



Category

3-28 Student Sexual Assault Policy

Approval

LC Approved: 3/28/14
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Revised: 3/30/13
Responsible Party: Vice President of Student Services/Safety and Security Director

Policy Statement

A primary concern of the Wichita Area Technical College (WATC) is the health and well being of each student; therefore, WATC is committed to creating a community that is free from acts of sexual violence. Sexual violence includes any unwanted, unwelcome, forceful or coercive sexual contact.

Sexual assault, as defined for purposes of this policy and procedures, is a crime. Degrees of sexual assault range from unwanted or coercive sexual contact to forced or coerced sexual penetration (Kansas State Statutes: 21-3517 and 21-3518). Acts of sexual assault are not tolerated at WATC.

A victim/survivor of a sexual assault has the right to pursue legal proceedings against any alleged offender through criminal and/or civil court. A victim/survivor of a sexual assault has the right to pursue disciplinary action against an accused student assailant through the procedures of the Student Conduct Code. Students perpetrating such acts of violence will be subject to disciplinary action through WATC's Office of Student Affairs. This can include expulsion from WATC and/or criminal prosecution. In the event the alleged assailant is an employee of WATC, that employee, if found to have perpetrated such acts, will be subject to disciplinary actions which could include termination and/or criminal prosecution.

Definition of Sexual Assault

Sexual contact without consent is sexual assault. Outside of rape, sexual contact is outlined as touching, fondling, or grazing another person's genitals or breasts without acquiring consent. Sexual contact is also considered touching, fondling, or grazing any part of another individual's body with your own genitals or breasts without consent. Consent constitutes a fully functional adult giving approval for sexual contact. Coercion, intimidation, or forcing sexual contact is not consensual and is considered sexual assault.

What Constitutes Sexual Assault

Forced:

1. If an individual forcibly touches your genitals, your breasts, or rear-end even after you said, "No," that is sexual assault.
2. The same is true of sexual intercourse or penetration of any form.
3. If you did not give consent, it is sexual assault.
4. If weapons such as guns or knives are used in rape and/or sexual contact.
5. If your attacker has a partner, who aids them in raping you or achieving sexual contact.
6. If you are drugged via alcohol or in any other way rendered unconscious prior to a sexual assault or any other unwanted sexual contact.

Coercion: If an individual in authority claims he/she will take actions against you unless you allow unwanted sexual contact or sexual intercourse. For instance, a teacher threatens or implies to threaten to fail you in their class or give you a bad grade unless you have sexual intercourse with them or allow them to touch you in a sexual manner. Individuals in authority include but not limited to: employers, parent(s), teachers, law enforcement officers and doctors.

Intimidation: Intimidation is the act in which one individual instills fear in another individual or group. Individuals known to intimidate include: bosses, law enforcement officers, and even individuals you may feel are your friends. Sexual assailants often use intimidation to achieve sexual contact or sexual intercourse with their victims. Some intimidating threats used by these offenders include but are not limited to:

1. Threatening bodily harm or death of you or persons close to you.
2. Release of personal information or photographs that may harm you mentally or emotionally.
3. Release of false information that may result in job loss or other occurrences detrimental to your livelihood.

Sexual Harassment as Sexual Assault

1. Threats to sexually contact another individual.
2. Using suggestive language in a sexual nature.
3. The display of pornographic, suggestive, or other sexually explicit pictures or materials.
4. Usage of degrading language such as referring to a woman with who you are not romantically involved as "Babe" or other inappropriate names.
5. Offering favors in exchange for sexual activity including that which is consensual.

Reporting Sexual Assault

WATC strongly encourages persons who have been sexually assaulted to report the assault, to seek assistance, and to pursue judicial action for their own protection and that of the entire campus community. When conducting the investigation, the College's primary focus will be on addressing the sexual assault and not on other College policy violations that may be discovered or disclosed. Anyone who has been sexually assaulted may choose to pursue both criminal prosecution and made apprised of College disciplinary processes. To preserve evidence for the option of pursuing criminal prosecution or College internal disciplinary processes, a person should report the sexual assault to the College and/or the local police. However, the College recognizes that a person who has been sexually assaulted retains the right not to pursue either criminal prosecution or a College disciplinary hearing. Choosing not to pursue College or criminal action, however, does not remove the responsibility of the College to investigate and/or take action.

Anonymous Reporting: The College recognizes that a person who has been sexually assaulted may choose not to report the crime to a limited confidential source or a privileged source. In those situations, the College allows an individual who has been sexually assaulted to file an anonymous report which allows the reporting person time to decide what course of action they want to take and also allows the crime to be counted in the campus crime statistics. To access this form, go to the College's online reporting system. Please note that even with anonymous reports, the College has an obligation to investigate; however, anonymous reporting may limit the ability to conduct an effective investigation.

Timely Reporting/Crisis Assistance: The College supports and encourages anyone who has been sexually assaulted to report the incident to the reporting source of their choice. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. However, those who delay reporting can report the incident at any time, understanding that this may rule out the collection of physical evidence.

Responsibility of Confidentiality

When a report of sexual assault is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of the College's expectation of confidentiality. Breaches of confidentiality or retaliation against: the person bringing the complaint; any person assisting with the investigation; or the person or individuals being charged with the complaint; will result in disciplinary review. The College will make all reasonable efforts to maintain the confidentiality of parties involved in sexual assault investigations.

Medical Care/Emergency Room Examination

Any person who has been sexually assaulted may go directly to the emergency room of any local hospital for medical attention. An individual who has been sexually assaulted is urged to seek medical evaluation as soon as possible. St. Joseph Hospital (3600 E. Harry) is Wichita's primary hospital equipped with a SANE/SART (Sexual Assault Nurse Examiner) Unit and staff. No information will be disseminated between the hospital and/or college.

Disciplinary Process

Disciplinary sanctions for violations of this sexual assault policy and/or of the student code of conduct and/or personnel policies and procedures will be imposed in accordance with applicable WATC policies, including but not limited to, expulsion and/or termination.

Accused parties should refer to WATC's Student Code of Conduct and/or personnel policies and procedures for more information on their rights, resolution of disciplinary charges, disciplinary procedures and responsibilities.

Policy Owner – Position Title

Safety and Security Director