

## APPENDIX E

### **Sexual Assault Policy**

Sexual assault is a crime of violence. Because of the possibility of physical or psychological injuries requiring hospitalization, pregnancy or a sexually transmitted disease such as AIDS, sexual assaults should be reported immediately to public safety if the assault occurred on campus, or to local law enforcement authorities if the assault occurred off campus. Reporting sexual assaults may reduce the possibility of future assaults and continued criminal behavior by the assailant. A student who sexually assaults another student is subject to criminal and civil prosecution in a court of law, and is also subject to disciplinary action by MCG up to, and including expulsion.

*The Medical College of Georgia offers information regarding the prevention of sex offenses through its Division of Public Safety. To obtain the information, contact public safety at (706) 721-2914.*

If you have been sexually assaulted, you should immediately go to a hospital emergency room to have evidence of the assault collected by the hospital staff. A sexual-assault kit is normally used to collect evidence of the crime. If you decide to initiate criminal proceedings, completing a sexual-assault kit is vital for any subsequent legal action. It is also important that you report the assault immediately to law enforcement officials. When it is established in a court of law that a substantial amount of time elapsed before reporting a sexual assault to law enforcement officials, it may diminish the victim's credibility. In a criminal case, guilt must be proven beyond a reasonable doubt. A delayed-incident report may result in the acquittal of a defendant.

If you have been sexually assaulted and notify campus officials, a staff member from student health will be contacted. At this time you will get help defining what happened and deciding what, if anything, you want to do next. You will have the opportunity to speak with someone who can explain your options. You have the right to file criminal charges with the appropriate prosecutor's office. You will receive psychological counseling and assistance (from student health) in getting support from family and friends, dealing with fears, guilt and blame, and getting yourself back on track. You will not be blamed, judged or told what to do. The main objective is to provide you with information, options and support. If requested, you will also receive assistance from campus authorities in notifying proper law enforcement authorities.

If you decide to file criminal charges, the appropriate prosecutor's office will determine if there is enough evidence to prosecute the case. If so, a representative from the appropriate prosecutor's office will present the case in a court of law. You may consult an attorney if you choose. If the accused party is a student and you decide to file charges on campus, bring a written statement of the incident to the Campus Life Services office. The judicial officer will meet with you individually, review your statement and decide whether there is enough evidence to charge the student with a violation of the student conduct code.

## **Rights of Victims**

In a judicial hearing, both the accused student and the victim have rights. The rights of the accused student are stated in the student conduct code. The rights of the victim are:

1. To choose whether to charge the accused student with a violation of criminal law. You may also formally charge him with a violation of the student conduct code, resulting in a formal hearing before the Judicial Committee or a judicial officer. With the consent of both the victim and the accused student, the case may be resolved by mediation or an informal hearing with the judicial officer.
2. To have a person(s) of their choice from the university (not an attorney) accompany them throughout the judicial process.
3. To submit a victim impact statement to the judicial officer or the Judicial Committee prior to a penalty being imposed.
4. To have past unrelated behavior excluded from the hearing.
5. To be informed of the results of disciplinary hearing, in compliance with the [Clery Act of 1990](#).
6. To have options for, and assistance in, changing academic and living situations after an alleged sexual assault incident if such changes are reasonably available.

Both the accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary hearing and both shall be informed of the outcome of any campus disciplinary hearing.

## **The Judicial Process**

Victims of sexual assault by other students are subject to the same student judicial procedures outlined in the handbook and are entitled to have their case resolved by choosing one of the following options:

1. An informal meeting with the judicial officer and the accused student only.
2. A formal judicial hearing before the judicial committee or judicial officer.

As previously stated, victims of sexual assault by other students may have their case formally heard by the judicial committee or the judicial officer. With the consent of both the victim and the accused student, the case may also be resolved by an informal meeting with the judicial officer and the accused student only. At such a meeting, certain restrictions on behavior may be imposed and must be followed by the accused student or formal charges may be filed.

### **Campus Offices**

- Campus Life Services office (judicial officer) (706) 721-3356
- Student Health (706) 721-3448
- Division of Public Safety (706) 721-2911
- Provost (706) 721-4014

### **Community Assistance**

- Augusta Richmond County Sheriff's Department (706) 821-1000 or 911
- Columbia County Sheriff's Department (706) 868-3450 or 911
- North Augusta Police Department (803) 279-2121 or 911
- Rape Crisis Center (University Hospital) (706) 724-5200