VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

GENERAL ORDER)
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Sexual Assault Policy

A. Policy

1. Sexual Assault is illegal. It will not be tolerated by any cadet or employee of the Institute.
2. Sexual harassment, which includes sexual assault, is a form of sex discrimination, which is prohibited by law.
3. VMI will assist sexual assault survivors/victims in a supportive manner, implementing the procedures set out herein. Because of the potential seriousness of sexual assault and sensitivity of the investigations involved, it is important for VMI to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged sexual assaults.

B. Purpose

The purpose of this policy is to:

1. Provide information and guidance to all members of the VMI community concerning the laws, VMI policies, and procedures related to sexual assault so that they might be better equipped to respond should they learn of or believe a sexual assault has occurred.
2. Encourage victims or other knowledgeable persons to report assaults.
3. Provide victims of sexual assault with information concerning the medical, psychological, and administrative resources available to them.

C. Applicability

This policy applies to conduct by VMI cadets, employees, faculty, staff, visitors to Post, and contractors working on Post who are not VMI employees.

D. Definitions

1. "Sexual Assault" means those offenses involving contact of a sexual nature, including intercourse, with any person by force or threat of force, fear, intimidation, ruse, or through the use of a person's mental incapacity, (even if induced by consumption of alcohol or other substance, knowingly or unknowingly) or physical helplessness or otherwise without their consent.
2. Sexual assault includes but is not limited to rape, forcible sodomy, attempted rape or forcible sodomy, inanimate object sexual penetration, sexual battery (touching) and aggravated sexual battery (touching).
3. The following websites provide the legal definitions of and criminal penalties for these crimes:

   http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-61
   http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-67.1
   http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-67.3
   http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-67.5
   http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-60.3

E. Sexual Assault Survivor/Victim Procedures and Services

Recommended procedure for anyone who has been sexually assaulted:

1. Go to a safe place.
2. For your safety and confidential care, report promptly to the VMI Infirmary, Stonewall Jackson Hospital, or the nearest medical facility/emergency room. You may request a Sexual Assault Advocate if one is not provided. Physical evidence may be usable if proper procedures are followed for evidence collection within 96 hours of the assault.
   a. Contact a trusted friend or family member. For professional and confidential counseling support contact Cadet Counseling (540-464-7667) or Project Horizon. Among other services, Project Horizon offers survivors a 24-hour Hotline (540-463-2594), emergency shelter, crisis intervention, counseling, applicable referrals, and court advocacy.
3. It is your right to have evidence collected and retained anonymously while you consider whether to report the assault and pursue criminal charges. Evidence preservation is enhanced in the following ways:
   a. Do not wash your hands, bathe, or douche. Do not urinate, if possible.
   b. Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
   c. Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
   d. Do not destroy any physical evidence that may be found in the vicinity of the assault by cleaning or straightening the location of the crime. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
   e. Tell someone all the details you remember or write them down as soon as possible.

F. Reporting Procedures and Information

1. A victim or other individual who wishes to report a possible sexual assault should contact one or more of the following individuals/offices below:
   a. Emergency: 911 (Blue emergency lights on post connect directly to 911)
   b. VMI Police: 540-463-9177 (Managed by Central Dispatch)
   c. Inspector General: 540-462-7140
   d. Officer in Charge (OC): 540-464-7293
   e. Institute Physician (540-464-7218)
   f. Cadet Counseling (540-464-7667)
   g. VMI Chaplain (540-463-7390)
2. There is no time limit for filing a complaint of sexual assault. However, complainants should report immediately to maximize VMI's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair VMI's ability to adequately respond to the allegations. The reporting individual shall be contacted as immediately as possible by the Inspector General or a member of the IG's staff. In normal circumstances, the investigation should be completed in 30-60 days.

3. The victim or other reporting individual shall have the option to be assisted by campus authorities (listed above) in notifying the proper law enforcement authorities of the alleged sexual assault.
4. VMI officials (excluding VMI Police) in paragraph 1 receiving reports of a possible sexual assault will follow the procedures listed in VMI's Sexual Assault Response Protocol located in the Commandant's office and Officer in Charge room. VMI Police will follow departmental procedures.
5. Confidentiality of Reports of Sexual Assault
   a. Reports concerning possible victims of sexual assault are completely confidential only when those reports are made to the Institute Physician and other medical personnel at the VMI Infirmary, to Cadet Counseling personnel, and to the VMI Chaplain. These individuals will encourage victims of sexual assault to make a report to the VMI Police, the Inspector General, or local law enforcement. Institute officials receiving a report will treat the matter as confidential and maintain that confidentiality to every extent possible without compromising their ability to investigate and respond as necessary to the report.
6. Information for Victims of Sexual Assault
   a. Any cadet who reports a sexual assault to the Inspector General, Officer in Charge, Institute Physician, Cadet Counseling, or VMI Chaplain will receive an information card outlining resources and options. VMI Police protocol includes coordination with Project Horizon.
   b. VMI officials shall advise victims to avail themselves of the services of Project Horizon.
   c. Cadets will be assisted with available options for changing academic and living arrangements after an alleged sexual assault.
7. Additional Guidelines for Sexual Assault proceedings
   a. The sexual assault complainant and the accused are entitled to the same opportunities to present relevant witnesses and other evidence during a VMI administrative disciplinary proceeding.
   b. The sexual assault complainant and the accused are entitled to the same opportunities to have others present during administrative disciplinary proceedings.
   c. Both the complainant and the accused shall be informed in writing of the outcome of any VMI administrative disciplinary proceeding or appeal that contains any allegation of sexual assault. For cadets, possible sanctions during administrative disciplinary proceedings include suspension or dismissal from the Institute. Refer to the section on sanctions contained within GO 16 (Sexual Harassment Policy) and GO 17 (Administrative Process for Cadet Suspensions and Dismissals) for more information regarding administrative disciplinary proceedings.
   d. Mediation shall not be used for any allegation of sexual assault.
8. Retaliation Prohibited
   a. Under this General Order, "retaliation" includes intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person cooperating in the investigation of allegations of sexual assault.

b. It is a violation of VMI policy and this General Order to retaliate against any person making a complaint of sexual assault or against any person cooperating in the investigation of any allegation of sexual assault.
c. Retaliation should be reported immediately to the Inspector General (540-462-7140) and may result in disciplinary action independent of the sanctions or interim measures imposed in response to the underlying allegations of sexual assault.
d. VMI shall use every effort to protect victims and other individuals who make reports of sexual assault from retaliation, and VMI shall use every effort to protect the safety and anonymity of individuals that make reports of retaliation.

9. Education and Awareness
   a. VMI supports an education, training and awareness program on sexual assault and other offenses for cadets and employees.
   b. For more information about sexual violence and the resources available in the local community, please visit the Project Horizon website at projecthorizon.org.
   c. The Inspector General's Office conducts training on bystander intervention, consent, and other sexual assault topics.

FOR THE SUPERINTENDENT:

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DIST: E, Cadets

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