

Kettering University Sexual Assault Policy for Students & Pre-College Program Participants*

I. INTRODUCTION

Kettering University is committed to creating a community free from violence. The University will not tolerate sexual assault, sexual harassment, domestic violence, or stalking as defined by State and Federal laws.

The University recognizes the necessity of a community which is open and intellectually stimulating, where diversity of ideas is valued and every person's safety, dignity, and autonomy is respected whether they are students, faculty, or staff, and regardless of race, ethnicity, age, religion, class, national origin, gender, sexual orientation, or disability.

II. REPORTING OPERATIONS AND PROCEDURES

A. RIGHTS OF THE SURVIVOR**

1. The Criminal Sexual Conduct Statutes of Michigan define sexual assault as a crime involving forced or coerced *sexual penetration* (first and third degree) or *sexual contact* (second and fourth degree). (Sexual penetration means sexual intercourse, cunnilingus, fellatio, oral intercourse, of any other intrusion, however slight, of any part of a person's body, or of any object into the genital or anal openings of another person's body.) The University encourages the reporting of sexual assaults to the appropriate University officials as reporting is the only way the University can take action against the accused assailant. Survivors may report sexual assault to Kettering Campus Safety; City of Flint Police Department; Director of Zelpha McKinnon Wellness Center; to the Dean of Students; to the Associate Dean of Student Affairs; or to any University official. Survivors and persons receiving reports of sexual assault are reminded of the importance of preserving evidence that may be necessary to the proof of criminal sexual assault or for use in University disciplinary proceeds. All University personnel are encouraged to

* This policy was adapted from the University of Michigan's Sexual Assault Policy, with permission from The University of Michigan Ann Arbor, MI, 2005.

** This policy defines survivor as someone who says that she/he has been sexually assaulted.

immediately refer sexual assault survivors to the Associate Dean for Student Affairs.

2. The survivor has the right to have any and all sexual assaults against their person treated seriously and the right to be treated with dignity. Because the University recognizes that a sexual assault is more than an assault on an individual's body, but is also an attack on the individual's dignity and sense of self, the University is committed to insuring that the decision to take action against the accused shall rest solely with the survivor.^{***} There may be circumstances, however, depending on the status of the alleged assailant and the seriousness of the offense, in which the University must take action to protect the survivor or other members of the University community. The best way for a survivor to retain control over actions is to report the assault in the first instance to a confidential counselor, such as the Associate Dean for Student Affairs, where no action will be taken without the survivor's consent, unless required by law.
3. The University upholds the right of the survivor to be free from undue coercion of any kind from the University's personnel, including but not limited to staff, faculty, and peer or student staff. Such coercion includes but is not limited to pressuring the survivor to report, not to report, or to under-report a sexual assault; suggesting that the survivor is somehow responsible for the sexual assault; suggesting that the survivor was contributory negligent or assumed the risk of being sexually assaulted; or suggesting that the survivor or the University would incur unwanted publicity or humiliation by reporting the sexual assault.
4. Survivors who report the assault to University will be fully informed in a timely manner of all their rights and options, including the necessary steps and potential consequences of each option. All University personnel are encouraged to immediately refer sexual assault survivors to Associate Dean for Student Affairs.

B. UNIVERSITY DISCIPLINARY PROCEDURES

^{***} If a survivor is under the age of 18, reporting requirements of the Child Protection Law [MICH.COMP.LAWS 722.621 (West 1989)] may require that a report be made to the Michigan Department of Social Services.

1. The survivor has the right to pursue action against the accused student assailant through the University's Judicial Affairs process as described in the Kettering University Student Handbook. The procedures a survivor may follow to pursue action against a faculty or staff member are dependent upon the accused's employment status. The Associate Dean of Student Affairs, in consultation with Human Resources, can advise a survivor which procedures would be applicable in a given case.
2. The University commits itself to providing judicial and disciplinary processes that are sensitive, supportive, expedient, and respectful of the individual rights of all involved. Both the survivor and the accused have the right to be accompanied by a support person through every phase of the process. Student survivors may choose to change University housing and academic arrangements, if such changes are reasonably available, without academic penalty.
3. Possible sanctions for students resulting from the University's judicial process range from formal reprimands and community service to suspension and expulsion. Possible sanctions for faculty and staff range from reprimands to termination of employment. Both the accuser and accused shall be informed of the outcome of the campus disciplinary process.

C. OFF-CAMPUS LEGAL OPTIONS

1. In addition to the University's judicial process and those disciplinary procedures applicable to faculty and staff, the survivor has the right to pursue criminal prosecution and/or civil litigation. Kettering's Campus Safety Department is available to provide assistance and information on criminal prosecution. The University is committed to providing full and prompt cooperation and assistance in notifying the proper law enforcement personnel if the survivor so chooses. The survivor has the right to pursue all legal and disciplinary remedies and counseling services without academic penalty.
2. Campus Safety can also provide information on the rights and remedies accorded to crime victims generally, including information about State and Federal laws regarding mandatory testing of sexual assault suspects for communicable diseases, assistance in pursuing action under these laws, and notification of results of any such tests.

III. STATISTICAL REPORTING

The University will provide statistics of reported sexual assaults as required and defined by the Campus Security Act and the Student-Right-to-Know-Act. All personally identifying information will be removed from statistical reports.

IV. UNIVERSITY COUNSELING AND EDUCATIONAL SERVICES

Kettering University's Zelpha McKinnon Wellness Center provides education on sexual assault, domestic violence, sexual harassment and stalking, advocacy services, information and referral, and campus-wide outreach services to survivors. The Wellness Center and the Office of Student Affairs provide information to students about sexual assault reporting options, available resources and assistance for the survivor, and survivor's rights. University personnel are available to accompany survivors and provide support during hospital or medical exams, contact with law enforcement personnel, during campus judicial hearings, and for local court proceedings. Kettering University ensures survivor's confidentiality according to Michigan law. All University personnel should refer sexual assault survivors to the Wellness Center or to the Associate Dean for Student Affairs.

V. CONCLUSION

All members of the Kettering University community share a responsibility for upholding this policy as we strive to attain our goal of creating a violence-free community.

**For more information, contact:
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