CENTRAL MICHIGAN UNIVERSITY
PROCEDURES FOR ADDRESSING AND RESPONDING TO
STUDENT SEXUAL AGGRESSION INCIDENTS

Sexual Aggression Services
Office of the Dean of Students
214 Bovee University Center

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General Statement

An area of increasing concern for colleges and universities throughout the country is sexual assault, stalking, and dating violence (sexual aggression) upon students. Because of the nature of these crimes they frequently go unreported. This makes it difficult for the university administration to assess the magnitude of the problem, to determine the scope of services necessary to combat the problem, and to evaluate the success of prevention and intervention services.

Institutions of higher learning are noted for their ability to respond creatively to the challenges and ills of society at large. It is appropriate that they should also lead the way in educating society about sexual assault and in providing a consistent, caring and timely response when sexual assaults occur within the university community.

With these considerations in mind, these policies and procedures were created to do the following:

1. Facilitate the swift recovery of an assault survivor by providing prompt and compassionate support services.

2. Create a campus environment which both expedites and encourages the prompt reporting of incidents of sexual aggression.

3. Facilitate the apprehension of assailants when such crimes are committed, reported, and charges filed.

4. Establish and cultivate a climate of community empowerment and education.

The policies and procedures address five primary areas: (1) Services Provided; (2) Educational Offerings; (3) Student/Survivor Reporting Options; (4) Faculty and Staff Protocols for Responding to Sexual Aggression; and (5) Disciplinary Procedures.

They apply to all Central Michigan University Students taking classes on the Mount Pleasant Campus who have been assaulted. Law Enforcement and Judicial Protocols can only apply to assaults which occur within Isabella County. These policies may be applied to incidents which occur in university sponsored events away from the main campus.
I. SEXUAL AGGRESSION SERVICES

A. Philosophy

It is not the function of the University to require a particular course of action upon the student surviving sexual aggression, nor make any factual determinations as to the events which occurred. Instead, the duties of the service provider are to make the student aware of the options and alternatives available, to aid the student in making an informed decision as to a course of action, and to enable the student to follow through in that decision. Service providers should not take any action based upon a subjective evaluation as to the merit of any charges made, nor should service providers attempt to convince the student that any course of action is preferable to another.

Confidentiality is maintained to the maximum extent of the law in the handling of sexual aggression cases. Information pertaining to a case is shared with other individuals only on a need to know basis and only after getting permission from the survivor. State and federal provisions relating to the confidentiality of records shall apply.

B. Role of the Sexual Aggression Services Director

Incidents of sexual aggression are traumatic events which can result in a variety of physiological and psychological repercussions. This wide range of post-assault responses is referred to as Rape Trauma Syndrome. It is usually strongest immediately following the incident but can last for months or even years. Prompt intervention with student survivors can do much to mitigate this trauma.

While the most pressing needs of the student/survivor following an incident/s of sexual aggression is for immediate medical and counseling assistance, the need also exists for a wide range of other assistance measures. The position of Sexual Aggression Services Coordinator has been established to, among other things, identify and coordinate the delivery of these support intervention services. This position is appointed by the Dean of Students and reports directly to the dean.

The CMU Sexual Aggression Services Director intended as a central referral source for information relating to the rights, options, and services available. The Director is knowledgeable about campus and community resources which can provide medical and legal assistance, counseling, advocacy, and academic assistance. The Director is not expected to provide specific or detailed legal, medical, or long-term counseling guidance to student/survivors. The Director arranges and implements programs dealing with the prevention, awareness, and avoidance of sexual aggression. Educational programs are encouraged through various campus offices and resources.
Responsibilities are to include, but not be limited to

< seek input, guidance and advice from key constituent groups as appropriate;
< bring together campus and community services offices/organizations so they can work cooperatively, consistently, and in a common direction to benefit CMU students;
< serve as the main reporting person for sexual aggression incidents involving CMU students;
< coordinate delivery of avoidance, prevention, awareness and response services;
< assist in the development of needed avoidance, prevention, and response services components which may be housed in various offices throughout campus;
< develop shared vision to guide services delivery;
< develop sexual aggression message criteria, (i.e., clarify specifically what CMU wants to communicate to target audiences about sexual aggression awareness, prevention and response);
< ensure that CMU=s Sexual Aggression Services are evaluated and outcomes assessed;
< coordinate the Sexual Aggression Peer Advocate Program; and
< other duties as assigned.

C. Sexual Aggression Peer Advocate Role

One of the chief terrors during sexual assault is the feeling of total helplessness that survivors experience. Individuals involved in stalking and dating violence also can experience fear, intimidation, and a loss of control. A major goal of any comprehensive program providing service is to help survivors take back control of and responsibility for their lives. For this reason, Central Michigan University created the Sexual Aggression Peer Advocate (S.A.P.A.) program. It is important for S.A.P.A. to act as an advocate/educator, pointing out options and alternatives as clearly, honestly, and with as little personal bias as possible to ensure that survivors make informed choices which are in their best interests.

The campus has a variety of student services which may be of assistance to a student who has been sexually assaulted. Similarly, the surrounding community offers specialized services designed to provide support to the person who has been subjected to sexual assault. If requested by the student/survivor, the role of S.A.P.A. can include:

1. Provide crisis counseling
2. Help student/survivors identify their existing needs (e.g., medical, legal, counseling, academic assistance).
3. Identify appropriate campus and/or community services which will provide necessary assistance.
4. Provide follow-up with student/survivors to determine if services have been obtained and have met their need.
5. Explain the options available to student/survivors including:
   a. Filing a police report.
   b. Filing a civil suit.
c. Disciplinary options available through the University: (1) Office of Student Life; (2) Employee Relations; (3) Affirmative Action.
d. Arrange alternative housing assignment in cases involving on-campus housing.

Peer Advocates most commonly assist in discussing options, identifying the most appropriate support services, and scheduling appointment with student/survivors as necessary. The Sexual Aggression Services Director may be called upon to interact with faculty when academic assistance is necessary. In addition, they can act as consultants to other interested individuals (at the request of student/survivors) such as parents, roommates, and friends.

D. University Counseling Center Counselor Role

1. The counselor shall provide support for student/survivors, and act as a bridge to other services or resources when needed.

2. The counselor will encourage student/survivors to participate in on-going therapy with a counselor of student/survivors’ choice at the Counseling Center or provide referral to an outside source.

3. The counselor may meet student/survivors at the hospital, at the campus Health Services for an exam, or the Sexual Assault Nurse Examiner (S.A.N.E.).

4. If the assault occurred within the past 7 days, the counselor will inform student/survivors that a physical examination is important to their health and that sexually transmitted diseases may not be apparent for up to six weeks following a sexual assault. Student/survivors should be told that if they go to the hospital the assault will be reported, but the anonymity of student/survivors will be protected to the maximum extent allowed by law.

5. If a sexual assault and/or dating violence occur in a residence hall during the week, the liaison person for the hall will be the counselor to be contacted. If the incident occurs on the weekend, and student/survivors lives in a residence hall, an on-call counselor may be contacted.

6. If a sexual assault and/or dating violence occur off campus, S.A.P.A., Counseling Center or Women’s Aid may be called by the counselor.

7. Student/survivors have a choice of having a woman intervene in the crisis situation if the on-call counselor or the hall liaison counselor is a male.

8. When an incident occurs on campus, counselors will offer to accompany the student/survivor to report the assault to the Police agency and be present during questioning.
9. Counselors will file a report to the director of the Counseling Center, who will report it to the Sexual Aggression Services Coordinator.

E. Case Consultation and Follow-up

The Sexual Aggression Services Director is available for consultation with the hospital emergency room staff, the Sexual Assault Nurse Examiners and/or local law enforcement officers if any concerns or questions arise in cases involving CMU students.

F. Ongoing Evaluation of Campus Sexual Aggression Response Services

A periodic review (no less than once per academic year) is conducted by the Sexual Aggression Services Director to determine: (1) the effectiveness of CMU Procedures for Responding to Sexual Aggression Incidents; (2) the campus relationship with community assistance agencies; and (3) campus education programs.

II. EDUCATIONAL PRESENTATIONS FOR STUDENTS

A. Freshman Orientation

Central Michigan University is committed to pro-actively confronting the issues related to sexual aggression. For this reason, every new student is required to attend a program during orientation which addresses sexual assault, stalking, harassment and dating violence. The Sexual Aggression Services Director is responsible for organizing and conducting this program.

Over sixty programs are presented throughout campus, some as a follow-up to the situations and issues presented at orientation.

B. Athletes, Residence Hall Assistants and Multicultural Advisors

The CMU Department of Athletics requires that each year all male and female athletes attend an educational program addressing sexual aggression. The groups are split so that males hear a program geared toward males and prevention. Females hear a program that addresses awareness and avoidance.

Residence Hall Assistants and Multicultural Advisors attend a training session that addresses: (1) the University Code of Student Rights, Responsibility and Disciplinary Procedures, (2) state laws dealing with sexual aggression, (3) awareness issues, (4) Rape Trauma Syndrome, and (5) University protocols for responding to sexual aggression.
C. Informational Sessions and Classes

A variety of sessions and classes are available to all employees and students at CMU. Presenters include, but are not limited to:

- Sexual Aggression Services Director
- Campus Police
- Counseling Center
- Women=s Studies Program
- Faculty
- Sexual Aggression Peer Advocates
- Outside Speakers

III. STUDENT / SURVIVORS OPTIONS

Once a sexual assault or other form of sexual aggression has occurred, student/survivors have options available in terms of getting help and reporting the incident. Often, because there is a fear of being known and being victimized further, student/survivors choose not to report. They may be hesitant to report because they do not wish to relive the events or may feel they are being further violated by having to report the details of what happened. It is not uncommon for them to feel vulnerable and helpless at this time. It is normal for student/survivors to feel anxious about reporting procedures. An important way for them to regain their personal power is by making their own decisions about what to do after the assault. It is essential that they be allowed to choose, and that they are not pressured into reporting or blamed and criticized if they choose not to report. It is important to understand what options are available to student/survivors.

A. Assault Which Has Occurred Within Past 7 Days

The decision to report sexual assault, stalking, and dating violence to law enforcement authorities is solely the student/survivors. Reporting and pressing charges are two different issues. Having evidence collected gives student/survivors a wider range of options later if they decide to press charges.

1. Once free of the offender, student/survivors should contact someone who can give support and assist with identifying immediate needs.
   - Sexual Aggression Peer Advocates (774-2255)
   - Counseling Center (774-3381)
   - CMU Police (774-3081 or 911)

2. Understand that if penetration occurred, a physical exam is important. Inform
student/survivors that if they do choose to go to the hospital or a Sexual Assault Nurse Examiner, the assault will be reported, but the anonymity of student/survivors will be protected to the maximum extent allowed by law. Exams cover three areas:

- Evaluation and prevention of sexually transmitted diseases.
- Pregnancy evaluation and prevention.
- Forensic evidence collection.

3. If student/survivors choose to seek medical attention, they should try not to shower, drink, eat, douche, or change clothes prior to going to the hospital emergency room. If clothes have been changed, retain them and bedding, if applicable, in a brown grocery bag. S.A.P.A. and Campus Police will assist with transportation to and from the emergency room. The Counseling Center will also assist when the assault occurs on campus.

4. If student/survivors choose to talk with a police officer, it is important to understand what type of information will be asked. Basic information includes name, address, birth date, year in school, and phone number. Officers will ask student/survivors to describe what happened, circumstances leading up to the assault, if they know the perpetrator, and when and where the assault occurred. It is very important to understand that if the student/survivors report the assault to the police they are not required to prosecute. A report may substantiate another survivor’s report. The location of the assault dictates the law enforcement agency student/survivors would contact.

   - On-campus sexual assaults are reported to the CMU Police Department (774-3081 or 911).
   - Off-campus, but within the Mount Pleasant city limits are reported to the Mount Pleasant Police Department (911).
   - Off-campus outside the city limits within Isabella County are reported to the Isabella County Sheriff’s Department (911).

5. If student/survivor chooses to press charges at a later date, they may do so.

6. After an incident the student/survivor should remain in contact with support person(s).

B. Reporting an Assault Which Occurs After 7 Days

1. Contact someone that can give support, and assist with identifying immediate needs.
   - Sexual Aggression Peer Advocates (774-2255)
   - Counseling Center (774-3381)
   - CMU Police (774-3081 or 911)

2. Medical attention may be obtained at the Central Michigan Community Hospital, or CMU Health Services. The following services would be made available:
- Pregnancy testing.
- AIDS testing and checking for other sexually transmitted diseases.
- Other medical services as warranted.

3. Contact the appropriate law enforcement agency.

- On-campus sexual assaults are reported to the CMU Police Department (774-3081 or 911).
- Off-campus sexual assaults within the Mount Pleasant city limits are reported to the Mount Pleasant Police Department (911).
- Off-campus sexual assaults outside the city limits but within Isabella County are reported to the Isabella County Sheriff’s Department (911) should be contacted.

4. After reporting an incident student/survivor should remain in contact with support person(s).

C. Report an Assault and Remain Anonymous

1. Contact someone that can give support, and assist with identifying immediate needs.

   - Sexual Aggression Peer Advocates (774-2255)
   - Counseling Center (774-3381)
   - CMU Police (774-3081 or 911)

2. Anonymous reporting is informing authorities that an assault has occurred without disclosing student/survivor’s identity.

3. Contact the police, S.A.P.A., Office of Student Life, Office of the Dean of Students, Office of Residence Life, Counseling Center, or the Sexual Aggression Services Coordinator. Student/survivors should inform them that they want to file an anonymous report. No arrests can be made based on information from an anonymous report. If student/survivor chooses to press charges at a later date they may do so.

4. After reporting an incident student/survivor should remain in contact with support person(s).
IV. PROTOCOL FOR RESPONDING TO SEXUAL AGGRESSION AT CMU

A. Faculty, Staff and Office of Residence Life Staff (Appendix A)

B. Judicial Proceedings and Student Hearing Procedure Officer (Appendix B)

C. CMU Police Department (Appendix C)

D. Health Services Personnel (Appendix D)

V. DISCIPLINARY ACTION AND STUDENT / SURVIVORS RIGHTS

A. Adjudication

Central Michigan University is committed to fair and just adjudication of cases involving sexual aggression. The rights of the accused and accuser will be adhered to throughout the process.

B. Definition of the Crime

A student shall take no action which threatens or endangers the safety, health, or life, or impairs the freedom of any person, nor shall a student make any verbal threat of such action. This includes actions commonly understood to constitute assault, battery, or sexual assault. Sexual assault includes, but is not limited to, inflicting sexual contact upon another person, or sexually penetrating another person without that person’s consent. Conduct will be considered without consent if no clear consent is given, or when the inflicted person is unconscious or otherwise without the physical or mental capacity to consent. Inflicting sexual contact on someone under the influence of alcohol or drugs may be considered without consent.

C. Violation of the Code of Student Rights, Responsibilities and Disciplinary Procedures

Violators, if found guilty under the Code of Students Rights, could be sanctioned up to the maximum, which is permanent termination form the university. See Appendix B for the relevant sections of the Code of Student Rights, Responsibilities and Disciplinary Procedures.

D. Student / Survivor Rights

Central Michigan University recognizes that student/survivors have rights which need to be protected as well as those of the person who is cited.

1. Student/survivors have the right to choose whether to report and/or prosecute.
2. Student/survivors have the right to have a support person or advisor of their choice accompany them throughout the disciplinary proceedings.

3. Student/survivors have the right to remain present during the entire proceeding.

4. Student/survivors have the right to be informed in a timely manner, of the progress of the investigation and outcome of meetings and hearings.

5. Student/survivors have the right to make a \textit{victim impact} statement and to suggest an appropriate sanction if the person cited is found in violation of the Code of Student's Rights, Responsibilities and Disciplinary Procedures (Appendix B).

6. Student/survivors have the right to appeal the findings of the hearing and/or the sanction.

7. Student/survivors have the right to not have irrelevant past sexual history discussed during the hearing.
APPENDIX A

Faculty, Staff and Office of Residence Life Staff

1. Provide support and comfort to student/survivors. Explain that they are in control of all information flow unless they choose to press charges. No names will be given unless they give permission.

2. Inform student/survivors that there are students and staff trained to help them, who are available 24 hours a day. They will give support and assist with identifying immediate needs. They will assist with transportation to the hospital, and/or to provide support while there.

   Counseling Center (774-3381)
   Sexual Aggression Peer Advocates (774-2255)
   CMU Police (774-3081 or 911)

3. Offer to make the call for them and remain with them until they are in contact with a support person (Counselor, S.A.P.A., CMU Police).

4. If student/survivors do not want anyone called, inform them that a physical exam is important if the assault occurred within the past 96 hours. Inform student/survivors that if they do choose to go to the hospital/SANE, police will be informed, but the anonymity of student/survivors will be protected to the maximum extent allowed by law. During the exam the following occur:

   Evaluation and prevention of sexually transmitted diseases.
   Pregnancy evaluation and prevention.
   Forensic evidence collection.
   Care of injuries.

5. If all assistance is refused, offer to listen but make it very clear that you are not the best resource for them. Provide them with numbers to call for support later.

6. In the case of Residence Life, complete the appropriate report form and notify your supervisor that you are dealing with a situation.

7. Notify the Sexual Aggression Services Director . . . 774-6677.
APPENDIX B

5. Student Hearing Procedures For Charged Violation of Student Conduct Regulations

5.1 Intake - Judicial Proceedings Officer

5.1.1 A charge may be made to the Judicial Proceedings Officer by any person stating that a student has violated the Specific Regulations Concerning Student Conduct (3.2).

5.1.2 One or more Judicial Proceedings Officers shall be appointed by the President or the President's designated representative. The Judicial Proceedings Officer will make, or cause to be made, an investigation of the charge.

5.1.3 If, from the investigation, the Judicial Proceedings Officer determines the matter may be reason for discipline under the student conduct regulations, the Judicial Proceedings Officer will notify the student that a charge has been made and will offer the student an opportunity to discuss the matter. If notified by mail, the notice will be mailed to the last address for the student on file with the University Office of the Registrar. The notice will be deemed received two (2) days following the date the notice is posted at facilities of the United States Post Office. In the absence of mailing, personal delivery to the student cited, or delivery to the last home address on file in the Office of the Registrar constitutes proper notice. If personal delivery to the student or delivery to the last home address is used, the date notice is so delivered shall be deemed the date the notice is received. The student will have two (2) days from the date of receipt in which to respond to this notice. If the student has not responded at the end of this two day period, the Judicial Proceedings Officer will set up a hearing, and cause to be delivered to the student a copy of this document.

5.1.4 The student may bring an advisor of the student's choice to the discussion with the Judicial Proceedings Officer.

5.1.5 If the student chooses to discuss the matter, the Judicial Proceedings Officer will at the discussion inform the student of the charge(s) and the regulation(s) which are alleged to have been violated and will explain to the student the process outlined in this document.

5.1.6 Student Admits Violation

5.1.6.1 If the student admits to the violation, the Judicial Proceedings Officer may:
   a) issue a sanction or order that the sanction be set by a University Hearing Officer, and/or
   b) enter into a written, mutually acceptable, behavioral contract with the student, and/or
   c) refer the student for counseling.
5.1.6.2 The student charged or the person or group who first brought the charge may appeal the sanction (except the terms of a behavioral contract), by a letter delivered to the Office of the Judicial Proceedings Officer within two (2) business days after the Judicial Proceedings Officer has set the sanction. Since admission of the violation by the student is a prerequisite to the Judicial Proceedings Officer acting under this section, such an appeal will only be as to the appropriateness of the sanction and not the fact of whether the violation occurred. Once a student admits a violation for which there is an automatic sanction, the sanction is automatically imposed and only the terms of a suspension may be appealed. The appeal is to the Appeals Board.

5.1.7 Student Does Not Admit Violation

After discussion with the student, the Judicial Proceedings Officer may determine that the matter requires no further action. The Judicial Proceedings Officer will refer the matter for hearing if:

5.1.7.1 The student denies the charge and the Judicial Proceedings Officer determines the matter may be reason for discipline.

5.1.7.2 The student chooses not to discuss the matter at the discussion offered by the Judicial Proceedings Officer. The student will be notified of the date and time of the hearing.

5.1.8 Alternative Resolution

5.1.8.1 Mutual Settlement. In lieu of referral to a hearing, the Judicial Proceedings Officer may offer or accept mutual settlements of any charged violations under this code. Settlements shall be in writing stating the conditions of the agreement and any sanctions imposed. Agreements will be signed by the student being charged and the Proceedings Officer. Cases not settled in a timely manner shall proceed to a hearing.

5.1.8.2 Counseling. In lieu of, or in addition to, a sanction or referral to a hearing under procedures outlined below, the Judicial Proceedings Officer may refer the student for psychological counseling.

5.1.8.3 Behavioral Contract. In lieu of, or in addition to, a sanction or referral to a hearing under procedures outlined below, the Judicial Proceedings Officer may arrange a behavioral contract with the student. A behavioral contract is a mutually acceptable agreement between the University and a student that specifies certain behavior with which the student must comply, and specifies automatic sanctions
which may be imposed if the contract is broken. If the contract is broken, as determined by a finding of fact under procedures set forth in Article 5 herein, the student may be suspended from the University. In cases where suspension is automatic under the terms of a behavioral contract, a hearing to determine if the contract has been broken will be on fact only.

5.1.8.4 **Mediation.** In lieu of, or in addition to, a sanction or referral to a hearing under procedures outlined below, the Judicial Proceedings Officer may assign a mediator to resolve the case through mediation, the results of which are binding. Using the mediation process must be acceptable to all parties. If not resolved to the satisfaction of all parties within thirty (30) days, the case will be adjudicated by the Judicial Proceedings Officer.

5.2 **Hearings**

There are two hearing forums: The University Hearing Officer and the University Hearing Body. In cases where there is potential for a sanction of suspension or dismissal, the student may choose which hearing forum will hear the case. The student will have two (2) business days from the date of the meeting with the Judicial Proceedings Officer to make a final choice in writing to the Judicial Proceedings Officer. If no such timely choice is made, the Judicial Proceedings Officer will designate whether the case will be heard by a Hearing Officer or Hearing Body. The student will be notified of the time and date of the hearing.

5.2.1 **University Hearing Officer**

5.2.1.1 One or more University Hearing Officers will be appointed by the President or the President's designee.

5.2.1.2 The University Hearing Officers will be assigned by the President or the President's designee to hear the case.

5.2.1.3 The University Hearing Officer, based on the evidence presented at the hearing, determines whether the student charged violated the student conduct regulations, and sets the sanction, when applicable. Certain violations have automatic sanctions imposed according to Section 4.4. In such cases, the University Hearing Officer will decide if a violation has occurred and, if so, the terms of a mandatory suspension.
5.2.2 University Hearing Body

5.2.2.1 The University Hearing Body consists of one University Hearing Officer and two students.

5.2.2.2 The students will be selected from a pool of students who are selected by the President or the President's designee in consultation with Student Government Association.

5.2.2.3 The University Hearing Body, based upon the evidence presented at the hearing, determines whether the student charged violated student conduct regulations, and sets the sanction, when applicable. Certain violations have automatic sanctions imposed according to Section 4.4. In such cases, the University Hearing Body will decide if a violation has occurred and, if so, the terms of a mandatory suspension.

5.2.3 Hearing Procedures

5.2.3.1 In all disciplinary hearings, the burden of proof rests with the Judicial Proceedings Officer, who must prove by a preponderance of evidence that a violation has occurred.

5.2.3.2 The student charged may have an advisor of the student's choice present at the hearing. If the student's advisor is an attorney, the student must notify the Judicial Proceedings Officer of this at least three (3) business days in advance of the hearing. The advisor's role is limited to providing advice to the student. The advisor is not permitted to ask or answer questions or make oral arguments. Any case presented must be made by the student.

5.2.3.3 A record of the hearing, made by tape recorder, will be kept by the Judicial Proceedings Officer, at least until the appeal time is exhausted. If either the University or the student requests another type of record of the hearing be made, this may be done at the cost of the requesting party provided the type of recording does not interfere with the hearing.

5.2.3.4 A University Hearing Officer presides at all hearings.

5.2.3.5 Procedures at hearings will be communicated to the student charged at least twenty-four (24) hours before the hearing.
5.2.3.6 The Hearing Officer or Hearing Body will issue a written decision stating if a violation has been found, what facts support this finding, and the sanction to be imposed if a violation has been found.

5.2.3.7 A copy of a decision by the University Hearing Body or University Hearing Officer will be mailed to the student within two (2) business days from the date the decision is made. The Judicial Proceedings Officer will coordinate procedures for communicating the decision.

5.3 Complainant's Rights

Central Michigan University recognizes that complainants have rights which need to be protected as well as those of the person who is cited.

5.3.1 The complainant has the right to have a person of his or her choice accompany him or her throughout the disciplinary hearing.

5.3.2 The complainant has the right to remain present during the entire proceeding.

5.3.3 The complainant has the right to make a "victim impact statement" and to suggest an appropriate sanction if the person cited is found in violation of the Code of Student Rights, Responsibilities and Disciplinary Procedures.

5.3.4 The complainant has the right to be informed in a timely manner of the outcome of the hearing regarding the findings and the sanction.

5.3.5 The complainant has the right to appeal either the findings or the sanction.

5.3.6 In cases involving sexual assault, the complainant has the right not to have his or her irrelevant past sexual history discussed during the hearing.

5.4 Appeals

5.4.1 The following matters may be appealed to the Appeals Board:

5.4.1.1 The decision of a University Hearing Body or a University Hearing Officer as provided in Section 5.2. The appeal may be as to the facts found or the sanction set or both. If the sanction is automatic, then the appeal may only be made as to the findings, or the terms of a suspension. The appeals board may not reduce the sanction below the minimum imposed by Section 4.4 or by the terms of behavioral contracts or other disciplinary actions in which automatic sanctions are specified.
5.4.1.2 The sanction set by the Judicial Proceedings Officer after admission of violation by the student. Imposition of any automatic sanction after such an admission may not be appealed, however, the terms or conditions of the sanction may be appealed. See Section 5.1.6 for more information regarding this type of appeal.

5.4.2 The Appeals Board consists of the Student Government Association President or designee, the Chairperson of the Academic Senate or designee, and the Dean of Students or designee.

5.4.3 An appeal to the Appeals Board may be made by the student involved, by the person or group who first brought the charge, or by the University.

5.4.4 An appeal is timely only if taken within five (5) business days of the decision appealed. An appeal not made within the time limit will not be heard unless an exception is made by the President or the President's designee.

5.4.5 An appeal is made by submitting a written statement of appeal to the Judicial Proceedings Officer within the time limit. The written statement of appeal must state: the name of the person appealing, the basis of the appeal, the person or group making the decision from which the appeal is made, whether a decision as to fact or sanction or both is appealed, and the remedy which the person appealing is requesting from the Appeals Board.

5.4.6 The student charged may have an advisor of the student's choice present at the hearing of the appeal. If the student's advisor is an attorney, the student must notify the Proceedings Officer of this at least three (3) business days in advance of the hearing. The advisor's role is limited to providing advice to the student. The advisor is not permitted to ask or answer questions or make oral arguments. Any case presented must be made by the student.

5.4.7 The Judicial Proceedings Officer is responsible for notifying members of the Appeals Board of the appeal and for setting a time and place for holding a meeting of the Appeals Board. The Judicial Proceedings Officer will provide notice of time and place of the meeting of the Appeals Board to the student(s) charged, the charging party, and other University persons deemed appropriate by the Judicial Proceedings Officer.

5.4.8 The Judicial Proceedings Officer will assemble the documentary evidence introduced at the hearing, the record made of the hearing, and the file made in connection with the matter and will make these materials available to the Appeals Board.
5.4.9 The Appeals Board may establish its own method of procedure for conducting any appeal appropriate to the circumstances designed to achieve fairness to the student charged as well as the interests protected by the Central Michigan University Code of Student Rights, Responsibilities and Disciplinary Procedures.

5.4.10 The Appeals Board makes its determination based solely on the record of the student's hearing, facts that are presented to the Appeals Board, and arguments before the Appeals Board.

5.4.11 The purpose of the Appeals Board is to decide if the findings and/or the sanction of the Hearing Body were so incorrect that the decision should be changed. It is not the purpose of the Appeals Board to substitute their judgement for that of the Hearing Officer or Body. It is not the purpose of the Appeals Board to decide if it would have reached the same decision had it been the Hearing Officer or Body. It is not the function of the Appeals Board to rehear the charges against the student; it is an appeal of the findings and/or the sanction of the Hearing Officer or Body. The Appeals Board may:

5.4.11.1 Find that there are not sufficient facts presented to warrant the findings of fact made at the original hearing and may set aside the finding or determine the facts differently.

5.4.11.2 Order that a new hearing be held.

5.4.11.3 Change the sanction.

5.4.11.4 Provide such further and additional relief or changes as dictated by fairness to the student and to the interests protected by the Central Michigan University Code of Student Rights, Responsibilities and Disciplinary Procedures.

5.4.12 The Appeals Board must hear the appeal within ten (10) business days from the date the appeal is made in writing and delivered to the Judicial Proceedings Officer.

5.4.13 A decision of the Appeals Board is final except that a decision to suspend for more than one week or to dismiss a student is subject to discretionary review by the Provost. Any student responding to a charge under these procedures, any person bringing charges under these procedures, or the Administration, may make a written application to the Provost to review a decision made by the Appeals Board. The application must be received in the Office of the Provost within five (5) business days after the date of the Appeals Board decision.
Failure to make application for review within the time limit ends the right to make application for review unless the time limit is extended by the Provost. The application for review must contain the following information:

a) Name of the student(s) charged in the proceeding in which the Appeals Board has rendered a decision.

b) Name, address, and telephone number of the person making application for review.

c) A copy of the Appeals Board decision involved.

d) A statement as to what portion(s) of the Appeals Board decision the applicant wishes reviewed, and the reason(s) why the person making application for review considers the decision to be capricious, or the procedures followed to be fundamentally unfair.

e) A statement of the relief requested from the Provost by the person making application for review.

If the Provost elects to review a decision of the Appeals Board, either in part or entirely, the Provost may establish whatever procedures are deemed appropriate and consistent with fairness to govern the review.

The University also reserves the right for the President or the President's designee to impose a different sanction after a determination of violation, than the sanction imposed by the Judicial Proceedings Officer, Hearing Officer, Hearing Body, appeals board, or others under these procedures.
APPENDIX C

CMU Police Department
Procedures for Addressing and Responding to
Student Sexual Assault Incidents

1. The following steps, though not all-inclusive, are taken by the CMU Police Department during a criminal sexual conduct investigation. This procedure will only be followed IF the survivor wants to file an official report. Survivors may meet with any local law enforcement agency to discuss options and/or to file a “blind report” (unofficial).

a. Generally speaking, the police dispatcher receives the complaint of the criminal sexual conduct.

b. The dispatcher notifies the shift supervisor of the complaint.

c. The shift supervisor or dispatcher notifies the detective/sergeant of the criminal sexual conduct case.

d. The shift supervisor or dispatcher notifies the appropriate university officials of the reported incident.

e. The detective/sergeant or investigating officer then conducts the investigation.

2. In the event of a reported sexual assault, the following persons/offices are to be notified in priority order as necessary. Questionable events are to be referred to the shift supervisor for determination.

a. Immediately report to CMU Police at 774-3081

b. Shift supervisor and officers

c. As necessary (determined by shift supervisor):
APPENDIX D

Health Services Personnel

University Health Services staff will provide or facilitate medical, nursing and related services for student/survivors of sexual assault. In acute cases in which the sexual assault has occurred within 96 hours of the time student/survivors present themselves for care, they will be referred to Central Michigan Community Hospital Emergency Room Department. University Health Services will provide care at University Health Services for those students/survivors who have delayed seeking services for a more extended period of time (96 hours >) after the assault.

Procedures

1. Nursing staff will:
   a. Provide supportive nursing care
   b. Inform student/survivor that he/she may have a support person throughout the visit if desired
   c. Contact the Counseling Center and/or Sexual Aggression Peer Advocate or other support person if student/survivor wishes
   d. Arrange the clinician=s schedule to provide adequate time to conduct the interview and examination
   e. Assure maximum privacy for the student/survivor during the process
   f. Facilitate transfer to the Emergency Department if necessary

2. Medical Staff Clinician will:
   a. Explain the issues of informed consent and confidentiality to student/survivor and provide assurance that no information will be released without the student/survivor=s consent except as required by law
   b. Take a detailed history and conduct a thorough physical examination appropriate to the type of sexual assault
   c. Inform student/survivor about the need for testing and discuss the risks associated with delaying or not testing
   d. Inform student/survivor of the need for treatment, the risks and benefits of treatment, and the potential consequences of not treating
   e. Testing may include:
      i. Testing for gonorrhea and chlamydia
      ii. Wet mount and/or vaginal culture
      iii. Collection of serum sample for baseline HIV testing
      iv. Other diagnostic testing as indicated
   f. Offer treatment and/or prophylaxis for micro-organism infection as recommended in the Centers for Disease Control and Prevention Sexually Transmitted Disease Treatment Guidelines
g. Counsel student/survivor regarding the use of condoms during sexual intercourse until
STD testing and prophylaxis/treatment are completed
h. Offer emergency contraception if appropriate (timeframe may prohibit it)
i. Advise student/survivor to report any physical complaint which may be abnormal or
require prompt attention, such as genital sores, abdominal pain or missed menses
j. See student/survivor for follow-up visit a few days after the initial visit and again in
twelve weeks or as indicated to assess status and repeat testing as necessary
k. Encourage student/survivor to follow through with counseling as part of the treatment
plan
l. In consultation with the Director, Health Services determine what options are
available to the student/survivor regarding payment for services related to the sexual
assault