

Amnesty for Good Faith Reporting: The University will not pursue disciplinary action against students (Complainants or witnesses) for disclosure of personal consumption of alcohol or other drugs (underage or illegal) where the disclosure is made in connection with a good faith report or investigation of Prohibited Conduct.

Concerns about the University's application of Title IX, VAWA, Title VII, the Clery Act, or Michigan's Elliott-Larsen Civil Rights Act may be addressed to the Title IX Coordinator; the United States Department of Education, Clery Act Compliance Division (at clery@ed.gov); the United States Department of Education, Office for Civil Rights (at OCR@ed.gov or (800) 421-3481); the Equal Employment Opportunity Commission (at info@eeoc.gov or (800) 669-4000) and/or the Michigan Department of Civil Rights (<https://www.michigan.gov/mdcr/> or 517-335-3165)

V. EMPLOYEES' RESPONSIBILITY TO REPORT PROHIBITED CONDUCT

A Responsible Employee who learns of Prohibited Conduct must report it as outlined below.

Every employee is designated as either a "Responsible Employee" or a "Confidential Employee." To assure that all Complainants are provided with equitable access to support and information about options and that the University provides a consistent response to Prohibited Conduct that allows for the tracking of patterns and climate concerns, Responsible Employees have an obligation to share information about Prohibited Conduct with the Title IX Coordinator and DPS. In contrast, Confidential Employees, who are an invaluable resource for University community members, are not permitted to share information about Prohibited Conduct, except under very limited circumstances.

A. Responsible Employee. Responsible Employees are all EMU employees except Confidential Employees (See V.B. below). A Responsible Employee is required to immediately report to the University's Title IX Coordinator and DPS all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any member of the EMU community ("students", "employees" and "third parties") as a Complainant, Respondent, and/or witness.

Responsible Employees include Resident Advisors, Graduate Assistants, and all other student-employees, when disclosures are made to any of them in their capacities as employees.

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs" or other public forums in which students may disclose incidents of Prohibited Conduct; collectively, "Public Awareness Events"), or (2) during a student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research").

B. "Confidential Employee" is (1) any Employee who is a licensed medical, clinical or mental-health professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, professional counselors and social workers, and those performing services under their supervision), when acting in their professional role in the provision of services to a patient who is a Student or Employee ("health care providers"); and (2) any Employee providing administrative, operational and/or related support for such health care providers in their performance of such services. A Confidential Employee will not disclose information about Prohibited Conduct to the University's Title IX Coordinator without the Student's permission (subject to the exceptions set forth in the next paragraph).

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under Michigan law. See also Section VII.B. When information is shared by an individual with a Confidential Employee, the Confidential Employee cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Clery Act Reporting: Pursuant to the Clery Act, the University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires the University to maintain a daily crime log and issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to Students and Employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of Complainants when issuing timely warnings to the University community.

Privacy: The University is committed to protecting the privacy of individuals engaged in the reporting and investigative process, including the identity of individuals and information involved in the investigation and resolution of a report under this policy. With the exception of Title IX reporting, Responsible Employees will maintain the privacy of information related to a report of Prohibited Conduct, and information will only be shared beyond the Title IX Coordinator or DPS on a "need to know" basis in order to assist in the review, investigation and resolution of the report, or support of the parties.

The University is committed to providing assistance to help Students, Employees and Third Parties make informed choices. With respect to any report under this policy, the University will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. The privacy of Employee personnel records will be protected in accordance with Michigan state law. Open Records laws may require disclosure of law enforcement records. However, victim and witness names in law enforcement records will not be disclosed, unless otherwise required by law.

VI. INVESTIGATIVE PROCEDURES

There are two procedures for investigating complaints of prohibited conduct.

The procedure for investigating and resolving complaints of Prohibited Conduct when the Respondent is a **Student** is titled [Student Investigative Procedures](#).

The procedure for investigating and resolving complaints of Prohibited Conduct when the Respondent is an **Employee or Third Party** is titled [Discrimination/Harassment Complaint Investigation Procedure for Complaints Against Faculty, Staff or Visitors](#).

The procedures referenced provide for prompt and equitable response to reports of Prohibited Conduct, conducted by University representatives who receive annual training on issues related to Prohibited Conduct. The procedures designate specific time frames for major stages of the process and provide for thorough and impartial investigations, which afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred. The University applies the Preponderance of the Evidence standard when determining whether this Policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that a policy violation occurred.

VII. AVAILABLE SUPPORT

A. Remedial and Protective Measures

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving a restrictive action against a Respondent). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, interim disciplinary suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable, and will promptly address any violation of the protective measures.

The availability of remedial and protective measures will be determined by the specific circumstances of each report. The University will consider a number of factors in determining which measures to take, including the needs of the Student or Employee seeking remedial and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or job location(s); and whether other judicial measures have been taken to protect the Complainant (e.g. protective orders). Regardless of when or where the Prohibited Conduct occurred, the University will offer resources and assistance to community members who experience and/or are affected by Prohibited Conduct. In those instances when this Policy does not apply, the University will assist a Complainant in identifying and contacting external law enforcement agencies and appropriate campus or community resources.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the University.

Complainants or others should report information concerning a violation of protective measures to the Title IX Coordinator as soon as possible, and should dial 911 in situations of immediate health or safety concern. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

B. Campus and Community Resources

The University offers a wide range of resources for all Students and Employees to provide support and guidance in response to any incident of Prohibited Conduct. There are a number of resources in which Students and Employees can obtain confidential, trauma informed counseling and support. These resources include:

- the Counseling and Psychological Services (CAPS), located in Snow Health Center 734.487.1118;
- Safe House 734.995.5444;
- the EMU Psychology Clinic located at 611 W. Cross Street, 734-487.4987;
- the EMU Counseling Clinic in 135 Porter Hall, 734.487.4410 and
- RAINN (Rape, Abuse and Incest National Network) at 1.800.656.4673.

Employees can also obtain such counseling through the Employee Assistance Program. <http://www.emich.edu/hr/benefits/information/assistance-program.php>

VIII. PREVENTION AND AWARENESS PROGRAMS

The University is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming Students and new Employees receive primary prevention and awareness programming as part of their orientation, and returning Students and current Employees receive ongoing training and related education.

X. TRAINING

The University provides training to Students and Employees to ensure they understand this policy and the topics and issues related to maintaining an education and employment environment free from harassment and discrimination.

XI. OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

All University community members are expected to provide truthful information in any report or proceeding under this policy. Submitting or providing false or misleading information, in bad faith or with a view to personal gain or intentional harm to another, in connection with an incident of Prohibited Conduct is prohibited and subject to disciplinary sanctions under the University's Student Code and disciplinary action under the appropriate Employee disciplinary policy. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are not later substantiated.

XII. ANNUAL REVIEW

This policy is maintained by Title IX Office. The University will review and update this policy, as appropriate, by October 31 of each year. The University will evaluate, among other things, any changes in legal requirements, existing University resources, and the resolution of cases from the preceding year (including, but not limited to, timeframes for completion and sanctions and remedies imposed).

[1] For purposes of this Policy, the individual who is reported to have experienced Prohibited Conduct, regardless of whether that individual makes a report or participates in the review of that report by the University, is referred to as the Complainant. The individual who is reported to have engaged in Prohibited Conduct is referred to as the Respondent.

[2] Intimate Partner Violence includes "dating violence" and "domestic violence," as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon the Complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

[3] This definition is consistent with VAWA.

Authority for Creation or Revision:

Minutes of the Board of Regents: June 21, 2016.

Appendix B: Sexual Assault Laws

In Michigan the legal term used for sexual assault or rape is Criminal Sexual Conduct (CSC). The following information provides definitions of CSC and the potential consequences. A link to the current legal definitions relating to CSC may be found through legislature.mi.gov/doc.aspx%3Fmcl-750-520b. If the perpetrator is charged with one of these crimes, an advocate at the local rape crisis center can help you better understand the charges and the criminal justice process.

Definitions

Penetration includes vaginal, anal or oral intercourse or putting a finger or other object into another person's anal or genital opening. Emission of semen is not required.

Sexual Contact is defined as the intentional touching of the victim's intimate parts or the clothing covering those intimate parts for the purpose of sexual arousal or gratification, done for a sexual purpose or in a sexual manner, or done in a sexual manner for revenge or to inflict humiliation or out of anger.

The section that follows lists the possible criminal charges and penalties in the first column. These charges could be filed for the action specified (penetration or other sexual contact) in any of the circumstances listed. To access the laws relating to first, second, third, or fourth degree CSC, replace 520a in the link list above with 520b, 520c, 520d or 520e respectively.

According to Michigan law, people who are drugged, incapacitated, or under the age of 16 are deemed unable to give consent.

Updates and Other Related Offenses: Effective August 28, 2006, 2006 MCL 750.520b was amended to add general sentencing provisions applicable to first-degree criminal sexual conduct (CSC-1) convictions and to provide specific penalties for certain CSC-1 offenses involving an offender age 17 years or older and a victim under the age of 13. In addition, effective August 24, 2006, 2006 PA 162 added a new chapter to the Penal Code-Chapter LXCIIA contains a group of new crimes- Human Trafficking involving forced labor or services, criminal sexual conduct and child sexually abusive activity. Refer to the Michigan Judicial Institute website for a downloadable copy of Sexual Assault Benchbook and subsequent updates at <http://courts.mi.gov/mji/resources/sabb/sabb.htm>.

First Degree CSC: Up to life and lifetime electronic monitoring if not in prison.

Includes penetration.

1. Victim is less than 13 years old.
2. Victim is 13, 14, or 15 years old and assailant is a member of the household.
3. Victim is 13, 14, or 15 years old and assailant is related to the victim by blood or marriage.
4. Victim is 13, 14, or 15 years old and assailant is in a position of power or authority and uses that authority to coerce the victim to submit.
5. Victim is 13, 14, or 15 years old and assailant is a teacher, substitute teacher, or administrator of the school or school district in which the victim is enrolled.
6. Victim is 13, 14, or 15 years old and assailant is an employee of contractual service provider of the school or school district in which the victim is enrolled, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or school district or is a volunteer who is not a student and the assailant uses that status to gain access to, or to establish a relationship with the victim.
7. Another felony is committed.
8. Assailant is aided and abetted by one or more other people and victim is known to be physically helpless, mentally incapable, or mentally incapacitated.
9. Assailant is aided and abetted by one or more other people and force or coercion are used.
10. Assailant is armed with a weapon.
11. Assailant uses force or coercion and causes personal injury to the victim.
12. Assailant causes personal injury to the victim and knows that the victim is physically helpless, mentally incapable, or mentally incapacitated.
13. Victim is physically helpless, mentally incapable, mentally disabled or mentally incapacitated and the assailant is related to the victim by blood or marriage or is in a position of authority over the victim and uses that authority to coerce the victim to submit.

Second Degree CSC: Up to 15 years and lifetime electronic monitoring if not in prison.

Includes sexual contact.

All of the circumstances listed above under CSC 1 apply and also

1. Victim is under the jurisdiction of the Department of Corrections and the assailant is an employee, volunteer, or contractual employee of the Department of Corrections and knows that the victim is under the jurisdiction of the Department of Corrections.
2. Victim is under the jurisdiction of the Department of Corrections and the assailant is an employee, volunteer, or contractual employee of a private vendor that operates and youth correctional facility and knows that the victim is under the jurisdiction of the Department of Corrections.
3. Victim is a prisoner or probationer under the jurisdiction of a county and the assailant is an employee, contractual employee, or volunteer of the county or the Department of Corrections who knows the victim is under the jurisdiction of the county.
4. Victim is detained by a court in a facility while the victim is awaiting trial or a hearing, or is committed to a facility, having been found responsible for committing an act that would be a crime if committed by an adult, and the assailant is an employee, contractual employee, or a volunteer with the facility in which the victim is detained or committed.

Third Degree CSC: Up to 15 years in prison.

Includes Penetration.

1. Victim is 13, 14, or 15 years old.
2. Force or coercion is used to accomplish the sexual penetration.
3. Victim is physically helpless, mentally incapable, or mentally incapacitated.
4. Victim is related to assailant by blood or marriage (except if the victim and assailant are married), and the act occurs under circumstances not otherwise prohibited in the CSC act.
5. Victim is 16 or 17 years old and is a student and is not emancipated and is not married to assailant. Assailant is a teacher, substitute teacher, or administrator of the school or district in which the victim is enrolled.
6. Victim is 16 or 17 years old and is a student and the assailant is an employee or a contractual service provider of the school or school district in which the victim is enrolled or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or district or is a volunteer who is not a student and the assailant uses that status to gain access to, or establish a relationship with the victim.
7. Victim is 16 through 25 years old and is receiving special education services and the victim is enrolled, or is a Federal State, of Michigan or local unit of government employee assigned to provide any service to that school, or school district, or is a volunteer who is not a student and the assailant uses that status to gain access to, or establish a relationship with the victim.

Fourth Degree CSC: Up to two years in prison and/or up to \$500 fine.

Includes sexual contact.

1. The victim is 13, 14, or 15 years old and the assailant is 5 or more years older than the victim.
2. Force or coercion is used to accomplish the sexual contact.
3. When the assailant engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.
4. The assailant knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.
5. The assailant is related to the victim by blood or marriage and the sexual contact occurs under circumstances not otherwise prohibited by the CSC law.
6. Assailant is a mental health professional and the act occurs during 2 years after the victim was a client and the victim and the client are not married.

7. The assailant is 16 or 17 years old and a student at a school and is not emancipated and is not married to assailant. Assailant is a teacher, substitute teacher, or administrator, or is an employee or a contractual service provider of the school or school district, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or school district in which the victim is enrolled and the assailant uses that status to gain access to, or to establish a relationship with the victim.
8. Victim is 16 through 25 years old and is receiving special education services and the victim and assailant are not married and assailant is a teacher, substitute teacher, or administrator, or an employee or a contractual service provider of the school or school district in which the victim is enrolled, or is a Federal, State of Michigan, or local unit of government employee assigned to provide any service to that school or school district, or is a volunteer who is not a student of the school or school district in which the victim is enrolled and the assailant uses that status to gain access to, or establish a relationship with the victim.

Michigan has several laws that are designed to make participation in the prosecution of the assailant easier for the victim.

1. The defense attorney cannot bring up your sexual history as evidence in the criminal trial unless there was a previous sexual relationship between you and the assailant, or if there was specific sexual activity that could account for the presence of semen, disease, disfigurement or other injury. In these exceptions the defense must specifically request access to this evidence and the judge can use discretion in limiting this type of evidence. [MCL 750.520j]. This is known as the rape shield law.
2. The prosecutor does not need to prove that you resisted. [MCL 750.520j].
3. Your testimony does not need to be corroborated or supported by other witnesses. [MCL 750.520h].
4. A law enforcement officer cannot ask or require you to take a polygraph test. [MCL 776.21].
5. The law does not specify the sexes or limit the relationship of the parties involved. It is possible to bring criminal sexual conduct charges against same-sex assailant or an assailant to whom you are or have been married to or involved with in previous consensual sexual activity.

