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September 4, 2010

White Paper: Effects of The Men's Program on Male Soldiers' Bystander Intervention, Likelihood of Raping, and Attitudes Toward Rape: A Pretest/ Posttest Controlled Study, Final Report, United States Army - Europe

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WHITE PAPER

Developing a Comprehensive Sexual Assault Policy:

Suggestions for Colleges and Universities

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November, 2006

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Executive Summary of Recommendations

The following recommendations are offered as a starting point for a discussion at your college or university as you examine your sexual assault policy and procedures. Each recommendation is detailed separately in this report along with suggested policy wording and where appropriate, a rationale for its inclusion. The present list is provided to offer the reader a general overview of the content of this discussion draft.

Recommended items for you to consider including in your sexual assault policy and procedures are as follows:

1. Frame the policy statement with an opening series of paragraphs that condemn sexual assault and promote healthy relationships. Use this opening statement to tie the sexual assault policy into division-wide efforts to promote healthy relationships.
2. Immediately after an introductory statement, enumerate several assumptions that have informed the development of and will guide decisions to be made in the implementation of the sexual assault policy. Such assumptions, based on the available research about sexual assault, constitute a set of understandings and principles that guide decision making as sexual assault cases are processed.
3. Provide a list of definitions, including definitions of consent, force, and varying levels of sexual assault. In addition, define and have policies prohibiting non-disclosure of HIV status and non-disclosure of other sexually transmitted diseases between sexual partners.
4. It is recommended that the proposed policy be applied to students only, initially. If a broader application of the policy to faculty and staff is desired, a process that includes people outside of the student affairs division will need to be used. It is also recommended that the proposed policy apply to all on-campus behavior, and some portion of off-campus behavior.
5. When making decisions regarding the implementation of this policy, place a high priority on what is best for the recovery of the survivor and what is best for the university community at large. At times these may conflict. The decision whether to confront or charge an alleged perpetrator with a violation of this policy rests with the Dean of Students or her/his designee. However, the wishes of the survivor will be heavily weighed in this decision. As a general guideline, no disciplinary action is taken in such cases without the clear, informed agreement of the survivor unless a clear and present danger to the university community exists if action is not taken.
6. Recognize that men can also be survivors, and, though rare, women can be perpetrators. Therefore, it is recommended that the policy refer to "survivors" and "alleged perpetrators" using gender-neutral language. It is also recommended that a specific subsection be included acknowledging that men can be survivors.
7. Include a statement prohibiting retaliation against or encouraging others to retaliate against a survivor.

8. Establish a third party reporting system for incidents in which survivors do not wish to identify themselves.
9. Provide survivors with information about the several judicial options available to them including judicial proceedings, criminal prosecution, and civil litigation. Permit each of these processes to proceed simultaneously.
10. Establish an adjudication procedure for sexual assault cases whereby the Dean of Students and two individuals from a group of trained staff and students conduct each hearing.
11. Enumerate a standard series of sanctions for violation of the sexual assault policy. Allow a flexible response, but use a standard series of guidelines.
12. Include an appeal process whereby both the survivor and the alleged perpetrator can appeal the results of a case. Restrict the appeal to major departures from following acceptable adjudication procedures and excessively harsh or lenient sanctions based on the circumstances. Make the case appealable to the Senior Student Affairs Officer who by policy will have the last word.
13. Do not under any circumstances give consideration to offering mediation as an adjudication alternative. Institutions should not mediate a felony.
14. Equip the Health Center to administer “Department of State Police Sexual Assault Evidence Collection Kits.” Alternatively, provide a list of nearby hospitals to survivors, and offer them transportation to these facilities.
15. Assign responsibilities to a current staff member to be the Sexual Assault Response Coordinator. This individual would serve as a primary resource for students reporting an assault and would be the primary resource for providing and collecting information about sexual assaults that occur on campus.
16. Establish a Sexual Assault Response Team to meet when a single sexual assault or pattern of sexual assaults indicates a potentially ongoing threat to public security.
17. Establish a series of protocols for responding to sexual assault cases, with attached checklists to insure compliance, for each of the following offices: Residence Life, Health Center, Counseling Center, Campus Security, the Athletic Department and the Dean of Students Office.
18. Conduct an annual training session for staff who are in positions where they have to use this protocol (Health Center, Athletic Department, Resident Life, Campus Security, Dean of Students Office, Counseling Center). Refer to these trained individuals as “Sexual Assault Advisors” and publicize their availability to students for assistance with sexual assault incidents.

19. Include educational measures in the sexual assault policy that are designed to educate members of the university community about sexual assault, and provide support for survivors.

Introduction to this Document

This document was originally written by the author as a doctoral internship project at a site that was a small highly selective private university in the Mid-Atlantic region. Pursuant to a discussion between this report's author and the Senior Student Affairs Officer at the internship site, a comprehensive assessment was undertaken of the sexual assault policy and procedures for that university -- particularly as they related to undergraduate students. It was agreed that the author would interview several key staff members in the student affairs division to help inform the initial stages of writing this discussion draft. These individual interviews were conducted in September of 1997 and included interviews with the following individuals:

- A group of several RAs
- The Dean of Students
- The Director of the Education for Health and Wellness Center
- The Director of the Counseling Center
- The Director of Campus Security
- The Special Assistant to the Dean for Orientation and Judicial Affairs
- The Director of Residential Life

During the next phase of writing this report, sexual assault policies and procedures from 67 Colleges and Universities were meticulously reviewed. Each was examined for the presence of aspects that appeared worthy of consideration for inclusion in a high quality sexual assault policy. These decisions were informed by the author's expertise in sexual assault prevention. A list of these Universities whose policies were reviewed can be found in Appendix B. After reviewing these policies, the present discussion draft was written.

Ideas were organized into various sections. In many cases, two or more alternatives are listed with regard to how an objective might be reached. In all cases, it is assumed that those who make decisions regarding the extent to which this policy will be implemented will adapt and change these ideas to fit the needs of the institution and the desires of its policy makers. In short, this document is a draft written for the purpose of thoughtful discussion. It is hoped that such a discussion will lead to the implementation of a policy that serves to assist survivors in their recovery, appropriately sanction violators of this policy, and protect the health and welfare of the university community.

The pages that follow include a statement of each recommendation, followed by suggested policy wording beneath a dotted line. Where it seems appropriate, the statement of the recommendation includes a rationale for its inclusion in the policy. This discussion draft is organized in the order in which it is recommended that each suggested component fit into a comprehensive sexual assault policy and procedures document.

Recommendation 1: **Frame the policy statement with an opening series of paragraphs that condemn sexual assault and promote healthy relationships.**

INTRODUCTION

The university is committed to providing a safe educational, working, and living environment for its faculty, staff, and students. The university is particularly concerned about the increase in reports of sexual offenses occurring on the nation's campuses. The university has adopted a policy addressing sexual assaults and offenses involving sexual violence in order to inform faculty, staff, and students of their rights in the event they are involved in an assault, and of the services available to victims of such offenses. 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 to campus authorities promptly.

The university sets the expectation that all sexual contact on campus and/or occurring with a university community member should be consensual. When a sexual offense, as defined herein, is committed by a community member, such action will not be tolerated. Through its educational efforts, the Student Affairs division seeks to foster healthy relationships among its students. Anytime a violent crime, such as rape or sexual assault, occurs in our community, the fundamental basis of maintaining healthy relationships has been violated. Such violations impact not only those involved in the incident, but the subcommunities of the university of which they are a part, and the broader university as a whole.

This policy delineates how the university defines sexual assault, how decisions are to be made when this policy is implemented, what types of behavior are prohibited, how these violations are addressed, how survivors of sexual assault are supported by the university, how each office is to deal with these cases as they arise, and how the community as a whole should be educated about the policy, its implications, and the issue of sexual assault in general.

Recommendation 2: **Immediately after an introductory statement, enumerate several assumptions that have informed the development of and will guide decisions to be made in the implementation of the sexual assault policy. Such assumptions, based on the available research about sexual assault, constitute a set of understandings and principles that guide decision making as sexual assault cases are processed.**

GUIDING ASSUMPTIONS

This protocol exists to serve as a basis for coordinating the efforts of various campus departments in order to provide a caring and effective institutional response to the student who reports having been sexually assaulted. Such coordination is intended to encourage a uniform, collaborative team effort for the benefit of the survivor of assault and the community at large. This protocol is based on the following understanding of sexual assault:

1. Sexual assault is a term covering a range of coercive behaviors which violate both State law and university Policy. The common element of the various types of behavior defined as sexual assault is the use of coercion, force (physical or verbal), or threat of force to obtain sexual contact against a person's will. The type of coercion may range from psychological threat to physical violence with weapons. The type of contact may range from unwanted sexual touching to intercourse. The perpetrator of sexual assault may often be known to the survivor. The experience may severely traumatize the survivor even when no physical force was used in the coercion.
2. Unfortunately, sexual assault is a common occurrence in our society. College campuses are no exception. A nationwide study in the 1980s found that one in four college women reported surviving rape or attempted rape since their fourteenth birthday. A new nationwide study in the mid-1990s found that 20% of college women report being forced to submit to sex against their will.
3. Survivors of sexual assault need clear boundaries and role definitions in those professionals who offer help because their personal boundaries have been violated. Survivors need to know what services are available and who provides them. Similarly, they need to know what is outside the scope of any given provider's services.
4. Survivors of assault need clearly defined choice points and options, because they have been in a powerless position where they were denied choice. They need a chance to reestablish a sense of personal control.
5. Resolving sexual assault cases in a timely way is very important for survivors of assault in several ways. Time is short in the sense that they are likely to be in crisis and in need of immediate support. Time is also short for securing evidence for possible prosecution. Survivors also need time and ongoing support to emerge from the assault in a

constructive way. In some instances, the initial trauma of the incident may need to subside prior to a report being made. Therefore, cases may also be adjudicated long after they occurred.

6. A survivor's trust in others may have been severely damaged by the assault. Therefore, all helping efforts should respect the survivor's need for safety and control. Those providing services must be clear about the boundaries of confidentiality in their communications, because any outside communication may be experienced by the survivor as another violation of trust. Problem-solving efforts and strong recommendations may be perceived as blaming and further attack. In general the survivor needs to be heard, believed, respected, needs to understand options, and needs to move at his or her own pace through the process of recovery.
7. The single most important factor in whether or not a survivor will recover is whether or not she/he is believed. According to the FBI, only 8% of reported rapes are false reports. Particularly in the context of our counseling and support relationships with survivors, it is important that we affirm their emotions and make them feel believed. A sense of impartiality is necessary among those involved in the adjudication phase of an incident, however the survivor's emotions regarding what happened can always be affirmed.

Recommendation 3: **Definitions of several types of offenses and related terms are necessary to provide a common understanding of their nature and form. The university may choose to accept state definitions and deal with cases accordingly. Or, alternatively, a different list of terms can be used as recommended below.**

One advantage to using the terms below is that discrepancies would be averted between the courts and the university who may reach different conclusions with the same charges. While the standards would be different (clear and convincing evidence in the case of the university and beyond a reasonable doubt in the courts), using different terms for sex offenses helps preserve the university's autonomy in making its own decisions about defining and responding to sexual assault cases. It is therefore recommended that the definitions of sexual assault, and related concepts, be used as listed below.

DEFINITIONS

Consent

1. For the purpose of this policy, "consent" shall be defined as follows: the act of willingly and verbally agreeing to engage in specific sexual contact by a competent, unimpaired individual.
2. If sexual contact is not mutually and simultaneously initiated, then the person who initiates sexual contact is responsible for getting the verbal consent of the other individual(s) involved.
3. Obtaining consent is an ongoing process in any sexual interaction. Verbal consent should be obtained with each new level of physical and/or sexual contact in any given interaction, regardless of who initiates it. Asking "Do you want to have sex with me?" is not enough. The request for consent must be specific to each act.
4. The person with whom sexual contact is initiated is responsible for expressing verbally and/or physically her/his willingness or lack of willingness when reasonably possible.
5. If someone has initially consented but then stops consenting during a sexual interaction, she/he should communicate withdrawal verbally and/or through physical resistance. The other individual(s) must stop immediately.
6. To knowingly take advantage of someone whose judgement is impaired by alcohol, drugs and/or prescribed medication is not acceptable behavior in the university community.

7. If someone verbally agrees to engage in specific contact, but it is not of her/his own free will due to any of the circumstances stated in (a) through (c) below, then the person initiating shall be considered in violation of this policy if:
- a) the person submitting is intoxicated or incapacitated by alcohol, drugs, and/or prescribed medication;
 - b) the person submitting is asleep or unconscious;
 - c) the person initiating has forced, threatened, coerced, or intimidated the other individual(s) into engaging in sexual contact.

Force

The use of force often separates sexual assault from consensual sexual activity. The university recognizes several types of force used by attackers against survivors:

- a) a weapon, such as a gun or knife
- b) blows, such as punches and kicks
- c) choking, holding the survivor down, or other forms of physical restraint
- d) physical intimidation, such as an attacker's size and weight advantage used to overwhelm the survivor
- e) mental intimidation, such as threats that make a survivor fear for harm to oneself or harm to the safety of a friend or family member

Any of these, alone or in combination, constitutes force in a sexual assault. A sexual assault survivor does not have to struggle with an attacker in order to "prove" that force was used.

The following sexual contact is prohibited under the university's sexual offense policy. In addition to possible civil action by a survivor and criminal action that may be filed by the state, the following actions may result in sanctions up to and including expulsion from (in the case of a student) or termination of employment (in the case of an employee) by the university.

Sexual Assault I:

By stranger or acquaintance, non-consensual penetration, however slight, with any body part or object, of the vagina or anus; non-consensual fellatio or cunnilingus. These acts must be committed either by force, threat, intimidation or through the use of the survivor's mental or

physical impairment, including intoxication by alcohol or other drugs, of which the alleged perpetrator was aware or should have been aware.

Sexual Assault II:

By stranger or acquaintance, a non-consensual sexual act exclusive of vaginal and anal penetration, fellatio and cunnilingus in which force was used and an intent to commit an act referenced in Sexual Assault I is apparent. An attempted non-consensual sexual act can be inferred when the alleged perpetrator forms an intent to commit Sexual Assault I and takes any action to carry out that intention, thus, where it can be rationally inferred from the evidence available, including the condition and position of the survivor's body, that the alleged perpetrator intended to commit Sexual Assault I. Sexual Assault II also includes particularly violent and/or forceful incidents in which the survivor's intimate parts (defined as genitalia, groin, breast, buttocks, or clothes covering them) were touched without consent and by force. To be found responsible, the acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical impairment, including intoxication by alcohol or other drugs, of which the alleged perpetrator was aware or should have been aware.

Sexual Misconduct:

By stranger or acquaintance, sexual misconduct includes forced kissing, and/or the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks or clothes covering them). Sexual Misconduct also includes non-consensual sexual videotaping, non-consensual picture taking, and inviting others to watch the sexual act without the consent of all individuals involved in the sexual act. For a finding of responsibility for Sexual Misconduct, the acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical impairment, including intoxication by alcohol or other drugs, of which the alleged perpetrator was aware or should have been aware. In the case of non-consensual videotaping, picture taking, or inviting others to watch the sexual act, the lack of informing the survivor of this activity shall constitute force. Sexual Misconduct shall also include any other type of sexual behavior or activity not mentioned elsewhere in this policy that is done without the consent of the survivor and by force.

Non-disclosure of a known sexually transmitted disease:

Failure to inform one's sexual partner of one's known infection with a sexually transmitted disease prior to engaging in high-risk sexual contact.

Recommendation 4: When crafting the sexual assault policy, decisions will have to be made concerning to whom the policy applies and when. On the one end, the policy can apply to students, faculty, and staff in incidents that occur both on and off campus. On the other end, the policy can apply only to students in incidents that occur on campus. Several alternatives are enumerated below - first regarding to whom the policy applies and next regarding when it applies.

It is recommended that the proposed suggestions be applied to students only, initially. This is reflected below as Option A. If a broader application of the policy is desired, a process that includes people outside of the student affairs division will need to be used. Option B suggests a possible wording if the application of the policy is to be expanded to faculty and staff. It is also recommended that the proposed policy apply to all campus behavior, and some portion of off-campus behavior, as reflected in Option 1. An alternative for applying policy to all students at all times regardless of location and an alternative to restrict the policy primarily to campus incidents are also provided for the purpose of discussion.

TO WHOM THE POLICY APPLIES

Option A: Apply policy to students only.

This policy applies to all undergraduate students. While the university has no jurisdiction in cases in which the alleged perpetrator is not a student, the university will provide counseling services, medical treatment, and information concerning criminal and civil prosecution to students who survive a sexual assault in such cases.

Option B: Application of policy to students, faculty, and staff.

This policy applies to all community members except where specifically excluded. All community members will abide by this policy at all times, whether on campus or away from campus, when engaged in activities sponsored by the institution or which otherwise relate to the institution or its business. Such activities include, but are not limited to professional meetings, classes, practica, seminars, and all other activities involving or relating to the institution. Those who contract to use our campuses, instruct our students, supervise our students, or are employed by independent enterprises located on campus or seek to provide goods and services to our campuses are expected to adhere to this policy.

WHEN THE POLICY APPLIES

Option 1: Apply the policy to all cases that occur on campus, and some of those which occur off campus.

When a student is alleged to have committed a sexual assault on campus, this policy will apply at all times. In the event that the survivor is not a student and the alleged perpetrator is a student, the disciplinary proceedings by the university will take place as in other cases. The university will also inform the survivor about the university policies in place. However, the university is not responsible for the counseling and medical treatment of a survivor who is not an enrolled student.

This policy will also apply to students while they are off campus if the student is engaged in an institutionally sponsored or related activity regardless of the location, is in off-campus housing units, or is in an area within a close geographical proximity to the campus. If a sexual assault involving a student occurs at a distance from campus when the student is not engaged in institutionally sponsored or related activities, the institution, in its discretion, may either accept or decline to process a complaint under this policy.

Option 2: Apply policy to all students at all times.

When a student is alleged to have committed a sexual assault, this policy will apply at all times regardless of the location or circumstances. In the event that the survivor is not a student and the alleged perpetrator is a student, the disciplinary proceedings by the university will take place as in other cases. The university will also inform the survivor about the university policies in place. However, the university is not responsible for the counseling and medical treatment of a survivor who is not an enrolled student.

Option 3: Apply the policy to cases which occur on campus. Consider addressing off campus cases only under very limited circumstances.

When a student is alleged to have committed a sexual assault on campus, this policy will apply at all times. In the event that the survivor is not a student and the alleged perpetrator is a student, the disciplinary proceedings by the university will take place as in other cases. The university will also inform the survivor about the university policies in place. However, the university is not responsible for the counseling and medical treatment of a survivor who is not an enrolled student.

The university will not normally process discipline cases for students when the incident occurs off campus. While the university reserves the right to discipline students for an off-campus sexual assault, this would occur under rare circumstances deemed appropriate by the Dean of Students.

Recommendation 5: **When making decisions regarding the implementation of this policy, place a high priority on what is best for the recovery of the survivor and what is best for the university community at large. At times these may conflict. The decision whether to confront or charge an alleged perpetrator with a violation of this policy should rest with the Dean of Students or her/his designee. However, the wishes of the survivor will be heavily weighed in this decision. As a general guideline, no disciplinary action is taken in such cases without the clear, informed agreement of the survivor unless a clear and present danger to the university community exists if action is not taken.**

CONDITIONS UNDER WHICH SEXUAL ASSAULT CASES WILL BE PURSUED

University students who are sexually assaulted have a number of resources and courses of action available to them. Persons bringing action under this policy are encouraged to pursue the incident through the criminal justice system, civil court action, and/or the university disciplinary system. The decision whether to confront or charge an alleged perpetrator with a violation of this policy rests with the Dean of Students or her/his designee. However, the wishes of the survivor will be heavily weighed in this decision. As a general guideline, no disciplinary action is taken in such cases without the clear, informed agreement of the survivor unless a clear and present danger to the university community exists if action is not taken. The university provides advice and emotional support to assist any individual in better understanding and pursuing the matter through any of these judicial systems. In addition, the university provides direct medical treatment and counseling, referral to additional medical and counseling support where appropriate, and other support to any individual involved in such an incident. It should be stressed that seeking assistance in connection with a sexual assault from the emergency room of a local hospital will trigger a police investigation. However, seeking assistance from the University Health Center, Campus Security, the Office of the Dean of Students, the Counseling Center, Residence Life staff, or anyone other campus official -- does not obligate survivors to take further action.

Recommendation 6: Recognize that men can also be survivors, and, though rare, women can be perpetrators. Therefore, it is recommended that the policy refer to "survivors" and "alleged perpetrators" using gender-neutral language. The wording of the present document reflects these assumptions.

In addition, it is recommended that a specific subsection be included acknowledging that men can be survivors. A possible wording is as follows:

MALE SURVIVORS

While most survivors of sexual assault are women, some men are also survivors of rape and sexual assault -- committed either by a man or a woman. Support services are available to all students regardless of their gender. Emotional support, counseling, medical treatment, and options for pursuing disciplinary action are available to assist all of those recovering from sexual assault regardless of their gender.

Recommendation 7: **One reason survivors hesitate to report a sexual assault is fear of retaliation from the perpetrator -- a person who may be a continuing threat to the survivor. For this reason, it is recommended that the policy include a provision banning retaliation against, or encouraging others to retaliate against, a survivor.**

PROVISION AGAINST RETALIATION

The university sets the expectation that any person who initiates a complaint under this policy will do so without coercion or fear of reprisal from the alleged perpetrator. Retaliation against or harassment of any person involved in a complaint process (the survivor, the alleged perpetrator, the investigator, a witness, a member of the hearing panel, etc.) in and of itself constitutes a violation of university policy. Encouraging others to retaliate also violates this policy. Those in violation of this policy will be subject to disciplinary action by the university.

Recommendation 8: **Many survivors are reluctant to report being sexually assaulted. Many will tell a friend but will not report the incident to a university staff member. It is recommended that a system of third party reporting be instituted to allow people the survivor has spoken with to report incidents to the university so that records can be maintained of the incident and a potential threat to the university community through the nature of or a pattern of assaults can be assessed.**

THIRD PARTY REPORTING SYSTEM

In the event that any member of the university community is told by another member of the university community that he or she has been sexually assaulted, it is recommended that the survivor be encouraged to report the incident, to seek medical attention, and to get counseling.

If the person will not report the assault, anyone can inform the university an assault has occurred with or without naming those involved by completing a sexual assault incident report form available from the Counseling Center, Health Center, Residence Life staff, Campus Security, Dean of Student Office, Athletic Director's Office, or the Sexual Assault Response Coordinator. Completed forms should be brought to the Sexual Assault Response Coordinator.

Recommendation 9: **Provide survivors with information about the several judicial options available to them including university disciplinary proceedings, criminal prosecution, and civil litigation. Permit each of these processes to proceed simultaneously.**

PARALLEL CRIMINAL PROSECUTION, CIVIL SUITS, AND UNIVERSITY ACTION

The survivor who makes a formal report has the option of pursuing both university sanctions against the accused, criminal and/or civil suits at the same time. The survivor may choose to pursue only university conduct proceedings, or only civil suit or only criminal prosecution or any combination of the above. University conduct proceedings may be carried out prior to, simultaneous with, or following criminal proceedings off campus. *In the interest of the survivor, the accused, and the university, a prompt hearing will be afforded, and will take priority over other scheduled hearings.* The intent is to solve the problem as expeditiously as possible, assuaging the fears of the survivor, reducing uncertainty for the accused, preventing possible further incidents and allowing the healing process for all concerned to proceed.

Parallel Criminal Prosecution and University Action

1. It is the student's right to report an incident to appropriate law enforcement agencies and/or university officials. The university reserves the right to contact law enforcement agencies for any violation(s) of local, state, or federal law(s).
2. If a student is charged only with an off-campus violation of federal, state or local laws, but not with any other violation of this Code, conduct proceedings may still be instituted and sanctions imposed for grave misconduct which demonstrated flagrant disregard for the university community.
3. University conduct proceedings may be instituted against a student charged with violation of a law in connection with conduct that is also a violation of this Student Conduct Code, for example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.
4. When a student is charged by federal, state or local authorities with a violation of law, the university will not request or agree to special consideration in the criminal proceeding for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a conduct body under the Student Conduct Code, however, the university may advise off-campus authorities of the existence of the Student Conduct Code and of how matters will be handled internally within the university community. The university will cooperate as fully as is legally possible within FERPA guidelines, with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

Individual students and faculty members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Information on Civil Suits for Damages in Local Courts

Survivors can consult a lawyer about instituting a suit for damages against the alleged perpetrator in local civil (as opposed to criminal) court. The purpose of the suit is to compensate the survivor for the wrong done to him or to her. The alleged perpetrator does not, as a result of being sued, face criminal charges or the possibility of a criminal record, but may face paying the survivor substantial financial compensation. The standards of evidence in civil trials differ from criminal trials. In a civil trial, a finding must be proven by clear and convincing evidence, rather than by beyond a reasonable doubt. Thus, it is usually easier to find someone liable for damages in a civilly than it is to convict someone in a criminal court.

Many lawyers take such cases on a contingency basis, in which case the survivor would pay as the lawyer's fee an agreed portion of any compensation that he or she collects from the alleged perpetrator. Thus, the survivor's financial outlay and risk would not necessarily be substantial. If a case is brought by a survivor, the survivor's lawyer would file a civil lawsuit in which the survivor is the plaintiff and the alleged perpetrator is the defendant. The defendant would not be arrested nor charged with any crime, but he would receive documents from the court informing him that he was being sued and informing him of the facts alleged by the plaintiff.

After the defendant had answered the plaintiff's allegations in a written document prepared by his lawyer, the case would proceed to a stage called "discovery." During discovery, the plaintiff, accompanied by her lawyer, is questioned in private by the defendant's lawyer. Most cases do not go beyond discovery, although it is possible that it could continue further. If the plaintiff's answers to the defendant's lawyer's questions show that the plaintiff has a good case, the case would probably be settled by agreement before trial. In cases that are not settled, a trial would follow discovery. The case would probably be tried before a jury which could award the plaintiff a verdict that would include recovery for medical expenses, lost wages, pain and suffering, and punitive damages.

In summary, by bringing a civil lawsuit against the alleged perpetrator, a sexual assault survivor:

1. stands to be reimbursed for medical costs and for pain and suffering,
2. will probably not be involved in a trial, but most likely will be subjected only to questioning by the defendant's lawyer in private with her (his) own lawyer present,
3. does not take an appreciable financial risk, and
4. does not label the alleged perpetrator as a criminal.

Recommendation 10: **Establish an adjudication procedure for sexual assault cases whereby the Dean of Students and two individuals from a group of trained staff and students conduct each hearing. The two individuals would serve in an advisory capacity to the Dean, who will make the final decision regarding the disposition of the case.**

ADJUDICATION PROCEDURES

Persons who survive sexual assault may pursue internal university disciplinary action against the alleged perpetrator. The university's disciplinary process may be initiated against a student by bringing a complaint of sexual assault to the Dean of Students. The university's affirmative action officer also is available to render assistance to any survivor. Allegations of sexual assault will be investigated by the appropriate security offices and any other offices whose assistance may be valuable for gathering evidence.

The university reserves the right to independently discipline any member of the student body who has committed a sexual or other assault whether or not the survivor is a member of the university community and whether or not criminal charges are pending. Disciplinary actions against students accused of sexual assaults will be processed by the appropriate student affairs office of the School or campus attended by the accused student in accordance with established disciplinary procedures pertaining to the School in which the student is enrolled.

Both a survivor and the alleged perpetrator may bring their parents or another individual to provide personal support. Hearings are closed to all other non-participants. Legal counsel representing any participant is not permitted in the hearing. Both the survivor and the alleged perpetrator will be informed of the resolution of any university disciplinary proceeding arising from a charge that a sexual assault has been committed.

The university views sexual assault, in any of its forms, as a very serious matter and is committed to responding promptly and thoroughly to investigate sexual assault charges leveled at a university student. A student who has been sexually assaulted by another student, staff member, or faculty member is strongly encouraged to file a complaint with university officials, as well as any civil and/or criminal authorities the student deems appropriate.

Survivors may either file a report, to indicate to the university that the incident occurred, or may file a complaint, indicating to the university that they wish for an investigation and hearing process to commence. Survivors who wish to file a complaint against another student should do so as soon as possible after the assault, although complaints may be filed at any time up until the graduation of the alleged perpetrator. Undergraduates should contact the Dean of Students to file this report.

Cases involving charges of sexual assault shall be heard by the Dean of Students or if unavailable, the Senior Student Affairs Officer; and two other trained hearing board members.

Investigation Process

1. In addition to implementing the appropriate measures as enumerated in the Dean of Students' Office Protocol for sexual assault cases, when a complaint is officially filed by a survivor of sexual assault, the Dean of Students will request that the survivor sign a written statement (authored either by the survivor or an investigator of the case) that includes as much detail as possible. When this official report is filed, if the alleged perpetrator is a student, then the following procedures shall be followed.
2. The Dean of Students shall have the alleged perpetrator report to the Dean of Students' office within a reasonable period of time, not to exceed the next business day the university is open that the alleged perpetrator is on campus.
3. When the alleged perpetrator reports, the alleged perpetrator will then be informed by the Dean of Students of the report of the sexual offense, the policy violation, which is being alleged, and her/his rights regarding procedure and appeal.
4. The alleged perpetrator will be given an opportunity to present her/his side of the story at that time. If the alleged perpetrator does not report to the office as directed, the implementation of this policy shall still proceed.
5. At this point, the Dean of Students will determine whether there is reasonable cause to believe that a policy violation may have occurred. If:
 - (a) there is reasonable cause to believe that a policy violation may have occurred, and
 - (b) there is reasonable cause to believe that the alleged perpetrator may pose a threat or danger to the safety of the community, the Dean of Students may suspend a student on an interim basis when his/her behavior indicates that his/her continued presence on campus constitutes a danger to the normal operation of the institution, or to the safety of himself or herself or others, or to the property of the university or of others. The suspension shall continue until the completion of disciplinary proceedings or until the behavior giving rise to the interim suspension is resolved.

The interim suspension of the alleged perpetrator from campus shall not constitute a determination that the alleged perpetrator has violated this policy.

6. An investigation will then take place, conducted by a university official other than the hearing officer according to established investigatory procedures.

Hearing Process

The Hearing shall take place as soon after the incident is reported as is reasonable, no longer than seven days from the date of filing or the notification of the alleged perpetrator, whichever is later, unless the Dean of Students determines that reasonable cause exists for convening the meeting at a later, still reasonable time.

The Hearing Panel that hears a case under this policy shall administer its proceedings according to these fundamental assumptions:

- A. There will be no reference to the past consensual, nonviolent sexual contact and/or conduct of either the survivor or alleged perpetrator.
- B. No physical evidence of a sexual offense is necessary to determine that one has occurred, nor is a visit to the hospital or the administration of a rape kit required.
- C. The fact that an alleged perpetrator was under the influence of drugs or alcohol or mental dysfunction at the time of the sexual offense will not excuse or justify the commission of any sexual offense as defined herein, and shall not be used as a defense.

The Dean of Students will select two individuals from a pool of trained hearing officers to assist with the hearing, preferably including someone who is of the opposite sex from the Dean of Students. Both individuals involved in the hearing will respect the privacy of the students and that of all parties involved while they complete a thorough review of the situation. All participants will be required to keep the contents of the hearing confidential. The university investigation and hearing process will occur independently from any legal proceedings.

After reviewing the report of the investigator, the hearing panel:

- reads the charge to the alleged perpetrator and asks the alleged perpetrator to indicate whether s/he is responsible or not responsible for the misconduct in question;
- asks for a full statement from both the survivor and the alleged perpetrator describing the incident and giving relevant background;
- hears statements from witnesses;
- questions the survivor, alleged perpetrator, and witnesses.

The survivor and alleged perpetrator have the opportunity to respond to all statements and information presented to the panel or hearing officer. At the discretion of the Dean of Students, the alleged perpetrator may or may not be present when the survivor presents his/her statement and is questioned by the members of the hearing panel. The Dean of Students or her/his designee may direct that the survivor appear outside the presence of the alleged perpetrator for good cause.

The survivor and the alleged perpetrator have a right not to have his or her unrelated past sexual history discussed in the hearing.

In private session, the hearing panel will make a determination of the responsibility or non-responsibility of the respondent for the misconduct charged.

If the alleged perpetrator is found responsible for the violation, the investigators will consult the sanction guidelines of this policy and determine an appropriate penalty. The survivor and the alleged perpetrator will be notified of the verdict of the hearing and the penalty imposed.

As stated elsewhere in this policy, the survivor and the alleged perpetrator both have the right to appeal to the Senior Student Affairs Officer. The circumstances under which appeals may be granted are detailed later in this policy document in the section on appeals.

CONFIDENTIALITY

1. All of the proceedings of the hearing and all testimony given, shall be kept confidential.
2. For the duration of the hearing process and any appeals process, the survivor, the alleged perpetrator, and any witnesses coming forward shall have the right to determine when and if their names are publicly released. No one shall make a public release of a name not their own while the process is underway. Any public breach of confidentiality may constitute a violation of university policy and will be dealt with accordingly.
 - A. The name of the survivor shall not be considered public knowledge unless and until such time that the survivor releases her/his name publicly.
 - B. The name of the alleged perpetrator shall not be considered public knowledge until such time that the alleged perpetrator releases her/his name publicly, unless the alleged perpetrator is found in violation of the policy, at which time the release of the alleged perpetrators' name may be included with the release of the Hearing Board's findings. The name of the alleged perpetrator will be released with the Hearing Board's findings if a violation is found and the remedy includes the suspension or expulsion of the alleged perpetrator.
 - C. The names of any witnesses who testify to the Hearing Board shall not be released publicly unless and until such time that each witness chooses to release her/his own name publicly.
3. In the event of an appeal, the appealing party (or the party considering the appeal) shall have the right to review any written and/or audio records of the hearing. Such review shall take place on the university campus with a member of the Hearing Board present. No materials are to be duplicated by any party; no materials are to be removed from the university campus except to be given to the hearing review officer or to the university Attorneys.
4. All members of the Hearing Board, including any note-takers, are bound to keep the contents of the proceedings confidential.

Recommendation 11: Several possible sanctions are available for students found responsible for differing degrees of sexual assault. It is recommended that these sanctions be enumerated in the sexual assault policy, and that suggested guidelines be included for each type of behavior. The following list enumerates suggested sanctions for the offenses defined previously as Sexual Assault I, Sexual Assault II, non-disclosure of known positive HIV status, and non-disclosure of a known STD status.

SANCTION GUIDELINES

When a student is found responsible for a violation of policy, a sanction commensurate with the offense must be determined. The following are non-prescriptive guidelines for sanctioning various types of behavior. Given the unique nature of each incident, administrative discretion may be used as appropriate:

Sexual Assault I:

In the event that a student is found responsible for Sexual Assault I, one of two penalties is most common:

1. Immediate expulsion. This penalty becomes more likely to be chosen by the hearing officer with increasingly strong evidence of lack of consent and increasingly severe forms of violence involved in the incident.

-- or --

2.
 - a) immediate suspension for a period of no less than the current and subsequent semester;
 - b) successful completion a treatment program for sexual offenders approved by the Director of the Counseling Center before returning to campus; and
 - c) upon return to campus, be subject to mandatory housing location and class scheduling so that the perpetrator and survivor avoid, to the greatest extent possible, all contact, unless the survivor agrees otherwise; and
 - d) disciplinary probation through graduation that will include a provision that in the event that a second violation of any portion of the sexual assault policy occurs, the perpetrator must be expelled immediately.

Sexual Assault II:

For particularly violent incidents in which an individual is found responsible for Sexual Assault II, immediate expulsion may result. For most cases in which Sexual Assault II has been

committed, the following sanction is most common:

- a) immediate suspension for a period of no less than the current semester;
- b) successful completion a treatment program for sexual offenders approved by the Director of the Counseling Center before returning to campus; and
- c) upon return to campus, be subject to mandatory housing location and class scheduling so that the perpetrator and survivor avoid, to the greatest extent possible, all contact, unless the survivor agrees otherwise; and
- d) disciplinary probation through graduation that will include a provision that in the event that a second violation of any portion of the sexual assault policy occurs, the perpetrator must be expelled immediately.

Sexual Misconduct:

As with any violation of policy, a range of penalties is possible for violations involving sexual misconduct. In particularly violent incidents in which an individual is found responsible for Sexual Misconduct, immediate expulsion and/or a period of suspension no less than the current semester is possible. For most cases in which Sexual Misconduct has been committed, the following sanction is most common, however as is the case with any violation, any substitution, deletion or addition to this sanction may be imposed at the discretion of the hearing officer:

- a) successful completion of counseling with a member of the University Counseling Center staff or a professional approved by the Director of the Counseling Center; and
- b) disciplinary probation for a period no less than one year; and
- c) be subject to mandatory housing location and class scheduling so that perpetrator and survivor avoid, to the greatest extent possible, all contact, unless the survivor agrees otherwise; and
- d) a provision that in the event that the a second violation of any portion of the sexual assault policy occurs, the perpetrator must be expelled immediately.

Non-Disclosure of a Known Sexually Transmitted Disease:

In the event that an individual is found responsible for non-disclosure of a known sexually transmitted disease, then the recommended penalty is that the alleged perpetrator be suspended immediately for a period of no less than the current academic semester.

Longer suspensions, and possible expulsion, become more likely sanctions as the STD is increasingly permanent and/or medically debilitating. Lesser sanctions, not including suspension, may be considered for transmission of STDs that are able to be more easily treated and permanently eradicated. Whether or not the student is suspended, the following sanctions will be incurred:

- a) successful completion of sexually transmitted disease counseling with a member of the University Counseling Center staff or a professional approved by the

- b) Director of the Counseling Center before returning to campus (if applicable); and disciplinary probation for a period no less than one year; and
- c) a provision that in the event that a second violation of any portion of the sexual assault policy occurs, the perpetrator must be expelled immediately.

Recommendation 12: It is recommended that the sexual assault policy include an appeals process whereby both the survivor and the alleged perpetrator can appeal the results of a case. Appeals should be granted under restricted conditions. It is also recommended that the case be made appealable to the Senior Student Affairs Officer who by policy will have the last word. This alternative is enumerated below. Certainly, many additional variations are possible, such as two level appeal systems and unconditional appeal criteria.

THE APPEALS PROCESS

1. In the event that the alleged perpetrator or survivor is not satisfied with the decision of the Hearing Board, then she/he shall have the right to appeal the Hearing Board's decision within two weeks of receiving that decision.
2. This appeal shall be made to the Senior Student Affairs Officer, who shall have the final word on the case. Conditions under which a change in finding of fact or penalty can be modified under an appeal are limited to the following:
 - a) Major departure from established hearing procedures is evident;
 - b) An excessively lenient sanction was ordered given the facts of the case;
 - c) An excessively harsh sanction was ordered given the facts of the case; or
 - d) A compelling interest of the institution would be served by modifying the finding or sanction of the hearing board.

Recommendation 13: Do not, under any circumstances, mediate a sexual assault. Mediation implies joint responsibility for something that is in fact one person's choice – to rape another person. An institution should not mediate a felony.

Recommendation 14: **It is recommended that the University Health Center be equipped to administer evidence collection kits that can be used by the state for prosecution. A second alternative would be for the university to administer their own evidence collection kits for internal use only. Whether or not either of these alternatives are provided, option 3 delineates procedures that provide for off-campus examinations.**

MEDICAL ATTENTION AND EVIDENCE COLLECTION FOR SURVIVORS

Option 1: The University Health Center is equipped with the “Department of State Police Sexual Assault Evidence Collection Kit.” It is suggested that students who survive a sexual assault visit the University Health Center, especially within 72 hours of the incident, to have possible evidence collected. Doing so gives the survivor more options with regard to prosecution at a later date, and will insure that the survivor did not contract any sexually transmitted diseases, become pregnant, or is otherwise physically impacted by the incident.

A student may also choose to go to an off campus medical facility for this type of medical attention. Campus Security will provide transportation for survivors the following local hospitals designated as rape treatment centers:

List names of hospitals here.

Having a medical exam at one of these hospitals will trigger a criminal investigation, however the survivor is not required to cooperate with the cases’ prosecution.

Option 2: The University Health Center is equipped with a sexual assault evidence collection kit that can only be used for internal judicial proceedings. If a student wishes to preserve the option of criminal prosecution, a “Department of State Police Sexual Assault Evidence Collection Kit” will have to administered at a local hospital.

It is suggested that students who survive a sexual assault visit either the University Health Center or a local hospital, especially within 72 hours of the incident, to have possible evidence collected. Doing so gives the survivor more options with regard to prosecution at a later date, and will insure that the survivor did not contract any sexually transmitted diseases, become pregnant, or is otherwise physically impacted by the incident.

A student may choose to go to an off campus medical facility for this type of medical attention. Campus Security will provide transportation for survivors the following local hospitals designated as rape treatment centers:

List names of hospitals here.

Having a medical exam at one of these hospitals will trigger a criminal investigation, however the survivor is not required to cooperate with the cases' prosecution.

Option 3: It is suggested that students who survive a sexual assault receive medical attention, especially within 72 hours of the incident, to have possible evidence collected. Doing so gives the survivor more options with regard to prosecution at a later date, and will insure that the survivor did not contract any sexually transmitted diseases, become pregnant, or is otherwise physically impacted by the incident.

A student may choose to go to an off campus medical facility for this type of medical attention. Campus Security will provide transportation for survivors the following local hospitals designated as rape treatment centers:

List names of hospitals here.

Having a medical exam at one of these hospitals will trigger a criminal investigation, however the survivor is not required to cooperate with the cases' prosecution.

Recommendation 15: **Assign responsibilities to a current staff member to be the Sexual Assault Response Coordinator. This individual would serve as a primary resource for students reporting an assault and would be the primary resource for providing and collecting information about sexual assaults that are dealt with under the terms of this sexual assault policy.**

Having one staff member serve in this capacity will help insure that there is uniformity in the application of this policy, that there is an increased likelihood that the survivor's needs are being met, that the university will be able to have more reliable records of sexual assault cases within its jurisdiction, and will enable the university to more effectively respond to potential threats to the university community.

SEXUAL ASSAULT RESPONSE COORDINATOR

The workings of this protocol are overseen by the campus Sexual Assault Response Coordinator. The Coordinator serves as a primary resource for the student reporting an assault as well as for the responding departments. Each department will file a sexual assault incident report with the Coordinator immediately, but no later than 24 hours after initial contact with the student. Each department will also encourage the student to speak directly with the Coordinator for support in

seeking the additional services outlined in this protocol. The Coordinator will generally be "on-call" for near immediate availability to the student and to campus departments. The Coordinator will help the student understand, evaluate, and choose among the services outlined in this protocol. The Coordinator will also help ensure continuity of services by offering the student follow-up contacts as needed. The Coordinator will also serve as an important resource to departments for any concerns regarding sexual assault issues. Departments will be expected to maintain a close working relationship with the Coordinator for both ongoing staff development and crisis-intervention services.

If the student decides not to speak to the Coordinator, the Coordinator will still oversee the implementation of the protocol. For each sexual assault incident, the Coordinator will assign a common identification number to the reports received from the departments the student has contacted and open a file to track the incident. The Coordinator will contact the departments to follow-up on the services they provided for each incident without them disclosing the student's name (if necessary). Such follow-up with departments will help ensure consistent implementation of this protocol and generate feedback necessary for future revisions of the protocol. Such follow-up will also help departments stay informed about evolving services available in the College and general community.

Recommendation 16: Establish a Sexual Assault Response Team to meet when a single sexual assault or pattern of sexual assaults indicates a clear and present danger to the university community.

The existence of this team will set in place a mechanism for rapid response should a threat to public security exist resulting from a sexual assault incident or incidents.

SEXUAL ASSAULT RESPONSE TEAM

If the Sexual Assault Response Coordinator determines that a reported incident of sexual assault represents a potential danger to the campus community, the Coordinator will convene the Sexual Assault Response Team. A potential danger to the community is defined as follows:

- a) a pattern of acquaintance sexual assaults;
- b) a stranger assault;
- c) a particularly violent or sadistic assault;
- d) a gang rape.

The Sexual Assault Response Team will be composed of at least the:

- 1) Senior Student Affairs Officer
- 2) Dean of Students
- 3) Sexual Assault Response Coordinator
- 4) Campus Security representative (either campus or campus and community with jurisdiction)

Other members of the college community may be included as needed for a given set of circumstances.

The purpose of the Sexual Assault Response Team is to address the safety needs of the community while protecting the survivor's right to privacy and insuring the integrity of any police investigation. If a threat to the community is found to exist, a public warning or notification to the community may be released and other steps to ensure public safety will be considered. The Senior Student Affairs Officer will have final responsibility for the release of information, but will do so in consultation with the appropriate law enforcement authority and other members of the Sexual Assault Response Team. The Senior Student Affairs Officer will also provide notice of any situation affecting the safety of the community and the Team's

response to the following:

- a) The Provost
- b) Appropriate Academic Deans;
- c) The President;
- d) The Director of Campus Security (if not present on the team);
- e) The Office of University Relations;
- f) Other staff on a need to know basis.

The survivor will not be present at the team meetings. The survivor's rights to anonymity will be respected by all members and overseen by the Coordinator. The Sexual Assault Response Coordinator will keep the survivor informed of the team's actions, either directly when the survivor has spoken with the Coordinator, or indirectly through the contact person who reported the assault to the Coordinator.

Recommendation 17: **Establish a series of protocols for responding to sexual assault cases, with attached checklists to insure compliance, for each of the following offices: Residence Life, Health Center, Counseling Center, Campus Security, Chaplains, Peer Counselors, the Athletic Department and the Dean of Students Office. Establishing these protocols will help insure uniformity in response to sexual assault incidents and will increase the likelihood that survivors will be made aware of the support services available. In addition, record keeping will help track campus-wide activity as the university seeks to promote a safe and secure environment.**

OFFICE PROTOCOLS

The roles of the following campus departments and offices are covered by this protocol:

- a) Residence Life
- b) Health Center
- c) Counseling Center
- d) Campus Security
- e) Athletic Department

- f) Dean of Students
- g) Peer Counselors
- h) Chaplain's Office

Within each department, the protocol specifies:

- a) boundaries of confidentiality
- b) services offered by the department
- c) options and choices available to the student
- d) statements about services offered by associated departments

PROTOCOL FOR RESIDENCE LIFE

Because of the profound impact that sexual assault has on the student and the residence hall community, RAs may not keep knowledge of a sexual assault confidential. RAs are required to report this information to their Resident Director, and may be required to share information with Dean of Students, Sexual Assault Response Coordinator, Senior Student Affairs Officer, Director of Resident Life, and/or Campus Security staff on a "need to know" basis only. Beyond these specific contacts, RAs are required to keep this information in the strictest confidence. Resident Directors may also be required to share information with the aforementioned staff members on a "need to know" basis only.

The student reporting the assault to an RA will be given the option of directly discussing the incident with the Resident Director. It is preferable that the survivor talk with the Resident Director immediately. However, if it is the survivor's decision to talk with the RA, the RA will follow the procedure enumerated below. The checklist following the policy will assist the RA/RD in following these procedures.

Regardless of whether the survivor speaks with the Resident Director, the Resident Director will immediately contact the Sexual Assault Response Coordinator and file a sexual assault incident report form.

The RA/RD will encourage the student to speak directly with the Sexual Assault Response Coordinator for support in understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The RA/RD will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear and present danger to the community. Any and all actions taken by the team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The RA/RD will provide immediate support and problem-solving. The primary goal will be to help the student secure needed professional services. The RA/RD will not provide ongoing counseling, but will touch base with the survivor as needed.

The RA/RD will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student. The RA/RD will remind the student that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The RA/RD will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the medical facility, the police will be contacted to take possession of it until the student makes a decision about pursuing charges or not. The gathering of evidence does not commit the student to filing charges.

The RA/RD will encourage the student to file a report with Campus Security and will offer to accompany the student. The RA/RD will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). In an emergency situation that presents a direct and immediate threat to others on Campus, Campus Security may alert the Senior Student Affairs Officer and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The RA/RD will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment. The RA/RD will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

The RA/RD will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands.

The RA/RD will ask if the student has a safe place to go. If not, the RA/RD will help the student review the support resources available through the Dean of Students Office and the Health Center (as described in this protocol).

RESIDENCE LIFE SEXUAL ASSAULT PROTOCOL CHECKLIST

Resident Director: _____ Date: _____

Residence Hall: _____ Phone: _____

Instructions: The Resident Director should complete this form, based either on discussion with an RA or on direct discussion with a student reporting an assault. (If the student has declined to speak with the Resident Director, this will be a report of the actions taken by the RA). Please refer to full protocol discussion for more information about each step.

- _____ The RA will inform the reporting student of the RAs obligation to share information with the Resident Director and encourage the student to speak with the RD directly.
- _____ The RD will immediately contact the Sexual Assault Response Coordinator and file an anonymous sexual assault incident report form.
- _____ The RA/RD will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and offer to facilitate such a meeting.
- _____ The RA/RD will provide immediate support and problem-solving. The primary goal will be to help the student secure needed professional services.
- _____ The RA/RD will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student.
- _____ The RA/RD will encourage the student to file a report with Campus Security and offer to accompany the student.
- _____ The RA/RD will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment.
- _____ The RA/RD will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges.
- _____ The RA/RD will ask if the student has a safe place to go. If not, the RA/RD will help the student review the support resources available through the Dean of Students Office and the Health Center (as described in this protocol).

PROTOCOL FOR HEALTH CENTER

All contacts with the Health Center are confidential, except for the anonymous sexual assault report the Health Center will immediately file with the Sexual Assault Response Coordinator.

The Health Center staff will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The Health Center staff will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear danger to the community. Any and all actions taken by the Team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The Health Center will offer a medical examination and consultation, testing for sexually transmitted diseases and pregnancy, and follow-up as needed. If requested and within 72 hours of the assault, the Health Center will collect evidence and have Campus Security hold it should the student decide at a later date to agree to participate in a disciplinary proceeding against the alleged perpetrator. The Health Center can also admit students overnight for support when indicated and requested by the student. All of these services are voluntary and any procedure can be terminated at any time should the student so choose.

If the reported assault occurred on campus, the Health Center staff will encourage the student to file a report with the Campus Security; if the assault occurred off campus, the student would be advised to go to the local police with jurisdiction. The Health Center staff will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). In an emergency situation which presents a clear and present danger to others on campus, Campus Security may alert the Senior Student Affairs Officer directly and together they may take necessary action to protect the community while respecting the reporting student's anonymity.

The Health Center staff will encourage the student to consider taking advantage of counseling services available at the Counseling Center. The Health Center staff will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

The Health Center staff will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands. The Health Center staff will ask if the student has a safe place to go. If not, the Health Center staff will discuss the possibility of the student being admitted overnight and review the support services available through the Dean of Students Office (as described in this protocol).

HEALTH CENTER SEXUAL ASSAULT PROTOCOL CHECKLIST

Staff Member: _____

Date: _____

Instructions: The staff person working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to the full protocol discussion for additional information about each step.

- _____ The Health Center staff will explain that all contacts with the Health Center are confidential, except for the anonymous sexual assault report the Health Center will immediately file with the Sexual Assault Response Coordinator.

- _____ The Health Center staff will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting.

- _____ The Health Center will offer a medical examination and consultation, testing for sexually transmitted diseases and pregnancy, and follow-up as needed. If requested and within 72 hours of the assault, the Health Center will collect evidence and have Campus Security hold it should the survivor decide at a later date to participate in a disciplinary or legal action against the alleged perpetrator. The Health Center can also admit students overnight for support when indicated and requested by the student. All of these services are voluntary and any procedure can be terminated at any time should the student so choose.

- _____ If the reported assault occurred on campus, the Health Center staff will encourage the student to file a report with Campus Security; if the assault occurred off campus, the student would be advised to go to the local police with jurisdiction.

- _____ The Health Center staff will encourage the student to consider taking advantage of counseling services available at the Counseling Center.

- _____ The Health Center staff will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges.

- _____ The Health Center staff will ask if the student has a safe place to go. If not, the Health Center staff will discuss the possibility of the student being admitted overnight and review the support services available through the Dean of Students Office.

COUNSELING CENTER PROTOCOL

All contacts with the Counseling Center are confidential, except for the anonymous sexual assault report the Counseling Center will immediately file with the Sexual Assault Response Coordinator.

The Counseling Center staff will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The Counseling Center staff will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear danger to the community. Any and all actions taken by the Team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The Counseling Center will offer the student counseling support and crisis-intervention services. All services are strictly voluntary and appointments are made by phone. Immediate appointments can be arranged if needed and 24 hour on call coverage is provided in collaboration with the Health Center.

The Counseling Center staff will encourage the student to consider going to the Health Center or Emergency Room for medical services. The Counseling Center staff will remind the student that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The Counseling Center staff will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the Health Center, Campus Security will be contacted to take possession of it until the student makes a decision about pursuing charges or not. The gathering of evidence does not commit the student to filing charges, although the student's name is placed on the evidence kit at the time of the examination.

If the reported assault occurred on campus, the Counseling Center staff will encourage the student to consider filing a report with Campus Security; if the assault occurred off campus, the student would be advised to go to the local police with jurisdiction. The Counseling Center staff will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). In an emergency situation which presents a clear and present danger to others on Campus, Campus Security may alert the Senior Student Affairs Officer directly and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The Counseling Center staff will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands.

The Counseling Center staff will ask if the student has a safe place to go. If not, the Counseling Center staff will help review the support services available through the Dean of Students Office and the Health Center (as described in this protocol).

COUNSELING CENTER SEXUAL ASSAULT PROTOCOL CHECKLIST

Staff Member Name: _____ Date: _____

Instructions: The staff person working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to the full protocol discussion for more information about each step.

- _____ The Counseling Center staff will explain that all contacts with the Counseling Center are confidential, except for the anonymous sexual assault report the Counseling Center will immediately file with the Sexual Assault Response Coordinator.
- _____ The Counseling Center staff will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting.
- _____ The Counseling Center will offer the student counseling support and crisis-intervention services. All services are strictly voluntary and appointments are made by phone. Immediate appointments can be arranged if needed and 24 hour on call coverage is provided in collaboration with the Health Center.
- _____ The Counseling Center staff will encourage the student to consider going to the Health Center or Emergency Room for medical services.
- _____ If the reported assault occurred on campus, the Counseling Center staff will encourage the student to consider filing a report with Campus Security; if the assault occurred off campus, the student would be advised to go to the local police jurisdiction.
- _____ The Counseling Center staff will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges.
- _____ The Counseling Center staff will ask if the student has a safe place to go. If not, the Counseling Center staff will help review the support services available through the Dean of Students Office and the Health Center (as described in this protocol).

CAMPUS SECURITY/CAMPUS POLICE PROTOCOL

Students can file a report of sexual assault with Campus Security without pursuing a full investigation and without filing charges.

Campus Security will immediately file an anonymous sexual assault incident report form with the Sexual Assault Response Coordinator.

Campus Security will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. Campus Security will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear danger to the community. Any and all actions taken by the team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

Reports to Campus Security of acquaintance assault will normally be confidential. If a student is reporting a stranger assault or incident which may present a clear danger to the community, information about the incident will be released by the Senior Student Affairs Officer to help protect the community while respecting the student's anonymity.

In these discussions, Campus Security will offer information concerning the student's rights and options. Campus Security will explain that the student has the option of filing charges through the College disciplinary process and through the State court system. Through the courts, charges may be filed both on a criminal and civil basis. The student has the option of proceeding through any or all of these mechanisms for filing charges, or choosing not to file charges at all. The student should be aware that actions taken within the college disciplinary process may affect the outcome of any criminal or civil proceedings, and vice versa. Campus Security will recommend that the student discuss the interactions between these proceedings with the appropriate college and state officials.

After the survivor has filed a report, Campus Security will offer a full investigation of the incident that would include questioning of all parties involved. The survivor has the option of deciding whether Campus Security will investigate the reported assault. The Police will point out that all efforts will be made to maintain the reporting student's anonymity during the investigation.

If the survivor chooses to pursue a full investigation, upon its completion the survivor will have the option of filing charges. If the student pursues disciplinary action through the university, the results of the investigation will be released to the university hearing body and to the accused student through the Office of the Dean of Students. If the student decides to file state criminal charges, the results of the investigation will be released to the state prosecutor.

Campus Security will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student. Campus Security will remind the student

that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report with the Coordinator). Campus Security will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the medical facility, Campus Security will take possession of it until the student makes a decision about pursuing charges or not. The gathering of evidence does not commit the student to filing charges, although the student's name is placed on the evidence kit at the time of the examination.

Campus Security will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment. Campus Security will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

Campus Security will inform the survivor that the College has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands.

Campus Security will ask if the student has a safe place to go. If not, Campus Security will review the support services available through the Dean of Students Office and Health Center (as described in this protocol).

CAMPUS SECURITY SEXUAL ASSAULT PROTOCOL CHECKLIST

Staff Member Name: _____ Date: _____

Instructions: The staff person will initial each item completed. Please refer to the full protocol discussion for more information about each step.

- _____ Campus Security will explain that students can file a report of sexual assault with them without pursuing a full investigation and without filing charges.
- _____ Campus Security will immediately file an anonymous sexual assault incident report form with the Sexual Assault Response Coordinator.
- _____ Campus Security will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting.
- _____ Campus Security will explain that reports to them of acquaintance assault will normally be confidential. If a student is reporting a stranger assault or incident which may be a clear and present danger to the community, information about the incident will be released by the Senior Student Affairs Officer to help protect the community while respecting the student's anonymity.
- _____ Campus Security will offer information concerning the student's rights and options. Campus Security will explain that the student has the option of filing charges through the College disciplinary process, through the State court system, and through civil courts.
- _____ After the student has filed a report, Campus Security will offer a full investigation of the incident that would include questioning of all parties involved. The student has the option of deciding whether Campus Security will investigate the reported assault.
- _____ Campus Security will explain that if the student chooses to pursue a full investigation, upon its completion the student will have the option of filing charges. If the student pursues disciplinary action through the College, the results of the investigation will be released to the College hearing body. If the student decides to file state criminal charges, the results of the investigation will be released to the state prosecutor.
- _____ Campus Security will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student.
- _____ Campus Security will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment.
- _____ Campus Security will inform the survivor that the university has a disciplinary process with special modifications for incidents of sexual misconduct. Details of this process can

be confidentially discussed with the Dean of Students without filing charges.

_____ Campus Security will ask if the student has a safe place to go. If not, they will review the support services available through the Dean of Students Office and Health Center (as described in this protocol).

PROTOCOL FOR THE ATHLETIC DEPARTMENT

All contacts with the Athletic Coaches are confidential, except for the anonymous sexual assault report the Athletic Department will immediately file with the Sexual Assault Response Coordinator.

The Athletic Coach will encourage the student to speak directly with the Sexual Assault Response Coordinator for support in understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The Athletic Coach will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear and present danger to the community. Any and all actions taken by the team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The Athletic Coach will provide immediate support and problem-solving. The primary goal will be to help the student secure needed professional services. The Athletic Coach will not provide ongoing counseling, but will touch base with the survivor as needed.

The Athletic Coach will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student. The Athletic Coach will remind the student that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The Athletic Coach will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the medical facility, Campus Security (or the police depending upon where the incident occurred) will be contacted to take possession of it until the student makes a decision about pursuing charges. The gathering of evidence does not commit the student to filing charges.

The Athletic Coach will encourage the student to file a report with Campus Security and will offer to accompany the student. The Athletic Coach will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). In an emergency situation that presents a clear and present danger to others on Campus, Campus Security may alert the Senior Student Affairs Officer and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The Athletic Coach will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment. The Athletic Coach will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

The Athletic Coach will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be

confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands.

The Athletic Coach will ask if the student has a safe place to go. If not, the Athletic Coach will help the student review the support resources available through the Dean of Students Office and the Health Center (as described in this protocol).

ATHLETIC DEPARTMENT ASSAULT PROTOCOL CHECKLIST

Staff Member: _____ Date: _____

Phone: _____

Instructions: The staff person working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to the full protocol discussion for more information about each step.

- _____ The Athletic Coach will explain that all contacts with the Athletic Department are confidential, except for the anonymous sexual assault report the Athletic Department will immediately file with the Sexual Assault Response Coordinator.

- _____ The Athletic Coach will immediately contact the Sexual Assault Response Coordinator and file an anonymous sexual assault incident report form.

- _____ The Athletic Coach will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and offer to facilitate such a meeting.

- _____ The Athletic Coach will provide immediate support and problem-solving. The primary goal will be to help the student secure needed professional services.

- _____ The Athletic Coach will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student.

- _____ The Athletic Coach will encourage the student to file a report with Campus Security and will offer to accompany the student.

- _____ The Athletic Coach will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment.

- _____ The Athletic Coach will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges.

- _____ The Athletic Coach will ask if the student has a safe place to go. If not, the Athletic Coach will help the student review the support resources available through the Dean of Students Office and the Health Center (as described in this protocol).

DEAN OF STUDENTS OFFICE PROTOCOL

Discussions with the Dean of Students office are confidential, except for the anonymous sexual assault report the Dean or Dean's staff member will immediately file with the Sexual Assault Response Coordinator.

The Dean will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The Dean will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear and present danger to the community. Any and all actions taken by the team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The Dean will offer several levels of support, depending on what the student reporting an assault needs and chooses. The Dean can help reschedule tests and other academic expectations. The Dean can provide information on course withdrawals and medical withdrawals. Changes in living arrangements can also be arranged to reduce the chances of continuing contact between the student and the alleged perpetrator.

The Dean will offer information concerning the College disciplinary process and the reporting student's option to file charges. If the student chooses to file disciplinary charges, the Dean will help initiate this process.

The Dean will remind the student that he or she may also file criminal charges in state court and may file a suit in civil court no matter what action is taken with the College. The Dean will explain how possible state criminal proceedings might affect the college disciplinary hearing. The Dean will inform the student that a university disciplinary hearing may affect the outcome of any state criminal or civil proceedings. The Dean will recommend that the student speak to the State's Attorney about the impact of a college hearing on the state proceedings.

The Dean will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student. The Dean will remind the student that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The Dean will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the medical facility, Campus Security will be contacted to take possession of it (if on campus, otherwise local police jurisdiction will be called) until the student makes a decision about pursuing charges or not. The gathering of evidence does not commit the student to filing charges, although the student's name is placed on the evidence kit at the time of the examination.

If the reported assault occurred on campus, the Dean will recommend that the student file a report with the Campus Security and offer to accompany the student; if the assault occurred off

campus, the student would go to the local police with jurisdiction. The Dean will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report for with the Coordinator). In an emergency situation which presents a clear and present danger to others on Campus, the Police may alert the Senior Student Affairs Officer directly and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The Dean will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment. The Dean will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

The Dean will ask if the student has a safe place to go. If not, the Dean will review the student's options for changing rooms and temporary housing, as well as the supports available at the Health Center.

DEAN OF STUDENTS SEXUAL ASSAULT PROTOCOL CHECKLIST

Staff Member: _____

Date: _____

Instructions: The Dean or his or her designee will initial each item completed. Please refer to full protocol discussion for additional information about each step.

- _____ The Dean will explain that discussions with the Dean of Students office are confidential, except for the anonymous sexual assault report the Dean will immediately file with the Sexual Assault Response Coordinator.
- _____ The Dean will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting.
- _____ The Dean will offer several levels of support, depending on what the survivor needs and chooses. The Dean can help reschedule tests and other academic expectations. The Dean can provide information on course withdrawals, changing classes, and medical withdrawals. Changes in living arrangements can also be arranged to reduce the chances of continuing contact between the survivor and the alleged perpetrator.
- _____ The Dean will offer information concerning the College disciplinary process and the reporting student's option to file charges. If the student chooses to file disciplinary charges, the Dean will help initiate this process.
- _____ The Dean will remind the student that he or she may also file criminal charges in state court no matter what action is taken with the College. The Dean will explain how possible state criminal proceedings might affect the college disciplinary hearing and will inform the student that a college disciplinary hearing may affect the outcome of any state criminal or civil proceedings. The Dean will recommend that the student speak to the State's Attorney about the impact of a college hearing on the state proceedings.
- _____ The Dean will ask if the student has a safe place to go. If not, the Dean will review the student's options for changing rooms and temporary housing, as well as the supports available at the Health Center.

PROTOCOL FOR PEER COUNSELORS

Because of the profound impact that sexual assault has on the student and the university community, peer counselors may not keep knowledge of a sexual assault confidential. Members are required to report this information to their supervisor in the Counseling Center (if applicable), and may be required to share information with Dean of Students, Director of the Counseling Center, Sexual Assault Response Coordinator, Senior Student Affairs Officer, Director of Resident Life, and/or Campus Security staff on a "need to know" basis only. Beyond these specific contacts, peer counselors are required to keep this information in the strictest confidence. The peer counseling advisor may also be required to share information with the aforementioned staff members on a "need to know" basis only.

The student reporting the assault to a peer counselor will be given the option of directly discussing the incident with the peer counseling advisor. It is preferable that the survivor talk with the peer counseling advisor immediately. However, if it is the survivor's decision to talk with the peer counselor, she/he will follow the procedure enumerated below. The checklist following the policy will assist the peer counselor/Advisor in following these procedures.

Regardless of whether the survivor speaks with the peer counselor or the peer counseling advisor, the peer counseling advisor will immediately contact the Sexual Assault Response Coordinator and file a sexual assault incident report form.

The peer counselor/Advisor will encourage the student to speak directly with the Sexual Assault Response Coordinator for support in understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The peer counselor/Advisor will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear and present danger to the community. Any and all actions taken by the team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The peer counselor/Advisor will provide immediate support and problem-solving. The primary goal will be to help the student secure needed professional services. The peer counselor/Advisor will not provide ongoing counseling, but will touch base with the survivor as needed.

The peer counselor/Advisor will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student. The peer counselor/Advisor will remind the student that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The peer counselor/Advisor will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the medical facility, the police will be contacted to take possession of it until the student makes a decision about pursuing charges or not. The gathering of evidence does not commit the student to filing charges.

The peer counselor/Advisor will encourage the student to file a report with Campus Security and will offer to accompany the student. The peer counselor/Advisor will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). In an emergency situation that presents a direct and immediate threat to others on Campus, the Police may alert the Senior Student Affairs Officer and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The peer counselor/Advisor will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment. The peer counselor/Advisor will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

The peer counselor/Advisor will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands.

The peer counselor/Advisor will ask if the student has a safe place to go. If not, the peer counselor/Advisor will help the student review the support resources available through the Dean of Students Office and the Health Center (as described in this protocol).

PEER COUNSELOR/ADVISOR PROTOCOL CHECKLIST

Peer Counseling Advisor: _____ Date: _____ Phone: _____

Instructions: The Peer Counseling Advisor should complete this form, based either on discussion with a peer counselor or on direct discussion with a student reporting an assault. (If the student has declined to speak with the peer counseling advisor, this will be a report of the actions taken by the peer counselor). Please refer to full protocol discussion for more information about each step.

- _____ The Peer counselor will inform the reporting student of the Peer counselor's obligation to share information with the peer counseling advisor and will encourage the student to speak with the peer counseling advisor directly.

- _____ The peer counseling advisor will immediately contact the Sexual Assault Response Coordinator and file an anonymous sexual assault incident report form.

- _____ The Member/Advisor will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and offer to facilitate such a meeting.

- _____ The Peer Counselor/Advisor will provide immediate support and problem-solving. The primary goal will be to help the student secure needed professional services.

- _____ The Peer Counselor/Advisor will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student.

- _____ The Peer Counselor/Advisor will encourage the student to file a report with Campus Security and offer to accompany the student.

- _____ The Peer Counselor/Advisor will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment.

- _____ The Peer Counselor/Advisor will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges.

- _____ The Peer Counselor/Advisor will ask if the student has a safe place to go. If not, the Peer Counselor/Advisor will help the student review the support resources available through the Dean of Students Office and the Health Center (as described in this protocol).

CHAPLAIN'S OFFICE PROTOCOL

All contacts with the Chaplain's Office are confidential, except for the anonymous sexual assault report the Chaplain's Office will immediately file with the Sexual Assault Response Coordinator.

The Chaplain's Office staff will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting. The Chaplain's Office staff will remind the student that all discussions with the Coordinator are voluntary and confidential, although the Coordinator may share information with the Sexual Assault Response Team in cases when an incident presents a clear danger to the community. Any and all actions taken by the Team, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The Chaplain's Office staff member will provide spiritual counseling to the survivor to the extent she/he requests such counseling.

The Chaplain's Office staff member will encourage the student to go to the Health Center or Emergency Room for medical services and offer to accompany the student. The Chaplain's Office staff member will remind the student that the Health Center services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The Chaplain's Office staff member will explain to the student that time is of the essence for medical services and retrieval of evidence, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. If evidence is gathered by the medical facility, Campus Security (or the police depending upon where the incident occurred) will be contacted to take possession of it until the student makes a decision about pursuing charges. The gathering of evidence does not commit the student to filing charges.

The Chaplain's Office staff member will encourage the student to file a report with Campus Security and will offer to accompany the student. The Chaplain's Office staff member will remind the student that reports to Campus Security of sexual assault are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). In an emergency situation that presents a clear and present danger to others on Campus, Campus Security may alert the Senior Student Affairs Officer and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The Chaplain's Office staff member will encourage the student to consider taking advantage of counseling services available at the Counseling Center and offer to accompany the student to an appointment. The Chaplain's Office staff member will remind the student that all Counseling Center contacts are voluntary and confidential (except for the filing of an anonymous sexual assault incident form with the Coordinator).

The Chaplain's Office staff member will inform the survivor that the university has a

disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges. The Dean of Students office can offer other supports to the student including possible changes in living arrangements for safety reasons and help managing academic demands.

The Chaplain's Office staff member staff will ask if the student has a safe place to go. If not, the Chaplain's Office staff member Center staff will help review the support services available through the Dean of Students Office and the Health Center (as described in this protocol).

CHAPLAIN'S OFFICE SEXUAL ASSAULT PROTOCOL CHECKLIST

Staff Member Name: _____ Date: _____

Instructions: The staff person working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to the full protocol discussion for more information about each step.

- _____ The Chaplain's Office staff member will explain that all contacts with the Chaplain's Office are confidential, except for the anonymous sexual assault report the Counseling Center will immediately file with the Sexual Assault Response Coordinator.
- _____ The Chaplain's Office staff member will encourage the student to speak directly with the Sexual Assault Response Coordinator for support understanding, evaluating, and choosing among the services described in this protocol and will offer to facilitate such a meeting.
- _____ The Chaplain's office staff member will provide spiritual counseling to the survivor to the extent she/he requests such counseling.
- _____ The Chaplain's Office staff member will encourage the student to consider going to the Health Center or Emergency Room for medical services.
- _____ If the reported assault occurred on campus, the Chaplain's Office staff member will encourage the student to consider filing a report with Campus Security; if the assault occurred off campus, the student would be advised to go to the local police jurisdiction.
- _____ The Chaplain's Office staff member will inform the survivor that the university has a disciplinary hearing process with special modifications for incidents of sexual misconduct. Details of this process can be confidentially discussed with the Dean of Students without filing charges.
- _____ The Chaplain's Office staff member will ask if the student has a safe place to go. If not, the Chaplain's Office staff member will help review the support services available through the Dean of Students Office and the Health Center (as described in this protocol).

SEXUAL ASSAULT INCIDENT REPORT FORM

To be completed by staff members in Residence Life, the Health Center, Campus Security, the Dean of Student's office, the Peer Counseling Advisor, the Chaplain's Office, the Athletic Department and the Counseling Center. This report may also be completed by a friend or other staff member who has contact with the survivor as a "third party reporting system" when the survivor does not seek assistance from the aforementioned departments.

Instructions: This form is intended to convey information needed to track the university response to the incident being reported as well as to assess the danger the incident represents to the community at large. All efforts must be made to maintain the survivor's anonymity, unless permission for identification is given. No information should be included which might identify the survivor. Return to the Sexual Assault Response Coordinator (list address and phone here).

Survivor's Name, initials, or other identifier (if permission is given) _____

Survivor's phone number (if permission is given) _____

Your name: _____ Dept./Agency: _____ Phone: _____

Date of report: _____ Date of discussion with survivor: _____

Survivor's age: _____ Survivor's academic year: _____ Gender: _____ Race: _____

Date of incident: _____ Time of incident: _____ Occurred on campus? _____

If the assault occurred on campus, indicate where:

residence hall _____ fraternity _____ sorority _____ other campus building _____
outdoors _____ automobile _____ other (write in) _____

Describe location (name of building, street, etc. for both on campus and off campus incidents): _____

Describe assault (check one):

- _____ sexual contact (fondling, kissing, petting, but not penetration) without consent by force, threat, or intimidation
 _____ attempted intercourse without consent (penetration did not occur)
 _____ Intercourse (oral, anal, or vaginal penetration by penis or other object) without consent by force, threat or intimidation)
 _____ other, describe: _____

Was the absence of consent due to the survivor being incapacitated by alcohol? yes no

Was the absence of consent due to the survivor being incapacitated by other drugs? yes no

Describe the kind of pressure or force used by the alleged perpetrator (check all that apply):

- none
- verbal pressure or arguments
- position of authority (boss, teacher, supervisor, etc.)
- threat of physical force (threatened to hit, hold, or otherwise injure)
- physical force (hit, held survivor down, twisted arm, etc.)
- survivor was significantly incapacitated by
 - alcohol
 - other drugs
 - sleeping
 - disability
 - other (write in): _____

Was a weapon involved in the assault: yes no If so, what kind? _____

Number of alleged perpetrators: _____

If single alleged perpetrator, describe: gender race age height weight

Role of alleged perpetrator(s) on campus (check):

student faculty Staff Other No campus role

If single alleged perpetrator, describe nature of relationship with the survivor prior to the incident (check)

- stranger spontaneous date (i.e. met at bar or party)
- planned first date friend or non-romantic acquaintance of any age
- romantic acquaintance (girlfriend or boyfriend) or ongoing date relative

Name of alleged perpetrator(s): _____

Was alleged perpetrator using alcohol prior to the incident? Yes No

Was alleged perpetrator using drugs aside from alcohol prior to the incident? Yes No

Other departments or agencies the survivor reported this assault to:

- Sexual Assault Coordinator Health Center
- Residence Life Campus Police
- Counseling Center Dean of Students
- Athletic Department Other: _____

On what basis do you know the information contained in this report (heard directly from survivor, heard from a third party, etc). Please explain:

Recommendation 18: **Conduct an annual training session for staff who are in positions where they have to use this protocol (Health Center, Athletic Department, Resident Life, Campus Security, Dean of Student’s Office, Chaplains Office, Peer Counselors, Counseling Center). Refer to these trained individuals (with the exception of peer counselors) as “Sexual Assault Advisors” and publicize their availability to students for assistance with sexual assault incidents.**

SEXUAL ASSAULT ADVISORS

Staff in the Department of Resident Life, the Health Center, the Counseling Center, Campus Security, the Chaplain’s Office, Student Peer Counselors, and the Athletic Department and the Dean of Student’s Office undergo annual training for how to carry out their role in this policy. The individuals listed below are staff from among these departments who are trained individuals to whom sexual assault survivors are encouraged to contact after an incident occurs:

(List names and phone numbers; including home numbers if possible)

Recommendation 19: **It is recommended that educational measures be written into the sexual assault policy. The following list of measures is suggested for inclusion in the policy.**

EDUCATIONAL AND SUPPORT IMPLEMENTATION PROCEDURES

1. A minimum of one educational workshop about sexual assault and this policy will be incorporated into the orientation program for new students. Attendance shall be required of all students new to the university community.
2. Workshops on sexual assault issues will also be offered throughout the academic year by peer educators and administrators.
3. A self-defense course with an emphasis on women's self-defense will be offered each semester. This course should be open to all university community members free of charge.
4. Permanent support groups for female and male survivors of sexual offenses (rape, childhood sexual abuse, etc.) will be established and maintained through Counseling Services and/or the Sexual Offense Prevention and Survivors' Advocacy Program.
5. At least one peer education group will be maintained that shall consist of both female and male community members, recruited and trained by a student affairs professional staff member. If enough interest and resources are present, a coeducational group and an all-male sexual assault peer education group will be maintained. Regardless of the nature of peer education groups on campus, in accordance with the research literature, programmatic efforts will include a program presented by male peer educators to all-male audiences.
6. An annual training session for Sexual Assault Advisors will take place to educate new advisors and refresh the memory of experienced ones on the protocols for this policy. In addition, training for RAs and their role in carrying out this policy shall be conducted a minimum of once per year.

Appendix

Institutions Whose Policies and/or Procedures Were Reviewed for this Document

Antioch College	Northwestern University
Austin College	Ohio State University
Barnard College	Oregon State University
Beloit College	Ramapo College
Bemidji State University	Reid State Technical College
California Institute of Technology	San Diego State University
California State University, Chico	Southeastern Louisiana University
Carnegie Mellon University	Stanford University
Chapman University	State University of New York at Stony Brook
College of Saint Benedict	Temple University
College of Saint Scholastica	University at Buffalo: State Univ. of New York
College of William and Mary	University of Alabama
Cornell College	University of Arkansas
Cornell University	University of California, Los Angeles
Eastern Oregon State College	University of Chicago
Embry-Riddle Aeronautical University	University of Houston
George Mason University	University of Houston -- Downtown
Hood College	University of Maryland College Park
Indiana University of Pennsylvania	University of Michigan, Ann Arbor
Johns Hopkins University	University of Michigan, Flint
Kalamazoo College	University of North Carolina, Wilmington
Keene State College	University of Oklahoma
Kenai Peninsula College	University of Pennsylvania
Lawrence University	University of Richmond
Michigan State University	University of Rochester
Middlebury College	University of Tennessee, Knoxville
Midwestern State University	University of Texas at Austin
Minnesota Community College System	University of Virginia
Mississippi State University	Valley City State University
Monmouth University	Virginia Polytechnic Institute
Montana State University	Western Illinois University
Mount Holyoke College	Wright State University
North Dakota State University	Youngstown State University
Northern Arizona State University	