

Revised June 16, 2004

Hilbert College Sexual Assault Policy

Prepared in compliance with the federal Student Right to Know and Campus Security Act (Title II – Crime and Awareness and Campus Security, Section 668.47 (a) 12) and New York State Education Law (Section 6432).

Hilbert College promotes the personal safety of our entire academic community through awareness and respect for others. The information in this report is updated regularly and is available to all incoming and current students, as well as employees. It is made available to prospective students and employees upon request.

Applicable Laws, Ordinances, and Regulations:

All federal, state, and municipal laws apply on campus and are considered part of the Hilbert College Student Code of Rights and Responsibilities. This includes the New York State Penal Law, which details the criminal statutes dealing with sex offenses. According to New York State statutes, there are varying degrees of sexual assault. **Sexual Assault of any kind is a crime.** In compliance with the Student Code, any student who is found to have committed physical violence or abuse (including acquaintance rape, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person) is subject to disciplinary action.

New York State defines rape as forced or nonconsensual sexual intercourse which is accomplished by fear, threats of harm, and/or actual physical force. Rape may also include situations in which penetration is accomplished when the victim is unable to give consent or is prevented from resisting due to drug or alcohol consumption, unconsciousness, being asleep, mentally defective, or less than 17 years of age. Be aware that having sex with someone who is unable to give consent by being mentally incapacitated or unconscious (passed out) is rape.

New York State law recognizes that a married woman can be raped by her husband. Marriage does not necessarily imply consent. Note that the threat of force is sufficient; many women report fearing for their lives even when their attacker is not carrying a weapon.

Sexual assault is a broader term than rape. Sexual assault is any actual or attempted non-consensual sexual activity including, but not limited to, forcible anal or oral sex, attempted intercourse, rape by a foreign object, sexual battery, or sexual touching, by a person(s) known or unknown to the victim.

Forcing or coercing someone to have sexual intercourse or engage in unwanted sexual contact or penetration is against the law and unacceptable on our campus.

Penalties and Sanctions:

Under New York's Penal Law, criminal sex offenses are classified from Class A Misdemeanors through Class B Felonies. These offenses, including sexual abuse, sexual misconduct, and rape, are punishable by sentences ranging from six months to 25 years imprisonment, and fines. Depending on the violation – sexual abuse, aggravated sexual misconduct, or any of the three degrees of rape – a guilty individual may receive a prison sentence of 15 days to 25 years and/or a fine up to \$5,000.

Where there is a probable cause to believe that such violations have occurred, the College will pursue strong disciplinary action through its own channels, in accordance with the procedure outlined in the Student Handbook. This discipline includes the possibility of suspension or dismissal from the college.

The victim can bring a complaint either through the College judicial system or in criminal courts, or in both. Students are encouraged to speak with the Vice President for Student Life, the Director of Counseling, or a Safety Officer to discuss various legal courses open to them.

Rape and Sexual Assault Programs:

The Vice President for Student Life, the Director of Counseling, the Director of Residence Life, and the Director of Safety work together to develop educational programs related to promoting awareness of personal safety and campus security specifically focused on rape and sexual assault.

The campus education program on rape and sexual assault consists of the following:

1. Providing information during student orientation about rape and sexual assault.
2. Distributing educational information on definitions of sexual assault and possible penalties for assailants, including guidelines on how to avoid sexual assault.
3. Providing educational programs as part of curricular and co-curricular activities.
4. Providing information for on-campus and off-campus support services.

The Campus Safety and Security Committee, which is comprised of students, faculty, and administrative staff, is charged with the responsibility for reviewing and drafting appropriate policies in the area of personal safety, including rape and sexual assault.

Campus Safety is available, on a request basis, to escort students during day or evening hours.

Sexual Assaults on College Campuses:

College students are more vulnerable to sexual assault than any other age group. Nationally, the majority of reported victims and offenders are of college age, with the rate of victimization highest among 16 to 19 year olds. The second highest victimization rate is experienced by women between 20 and 24 years of age. Offender populations show a similar age distribution.

Traditionally-aged-college students are vulnerable to being victims of violence. They are typically in a new setting with a variety of environmental stressors, and away from direct parental supervision and past support systems. They are under peer pressure, their identities are not yet firm, their competence is not yet established, and they often have mistaken beliefs about their invincibility. They live among others who are experimenting with new freedoms. Thus, college students are a population at risk.

The most prevalent form of rape on college campuses is acquaintance rape. The acquaintance may be a date or friend of the victim, or someone the victim knows only casually, from a residence hall, a class, or through mutual friends. More than 60% of all reported rapes occur between acquaintances and 40% of these occur in the home.

Regardless of the relationship between them, if one person uses force to coerce another into submitting to sexual behaviors, or if consent is not given by the other party, the act is unlawful. The same criminal laws and penalties apply in cases of acquaintance rape and stranger rape, and other forms of sexual assaults.

Many acquaintance rapes involving college students follow similar patterns. Acquaintance rapes often occur at parties or in residential settings. Frequently, the students involved in these assaults have been drinking heavily or using drugs. Crime reports and prevention information can be obtained from Campus Safety.

There are many suggestions on how campus community members can reduce the risks of sexual assault, including:

- Walk with confidence and be alert. Assailants are less likely to target a person who appears assertive and difficult to intimidate.
- Be aware of your surroundings and the people around you.
- Avoid shrubbery, dark doorways, and other places of concealment while walking. Shun shortcuts through poorly lit areas.
- Avoid areas where there are few people.
- Leave your car in places that will be lighted when you return at night.
- Walk or run with a friend.
- Before entering a room or car, check to ensure it is safe to proceed.
- Change directions if you sense you are being followed or someone suspicious is near. Don't be afraid to run or call for help. Go to a store, police or fire station, or a nearby house.
- Wear clothes and shoes that provide for freedom of movement.
- Contact Campus Safety for escort service.

- Have first dates in public places. Separate transportation should be considered.
- Sexual desires and limits should be clearly communicated. Be careful to avoid giving or receiving mixed messages. Remember that leaving a party or other social event with someone you have just met can be dangerous.
- Be aware that use of force, pressure, or coercion is unacceptable and can lead to sexual assault charges.
- Don't take silence as consent. Respect the word "NO." Don't have sex with anyone who is drunk or passed out. Intercourse with someone who is unable to give consent or is physically helpless is rape, as defined by state criminal statutes.
- Seek education on rape prevention.
- Many acquaintance rapes involve alcohol or drugs. Avoid drugs and excessive alcohol in a dating situation. Judgment should not be allowed to become impaired.

Reporting Options:

Victims of campus sexual assaults are advised to:

1. **Report the assault.** Call Campus Safety or, if the assault occurs off campus, the Police at **911**. Hilbert College strongly encourages assault reporting, but reporting does not mean that you must prosecute.
2. **Contact a close friend or relative for support.**
3. **Seek medical attention immediately.** Whether or not you report the assault, you should have a medical examination immediately. The exam is confidential. Medical personnel will test for sexually transmitted diseases, look for physical injuries, and collect physical evidence. If you report the assault, Campus Safety or the police can provide transportation to the hospital and arrange for a Crisis Services sexual assault advocate to meet you there. If you choose to go to the hospital without notifying Campus Safety or the police, the hospital can still collect physical evidence, while protecting your anonymity, in case you later decide to prosecute.

Several options exist for reporting a sexual assault:

- File a report with Campus Safety or the local police. Reporting the assault immediately and preserving evidence will give you a foundation for prosecution. If you later decide not to prosecute, the report may help authorities identify the offender and prevent the victimization of others.
- You may file an anonymous proxy report of the details of the assault with the Counseling Center, or other campus department. While no police action can be taken against the assailant, the report may help identify a multiple assailant or other patterns.
- You may also file a judicial complaint for disciplinary action against the assailant, if the assailant in an on-campus incident is a student. This can be done in conjunction with criminal prosecution, or instead of it.

When you report an assault, you have the right:

- To have all incident and medical records kept confidential,
- To be treated without prejudice regarding race, academic class, lifestyle, sex, sexual orientation, age, occupation, religious beliefs, or physical disabilities,
- To be made aware of and receive medical treatment, psychological support, and legal counseling,
- To prosecute or not to prosecute, and
- To answer only those questions relevant to the crime.

Campus Safety and local public prosecutors work together closely to explore all options and to obtain convictions in sexual assault cases. Hilbert College personnel will assist students in notifying authorities and arranging for a sexual assault advocate, if requested by victim.

If You Are Raped or Sexually Assaulted:

- Go to a safe place
- If you want to report the rape or assault, notify the police or campus safety immediately. Reporting a crime can help you regain a sense of personal power and control.
- Call a friend, a family member, or someone you trust and ask her or him to stay with you.
- Preserve all physical evidence of the assault. Do not shower, bathe, douche, or brush your teeth. Save all of the clothing you were wearing at the time of the rape or assault. Place each item of clothing in a separate paper bag. Do not disturb anything in the area where the assault occurred.
- Go to a hospital emergency room that provides medical care for rape or sexual assault victims within 72 hours. Even if you think that you do not have physical injuries, you should still have a medical examination and discuss with a health care provider the risk and prevention of sexually transmitted diseases and the possibility of a resulting pregnancy.
- If you suspect that you may have been given a rape drug, ask the hospital to take a urine sample which will be preserved as evidence. Rape drugs, such as Rohypnol and GHB, are more likely to be detected in urine than blood.
- Write down as much as you can remember about the circumstances of the rape or sexual assault, including a description of the assailant.
- Talk with a counselor about the emotional and physical impacts of the assault.
- If you want further information about legal issues, medical care, or other concerns related to the rape or sexual assault, contact one or more of the following numbers:

Crisis Services (24 Hour Hotline).....	834-3131
Director of Counseling.....	649-7900 Ext. 232
Campus Safety.....	479-1233
Hamburg Police Department.....	911
Vice Provost for Leadership Development	649-7900 Ext. 230
Director of Residence Life.....	649-7900 Ext. 362

You have the right and the opportunity to bring charges under the Student Code of Rights and Responsibilities by contacting the Assistant Vice President of Student Life. Judicial proceedings will follow the format explained in the Student Handbook.

It is important to note that both the accuser and the accused are entitled to have others present during disciplinary proceedings. Both the accuser and the accused will be informed of the outcome of any campus disciplinary proceedings.

Hilbert College will make every reasonable attempt to help any student who is a victim of an alleged rape or sexual assault to change his or her academic or resident situations, if so requested.

Counseling and Support Services:

Counseling is available to victims of sexual assault through the Counseling Center, located in Franciscan Hall. This service is free and confidential. The Office of Student Life can also serve as a resource and referral agent to students in the event of a sexual assault.

Community resources such as Crisis Services are available. Victims are highly encouraged to make contact with at least one of these resources.

Information on Security Procedures:

The campus community is advised and updated on safety and security through the publication of the Annual Security report, which focuses on crime awareness and personal safety. The report is mailed to all students and made available on the Hilbert College website.

Notification is also made to the campus community, as appropriate, on specific threats to campus safety through campus media, publications, posters, and other methods.

Campus Sex Crimes Prevention Act:

In accordance with federal law Hilbert College maintains a registry of sex offenders living or working on campus which is available to students, faculty, and staff. The registry is located in the Office of Campus Safety.

Staff Protocol:

In an effort to provide an appropriate and coordinated response to campus victims of sexual assault, this protocol, resource listing, and proxy reporting process have been established. This protocol provides staff persons, to whom an assault may be reported, an opportunity to respond in a manner designed to best serve victim's needs and meet institutional responsibilities. This protocol should be used in conjunction with campus sexual assault policy.

Note: Campus personnel, other than those with significant counseling responsibilities (such as licensed professionals or certified counselors), must file a report when informed by a student of a sexual assault, to maintain compliance with the federal Crime Awareness Act. For further information on reporting requirements, contact Campus Safety.

Any time you are informed by a student that they have been a victim of sexual abuse or sexual assault you should do the following:

1. Ascertain whether the victim needs immediate medical assistance. Ask victims directly how they are physically and if medical treatment is needed. Explore this issue beyond initial questioning and observation if you feel it is necessary.
2. Make sure the victim has as much privacy as desired when speaking with you. Having anyone else in the room should be the victim's decision. Ask victims if they want someone with them at the time of your conversation. If a third party is present, assure that this person will hold information in strict confidence.
3. Find out the victim's most critical concern and respond in a non-judgmental, informed way.
4. Advise the victim of options regarding further steps in the process. Some of the options relate to personal, medical matters, and some to legal, practical matters. If the assault has just occurred, some of the medical options need to be addressed quickly, while other decisions may be deferred temporarily, depending on the particular circumstances and concerns of the student victim. The victim may choose to do one or more of the following:
 - a. Call Campus Safety. The victim may wish to report the incident. After providing victim support, an investigation will be conducted to determine crime and suspect.
 - b. Call the Police. The victim may wish to report the incident directly to local police. The police, however, are not required to notify Hilbert College and may be willing to consider the victim's wishes when determining whether, and how, Hilbert should be informed.
 - c. Students should also be advised that they cannot control the extent of an investigation, or the outcome, once local police become involved.

Although police will give the victim's wishes serious consideration, there may be circumstances (multiple assaults, for example) where local authorities determine evidence is sufficient and justice requires that one or more assailants be charged, despite victim objection.

Students should know that local prosecutors will counsel them about their involvement in a criminal case (some victims have elected to consult and retain local attorneys to represent their interest in the courts, but it is certainly not necessary to do so). Victims should also know that individuals and groups, on and off-campus, are available to support them throughout this process.

Call Crisis Services. The victim may wish to discuss the incident with Crisis Services, a community response agency, in person or on the telephone. A Rape Advocate Counselor from Crisis Services will meet a victim or go to the hospital for support. Tell the victim Crisis Services will provide a formal assessment of immediate medical and psychological needs. It will also evaluate the victim's needs, provide immediate counseling and support, and can make referrals for longer term care on personal concerns.

Go to the Emergency Room. The victim may wish to go directly for medical help and/or a forensics analysis. Hospital emergency rooms are the *only place where evidence necessary for medical and/or forensic evaluation and court testimony can be collected*. Victims should be advised not to shower, bathe, or change clothing prior to going to the Emergency Room as this will destroy important physical evidence.

Arrangements should be made to have someone accompany victim to the hospital (you, friend, staff member, resident advisor, etc.).

For physical evidence to be useful, it is best collected as soon as possible. The collection of medical evidence does not presume that charges will be pressed. As part of evidence collection, emergency room protocols involve testing for pregnancy and sexually transmitted diseases. Emergency room personnel can also offer the victim immediate counseling services, as well as local victim advocacy services.

Call Counseling. All contacts with the counselor are confidential. The counselor will provide counseling support or crisis intervention services. Immediate contact with a counselor can be arranged through Campus Safety.

Contact Judicial Affairs. If the victim is interested in information about the campus disciplinary process and how it might apply to a case, a meeting with Judicial Affairs can be arranged as soon as the victim wishes. At that meeting, the disciplinary process will be reviewed, explaining what the student's participation in the process would involve, so that an informed decision can be made on whether to file a formal complaint on campus.

Contact Student Life. The Student Life Office is always available to provide personal and administrative support. The office may be able to assist in making arrangements with academic departments for leaves, extend deadlines for class assignments, postpone exams, change class schedules to separate victim and assailant, and change housing situations. They can also provide information about the College's formal judicial process.

Contact Family. Victims may wish to speak with their parent(s) or another family member. The College strongly encourages open communication between parents and students.

Contact a Friend. Victims may wish to seek support from a relative, friend, clergy member, residence hall advisor, faculty member, etc.

Victims may elect to consult with a personal attorney.

Take No Action. Victims may wish to do nothing other than have a conversation with you.

Consider Assistance for Others. While the victim's care and support is the first priority, roommates or friends may be in need of counseling and support as well. Who are they? Where are they?

Contact State Crime Victim's Board. Compensation for losses and reimbursement for assault-related expenses might be available through this service, if a police report is filed within five days of an attack (charges do not have to be pressed, however, to qualify).

Victims are encouraged to officially report any sexual assault. If the student chooses not to report the assault, campus personnel, other than those with significant counseling responsibilities (such as licensed professionals or certified counselors), must file a report when informed by a student of a sexual assault, to maintain campus compliance with the Federal Crime Awareness Act.

Confidentiality

Confidentiality should be provided to both the victim and the accused to the extent possible and consistent with one's authority to do so.

Victim Assistance

Victims/survivors of sexual assault may experience emotional trauma caused by the loss of trust, control, self-esteem, power and judgment. Common symptoms include shock, fear, anxiety, depression, withdrawal, loss of normal coping mechanisms, insomnia, and headaches. The healing process begins when victims/survivors are able to tell someone about their experience. The initial care and support they receive can help reduce the sense of loss. It is crucial that respondents understand and be sensitive to the emotional aftereffects of sexual assault. Specifically, respondents should be aware that:

- Many victims/survivors of acquaintance rape do not immediately identify their experience as rape. They may feel that something is wrong, i.e., emotional upheaval, depression, but may not connect their feelings with the assault.
- Many victims/survivors feel they are to blame for the assault. This accounts for their feelings of shame and self-doubt.
- Victims/survivors experience different emotions at different times and in different ways. There is no "correct" reaction and no average length of time between assault and disclosure of the experience.

The following guidelines are offered by counseling experts as advice to those who want to help someone recover from the trauma of sexual assault.

Support the victim:

- Accept what you hear. Many acquaintance rape victims/survivors fear that their experience will be minimized as "not important."
- Listen. Allow victims/survivors to disclose as little or as much about the assault as is comfortable for them.
- Comfort them. Be reassuring in a gentle, non-disapproving way. Avoid questions that are judgmental. Don't ask questions that suggest that victims/survivors are responsible for their assailant's conduct, such as "Why didn't you say no?" Avoid "why, what, or where" questions as well.
- Help victims/survivors organize their thoughts, but let them decide how to proceed. Support their decisions. Try to separate how you feel about what has happened from what is best for their own recovery.
- Because a critical part of healing is regaining some sense of control over their lives, victims/survivors must be allowed to direct their own recovery and to have control over their thoughts, feelings, and actions.