



Policy # SS 2.101, HR 6.003

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## Sexual Assault Policy

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Authority: Chancellor

Effective Date:

09/25/2014

Last Revision:

Initial

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### **PURPOSE:**

Fletcher Technical Community College is committed to creating and maintaining an environment free of sexual violence. The College does so in accordance with applicable laws, including the Campus Sexual Violence Elimination Act (Campus SaVE Act) and the 2013 Violence Against Women Reauthorization Act.

Fletcher is committed to preventing sexual violence through the incorporation of educational programs and the adoption of clear guidelines informing students, faculty, and staff of the College's procedures for handling such cases. Sexual assault crimes are heinous, and these crimes occurring on the College campus will not be tolerated under any circumstances. College community members found guilty of any sexual assault crime, including domestic violence, dating violence, sexual assault, and stalking on campus will be severely dealt with through the appropriate College office.

### **POLICY:**

#### **Definitions**

The College shall refer to the Louisiana Criminal Law and Procedure Handbook to determine when a sexual assault has occurred. Domestic violence, dating violence, sexual assault, and stalking are defined as follows:

**Domestic Violence (Domestic Abuse Battery):** the intentional use of force or violence committed by one household member upon the person of another household member.

**Dating Violence:** includes but is not limited to physical or sexual abuse and any offense against the person defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating person against another.

**Sexual Assault (Sexual Battery):** the intentional engaging in any of the following acts with another person where the offender acts without the consent of the victim, or where the act is consensual but the other person, who is not the spouse of the offender, has not yet attained fifteen years of age and is at least three years younger than the offender:

- 1) The touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender; or

- 2) The touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim.

**Stalking:** the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

**Cyberstalking:** action of any person to accomplish any of the following:

- 1) Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to such person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.
- 2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person.
- 3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass.
- 4) Knowingly permit an electronic communication device under a person's control to be used for the taking of an action in Paragraph 1, 2, or 3.

The College defines consent (in reference to sexual activity) as follows:

**Consent:** Voluntary, positive agreement between participants to engage in specific activity.

- 1) Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of clear, positive agreement.
- 2) While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps clarify consent. Communicating verbally before engaging in sexual activity is imperative. However potentially awkward as it may seem, talking about your own and your partner's sexual desires, needs, and limitations provide a basis for a positive experience.
- 3) Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.

- 4) A prior relationship does not indicate consent to future activity.

### **Reporting to Police**

Victims of an on-campus sexual assault are advised to adhere to the following important guidelines:

#### Preservation of Evidence:

- 1) Do not bathe, shower, douche, or change clothes.
- 2) Do not disturb the crime scene; save all clothing and items involved.
- 3) Do not brush teeth, drink anything, or smoke a cigarette until you have been examined.

Although adhering to the above guidelines is most difficult under such traumatic conditions, the victim aids law enforcement agencies in the preservation of evidence when following these three recommendations.

#### Procedures for Reporting Assault and Receiving Help:

- 1) Report the assault either in person or by telephone (985-448-7953) to Campus Security. If you choose to telephone, give present location in order that police may come to you and personally take a report in a private atmosphere. Campus Security will notify the Terrebonne Parish Sheriff's Office. Even if you don't want to file charges, you can file an informational report that may help the police locate the attacker. A counselor will be present, if possible, during the taking of the report.
- 2) Following the report given to the police, the victim is strongly advised to seek medical assistance from a local hospital. Call The Haven Rape Crisis and Domestic Violence Services, Advocacy, and Shelter 800-777-8868 (Crisis Line) [www.havenhelps.org](http://www.havenhelps.org). A volunteer escort will meet you at the hospital, stay with you through the medical examination and during conversation with the police, and provide support to ease the victim's pain.
- 3) A victim of sexual assault is highly encouraged to participate in follow-up counseling. Failing to openly address the emotional trauma of sexual assault can be devastating to the victim. Usually, victims undergo tremendous stress and fear of normal social interaction following such an assault. Thus, learning to cope with a multitude of feelings and fears can be accomplished through ongoing counseling. The victim may seek help by contacting The Haven Rape Crisis and Domestic Violence Services, Advocacy, and Shelter 800-777-8868 (Crisis Line) [www.havenhelps.org](http://www.havenhelps.org).

### **Legal Action**

The victim may proceed to take action against the accused by:

- 1) Pressing criminal charges through the District Attorney's Office with the assistance of Campus Security. This action is encouraged whether the accused is or is not found to be a Fletcher student.

- 2) If the accused is found to be a Fletcher student, the victim may request that College disciplinary proceedings begin for redress of the assault.

### **Campus Disciplinary Procedures**

If the alleged perpetrator of sexual violence is a student, the victim may report to the Student Services Office, which administers the Student Handbook. Fletcher has a student judicial process for incidents of misconduct involving Fletcher students.

During College disciplinary proceedings both the victim and the accused are entitled to have an advisor present. Furthermore, both the victim and the accused shall be informed of the outcome of the disciplinary proceedings.

#### The Rights of the Victim in Alleged Sexual Assault Cases:

- 1) The right not to have the victim's past sexual history discussed during an investigation or during a hearing;
- 2) The right to choose persons to accompany the victim throughout the investigative and disciplinary proceeding;
- 3) The right to be present throughout the entire disciplinary proceedings;
- 4) The right to have a campus restraining order or ban imposed on the accused to prohibit them from contacting or harassing the victim;
- 5) The right to be informed of the outcome of the disciplinary proceedings dealing with the alleged sexual assault;
- 6) The right to be informed of counseling available on the Fletcher campus and of counseling available in the community;
- 7) The right to change academic environments after an alleged sexual assault incident;
- 8) The right to be informed of criminal proceedings in the city and district courts.

#### Penalties for Sexual Assault:

The College has the right to take disciplinary action, independent of the criminal justice system, against any student the College finds guilty of sexual assault. The College has jurisdiction in sexual assault cases occurring on the College campus. The College also may take disciplinary action in off-campus cases involving a Fletcher student as defined in the Student Handbook. If a student is found in violation of the conduct and behavior standards outlined in the Student Handbook, possible sanctions may include dismissal from the college. Depending on the facts of the case, sanctions are designed to address the behaviors and are both educational and punitive in nature.

Louisiana criminal penalties, which may be invoked against offenders, are listed in the Louisiana Criminal Law and Procedure Handbook.

## **Reporting to the Human Resources Office**

Incidents of sexual violence allegedly committed by an employee of the College may be reported to the Human Resources Office. No student or employee is required to report or make a complaint of sexual assault to the person who is allegedly engaging in the problematic conduct.

The Human Resources Office may be consulted about situations, take reports/complaints, initiate investigations/proceedings, and make recommendations/determinations. Depending on the outcome of the investigation/proceedings, if corrective action needs to be imposed, the Human Resources Office will advise college leadership on appropriate action. These offices take steps to protect the confidential nature of reports and to resolve the matter as discreetly as possible, while remaining attentive to any concerns regarding retaliation during the process.

In the event an individual feels uncomfortable making a complaint at the institution level, such a complaint may be made at the system level with the LCTCS Director of Human Resources (225-922-2800), Louisiana Community and Technical College System, 265 South Foster, Baton Rouge, LA 70806.

Knowingly making a false report is a serious offense and may result in disciplinary and/or civil action.

## **Annual Crime Reporting**

Campus Security maintains all data on sexual assaults occurring on campus. This data is collected from August 1 through July 31 annually. Members of the College community who would like to obtain this information may contact the Director of Security, Dean of Student Services, or Vice Chancellor of Finance.

## **Avoiding the Occurrence of Sexual Assault**

All members of the College community are advised to exercise caution while on campus both day and night. Although students, faculty, and staff comprise the majority of people found on the campus, many non-College related individuals visit daily. Consequently, students and employees must use good judgment and make wise decisions in the course of daily activities on the campus. Special precautions are advised in the following situations:

- 1) Walking to and from parking areas both day and night. Have keys in hand when returning to an automobile and always check the automobile before entering.
- 2) Walking the campus alone at night. Walk with groups or wait and ask the nighttime Sheriff's Officer to walk with you.
- 3) Working late at night in College offices and laboratories. (When possible, keep doors locked and let someone know you are in that area.)
- 4) Avoid walking in dimly lit areas of campus. (All areas needing better lighting should be reported to the Administration Office.)

## **Education and Prevention**

Fletcher provides education about sexual assault through orientation and follow-up programs for students, faculty, and staff. All supervisors will receive appropriate training to take leadership in implementing the policy. They will inform people under their direction of this policy and assume leadership in implementing the procedures. In Spring 2015, Fletcher will implement a

comprehensive education program for students in conjunction with all LCTCS institutions. This program will encompass all legally required education components as set by the Campus SaVE Act.

**Additional Resources Available to all Students, Faculty, and Staff**

Emergency ~ 911

The Haven  
Rape Crisis and Domestic Violence Services, Advocacy, and Shelter  
800-777-8868 (Crisis Line)  
<http://www.havenhelps.org/>

Louisiana Coalition Against Domestic Violence State Hotline  
888-411-1333  
<http://lcadv.org/>

Thibodaux Regional Medical Center  
Emergency Medical Attention; Evidence Collection  
985-447-5500

Terrebonne General Medical Center  
Emergency Medical Attention; Evidence Collection  
985-873-4141

Lafourche Parish Sheriff's Office  
Law Enforcement and Victim Advocacy & Reparation Services  
985-448-2111

Thibodaux Police Department  
Law Enforcement  
985-446-5021

Terrebonne Parish Sheriff's Office  
Law Enforcement  
985-876-6500

**DISTRIBUTION:** Electronically via College's email and website

**APPROVAL:**

Reviewing Council/Entity	Approval Date
College Council	N/A
Executive Cabinet	N/A