

## **1. POLICY**

Aquinas College is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sexual misconduct of any form. Sexual assault, domestic violence, dating violence, and stalking violate the standards of conduct expected of every member and visitor within the College community and are strictly prohibited, as do related offenses such as sexual misconduct and sexual exploitation as defined by this policy.

This policy provides guidance concerning nature of such violations, as well as the educational, support, reporting, and disciplinary procedures for such violations.

## **2. DEFINITIONS**

### **a. Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor. The existence of such a relationship shall be determined based on a consideration of: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

### **b. Domestic Violence**

A felony or misdemeanor crime of violence committed by: (a) a current or former spouse or intimate partner of a victim/survivor; (b) a person with whom the victim/survivor shares a child in common; (c) a person who is cohabitating with or who has cohabitated with the victim/survivor as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or (E) any other person against an adult or youth victim/survivor who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

### **c. Sexual Assault**

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, including:

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

"Consent" is the freely, affirmatively communicated willingness to participate in sexual activity, expressed by words or unambiguous actions. It is the responsibility of the initiator of the sexual activity to ensure that he or she has the other person's consent to engage in sexual activity. Silence cannot, in and of itself, be interpreted as consent. Consent must be present throughout the sexual activity by all parties involved. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Consent may never be obtained through the use of force, coercion, or intimidation, or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol. Consent cannot be assumed because of the existence of a dating relationship between the persons involved or due to the existence of a previous sexual relationship between the persons. The perpetrator's or the victim's use of alcohol does not diminish the perpetrator's responsibility.

#### **d. Sexual Misconduct/Exploitation**

Sexual misconduct means sexual contact which does not meet the definition of sexual assault, dating violence, domestic violence, or stalking, but involves the intentional touching of another person's private body parts or the clothing immediately covering the immediate area of such body parts another violation of this policy without the person's effective consent, if such touching can reasonably be construed to have occurred in a sexual manner for (i) revenge; (ii) to inflict humiliation, or (iii) out of anger.

Sexual exploitation means conduct that does not constitute sexual assault, dating violence, domestic violence, or stalking, but involves the a person taking non-consensual or abusive sexual advantage for the person's own advantage or benefit, or to the advantage or benefit of anyone other than the person being exploited. Examples include, but are not limited to: publishing or disclosing sexual activity with another person without that other person's consent; prostituting another person, nonconsensual video or audio recording of sexual activity, going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex) voyeurism, and/or knowingly exposing another person to HIV or an STI.

#### **e. Stalking**

A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer emotional distress. Stalking may include repeatedly following, monitoring, surveilling, harassing, threatening, or intimidating or communicating to or about another by telephone, mail, electronic communication, social media, or any other action, device, or method.

### **3. REPORTING**

The College strongly encourages persons who believe they have been the victim of sexual assault, domestic violence, dating violence, stalking, or other violation of this policy to bring this to the attention of appropriate College authorities in accordance with their wishes for privacy or confidentiality as outlined in this section of the Policy. Immediate reporting is encouraged. It is extremely important to preserve any physical or other evidence that may assist in proving that an alleged criminal offense occurred, or that may be helpful in obtaining a protective order. Should a sexual assault or an incident of dating violence, or domestic violence occur on campus, Aquinas encourages the survivor/victim to report the incident immediately to Campus Safety, who will assist the survivor/victim by providing first aid as needed, and by directing the survivor/victim to medical care. Campus Safety may also assist the survivor/victim, if he/she desires, in reporting the crime to the appropriate law enforcement agency.

The College provides multiple resources that can receive reports and complaints of sexual assault, domestic violence, dating violence, stalking, and other violations of this Policy. This is to ensure a prompt response and to provide options that meet the needs of the reporting individual. Regardless of the reporting resource utilized, a reporting individual shall be provided with information on and advice regarding medical, law enforcement, counseling, and other resources that are available to him or her.

#### **a. Types of Reporting Resources**

Whenever a report is made under this policy, the College will seek to protect confidentiality for all parties involved in instances of sexual assault, domestic violence, dating violence, stalking, or other violations to the extent possible and allowed by law. However different College employees have different abilities to maintain confidentiality. This section of the Policy is intended to make the College community aware of the various reporting options available so that individuals can make informed choices about where to turn should they become a victim of sexual assault, domestic violence, dating violence, stalking or other violation, or should they become aware of an alleged violation. The College encourages victims to talk to someone identified in one or more of these groups.

#### **i. Completely Confidential Resources**

Professional, licensed counselors and pastoral counselors who were hired to and are acting in the role of providing mental-health counseling or pastoral care to members of the College community are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. The following is the contact information for these individuals:

College Chaplain (Fr. Stan Drongowski):  
Business Hours: (616) 632-2491  
After Hours: (812) 327-5696

Aquinas College Counseling Office (On-Call Counselor)  
Business Hours: (616) 632-2905  
After Hours: (616) 632-2462

## **ii. Private Resources**

Some college employees, such as Health Center staff, can receive information from a victim without being required by law to disclose any personally identifying information to the Title IX Coordinator. These employees are generally only required to share a limited report to inform the Title IX Coordinator of the date, time, general location, and nature of the sexual assault, dating violence, domestic violence, or stalking. The limited reports do not include information that would identify the victim. Personal identifying information remains confidential unless the victim requests that it be disclosed.

## **iii. Responsible Employee Resources**

A Responsible Employee is a College employee who has a duty to report, or the authority to address, sexual assault, domestic violence, dating violence or stalking or other student misconduct, and includes persons whom a student could reasonably identify as having this authority or duty. Responsible Employees are available and trained to assist persons who believe they have been subjected to conduct prohibited by this Policy. When a Responsible Employee becomes aware of any information related to a report of sexual assault, domestic violence, dating violence or stalking, the Responsible Employee, as a general matter, must share all relevant details about the alleged incident with the Title IX Coordinator. This information includes all the details necessary for the College to determine what happened, including the names of the reporter, victim, the respondent, and any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a Responsible Employee will be shared only with people responsible for handling the College's response to the report. A Responsible Employee will not share information with local law enforcement without the victim's consent, or unless the victim has also reported the incident to law enforcement. Responsible Employees include: Campus Safety Officers, the Director of Residence Life, the Dean of Students, Area Coordinators, faculty members, coaches, Aquinas or any other trusted College official.

## **4. INVESTIGATIONS AND DISCIPLINARY PROCEDURES**

Complaints of sexual assault, dating violence, domestic violence and/or stalking will be processed through the College's Judicial Process for Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Complaints of sexual misconduct or exploitation will be processed through the general Judicial Process for student complaints, unless the complaining student requests the Dean of Student Development to use the more formal Judicial Process for Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

## **5. EXTERNAL REMEDIES**

Sexual assault, domestic violence, dating violence, and stalking are criminal acts which may also subject the alleged perpetrator to criminal and civil penalties under federal and state law.

Nothing in this Policy shall prevent the complainant or the accused from filing a complaint with the appropriate local, state, or federal agency or in a court with jurisdiction, or require that he or she do so.

## **6. EDUCATION AND PREVENTION PROGRAMS**

The Title IX Coordinator, Deputy Title IX Coordinator or a designee shall have oversight for a College-wide education and prevention program on sexual assault, domestic violence, dating violence, and stalking, which includes:

- New student, faculty, and employee orientation programming, and ongoing prevention and awareness programs for current students, faculty, and staff.
- Training of counselors, student life staff, campus judicial board members, Campus Safety officers, and Responsible Persons to respond effectively to sexual assault, domestic violence, dating violence, and stalking;
- Providing of crisis intervention counseling and referrals;
- Disseminating literature that defines sexual assault, domestic violence, dating violence, and stalking and their prohibition by the College;
- Providing information on positive and safe options for bystander intervention;
- Providing information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks and violence; and
- Providing students and employees with a written explanation of existing counseling, health, mental health, victim advocacy, legal assistance, visa/immigration assistance, student financial aid, and other support services available both on campus and in the community;
- Providing written notification to victims about:
  - options and assistance in requesting changes to academic, living, transportation, and working situations;
  - available accommodations or protective measures upon request and if reasonably available regardless of whether the victim chooses to report the crime to campus safety or law enforcement;
  - the College's disciplinary procedures applicable to sexual assault, dating violence, domestic violence, and stalking violations;
  - upon the victim's report of an incident of sexual assault, dating violence, domestic violence and/or stalking, whether such alleged incident occurred on or off campus; of victim rights and options,

Notices and statistics of reported incidents of sexual assault, domestic violence, dating violence, or stalking will be reported to the College community as required by law or as otherwise appropriate.

## **7. NON-RETALIATION**

No officer, employee, or agent of Aquinas will retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising rights or responsibilities under this policy. Any suspected retaliation should be reported to a resource identified in this policy, so appropriate corrective action may be taken.