

## **SEXUAL ASSAULT POLICY**

Fisk University strictly prohibits sexual assault including, but not limited to sexual offenses, as defined by Tennessee Law. Sexual assault is defined, without limitation, as non-consensual sexual activity or contact, sexual abuse or exploitation, or sexual activity or contact with one who is incapacitated. Date rape is no less of a criminal offense than rape of a stranger.

The disciplinary measures described in this Policy should not be construed to replace or serve as an alternative to contacting the Metropolitan Nashville Police Department.

Members of the University community, who are the victims of, or who have knowledge of, a sexual assault occurring on University property, or occurring in the course of a University-sponsored activity, or perpetrated by a member of the University community, are urged to report the incident promptly. Fisk University will treat victims of sexual assault with the greatest concern, care, sensitivity and seriousness. Names of victims will not be released by the University to the public or media.

Victims are encouraged to report sex offenses to the Metropolitan Nashville Police Department, (615) 862-8600 (non-emergency); or, 911 (emergency). Victims are also urged to report sex offenses to the University Office of Public Safety, (615) 329-8777. A representative of the Office of Public Safety will come to the student victim when called, and security personnel will summon the police to campus when requested. Victims may also report to the Office of Student Life, University Counseling Services or a member of the residential life staff. The Office of Student Life is responsible for enforcing Student Standards of Conduct. Disclosures by a victim to any other office on campus necessitates that the office contact police authorities or (2) the University Office of Public Safety regarding the incident. University officials responding to the complaint will inform the victim, at a minimum, of the options available to him or her for criminal prosecution and civil proceedings, and inform the victim of the appropriate grievance procedure, the availability of mediation, alternative housing arrangements, academic assistance alternatives, and other pertinent information.

A victim may also report an incident(s) of sexual assault to a community resource including the Matthew Walker Comprehensive Health Center, (615) 327-9400; the Rape Crisis Center, (615) 256-8526 [crisis line] or, (615) 259-9055; or, a local hospital or health center.

It is important for victims of sexual assault to seek immediate medical attention and to preserve evidence of the assault. A medical examination, called a "Rape Test Kit", conducted at a local hospital will help to preserve evidence of a crime. Before removing clothing, washing or showering, or altering the scene of the crime, victims are strongly encouraged to consult the police or the Office of Public Safety to assist in the testing.

Support for students involved in sexual assault is provided through the residential

life staff, the Dean of Student Life, University Counseling Services, and the Office of Public Safety. Friends and supporters of victims of assault may assist by listening, giving comfort, support and protection. Information about services for victims provided by outside agencies is available through any of the offices identified above and is listed in pamphlets distributed each year.

The University reserves the right to report any suspected crime or offense to the appropriate law enforcement authorities.

Students charged with sexual assault are subject to disciplinary action as set forth in the Fisk Code of Student Conduct and the Fisk University Judicial System. Possible sanctions include warning, probation, suspension, expulsion and referral to public authorities for prosecution. Students involved may also be required to attend one or more appropriate anger management, drug or alcohol rehabilitation programs. Proceedings through the Fisk University Judicial System will not preclude the reporting and/or institution of criminal and/or civil charges against the assailant.

In circumstances where the victim or alleged perpetrator is a student at this University, the following rights are due to the student, as appropriate:

### **Victim's Human Dignity Rights**

A victim of sexual assault has the right:

1. To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this Policy or the Fisk University Judicial System.
2. To have any allegations of sexual assault treated seriously and the right to be treated with dignity.
3. To be free from any suggestion that victims are responsible for the commission of crimes against them.
4. To be free from any pressure from campus personnel to:
  - (a) Report crimes if the victim does not wish to do so.
  - (b) Report crimes as lesser offenses than the victim perceives the crimes to be.
  - (c) Refrain from reporting crimes.
  - (d) Refrain from reporting crimes to avoid unwanted personal publicity.

### **Rights to On- and Off-Campus Resources**

1. To be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether the crime formally reported to campus or civil authorities.
2. To have access to campus counseling under the same terms and conditions that apply to other students in their institution.
3. To be informed of and to be assisted in exercising:
  - (a) Any rights to confidential or anonymous testing for sexually transmitted diseases (including the human immunodeficiency virus – HIV) and/or pregnancy.
  - (b) Any rights that may be provided by law to compel and disclose the

testing of sexual assault suspects for communicable diseases.

**Campus Judicial Rights**

1. To be afforded the same access to legal assistance as the accused.
2. To be afforded the same opportunity to have others present during any campus disciplinary proceeding that is allowed the accused.
3. To be notified of the outcome of the sexual assault disciplinary proceeding against the accused.