

SEXUAL ASSAULT REPORTING PROCEDURES FOR STUDENTS

UNIVERSITY CODES, POLICIES, AND GUIDELINES

American University is committed to creating a safe, healthy living and learning environment where students can grow and develop as individuals and as a community. The university does not tolerate sexual misconduct of any kind, in any context. Intimidating or forcing a person into sexual activity violates American University's stated values and policies and is punishable with severe sanctions.

Sexual misconduct includes, but is not limited to, rape, sexual assault, and sexual harassment. It can occur by or against any person, regardless of their sex. Students who experience these crimes should not be blamed for the actions committed against them. Sexual assault and rape occur in a variety of situations; on a university campus most sexual assaults are between people who know each other, and they tend to involve the consumption of alcohol.

[See American University's Statement of Common Purpose, Student Conduct Code and policies on sexual harassment and on disclosure statements for crimes of violence or nonforcible sex offenses.]

Student Conduct Code Provisions for Addressing Sexual Assault and Other Sexual Misconduct
American University's Student Conduct Code prohibits nonconsensual conduct of a sexual nature, including, but not limited to, sexual contact or physical exposure directed at another person without consent. Attempted misconduct is also prohibited under the Code.

The Student Conduct Code defines several forms of sexual misconduct:

"Rape" – "any act of sexual intercourse or sexual penetration of any orifice of the body with a body part or other object that takes place against a person's will or without consent or that is accompanied by coercion or the threat of bodily harm."

"Sexual assault" – "conduct of a sexual nature, including, but not limited to, sexual contact or physical exposure directed at another person without consent."

"Sexual harassment" – "unwelcome sexual advances, requests for sexual favors, and other oral, written, or physical conduct of a sexual nature when: submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of education, employment, or participation in other university activities; submission to or rejection of such conduct by an individual is used as the basis for evaluation in making academic or personnel decisions affecting that individual; or such conduct has the

purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile, or offensive learning environment [Also see [Discrimination and Sexual Harassment Policy](#)]

The Student Conduct Code also defines "consent" as "words or conduct that indicates a freely given agreement to have sexual intercourse or to participate in sexual activities. Sexual contact will be considered 'without consent' if no clear consent, verbal or nonverbal, is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to consent."

Things to think about. Consent takes different forms in different relationships. Some attributes generally associated with consent follow. They may help you think about your own and your partner's behavior in intimate situations or situations that might become intimate. What they have in common is that they are grounded in an attitude of respect.

- Consent is informed and clear. Parties must be able to communicate effectively and agree on the type of sexual activities that will be shared. If a person has a sexually transmittable disease, that should be disclosed to a partner before engaging in sexual activity.
- Consent is essential each time sexual activity occurs and/or escalates. During or prior to any sexual activity, each partner has the right to withdraw consent at any time. Consent to one type of sexual activity does not imply consent to other forms of sexual activities.
- Consent is a free choice only if it has been granted without the use of force real or perceived, threats, intimidation, or coercion.
- Consent cannot be construed from a partner's silence.
- Consent cannot be assumed based on a previous or current sexual relationship with the person who initiates the sexual activity.
- Consent is not implicit in a person's manner of dress or physical appearance.
- Consent is not implicit in acceptance of an invitation for a meal or date.
- Consent is not achievable if a partner is or appears to be under the influence of a controlled or intoxicating

UNIVERSITY CODES, POLICIES, AND GUIDELINES

substance, whether or not that substance was consumed willingly.

Sexual Misconduct Involving University Recognized Student Groups or Organizations

A student group or organization and its officers may be held collectively and individually responsible when violations of the Student Conduct Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of its leaders or officers. (See Code VIII. Student Groups and Organizations.) Groups and organizations found responsible for any form of sexual misconduct may be subject to sanctions that include revocation or denial of registration or recognition. Individual sanctions may include removal from university housing, suspension, or dismissal from the university.

Filing a Sexual Misconduct Complaint

American University is committed to empowering students who experience sexual assault or other forms of sexual misconduct to pursue their options for disciplinary, criminal, and civil action, if they choose to do so. Reporting an incident to law enforcement, filing a complaint through the university disciplinary process, choosing to prosecute criminally, and filing a civil case are all separate actions.

Reports to Public Safety. If a student chooses to report an incident to Public Safety, Public Safety will not disclose any personally identifying information about the student without the student's consent, unless the disclosure is required by law. The student may choose whether or not they want their case referred to Metropolitan Police, investigated by Public Safety, or neither. Public Safety can serve as the complainant in a Student Conduct case, if they and the student agree to that.

Campus Complaints. If the alleged perpetrator is a student, a complaint may be filed with the Office of Student Conduct and Conflict Resolution Services. A student may bring the case as the complainant or serve as a witness to someone else from the university community who brings the case on their behalf.

Filing a report of alleged sexual misconduct does not obligate a student to follow through with a Student Conduct case or to continue participating in a disciplinary hearing as the complainant or as a witness for a person acting as complainant on their behalf. However, if the university reasonably believes that pursuing a case is necessary to provide a safe, nondiscriminatory environment for all

students, they may continue to pursue the case.

A finding of responsibility for sexual misconduct of any kind may result in serious sanctions for the respondent including, but not limited to, removal from university housing, suspension, or dismissal from the university. The student who alleged a sexual offense, including but not limited to sexual misconduct, will be informed of the final determination of the Student Conduct proceeding with respect to the alleged sex offense and any sanction that is imposed upon the respondent.

The university also provides procedures for students to file complaints against university faculty and staff members. In these instances the dean of students or designee may act as an advisor to the student and liaison to either Academic Affairs or Human Resources, as appropriate.

Additionally, filing an informal or formal complaint of discrimination or discriminatory harassment is a protected activity under the law. Retaliation against anyone who files a complaint, who supports or assists an individual in pursuing a complaint, or who participates in the resolution of a complaint is prohibited. Any retaliatory action may be the basis of another complaint under this policy.

Criminal or Civil Complaints. A student also has legal recourse outside the university. For criminal complaints, Public Safety will assist the student in notifying proper law enforcement authorities. The student decides whether or not to file a criminal complaint. For civil complaints, the student should consult with a private attorney.

For additional information about specific reporting options, please visit www.american.edu/sexualassault.

[Also see [Discrimination and Sexual Harassment Policy](#)]

Resources Available to Victims and Survivors of Sexual Violence

The university is committed to helping students who have experienced sexual violence to access a full complement of services for their physical health care and emotional support. Advisors are available in the Office of Campus Life to assist in reviewing the options for incident reporting, medical assistance, counseling, and other aids to physical and emotional recovery.

Sexual Assault Medical Examination. A student who wants a free medical exam to collect and preserve evidence can be seen by a Sexual Assault Nurse Examiner (SANE) at

UNIVERSITY CODES, POLICIES, AND GUIDELINES

Washington Hospital Center. It is important not to bathe prior to this exam. The student should bring in a brown paper bag any clothes or articles worn when the assault occurred. It is important to preserve evidence for proof in a criminal sexual assault case; this evidence can be submitted in a Student Conduct case as well. Public Safety or members of the Housing and Dining Programs staff can help arrange transportation to the hospital. On Campus Resources include the following.

For more detailed information visit the offices' Web sites via www.american.edu/sexualassault

Counseling Center, 202-885-3500. The Counseling Center provides free and confidential mental health services. Students can arrange to see a counselor on an emergency basis during weekday business hours. Emergency appointments are available the same day. Meeting with a counselor is a chance to determine possible courses of action or resolution in a respectful and confidential setting.

Sexual Assault Survivor Support Group. This group, run by the AU Counseling Center, provides a safe environment for gaining support, sharing stories, coping with the aftermath of assault, and understanding how the sexual assault experience affects current functioning and relationships. For more information or to speak to one of the group leaders, contact the Counseling Center.

Dean of Students, 202-885-3300. The Dean of Student's staff can provide assistance in housing relocation; academic schedule changes; filing a case with Human Resources, Academic Affairs or the Office of Student Conduct and Conflict Resolution Services; obtaining a barring of contact and related support.

Housing and Dining Programs, 202-885-3370. All resident staff members are trained to make appropriate referrals for students who have experienced sexual assault. A student is encouraged to contact their resident director to identify alternative housing options after an assault has occurred, if that will be helpful to them. Housing and Dining staff will work with the student based on their needs and choices.

Kay Spiritual Life Center, 202-885-3320. The Kay Center fosters a climate of interfaith understanding and openness in which matters of faith and values are recognized as an integral part of university life. Students may seek spiritual guidance as a part of the healing process.

Public Safety Emergencies, 202-885-3636. Public Safety responds to immediate threats to health and safety. Officers can facilitate filing a case with Student Conduct and Conflict Resolution Services and/or the Metropolitan Police.

Student Conduct and Conflict Resolution Services, 202-885-3328. The staff processes non-academic conduct violations alleged to have been committed by AU students.

Student Health Center, 202-885-3380. The Student Health Center can provide follow-up medical care, sexually transmitted disease testing, and emergency contraception. Healthcare providers can also share resource and referral information based on needs. Walk-in appointments are accepted and scheduled based on availability. All Student Health Center staff members have participated in sensitivity and resource training provided by the Washington Hospital Center Sexual Assault Nurse Examiners (SANE).

Wellness Center, 202-885-3276. The Wellness Center provides information, support and referral services on a wide variety of health, wellness, and safety issues. Local and national resources on sexual assault, intimate partner violence and stalking can be found in the Wellness Center.

Contact Information for Other Important Resources
Emergencies - 911

D.C. Rape Crisis Center Hotline
202-333-RAPE [7273]

Rape, Abuse, and Incest National Network Sexual Assault Hotline
800-656-HOPE [4673]
www.rainn.org – National 24-hour online hotline

MPD Second District Headquarters
202-282-0070
MPD Sex Offense Squad
202-727-3700

Policy Statement for Students Who Have Been Subjected to Sex Offenses

The safety of AU students is among the university's highest priorities. When a student becomes a victim of sex offense, as defined by the Campus Security Act of 1990, the university recognizes that expert assistance may be critical to helping the student manage the aftermath of the incident and recover physically and emotionally.

UNIVERSITY CODES, POLICIES, AND GUIDELINES

In the American University community students who identify themselves as victims of a sex offense may rely on the following provisions in support of their recovery:

1. You do not have to identify the alleged perpetrator, unless the information is necessary to respond to your request for a specific form of assistance.
2. You can choose whether or not to file a complaint with the appropriate university department or with law enforcement. [If the alleged perpetrator is a student: Public Safety and/or Student Conduct and Conflict Resolution Services; if the alleged perpetrator is a faculty member: the Dean of Academic Affairs; if the alleged perpetrator is a staff member: Human Resources.] [Also see [Discrimination and Sexual Harassment Policy](#)]
3. Before making a report to a university official, you can request information about university policies and procedures for releasing personally identifiable information about you. For information about requirements to report non-identifying data, see www.american.edu/finance/publicsafety/asr.cfm.
4. You can request assistance from Public Safety in filing a report with Metropolitan Police and/or Public Safety.
5. You can access medical care without consenting to a crime investigation by Public Safety and/or Metropolitan Police.
6. You can access confidential physical and mental health care at the Student Health Center and the Counseling Center.
7. You can request a barring of personal contact between you and the alleged perpetrator through the Office of the Dean of Students.
8. You can request relocation in university housing.
9. You can request a change in your class schedule to avoid contact with the alleged perpetrator.
10. You can request a change in your e-mail address and server login.
11. You can request that a visual barrier be placed between you and the respondent during a disciplinary hearing.
12. You will be informed of the outcomes of the disciplinary case.

13. The Student Conduct Code guarantees the following rights if you serve as a complainant or respondent in a disciplinary proceeding:

- To receive procedural information about disciplinary proceedings prior to and after submitting a case;
- To have witnesses provide statements regarding the case;
- To have an advisor present during the disciplinary process;
- To challenge the persons conducting the hearing with regard to personal bias.