FORCIBLE AND NON-FORCIBLE SEXUAL ASSAULT

Western Wyoming Community College seeks a safe and healthy environment for all students, employees, community members and visitors. To this end, WWCC has developed this policy/procedure on forcible and non-forcible sexual assault to set forth definitions, to reaffirm the College’s commitment to providing resources and processes for prevention, education, support, reporting, adjudication, protection from retaliation, and to identify the range of sanctions.

See following pages for procedure.

Cross Reference: 4420B and 5430G
Adopted January 18, 1996
Reformatted March 2012
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The personal trauma experienced by the victims of sexual assault and the nature and consequences of this crime undermine the trust essential to the process of education and the mission of Western Wyoming Community College. This crime also conflicts with the College’s basic standards of behavior. These forms of sexual violence are particularly damaging to the College community because victims of sexual assault are often acquainted with and must continue to interact with their assailants.

Incidents reported to the appropriate departments will be addressed promptly and will be treated confidentially. Information will be shared among College staff and students only on a “need to know” basis necessary to allow for the investigation and the provision of assistance and services to those involved. The procedures which are used to implement this policy will take into account the need to investigate all incidents of forcible and non-forcible sexual assault and the right to confidentiality of all involved parties.

General Information

When a forcible or non-forcible sexual assault occurs on either the Rock Springs campus or the Green River Center of Western Wyoming Community College, or occurs during any College-sponsored or supervised activity, the following procedure should be followed to assure that the incident is handled promptly, sensitively and confidentially, to protect the rights of both the accuser and the accused.

Definition

Definitions of these criminal violations are as received from the Uniform Crime Reporting Office, Crime Statistics Unit, U.S. Department of Justice, Federal Bureau of Investigation, 1992, Washington, D.C.

Sex Offenses, Forcible

Definition: Any sexual act directed against another person, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent.

A) Forcible Rape (Except “Statutory Rape”)

Definition: The carnal knowledge of a person, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental of physical incapacity. (NOTE: If force was used or threatened, the crime should be classified as Forcible Rape regardless of the age of the victim, and if the victim was under the statutory age of consent and force was not used or threatened, the crime should be classified as Statutory Rape.)
B) **Forcible Sodomy**
Definition: Oral or anal sexual intercourse with another person, forcibly or against the person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C) **Sexual Assault with an Object**
Definition: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (NOTE: An “object’ or “instrument” is anything used by the offender other than the offender’s genitalia. Examples are a finger, bottle, handgun, stick, etc.)

D) **Forcible Fondling**
Definition: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. (NOTE: Forcible fondling includes “Indecent Liberties and Child Molesting.”

Because Forcible Fondling is an element of Forcible Rape, Forcible Sodomy, and Sexual Assault with an Object, it should be reported only if it is the sole forcible sex offense committed against a victim.

**Sex Offenses, Non-forcible (Except “Prostitution Offenses”)**

A) **Incest**
Definition: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B) **Statutory Rape**
Definition: Non-forcible sexual intercourse with a person who is under the statutory age of consent. (NOTE: If force was used or threatened, the offense should be classified as Forcible Rape, not Statutory Rape.)**

As used in this procedure, the term “accuser” describes the individual who believes he/she is a victim of a sexual assault and the term “accused” describes the individual who allegedly committed the sexual assault.
NOTE: Separate policies exist for dealing with sexual harassment (see Policies 4420B and 5430G)

Intervention

Western Wyoming Community College will provide resources to support the accuser, will utilize College fact-finding and disciplinary procedures within appropriate jurisdiction, will publish annual statistics on incidents of acquaintance rape and acquaintance rape attempts, and will provide education for the prevention of sexual violence including acquaintance rape at Western Wyoming Community College.

Procedure

If the assault (or alleged assault) has recently occurred, the immediate medical and emotional needs of the accuser should first be attended to. The YWCA Support and Safe House Office (or other community office with advocates trained to assist victims of sexual assault) is to be immediately notified and requested to send an advocate to explain the options available to the accuser. A College counselor is also to be immediately notified. The Support and Safe House advocate and the College counselor will provide emotional support to the accuser, and will provide information concerning legal and medical options. The Support and Safe House advocate and the College counselor may accompany the accuser to Memorial Hospital of Sweetwater County (MHSC) or other nearby hospital to be checked for physical injuries, pregnancy, and sexually-transmitted diseases.

When a person reporting an alleged sexual assault goes to MHSC or other nearby hospital, the hospital staff must, by law, contact the local law enforcement agency with jurisdiction over the area within which the alleged sexual assault occurred. The local law enforcement officer and the Support and Safe House advocate will explain to the accuser all of the legal options available.

Any alleged or suspected sexual assault shall also be reported to the Protective Services office. This office, in turn, shall contact the Vice President for Student Success Services or other College officials. The College will initiate the College fact-finding procedures.

In addition to attending to the safety and well-being of the accuser, the College will offer counseling and security services to the person accused of the sexual assault.

Sanctions

Once the immediate medical and emotional needs of the accuser have been attended to, the following courses of action can be followed if this person chooses to pursue on-campus sanctions against the accused:

A) If the accuser and the accused are both students of Western Wyoming Community College or the accuser is an employee or member of the
general public and the accused is a student of Western Wyoming Community College, the College will proceed according to the steps outlined in Policy 5430C “Non-Academic Grievance”. Sanction may include, but are not limited to: probation, restrictions on activities, removal from student housing, and/or suspension or dismissal from the College.

B) If the accuser is a student, employee or member of the general public, and the accused is an employee, the accuser may work with the applicable Vice President or his/her designee and disciplinary sanctions as outlined in Policy 4430A “Disciplinary Action for Improper Conduct” may be imposed.

C) If the accuser is a student or employee and the accused is not a member of the campus community, the College will offer its counseling services and other College resources to the accuser, and will provide reasonable assistance and advice to the accuser if he/she chooses to take legal recourse against the accused.

Rights of Individuals Reporting a Sexual Assault
In all cases of sexual assault occurring on property or during any College sponsored or supervised activity, the accuser is fully afforded all of the following rights:

1. To choose and pursue counseling services offered by the College through the Student Development Center, to receive medical treatment, and to report and prosecute his/her case through the sanction processes noted above and/or the legal system. Accusers also have the right to refuse any and all of the above without reproach from any College personnel.
2. To be treated with dignity and seriousness by campus personnel.
3. To be reasonably free from intimidation and harm.
4. To be made aware of existing counseling and other student services available.
5. To be notified, if, in sanctioning the accused, a ban prohibiting contact with the accuser or entrance into the accuser’s residence hall, or some other area of the campus, or a ban from the entire campus is issued.
6. To be granted a transfer from his/her present residence hall or class section(s) to any available housing or class section(s).
7. To be notified of the outcome of any College disciplinary proceeding conducted against the person accused of the sexual assault.
8. To request a review by the College President of the administrative actions taken or not taken. The President shall determine whether the investigation was conducted fairly and in conformity with prescribed procedures, whether the decision reached was based upon substantial information, and whether the sanctions imposed were appropriate for the violation. The President at his/her discretion may require additional College actions.
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Adopted January 18, 1996
Reformatted March 2012