

**THE NATIONAL CENTER FOR
HIGHER EDUCATION RISK
MANAGEMENT (NCHERM)**

**A MODEL CAMPUS SEXUAL ASSAULT
RESPONSE PROTOCOL**

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This publication is intended to provide assistance for achieving best practices in responding to campus sexual misconduct, but is not given and should not be taken as legal advice. Before acting on any of the ideas, opinions or suggestions in this publication, readers should always check first with a licensed attorney in their own jurisdiction.

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CREATING A CAMPUS-WIDE SEXUAL ASSAULT RESPONSE NETWORK/PROTOCOL

This protocol is now in its fourth iteration. I owe deep debts of gratitude to Katie Koestner, for her suggestions, time and input from a victim's perspective, and to Joanne Archambault, for giving of her time and expertise to improve this protocol tremendously for this edition. With appreciation. BAS.

OVERVIEW

The prevailing model for victimization-response on most college campuses is to designate a small number of people who are well-trained in sexual assault victim's services, and to direct all victims and others on campus who need assistance to those well-trained individuals.

Often, they are accessible 24/7 via cellular telephones, to provide assistance to all who call.

The problem is, on so many campuses, very few people ever call. And mostly, we've resigned ourselves to the under-utilization of these resources and the reality that few victims of sexual violence choose to report it. As I'm apt to do, I think it's time to question this model, and to challenge whether it is the best way to serve campus victims, and if more useful alternative models are available to us.

I think there is another model that bears exploration. It is based in a simple question: on your campus, who are victims most likely to approach for help, if anyone? On many of our campuses, the answer is not the well-trained members of our sexual assault response teams. The answer is: friends of victims, their roommates, their RA's, and often, trusted faculty members. Is it enough to simply train all these people to bring victims to the trained campus

resources? No. It isn't, simply because victims choose people they can trust, and more than anything else, they are concerned with confidentiality and having control over their choices. They don't want to talk to people who they don't know, and don't know they can trust. We continue to hear about fewer than a tenth of all the assaults that are impacting our students, and I want to propose an alternate model, which might serve victims better.

If we accept my assertion that the people most likely to be providing assistance and crisis-services to victims are their friends, roommates, RA's and faculty members, why aren't we providing training for these key people, so that when they are approached for assistance, they know how to help? This is one of those situations where we have tried to direct the flow of reporting, and victims have steadfastly swum in the opposite direction. I'm not suggesting that we abandon the sexual assault response team model, but I am suggesting that we broaden it, so that we can provide assistance to more than a handful of victims each year. Now, among friends, roommates, RA's and faculty, some of these people will be easier to train than others. RA's on many campuses currently are trained in some level of victimization-response, but are mostly discouraged from providing direct support, in favor of referring victims to trained campus resources. Because RA's already receive training, providing them with victimization-response information would not be complicated. Faculty, too, might volunteer for some training, depending on their level of interest. It might be harder to impose training on faculty members, but we require sexual harassment training on many of our campuses, and training on victimization-response could be added to it. Rutgers

University is a model. All 2000 faculty members receive victimization-response training annually. If Rutgers can do it, so can your institution.

Training friends and roommates might be harder. Volunteer trainings could provide information to those who are interested, but very few people who wind up needing to help a friend have any idea in advance that they will be called on in this way. There is no way for them to be able to anticipate the need for training. But, I do have an idea about how to make sure that just about anyone on a college campus who needs critical information about sexual assault response can get it easily. Widely disseminate the protocols contained in this publication.

The model protocols developed here are unusual in some ways. First, this publication contains checklists for very broad constituencies. It contains a section for Public Safety, Residence Life, Student Affairs, Health Services, Counseling Services, Faculty/Staff, Rape Crisis Centers and Friends/Roommates. This covers 90% or more of the people who victims might approach for assistance on a college campus, and can easily be adapted from its electronic format to provide critical information for support staff, student activities, coaches, or anyone else you would want to have this type of information. Further, the protocol distinguishes itself from most because it assumes no level of familiarity with the issue for those who implement it. Most protocols are written for people who are already trained in victimization response. This is more of a "Protocol for Dummies," if you will. Anyone can use it with only a quick reading.

The greatest impediment to reporting sexual assault is making the report itself. It requires courage, and faith that the person who is reported to will be sensitive, knowledgeable, competent, and capable of handling the situation, providing advice and options, and helping the student access critical services and resources. The Sexual Assault Response Network (SARN) is designed to ensure and quality-assure the provision of needed services, information, and treatment to victims in a time of crisis no matter when, how, or where they report a campus sexual assault. A SARN has two functions. First, it exists as a crisis management resource for victims. Second, an efficiently operating SARN is THE best, if not the only system, to ensure accuracy of reporting and provision of prompt and precise timely warning information in compliance with the Clery (Campus Security) Act.

The elements of the SARN include:

- An informational pamphlet available to students on “What to Do If You or Someone You Know is Sexually Assaulted.”
- Training in victimization response techniques for Residence Life Staff, Student Affairs/Development Administrators, Judicial Affairs administrators, Counselors, Health staff, Campus law enforcement, Faculty, Staff, etc.
- Recruiting and training of a Sexual Assault Response Coordinator (SARC) to oversee the network.
- Creating and training a Sexual Assault Peer Counselor organization to aid victims.
- Use of clearly defined “contact point” or “victim receptor” duty/role descriptions.
- Use of checklists by each contact point to ensure comprehensive, confidential provision of services/information and for centralized accountability and tracking by the SARC of the provision of services by members of the college community to victims of sexual violence.
- Anonymous report forms submitted by all contact points in a victim interaction, with centralized “case” tracking by the SARC via these forms, or an equivalent database.

- Coordination of campus and community sexual assault victim's resources and law enforcement agencies
- Provision of statements of victim's rights and accused student rights.

With these SARN elements in place, any employee of the college can be trained and prepared as a victim-receptor. Any employee to whom a victim chooses to report will know how to handle it, and will ensure provision of services and information through a checklist, which is turned over to the SARC for accountability and to ensure that each victim is getting the correct information and advice.

As each victim-receptor turns in checklists and anonymous report forms, the SARC will be able to see that victim X went to her RA. He took her to the hospital. She got a rape kit. She met with the campus victim advocate, who took her to see the Dean. A campus complaint was filed. She talked to the campus police, but decided not to press charges criminally. She refused to see a counselor, but knows the option is available to her if she ever needs it. Not only does the SARN provide for tracking of services provided, but will also allow an ongoing study of the incidence on sexual violence on your campus, through details supplied by the anonymous sexual assault incident report forms completed by the victim-receptors.

In terms of Clery Act reporting, it should be clear that the SARN provides a centralized reporting/tracking system that protects student anonymity and helps to create a broader picture of campus sexual violence. It also substantially alleviates the problem of inaccuracy, such as in the case of double counting when a victim reports to more than one campus authority. It also helps college officials to collect the fragments of information on incidents that will help to verify anonymous reports for statistical inclusion, and offers a mechanism for piecing together the factual information that campus security authorities need as the basis for determining when an incident poses a sufficient threat to warrant the release of a timely warning to the campus community.

Creating and implementing a SARN requires a moderate commitment of human and fiscal resources, but it is no less than what is necessary to comply with the Clery Act reporting requirements, and is an effective risk management mechanism designed to ensure provision of services to victims, thereby reducing the institutional liability that arises when students fall through the cracks and do not receive the information, advice, options and assistance they need.

CREATING A SARN ON YOUR CAMPUS

An ideal model sexual assault response system has two components: *people*, a web-like network of trained contacts throughout the college community to whom a student can turn after sexual victimization, and *protocol*, a written set of instructions and guidelines for each member of the network to follow when aiding a victim of sexual assault. For the web components to interact effectively to help the victim, each contact must be comprehensively trained in adequate response techniques, and must be thoroughly versed in how and when to interact with the other contacts in the network.

It may be administratively effective to employ a Sexual Assault Response Coordinator to train, organize, and supervise the web of contacts. The function of a response coordinator can be provided by a health services employee, doctor, counselor, or other coordinator hired specifically for that purpose. Many colleges are employing someone to fill this role, and we highly recommend this as one of the most pro-active steps toward rape prevention a college can take.

An effective network should be composed of some combination of the following contacts: The college President; the Vice-Presidents, Deans, and other Academic and Student Affairs administrators; Judicial affairs personnel; Residence Life staff; Resident Assistants; Student Health Center employees; psychologists; counselors; professors; local Women's Shelter or Rape-Crisis Center staff; support staff; peer leaders; peer educators; sexual assault peer

companions; fellow students; campus police; local police; District or Commonwealth's Attorneys; and local hospitals.

The reason for such extensive contact participation is that every member of the college community is a potential first contact for a sexual assault victim. Each contact needs to know his or her role and responsibility in helping the victim to transcend victimization and become a sexual assault survivor. Contacts have three primary responsibilities to the victim who approaches them. First, each contact needs to fulfill his or her role in relation to the victim as a friend, counselor, doctor, dean, etc. Second, each member of the network is responsible for ensuring that the victim is informed of the existence of the sexual assault response network and its function, and for providing options to the victim (if the victim so desires) for contacting the next logical contact within the web. Third, contacts need to be listeners. There is also the additional responsibility of alerting the other contacts in the web network that an assault has been reported. Structurally, it is important that the web not be linear. It must be circular and flexible. An RA, friend, or peer counselor must be able to advise the victim according to his or her needs to go to a doctor, a dean, the police, a counselor or whichever web contact it is most important for the victim to see in his or her time of crisis.

All options should be explained to the victim, but it is the choice of the victim as to what, if anything, they will do. Active listening is a key skill for all contacts here. Be aware that the victim has chosen to tell you about a very traumatic incident. Do not blame the victim in any way for his or her experience, as it is very likely that the victimized student will be engaging in a lot of self-blame already. Remember that what a victim needs desperately at this time is emotional support, guidance and direction. They need your reassurance that you support them. Keep in mind that the person you are dealing with may be emotionally distraught or even in shock.

Victims of sexual assault need clear boundaries and role definitions in those professionals who offer help because their personal boundaries have been violated. Victims need to know

what services are available, who provides them, and whether these services are confidential. Similarly, they need to know what is outside the scope of any given provider's services and they need to know that providers will stay safely in their roles. Victims of assault need clearly defined contact points and options, because they have been in a powerless position and denied choice. They need a chance to re-establish a sense of personal control. When explaining options, be aware that a victim in shock may not hear everything the first time you say it. Be patient, and frequently repeat what options are available, if necessary. A written handout with options clearly outlined should be given to the victim so that they may have a reminder of their options for later consultation. Most schools publish a pamphlet that serves this purpose. If your school does not already publish one, I recommend that you contact Skidmore College, in Saratoga Springs, NY, for a sample of a very comprehensive brochure.

SEXUAL ASSAULT RESPONSE NETWORK PROTOCOL

- ◆ *Goals:* The goal of this protocol is to specify the following information for each of the campus contact points who constitute the immediate support network for a student reporting sexual assault:
 - boundaries of confidentiality
 - services offered by the contact point
 - options and choices available to the student
 - statements about services offered by the departments of associated contact points

- ◆ *Operation:* All contact points will file an anonymous sexual assault report form (See Appendix A) with the Sexual Assault Response Coordinator. This report does not carry the student's name or other specific identifying information, unless specifically authorized by the victim. In cases which represent clear danger to the community at large, the Coordinator will contact the student affairs administration (usually the Dean of Students). If the administration concludes that a serious threat exists, it will release a warning to protect the community while preserving the reporting student's right to anonymity.

The student's use of contact points and any and all services provided by associated departments is *completely voluntary*. The Sexual Assault Response Coordinator will offer overall assistance and follow-up to the student. Follow-up can include counseling referrals, aid in seeking legal advice, medical treatment, family crisis management, help with rearranging class or exam schedules, transferring residence halls, and any other service or facilitation within the Coordinator's power and appropriate role. Residence Life staff (RA's and their superiors) will offer to accompany the student to seek professional services, but will not force or require this. At the Student Health Center and Counseling Center, all treatment and counseling services are voluntary.

When interacting with the campus police or security force, the student can choose whether to initiate an investigation and whether to file criminal and/or disciplinary charges. Initiating any academic or housing changes through student affairs is fully voluntary on the student's part, as is seeking disciplinary action by the college.

This protocol should establish consistency concerning statements made by each department/contact point about available services. The student should hear similar things from the various contact points in their efforts to inform the student of the network of support on campus and in the community. The Sexual Assault Response Coordinator should monitor each contact point to ensure consistent implementation of this protocol. Every effort should be made to coordinate efforts among the different contact points within the web so that the victim is not recounting his or her experience for each new contact. This might be too emotionally upsetting for a victim who may already be in a weakened or fragile state. Once an anonymous report or police report has been made, the victim should not need to recount the incident any more than is necessary for the contact to do his or her job.

CONTACT-POINT ROLES:

◆ **SEXUAL ASSAULT RESPONSE COORDINATOR** (or an appropriate administrator)

The workings of this protocol should be overseen by a Sexual Assault Response Coordinator. The Coordinator serves as a primary resource for the student reporting an assault as well as for the responding contact points. Each contact point will file an anonymous sexual assault incident report form with the Coordinator no later than 24 hours after initial contact with the student. Each contact point will also encourage the student to speak directly with the Coordinator for support in seeking the additional services outlined in this protocol. The Coordinator should be "on-call" for near immediate availability to the student and the contact point. 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 *contact points* for any concerns regarding sexual assault issues. Contact points will be expected to maintain a close working relationship with the Coordinator for both on-going 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 contact points the student has contacted and open a file to track the incident. These incidents must be published as statistics by the college in its annual Clery Act crime report. The Coordinator will follow up with the contact points on the services they provided for each student without disclosure of the student's name. Such follow-up with departments will help to ensure consistent implementation of this protocol and generate feedback, which will be useful in determining future revisions of the protocol.

SARC SEXUAL ASSAULT PROTOCOL CHECKLIST

What follows below is a protocol designed so a SARC who encounters a student who has experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. The SARC should initial each item in the protocol he or she completed.

_____ SARC will assure the immediate physical safety of the alleged victim

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at (name of) Hospital. Health Center hours are 0:00am-0:00pm, M-F, and 00:00am-0:00pm on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension [??].

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at (name of) Hospital. Health Center hours are 0:00am-0:00pm, M-F, and 0:00am-0:00pm on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension [??].

_____ SARC will attempt to determine when the assault took place, and will offer medical options accordingly:

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at (name of) Hospital (which has forensic sexual assault unit?). Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors

who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personal are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but

all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections

and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: SARC can provide transport, or staff members from residence life, counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students **[indicate here if yours does]**.

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: **[Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital]**

without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **SARC will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the [Non-consensual Sexual Intercourse or insert name of your policy on “rape” here] is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ Criminal Prosecution

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

_____ **Civil Suits/Civil Protection Order**

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **SARC may file an anonymous sexual assault incident report form.**

_____ **SARC will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **SARC will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **SARC 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.**

_____ **SARC will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;
- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;

- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____SARC will give the victim a copy of the college's sexual assault information pamphlet.

◆ ***RESIDENCE LIFE STAFF AND RA'S***

The RA/Residence Life Staff will immediately contact the Sexual Assault Response Coordinator and file an anonymous sexual assault incident report form.

The RA/Residence Life Staff 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/Residence Life Staff will remind the student that all discussions with the SARC are voluntary, are usually confidential, though the SARC will share information with the administration in cases where an incident presents a clear danger to the community. Any and all actions taken by the administration, including the possible release of a warning to the community, should be designed to protect the reporting student's anonymity.

The RA/Residence Life Staff will provide immediate support and short-term problem-solving. The primary goal will be to help the student secure needed professional services. The RA/Residence Life Staff does not normally need to provide ongoing peer counseling, but will touch base with the victim as needed.

The RA/Residence Life Staff will encourage the student to go to Health Services or the hospital emergency room for medical services and offer to accompany the student. The RA/Residence Life Staff will remind the student that Health Services are voluntary and may be confidential (except for the filing of an anonymous sexual assault report form with the SARC). The RA/Residence Life Staff will explain to the student that time is of the essence where medical services and retrieval of evidence are concerned, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes.

The RA/Residence Life Staff will encourage the student to file a report with Public Safety and offer to accompany the student to the police station. The RA/Residence Life Staff will remind the student that reports to Public Safety of sexual assault are voluntary. In an emergency situation which presents a direct and immediate threat to others on campus, Public Safety may alert the

administration directly, and take any action necessary in conjunction with the administration to protect the community while respecting the reporting student's anonymity.

The RA/Residence Life Staff will encourage the student to consider taking advantage of counseling services provided by the college and offer to accompany the student to an appointment. The RA/Residence Life Staff will remind the student that all counseling contacts are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the SARC).

The RA/Residence Life Staff will inform the student if the college provides a Sexual Assault Companion/Peer Helper Program, and that all services offered by this program are voluntary and may be confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). The Sexual Assault Companion Program is a group of students who provide peer support for sexual assault victims. Trained in counseling and peer support, Companions either work through local Rape Crisis Centers and Women's Shelters or have their own campus hotline or beeper system so that they can be contacted by students. They can accompany the victim to the hospital, help provide transportation, serve as support advocates at campus hearings, and provide other needed roles for victims.

The RA/Residence Life Staff will inform the student if a local women's shelter or rape crisis center provides a 24-hour Helpline or crisis intervention services.

The RA/Residence Life Staff will inform the student that the college has a judicial process for adjudicating incidents of sexual misconduct. Details of this process should be discussed with the appropriate student affairs or judicial affairs administrator. The Student Handbook should be a good resource for a full discussion of the hearing process. Student Affairs can offer other supports to the student including possible changes in living arrangements for safety reasons and help in managing academic demands.

The RA/Residence Life Staff will ask if the student has a safe place to go. If not, the RA/Residence Life Staff will help the student review the support resources available through

Student Affairs (or other appropriate administrative office) and the Health Center in order to secure for the student such a place.

Resident Directors receiving Protocol Checklists from RAs should turn them in to the Director of Residence Life, who should in turn keep a copy on file and forward the original to the Sexual Assault Response Coordinator.

RESIDENCE LIFE SEXUAL ASSAULT PROTOCOL CHECKLIST

Name: _____

Date: _____

Area: _____

Phone: _____

What follows below is a protocol designed so that residence life staff who are approached by someone who has experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

Instructions: RAs or their supervisors should complete this form, based either on discussions with an RA or on direct discussions with the student reporting an assault (If the student has declined to speak with a superior, this will be a report of the actions taken by the RA). The staff person working with the student reporting an assault should initial each item in the protocol he or she completed. The RA or supervisor should forward this checklist to the Director of Residence Life, who should then forward it to the Sexual Assault Response Coordinator.

_____ **Residence Life will assure the immediate physical safety of the alleged victim**

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of)** Hospital. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of)** Hospital. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

_____ **Residence Life will attempt to determine when the assault took place, and will offer medical options accordingly:**

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police

do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at (name of) Hospital (which has forensic sexual assault unit?). Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states

require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personnel are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on

what are commonly referred to as “date rape drugs”, many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Residence Life can provide transport, or staff members from residence life,

counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should

take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Residence Life will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the [\[Non-consensual Sexual Intercourse or insert name of your policy on “rape” here\]](#) is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ **Criminal Prosecution**

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

Civil Suits/Civil Protection Order

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Residence Life may file an anonymous sexual assault incident report form with the SARC.**

_____ **Residence Life will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Residence Life will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police

will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Residence Life 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.**

_____ **Residence Life will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;

- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____Residence Life will give the victim a copy of the college's sexual assault information pamphlet.

◆ *HEALTH SERVICES*

All contacts with Health Services require the completion of an anonymous sexual assault report form that Health Services will immediately file with the Sexual Assault Response Coordinator.

The Health Services staff will encourage the student to speak directly with the SARC for support in understanding, evaluating, and choosing among the services described in this protocol, and will offer to facilitate such a meeting. The Health Services staff will remind the student that all discussions with the SARC are voluntary and may or may not be confidential depending on the circumstances. The SARC may share information with the campus administration in cases where an incident presents a clear danger to the campus community. Any and all action taken by the administration, including the possible release of a warning to the community, should be designed to protect the reporting student's anonymity.

If the reported assault occurred on campus, the Health Services staff will encourage the student to file a report with Public Safety; if the assault occurred off-campus, the student should be advised to consult the local police department with jurisdiction over the location where the incident took place. The Health Services staff will remind the student that reports to the campus police of sexual assault are voluntary. In an emergency situation that presents a direct and immediate threat to others on campus, the police may alert the administration and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The Health Services staff will encourage the student to consider taking advantage of counseling services available through the college. The Health Services staff will remind the student that all counseling contacts are voluntary and confidential (except for the voluntary filing of an anonymous sexual assault report form with the Coordinator, with the consent of the victim).

The Health Services staff will inform the student of the Sexual Assault Companion/Peer Helper Program if one is available at your school, and help the student make contact if he or she desires it.

The Health Services staff will inform the student if a local Women's Shelter or Rape-Crisis Center provides a 24-hour Helpline or crisis-intervention service.

The Health Services staff will inform the student that the college has a hearing process for dealing with incidents of sexual misconduct. Details of this process can be discussed with student affairs or judicial affairs. Student Affairs can offer other supports to the student including possible changes in living arrangements for safety reasons and help in managing academic demands.

The Health Services staff will ask if the student has a safe place to go. If not, the Health Services staff will discuss the possibility of the student being admitted overnight and review the support services available through student affairs.

The Health Services staff will retain a completed copy of the checklist that follows for their own files, and forward the original to the Sexual Assault Response Coordinator.

HEALTH SERVICES SEXUAL ASSAULT PROTOCOL CHECKLIST

Name: _____

Date: _____

What follows below is a protocol designed so that health service providers who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

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 full protocol discussion for additional information about each step. When this form is completed, file one copy with Health Services, and forward the original to the Sexual Assault Response Coordinator.

_____ **Health Service will assure the immediate physical safety of the alleged victim**

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

_____ **Health Service will attempt to determine when the assault took place, and will offer medical options accordingly:**

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at (name of) Hospital (which has forensic sexual assault unit?). Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney

generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personnel are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about

prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Health Service can provide transport, or staff members from residence life, counseling, or campus security can accompany **[make sure this works with institutional transport policy]** and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical

attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception

that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Health Service will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as

long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the **[Non-consensual Sexual Intercourse or insert name of your policy on “rape” here]** is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ **Criminal Prosecution**

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, **(name of locality)** Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact **[either Public Safety or the (name of locality) Police Department]** to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the **(name of locality)** District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. **(name of state)** has a **??** year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than **??** years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take

months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

Civil Suits/Civil Protection Order

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders

can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Health Service may file an anonymous sexual assault incident report form with the SARC.**

_____ **Health Service will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Health Service will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an

incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Health Service 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.**

_____ **Health Service will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;
- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);

- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____Health Service will give the victim a copy of the college's sexual assault information pamphlet.

◆ ***COUNSELING CENTER***

All contacts with the Counseling Center are confidential, except for the anonymous sexual assault report form the Counseling Center may file with the Sexual Assault Response Coordinator, with permission of the victim.

The Counseling Center staff will encourage the student to speak directly with the SARC for support in 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 the SARC may share information with college administrators in cases where an incident presents a clear danger to the campus community. Any and all actions taken by the administration, including the possible release of a warning to the community, should 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. Immediate appointments should be arranged if needed and 24 hour on-call coverage or a helpline should be provided.

The Counseling Center staff will encourage the student to consider going to Health Services or hospital emergency room for medical services. The counseling staff will remind the student that Health 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 where medical services and retrieval of evidence are concerned, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes.

If the reported assault occurred on campus, the Counseling Center staff will encourage the student to consider filing a report with Public Safety; if the assault occurred off-campus, the student should be advised to go to the local police with jurisdiction. The Counseling Center staff will remind the student that the services offered by Public Safety are voluntary and may be

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 administration 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 student if there is a Sexual Assault Companion/Peer Helper Program on campus. The staff will remind the student that contacts with companions or peer helpers are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator).

The Counseling Center staff will inform the victim that the college has a disciplinary hearing process for incidents of sexual misconduct. Details of this process can be discussed with judicial or student affairs (or other appropriate administrator). The Student Handbook should provide a full discussion of options, procedures and consequences. Student Affairs 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 the student review the support services available through Student Affairs and Health Services to secure the student a safe place.

The Counseling Center staff will inform the victim if there is a campus victim support group for sexual assault survivors. The Counseling Center staff should help the victim join this group if he or she expresses a desire to do so.

COUNSELING CENTER SEXUAL ASSAULT PROTOCOL CHECKLIST

What follows below is a protocol designed so that counselors who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

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 full protocol discussion for additional information about each step. When this form is completed, file one copy with Counseling Services, and forward the original to the Sexual Assault Response Coordinator.

Counseling Center will assure the immediate physical safety of the alleged victim

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

Counseling Center will attempt to determine when the assault took place, and will offer medical options accordingly:

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at (name of) Hospital (which has forensic sexual assault unit?). Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney

generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personnel are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopalamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about

prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Counseling Center can provide transport, or staff members from residence life, counseling, or campus security can accompany **[make sure this works with institutional transport policy]** and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical

attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception

that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Counseling Center will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as

long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the **[Non-consensual Sexual Intercourse or insert name of your policy on “rape” here]** is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ **Criminal Prosecution**

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, **(name of locality)** Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact **[either Public Safety or the (name of locality) Police Department]** to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the **(name of locality)** District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. **(name of state)** has a **??** year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than **??** years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take

months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

Civil Suits/Civil Protection Order

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders

can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Counseling Center may file an anonymous sexual assault incident report form with the SARC.**

_____ **Counseling Center will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Counseling Center will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an

incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Counseling Center 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.**

_____ **Counseling Center will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;
- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);

- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____ Counseling Center will give the victim a copy of the college's sexual assault information pamphlet.

◆ ***PUBLIC SAFETY***

Students can file a report of sexual assault with Public Safety without pursuing a full investigation and without filing charges (in most jurisdictions).

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

Public Safety 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. Public Safety will remind the student that all discussions with the SARC are voluntary and may be confidential, although the SARC may share information with the administration in cases when an incident presents a clear danger to the campus community. Any and all actions taken by the administration, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

Reports to Public Safety of sexual misconduct will be logged into the police log and made available to the public within two business days of the filing of the report. No personally identifiable information on the victim will be released.

Public Safety will offer information concerning the student's rights and options. Public Safety will explain that the student has the option of filing charges through the college judicial process as well as through the state and possibly the federal court system. Through the courts, charges may be filed on a criminal basis and suit may be filed on a civil basis. The student has the option of proceeding through any or all of these mechanisms for filing criminal charges and/or civil suit, or choosing not to file 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. Public Safety will recommend that the student discuss the interactions between these proceedings with the appropriate college and civil authorities.

After the student has filed a report, Public Safety will offer to initiate a full investigation of the incident that would include questioning of all parties involved. In most cases, the student has the option of deciding whether Public Safety will investigate the reported assault. Public Safety should point out that all efforts will be made to maintain the reporting student's anonymity during the investigation. The victim's identity should not be revealed to the press, or discussed in Public Safety radio transmissions that might be monitored.

If the student chooses to pursue a full investigation, he or she will have the option of filing charges when it has been completed. If the student pursues disciplinary action through the college, the results of the investigation may be released to the college hearing board and to the student. If the student decides to file state criminal charges, the results of the investigation may be released to the District or Commonwealth's Attorney.

Public Safety will encourage the student to go to Health Services or hospital emergency room for medical services and offer to transport and/or accompany the student. Public Safety will remind the student that the Health Center services are voluntary and may be confidential (except for the filing of an anonymous sexual assault report form with the SARC). Public Safety will explain to the student that time is of the essence where medical services and retrieval of evidence are concerned, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes. The gathering of evidence does not commit the student to filing charges (in most jurisdictions), although the student's name is placed on the evidence kit at the time of the examination.

Public Safety will encourage the student to consider taking advantage of counseling services available through the college, and offer to accompany the student to an appointment. Public Safety will remind the student that all counseling contacts are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator).

Public Safety will inform the student if a Sexual Assault Companion/Peer Helper Program is available. Public Safety will explain that all student contacts with companions or peer helpers

are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Coordinator).

Public Safety will inform the victim that the college has a judicial process for incidents of sexual misconduct. Details of this process can be discussed with student or judicial affairs (or other appropriate administrator). The Student Handbook should provide a full discussion of options, procedures and consequences. Student Affairs can offer other supports to the student including possible changes in living arrangements for safety reasons and help in managing academic demands.

Public Safety will ask if the student has a safe place to go. If not, Public Safety will review the support services available through Student Affairs and Health Services in order to secure the victim such a place.

Public Safety should strongly consider training a female officer in rape crisis and sexual assault protocol. Female victims who have just been assaulted by a man are going to be very uncomfortable giving the details of the incident to a male authority figure. A female officer should be on call at all times. Contact with a female officer can make female victims more comfortable and more inclined to talk to the police and report the incident. It will be less intimidating for a victim to talk with a police officer who is not in uniform. Similarly, a victim may be more comfortable and less intimidated if the assault report is not taken in the police station. Public Safety should inform the student that he or she may have a support person with them throughout the interview.

Public Safety should also establish liaison procedures for cooperating with local police in cases of off-campus assault. Local police should be able to provide student victims with information on the college contact points, and be aware of the structure of the college's sexual assault response protocol. Written procedures for sharing evidence, medical information, police reports, and other vital information should be worked out to ensure effective cooperation and coordination.

PUBLIC SAFETY SEXUAL ASSAULT PROTOCOL CHECKLIST

Name: _____

Date: _____

What follows below is a protocol designed so that Public Safety Officers who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

Instructions: The officer working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to full protocol discussion for additional information about each step. When this form is completed, file one copy with Public Safety, and forward the original to the Sexual Assault Response Coordinator.

_____ **Public Safety will assure the immediate physical safety of the alleged victim**

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

_____ **Public Safety will attempt to determine when the assault took place, and will offer medical options accordingly:**

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at **(name of) Hospital (which has forensic sexual assault unit?)**. Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long]. Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate.

The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personnel are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopalamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim’s body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed

clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Public Safety can provide transport, or staff members from residence life, counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Public Safety will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on

policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, **who may be contacted at ??**.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the **[Non-consensual Sexual Intercourse or insert name of your policy on "rape" here]** is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those

people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

Criminal Prosecution

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect.

Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrestment of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

Civil Suits/Civil Protection Order

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Public Safety may file an anonymous sexual assault incident report form with the SARC.**

_____ **Public Safety will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (contact info. and location). Meetings are confidential, free of charge [and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information]. There are also Clergy/Chaplains available on campus (contact info. and location).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (Tel. # ?), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Public Safety will explain the bounds of confidentiality of reports.**

The college policy: [Insert your policy here, if it differs from this sample] Victims should be aware that reports made to many campus resources (see Handbook, p.?) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Public Safety 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.**

_____ **Public Safety will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;
- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;

- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____ Public Safety will give the victim a copy of the college's sexual assault information pamphlet.

◆ *STUDENT /JUDICIAL AFFAIRS (or other appropriate administrative department)*

If a dean or other administrator is the victim's first contact, it is important to remember that the administrator may later be called upon to act as an adjudicator with respect to the sexual assault allegation. Thus, the administrator may encourage the victim to give the details of the incident to another contact if one is readily available, or if he or she does take the initial report, to recuse him or herself from any subsequent adjudicatory role. This is as much an ethical precaution as a legal one. It is preferable for an administrator to recuse him or herself later rather than turn a victim away, because sending the victim to another contact may discourage the victim altogether. It must also be kept in mind that once an administrator has actual notice of an instance of sexual harassment, institutional obligations under Title IX to investigate and perhaps provide a formal resolution to the complaint engage.

Student Affairs will immediately file an anonymous sexual assault report form with the Sexual Assault Response Coordinator.

Student Affairs 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. Student Affairs will remind the student that all discussions with the SARC are voluntary and may be confidential, although the SARC may share information with the administration in cases where an incident presents a clear danger to the community. Any and all actions taken by the administration, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

Student Affairs will offer several levels of support, depending on what the student reporting an assault needs and chooses. Student Affairs can help reschedule tests and other academic requirements. Student Affairs 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. No finding of a campus policy violation need be made in order to provide a victim with these services, and they cannot be denied if reasonably available.

Student Affairs will offer information concerning the college judicial process and the reporting student's option to file charges. The Student Handbook should provide details of the hearing process. If the student chooses to file a conduct complaint, student affairs will help initiate this process.

Student Affairs will remind the student that he or she may also file criminal charges in state court no matter what action is taken within the college. Student Affairs will explain how state criminal and civil proceedings might affect the outcome of the college disciplinary hearing and vice versa. Student affairs will recommend that the student speak to the District or Commonwealth's Attorney about the possible impact of a college hearing on the state proceedings.

Student Affairs will encourage the student to go to Health Services or the hospital emergency room for medical services, and offer to accompany the student. Student Affairs will remind the student that Health Services are voluntary and may be confidential (except for the filing of an anonymous sexual assault report form with the Coordinator). Student Affairs will explain to the student that time is of the essence where medical services and retrieval of evidence are concerned, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes.

If the reported assault occurred on campus, Student Affairs will recommend that the student file a report with Public Safety and offer to accompany the student; if the assault occurred off-campus, the student should be encouraged to go to the local police with jurisdiction. Student Affairs will remind the student that reports to Public Safety of sexual assault are voluntary and may/may not be kept confidential. Student Affairs and Public Safety should make a determination of whether the situation presents a direct and immediate threat to others on campus, and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

Student Affairs will encourage the student to consider taking advantage of counseling services available through the college and offer to accompany the student to an appointment. Student Affairs will remind the student that all counseling contacts are voluntary and confidential (except for the voluntary filing of an anonymous sexual assault report form with the SARC, with the consent of the victim).

Student Affairs will inform the student if the college provides a Sexual Assault Companion/Peer Helper Program. Student Affairs will explain that all student contacts with companions or peer helpers are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the SARC), and help the student to make contact with the peer programs.

Student Affairs will inform the student if a local Women's Shelter or Rape-Crisis Center provides a 24-hour Helpline or crisis-intervention services.

Student Affairs will ask if the student has a safe place to go. If not, student affairs will review the student's options for temporary and permanent housing changes, as well as the options available through Health Services.

Student Affairs will complete the following checklist and retain a copy for its files. Student Affairs should forward the original to the Sexual Assault Response Coordinator.

STUDENT AFFAIRS/JUDICIAL AFFAIRS SEXUAL ASSAULT PROTOCOL CHECKLIST

Staff: _____

Date: _____

What follows below is a protocol designed so that administrators who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

Instructions: The administrator working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to full protocol discussion for additional information about each step. When this form is completed, file one copy with Student Affairs, and forward the original to the Sexual Assault Response Coordinator.

_____ **Student/Judicial Affairs will assure the immediate physical safety of the alleged victim**

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

_____ **Student/Judicial Affairs will attempt to determine when the assault took place, and will offer medical options accordingly:**

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at **(name of) Hospital (which has forensic sexual assault unit?)**. Some states require that law enforcement authorize and pay for the forensic examination because the

examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long]. Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personal are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopalamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim’s body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Student/Judicial Affairs can provide transport, or staff members from residence life, counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Student/Judicial Affairs will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, **who may be contacted at ??**.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the **[Non-consensual Sexual Intercourse or insert name of your policy on "rape" here]** is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

Criminal Prosecution

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect.

Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt,

charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions are/are not closed to the public, and the name of the victim is/is not protected from release, and/but people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

_____ **Civil Suits/Civil Protection Order**

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Student/Judicial Affairs may file an anonymous sexual assault incident report form with the SARC.**

_____ **Student/Judicial Affairs will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Student/Judicial Affairs will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to

college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Student/Judicial Affairs 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.**

_____ **Student/Judicial Affairs will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;
- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);

- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____ Student/Judicial Affairs will give the victim a copy of the college's sexual assault information pamphlet.

◆ **FACULTY OR STAFF MEMBER**

The faculty or staff member will immediately contact the Sexual Assault Response Coordinator and file an anonymous sexual assault incident report form. Discussions with faculty or staff members may be confidential.

The faculty or staff member 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 faculty or staff member will remind the student that all discussions with the SARC are voluntary and may be confidential, although the SARC may share information with the administration in cases where an incident presents a clear danger to the community. Any and all actions taken by the administration, including the possible release of a warning to the community, should be designed to protect the reporting student's anonymity.

The faculty or staff member will provide immediate support and assist in *short-term* problem-solving. Often, a victim will seek out a professor because of academic concerns resulting from sexual victimization. The primary goal will be to help the student secure needed professional services. The faculty or staff member does not need to provide ongoing counseling, but will touch base with the victim as needed.

The faculty or staff member will encourage the student to go to Health Services or the hospital emergency room for medical services and offer to accompany the student. The Faculty or staff member will remind the student that Health Services are voluntary and may be confidential (except for the filing of an anonymous sexual assault report form with the SARC). The faculty or staff member will explain to the student that time is of the essence where medical services and retrieval of evidence are concerned, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes.

The faculty or staff member will encourage the student to file a report with Public Safety and offer to accompany the student. The faculty or staff member will remind the student that reports

to Public Safety of sexual assault are voluntary. In an emergency situation which presents a direct and immediate threat to others on campus, Public Safety may alert the administration directly and together they may take any action necessary to protect the community while respecting the reporting student's right to anonymity.

The faculty or staff member will encourage the student to consider taking advantage of counseling services provided by the college and offer to accompany the student to an appointment. The faculty or staff member will remind the student that all counseling contacts are voluntary and confidential (except for the filing of a voluntary anonymous sexual assault report form with the SARC, with the consent of the victim).

The faculty or staff member will inform the student if the college provides a Sexual Assault Companion/Peer Helper Program, and that all services are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the Sexual Assault Response Coordinator). The Sexual Assault Companion Program is a group of students who provide peer support for sexual assault victims. Trained in counseling and peer support, companions either work through local Women's Shelters/Rape Crisis Centers, or their own campus hotline or beeper system so that they can be contacted by students. They can accompany the victim to the hospital, help provide transportation, serve as support advocates at campus hearings, and provide other needed roles for victims. Also, these students can receive state certification as peer counselors by taking a state-approved training program if one is available in your state.

The faculty or staff member will inform the student if a local women's shelter provides a 24-hour Helpline or crisis intervention services.

The faculty or staff member will inform the student that the college has a judicial process for adjudicating incidents of sexual misconduct. Details of this process can be discussed with student affairs (or other appropriate administrator on your campus). The Student Handbook should be a good resource for a full discussion of the hearing process. Student affairs can offer other supports to the student including possible changes in living arrangements for safety reasons and help in managing academic demands.

The faculty or staff member will ask if the student has a safe place to go. If not, the faculty or staff member will help the student review the support resources available through Student Affairs and Health Services in order to secure for him or her a safe place to go.

The faculty or staff member should complete the following checklist, file a copy for his or her records, and forward the original to the Sexual Assault Response Coordinator.

FACULTY OR STAFF MEMBER SEXUAL ASSAULT PROTOCOL CHECKLIST

Name: _____

Date: _____

Department: _____

Phone: _____

What follows below is a protocol designed so that faculty or staff members who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

Instructions: The faculty or staff person working with the student reporting an assault should initial each item in the protocol he or she completed. Please refer to full protocol discussion for additional information about each step. When this form is completed, file one copy with your supervisor, and forward the original to the Sexual Assault Response Coordinator.

_____ **Faculty or Staff will assure the immediate physical safety of the alleged victim**

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

_____ **Faculty or Staff will attempt to determine when the assault took place, and will offer medical options accordingly:**

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police

do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at (name of) Hospital (which has forensic sexual assault unit?). Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states

require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personal are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on

what are commonly referred to as “date rape drugs”, many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Faculty or Staff can provide transport, or staff members from residence life,

counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should

take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Faculty or Staff will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the [Non-consensual Sexual Intercourse or insert name of your policy on “rape” here] is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ **Criminal Prosecution**

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

Civil Suits/Civil Protection Order

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Faculty or Staff may file an anonymous sexual assault incident report form with the SARC.**

_____ **Faculty or Staff will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Faculty or Staff will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police

will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Faculty or Staff 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.**

_____ **Faculty or Staff will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;

- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____ Faculty or Staff will give the victim a copy of the college's sexual assault information pamphlet.

◆ ***RAPE CRISIS CENTER/WOMEN'S SHELTER***

All contacts with the local Rape Crisis Center/Women's Shelter are confidential, except for the anonymous sexual assault report form the Rape Crisis Center/Women's Shelter will immediately file with the Sexual Assault Response Coordinator.

The Rape Crisis Center/Women's Shelter staff 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 Rape Crisis Center/Women's Shelter staff will remind the student that all discussions with the Coordinator are voluntary, and usually confidential, though the SARC will share information with college administrators in cases where an incident presents a clear danger to the community. Any and all actions taken by the administration, including the possible release of a warning to the community, would be designed to protect the reporting student's anonymity.

The Rape Crisis Center/Women's Shelter will offer the student counseling support and crisis-intervention services. All services are strictly voluntary and appointments can be made by phone (the crisis center should have a 24-hour hotline). Immediate appointments can be arranged with any of the other contact points if the student so desires. The staff will encourage the student to consider taking advantage of counseling services available at the college and offer to accompany the student to an appointment. The staff will remind the student that all counseling contacts are voluntary and confidential (except for the filing of a voluntary anonymous sexual assault report form with the Coordinator, with the consent of the victim).

The Rape Crisis Center/Women's Shelter staff will encourage the student to consider going to Health Services or the hospital emergency room for medical services. The staff will remind the student that the Health Services are voluntary and may be kept confidential (except for the filing of an anonymous sexual assault report form with the SARC). The staff will explain to the student that time is of the essence where medical services and retrieval of evidence are

concerned, and that if the assault just occurred, the student should be careful not to inadvertently destroy evidence by showering or changing clothes.

If the reported assault occurred on campus, the Rape Crisis Center/Women's Shelter staff will encourage the student to consider filing a report with Public Safety; if the assault occurred off-campus, the student should be advised to go to the local police with jurisdiction. The Rape Crisis Center/Women's Shelter staff will remind the student that the services offered by Public Safety are voluntary. In an emergency situation that presents a direct and immediate threat to others on campus, Public Safety may alert the administration directly, and together they may take necessary action to protect the community while respecting the reporting student's right to anonymity.

The Rape Crisis Center/Women's Shelter staff will inform the student if there is a Sexual Assault Companion/Peer Helper Program on campus. The staff will remind the student that contacts with companions or peer helpers are voluntary and confidential (except for the filing of an anonymous sexual assault report form with the SARC), and will help the student to contact the program if he or she so desires.

The Rape Crisis Center/Women's Shelter staff will inform the victim that the college has a judicial process for incidents of sexual misconduct. Details of this process can be discussed with student affairs (or other appropriate administrator). The Student Handbook should provide a full discussion of options, procedures and consequences. Student affairs can offer other supports to the student including possible changes in living arrangements for safety reasons and help in managing academic demands.

The Rape Crisis Center/Women's Shelter staff will ask if the student has a safe place to go. If not, the staff will help the student review the support services available through student affairs and Health Services to secure for the victim such a place.

The Rape Crisis Center/Women's Shelter staff will inform the victim if there is a campus or local victim support group for sexual assault survivors. The Rape Crisis Center/Women's Shelter staff can help the victim join this group if the victim so desires.

The Rape Crisis Center/Women's Shelter staff should complete the following checklist, maintaining a copy for their files, and should forward the original to the Sexual Assault Response Coordinator.

RAPE CRISIS CENTER/WOMEN'S SHELTER SEXUAL PROTOCOL CHECKLIST

Staff: _____

Date: _____

What follows below is a protocol designed so that health service providers who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

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 full protocol discussion for additional information about each step. When this form is completed, file one copy with Health Services, and forward the original to the Sexual Assault Response Coordinator.

_____ Rape Crisis Center/Women's Center will assure the immediate physical safety of the alleged victim

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

_____ Rape Crisis Center/Women's Center will attempt to determine when the assault took place, and will offer medical options accordingly:

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at (name of) Hospital (which has forensic sexual assault unit?). Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In

the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personal are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Rape Crisis Center/Women's Center can provide transport, or staff members from residence life,

counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should

take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Rape Crisis Center/Women's Center will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the [\[Non-consensual Sexual Intercourse or insert name of your policy on “rape” here\]](#) is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ **Criminal Prosecution**

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

Civil Suits/Civil Protection Order

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Rape Crisis Center/Women’s Center may file an anonymous sexual assault incident report form with the SARC.**

_____ **Rape Crisis Center/Women’s Center will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Rape Crisis Center/Women’s Center will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely

warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Rape Crisis Center/Women's Center 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.**

_____ **Rape Crisis Center/Women's Center will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;

- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;
- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____ Rape Crisis Center/Women's Center will give the victim a copy of the college's sexual assault information pamphlet.

FRIEND/ROOMMATE SEXUAL ASSAULT PROTOCOL CHECKLIST

What follows below is a protocol designed so that friends/roommates who encounter students who have experienced sexual assault can help them through a crisis. There are important decisions to be made, and some are time-sensitive. The main options are listed below, to be gone over or shared with the victim. This information pertains to both male and female victims. For each item, information is given in a question/answer format, so that victims have access to accurate information, which will allow them to make informed decisions. At any point you feel you cannot handle the situation, or you need assistance, please **contact [?]**.

Friend/Roommate will assure the immediate physical safety of the alleged victim

--If the victim's physical safety is in jeopardy, call 911. If possible, find safe haven immediately until help can arrive.

--If the victim has sustained minor injuries, offer immediate first aid at the Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **00:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

--If the victim's injuries are serious and the victim needs immediate medical attention, call 911. If it is not an emergency, seek immediate medical attention at Health Center or at **(name of) Hospital**. Health Center hours are **0:00am-0:00pm**, M-F, and **0:00am-0:00pm** on Sat., Sun. Health Center staff is on-call 24 hours a day, and may be reached at extension **[??]**.

Friend/Roommate will attempt to determine when the assault took place, and will offer medical options accordingly:

Q: Do I have to go to the hospital?

A: The victim is not required to seek medical attention. However, even if victim does not want to report the crime or consider prosecution now, documenting injuries and collecting the evidence is important in case he or she changes his/her mind later. Forensic examinations, which are done at hospitals, can greatly aid in the success of a later investigation and possible prosecution.

Most important here, the hospital does NOT test evidence. Hospital personnel document and collect. Forensic scientists in police laboratories or private laboratories contracted by the police do testing. Hospital labs may do very limited and presumptive testing but it should never be used to form a conclusion.

Q: Where is the rape kit (PERK) done?

A: The PERK is performed at **(name of) Hospital (which has forensic sexual assault unit?)**. Some states require that law enforcement authorize and pay for the forensic examination because the examination is seen as evidentiary and not medical. Forensic examinations are not generally seen as medical emergencies.

Communities or campuses utilizing a sexual assault response team, or SART model, would generally want the rape crisis center advocate, the forensic examiner, the investigating law enforcement officer and the victim to meet prior to the forensic examination. The goal is to provide the victim with as much support as possible, to reduce the number of times the victim has to repeat the history of the assault and to strategize as to the most effective community response.

Some states allow forensic examinations to proceed with or without law enforcement. In those cases, it is important to recognize that the investigation will most likely not be able to move beyond the forensic examination without law enforcement's involvement since they are the investigative body. In some cases, a victim may report directly to a prosecuting attorney's office, rather than to the hospital. In all cases, a thorough investigation will have to be conducted before a case can be taken to a jury, if that is the victim's desire.

[If you reside in a state where the examination may proceed without law enforcement's involvement, it is important to learn how the evidence will be preserved and for how long].

Some states and hospitals have blind reporting systems that allow the evidence to be handed over to law enforcement with only a number for identification. The police, using the proper chain of custody, should then impound the evidence. The best practice is to retain the evidence until the statute of limitation expires, allowing the victim the maximum amount of time to decide whether or not to report and prosecute.

Sadly, many victims do not feel they want to prosecute until they learn that other victims have been assaulted. A victim's statement can be used against a suspect in a recent investigation, even if the statute of limitations has expired on the victim's own case. As a result of the current status of DNA testing, many states have extended the statute of limitations or eliminated it in cases of sexual assault. Other states have successfully obtained John Doe warrants using an unknown suspect's DNA profile.

The issues surrounding sexual assault and the choices are complex. For this reason, it is strongly recommended that victims of sexual assault and their family, friends and co-workers talk to specially trained people who can provide them with as much accurate information as possible before a decision is made.

Q: What does a forensic examination entail?

A: At a minimum, regardless of the time frame, victims of sexual assault should seek medical attention to address concerns about pregnancy and sexually transmitted infections. Some states require that hospitals report violent crimes, including rape, to the police. This does not mean that a victim has to speak to the police or that if they report a crime, the case will be prosecuted. In the early stages of an investigation, neither law enforcement nor the prosecuting attorney generally has enough information to determine if the case can be proven to a jury beyond a reasonable doubt.

If the victim reports a suspected sexual assault within 72 hours of the crime, a forensic examination should be obtained. Some communities have specially trained nurses and/or doctors

who perform the forensic examination. Other communities conduct the examination in the hospital emergency room using medical doctors.

In addition to medical treatment for pregnancy and STIs, the forensic examiner or doctor will obtain a history from the victim, document any visible injuries or complaint of pain and collect possible physical evidence, including swabs from various parts of the body and hair specimens if appropriate. The examination may include a pelvic examination. The examiner must obtain the victim's consent for each procedure and the victim may withdraw consent at any time.

Offenders who the victim knew in one way or another prior to the assault commit the majority of sexual assault. As a result, when contacted by police the suspect often admits s/he had sexual contact with the victim, but claims it was consensual. In most consent cases, the focus of the forensic examination should be on evidence needed to establish the lack of consent.

Although 72-96 hours is often used as a guideline, the decision as to whether or not a forensic examination should be conducted should be made based on the history of the assault. For example, the victim may complain of pain, spotting or burning beyond 72 hours. In this case, an examination should be obtained so that any evidence of injury or complaint of pain can be documented by a medical expert. In cases of stranger sexual assault, where forensic evidence, such as semen, blood, fiber, and hair is often needed to successfully identify an unknown assailant, an examination might be obtained up to three weeks following a sexual assault.

Q: Does the medical procedure obligate me to report to the police?

A: In some states, medical personal are required to report violent crimes such as rape to the police. The victim cannot be forced to talk to the police. However, it is important to understand that the forensic examination is only one part of a comprehensive sexual assault investigation. In addition to the potential for criminal prosecution, a thorough investigation can be used to assist campus judicial hearing officers in making important decisions and it can also be used in a civil case if the victim chooses to pursue that option.

Q: Can the hospital test for rape drugs (commonly called date rape drugs)?

A: Testing for the presence of drugs commonly used to facilitate sexual assault can often be done up to 96 hours (four days) after the ingestion of most of these types of sedative or hallucinogenic drugs.

Q: What are "date-rape" drugs?

A: Sexual assaults have long been linked to the abuse of substances, primarily alcohol, that may decrease inhibitions and render the user incapacitated. While the media has often focused on what are commonly referred to as "date rape drugs", many drugs can be used to facilitate a sexual assault. The most common drug used in a drug-facilitated sexual assault is alcohol.

Rape drugs are usually powerful sedatives or hallucinogenic drugs, such as Rohypnol (aka: rope, roaches, R2, Roofies), GHB, Burundanga, Ketomine, Scopolamine, etc. Rohypnol is a prescription sedative sold in Europe and South America, but illegal in the United States. GHB is a chemical compound often mixed by people who look up the recipe on the Internet, and buy the ingredients from supermarkets and hardware stores. Other rape drugs are of varying types, but

all produce similar results: blackout or incapacitation for 2-8 hours. Drugs used in sexual assaults typically are distributed at raves, dance clubs, and bars, but they are increasingly being sold in schools, on college campuses, and at private parties. Some of these drugs are purchased on the Internet, while others, particularly prescription benzodiazepines are often found in homes. Law enforcement reporting indicates that these drugs are widely available in most urban areas and are becoming increasingly available in suburban and rural communities.

Q: How do I know if I have been the victim of a drug-facilitated sexual assault?

A: If you are drinking, and you experience a “high” far beyond what would be normal for the amount of alcohol you consumed, you may have been drugged. Similarly, if all of a sudden you begin to get extremely dizzy, incoherent, or lose balance, equilibrium, sense of time, or place, you may have been drugged. It is hard to know if you have been drugged because these drugs can be easily slipped into any drink, alcoholic or not. These drugs are mostly tasteless, odorless, and colorless, and will dissolve instantly. They take hold in about 15-25 minutes, and complete unconsciousness can result shortly thereafter. If your drink tastes slightly salty or metallic, this could be an indication of the presence of GHB. If your drink suddenly turns blue, this is a sure sign of Rohypnol, the latest version of which now is manufactured to change the color of the liquid it is dissolved in.

Q: How do they test for the presence of these drugs?

A: Most sexual assault victims delay reporting because they are ashamed and embarrassed. While such feelings are common for victims, they are being unfair to themselves. Their assailants should feel the shame and embarrassment, not them. In cases of drug-facilitated sexual assault, the delay is generally even longer because of the disorientation the victim suffered from the substance(s) ingested. If a person suspects they’ve been drugged and that person needs to urinate, they should be instructed to catch the urine in a clean jar with a lid. The sample should be refrigerated until it can be turned over to the police or medical personnel for the appropriate test depending on the reporting circumstances. The sample should be handled by as few people as possible in the transport and storage process.

Many times victims seek medical assistance because they believe they were drugged, not necessarily suspecting sexual assault. If a suspected crime is reported within 24 hours, both blood and urine should be collected. Urine is the best specimen for toxicology in cases of sexual assault. Not all hospitals have the ability to test at the low levels needed to detect many of the drugs commonly used to facilitate sexual assault. Samples taken and tested at a hospital are generally used for medical diagnosis and destroyed. If a victim suspects a crime was committed, make sure the hospital splits the sample whenever possible, preserving as much as possible for law enforcement.

It is important to recognize that reporting a crime does not mean the victim must prosecute. A thorough investigation should be conducted before a victim is asked to make a decision about prosecution. Part of a thorough drug facilitated sexual assault investigation would include toxicology testing.

Q: What if the victim waited more than 72 hours to report the crime to anyone?

A: Victims should still seek medical treatment for sexually transmitted infections

and pregnancy. The victim's body and the forensic examination is only one source of evidence and a part of a comprehensive sexual assault investigation. Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault.

Friends and family should help the victim identify any evidence that may be available, including condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the evidence may be destroyed.

Q: Can the victim shower, change clothes or brush his or her teeth before going to the hospital?

A: It is important to ask the victim if he or she has showered, gargled, or changed clothes. If so, the victim should not be made to feel as though he or she did something wrong. As previously noted, there are a number of other sources of evidence and techniques that can be used by law enforcement to develop the investigation. If the victim has not showered, or bathed, explain the benefits of a forensic examination and with the victim's permission, seek those services as soon as possible.

Q: If the victim is still wearing the clothes he/she was assaulted in, what should be done?

A: The victim should take a change of clothing to the hospital. The forensic examiner will collect the clothing the victim was wearing at the time of the assault and it will be turned over to law enforcement. Clothing put on after a sexual assault is also very important. The clothing should be carefully impounded and depending on the circumstances of the assault, the clothing may later be examined by a forensic scientist for possible probative evidence.

Q: What if the victim has already changed?

A: Clothing and other items associated with a sexual assault may be available weeks, months and years following an assault. Friends and family should help the victim identify any evidence that may be available, i.e., condoms, bedding, clothing, photographs, videotapes, vomit, etc. It is best to notify the police so that these items can immediately be documented, collected and preserved. However, if the victim is reluctant to involve the authorities, the evidence should be separated with minimal handling and stored in paper bags. Do not put the evidence in plastic bags because plastic creates an environment where bacteria grow, air does not circulate and the forensic value of the evidence destroyed.

Q: How do I get to the hospital?

A: Friend/Roommate can provide transport, or staff members from residence life, counseling, or campus security can accompany [make sure this works with institutional transport policy] and arrange transport in unmarked vehicle. If the assault has just occurred, and especially if the assault was committed by a stranger, if the victim does not need emergency medical attention, and he/she is willing to contact the police of jurisdiction [fill in: campus or local police], it is best to have the officer respond directly to the victim's location. At that point, the officer will decide what steps need to be taken based on the victim's history of the assault. The early stage of the investigation should include identifying the crime scene(s), the first person the victim disclosed to, the location of possible witnesses and the suspect's identity.

Q: Does the victim have to go through the investigation and/or forensic examination alone?

A: Some states have laws that allow the victim to have an advocate and/or support person present during the investigation, examination and court procedures. The best practice, regardless of the law, is to provide the victim with as much support as possible. Communities and campuses utilizing a SART model will generally dispatch a trained counselor or rape crisis advocate to the hospital.

In some circumstances, the victim may want a friend to participate and that friend may be a witness. Witnesses are generally thought of as someone who saw the crime take place, but this is inaccurate. A witness is anyone who has any information about anything related to the crime. It is important for law enforcement to interview the parties separately to preserve their individual statements. The officer will most likely conduct the witness interview while the forensic examination is in progress, unless the victim prefers that their support person remain with them until after the examination is completed.

Q: How much does an examination cost?

A: Many states recognize that the forensic examination is evidentiary and law enforcement will be billed for the examination. In other states, the Attorney General's office pays for the exam. In the majority of states, the State Victim/Witness Assistance Program is utilized to pay for the exam. However, one of the requirements for reimbursement from state compensation programs is that the victim not be engaged in illegal activity at the time of the assault. Unfortunately, because of the prevalence of drug-facilitated sexual assault, many victims of sexual assault voluntarily ingest illegal substances and alcohol under-age. This could result in being denied reimbursement. The program also requires that the victim participate in the investigation and prosecution.

The cost of the examination varies widely, \$200.00-2,000.00, depending on the community. Some hospitals perform the examination as a community service, where others may want to bill a third party insurance company. If a victim wants the assault to be kept confidential, i.e., she doesn't want her parent(s) or partner to know about the assault, it is important to determine if the hospital will do blind billing (will not list type medical service, so parents don't find out). Many campuses also maintain a fund to pay the expenses of these exams for students [indicate here if yours does].

Q: How long will the exam take?

A: While the entire process, obtaining the history, completing the paperwork, performing the examination and packaging the evidence, may take several hours, the examination itself should take less than an hour. There may also be some wait time, depending on how busy the medical facility is. The examination is very similar to a normal pelvic examination, with the exception that head and pubic hair may be snipped and sometimes plucked and injuries photographed. The examination is also available for male victims.

Q: Is the medical exam confidential?

A: [Insert policy, such as: Local police will be notified by hospital. They may or may not come to hospital. Victim does not have to talk to them. Victim's name is not released by the hospital

without consent. Or, this state has mandated reporting and as such will be legally required to provide law enforcement with the victim's name and contact information. This is a good place to note if your campus health service provides forensic exams—some do.]

_____ **Friend/Roommate will fully explain reporting options, including:**

_____ **Campus Judicial/Conduct Complaint/No-Contact Order**

--Filing a campus judicial/conduct complaint

If questioned on this option, refer to the following:

Q: What is a campus judicial/conduct complaint?

A: The college prohibits sexual misconduct [insert your policy term here if you don't use "sexual misconduct"] in its code of conduct. Sexual misconduct is explained on p.?? of the student handbook. Students can bring a complaint in an internal hearing where students found to be in violation of college policy will face a variety of sanctions. Complaints may also be made against violating members of the faculty, employees, staff, or administrators. See the student handbook for more explanation.

It is important to understand that a campus hearing is not a criminal trial. The same rights as you might have in criminal cases may not pertain on campus. Further, college decisions are based on policy, not on law. While the college's policy on sexual misconduct may be similar to the state statute for sex offenses, they are not identical. The process can be fully explained by the college's judicial officer, who may be contacted at ??.

Q: How do I initiate a campus judicial/conduct complaint?

A: A campus judicial/conduct complaint can be initiated by reports to the SARC, Public Safety, Housing, Student Affairs, Academic Affairs, Health/Wellness Educators, Counseling Center, Chaplains, RAs, faculty, and coaches, who can make referrals of your complaint to Judicial Affairs.

Q: What do I do if I have immediate physical safety concerns?

A: Any of these contacts above can help a victim to find a safe haven. Also refer to the section immediately below on campus no-contact orders, as these may help to safeguard a victim.

Q: Who can a campus judicial/conduct complaint be filed by, and against whom?

A: Campus judicial/conduct complaints can be filed against a student by another student, or by a non-student against a student, arising out of sexual misconduct that occurs on campus (or off-campus, depending on the circumstances), during and between semesters, including breaks, as long as the student being accused is presently enrolled. A campus judicial/conduct complaint may be filed against a graduate arising only out of sexual misconduct occurring prior to graduation. Graduated students may also file complaints against current students, again depending on the circumstances.

Q: Is the campus judicial/conduct process confidential?

A: If a campus judicial/conduct complaint is filed, complete confidentiality cannot be maintained, but your information will be kept within a tight circle of people. Public Safety will usually be asked to investigate, including contacting and interviewing potential witnesses. Members of the Judicial Board will hear the circumstances of your complaint. Most senior Student Affairs administrators will know, as will any administrators to whom your complaint is appealed. All of these people will keep confidentiality to the best of their ability and duties. In fact, a federal law called FERPA protects your records from any disclosure by the college to those who do not have a legitimate need to know. Also, you should know that non-personally identifying information is disclosed by all employees to meet annual federal campus crime statistic reporting requirements, but this does not impact on your privacy. Within two days of a report, basic details of an incident, including the general location, date, time of day, and disposition are available to the public in the campus police log. No names are given, and facts that could lead to the identity of the victim are not disclosed. Campus judicial hearings are not open to the public.

Q: What will happen if I pursue a campus judicial/conduct complaint?

A: Campus complaints are heard and resolved much more quickly than criminal charges, often going from the filing of the complaint to resolution in two months or less. Temporary suspensions of accused students to protect the alleged victim and other students are possible in the interim. The college can take special action to protect you from retaliation. Campus sanctions for sexual misconduct range from warnings to expulsion, and the standard sanction for those in violation of the [\[Non-consensual Sexual Intercourse or insert name of your policy on “rape” here\]](#) is expulsion.

Q: Is this like filing criminal charges?

A: Campus complaints are often easier to prove than criminal charges, because the standard of proof (the amount of evidence required to convince judicial officers) is lower. Of course, the more thorough the investigation (by whatever investigating body), the more information will be available to those people hearing the complaint, whether it is a jury or a judicial hearing board. Filing a campus judicial/conduct complaint does not preclude the filing of criminal charges and/or civil suits. A campus judicial/conduct complaint cannot result in imprisonment. Witnesses may be called at the campus hearing, both for the victim and the accused. Usually, the victim controls the campus judicial process, and can withdraw the complaint at any time. The victim can also refuse to be a witness. In rare cases, the college may pursue the complaint without the assistance or cooperation of the victim, when it is necessary to protect the community from a student who poses a threat to others.

--Campus No-Contact Orders (NCO)

Q: What is a campus no-contact order?

A: A campus no-contact order is a warning to a student to keep a certain distance from, or a prohibition from contact with, another student. NCO's are available to students when necessary to protect them.

Q: How do I get an NCO?

A: Campus-based no-contact orders can be issued by Student Affairs when needed.

Q: What happens if a student violates an NCO?

A: The college would initiate a judicial complaint against the student for the violation, with appropriate sanctions resulting if a violation is found.

_____ **Criminal Prosecution**

If questioned on this option, refer to the following:

Q: How do I initiate criminal charges?

A: The victim must first report the crime to the police. Reporting to the police and prosecuting are two different things. Some law enforcement officers and victims may immediately want to have a sexual assault suspect arrested. Because of the common delay in reporting sexual assault, most arrests should be delayed pending a complete investigation. If a case is presented to the prosecuting attorney prematurely, before the case can be corroborated, the prosecuting attorney will most likely decide not to file charges. In most cases, this does not mean that law enforcement cannot continue to develop the investigation. However, in many cases the victim and the investigating officer might interpret an immediate rejection as evidence that the case cannot be successfully prosecuted.

Prosecuting attorneys should be provided with complete and accurate written reports before being asked to make a final decision as to whether or not charges can be filed against a suspect. Some states utilize a grand jury. Many law enforcement officers and prosecutors look at this process favorably because they feel it allows the victim a chance to present the facts in a non-threatening environment.

If a suspect is in custody, or the identity of the suspect is known and the elements of a crime exist, the investigation will most likely be referred to the prosecuting attorney. The prosecuting attorney will evaluate the victim statements, witness statements and suspect statements and any physical evidence associated with the case. If the prosecutor believes the case can be proven beyond a reasonable doubt, charges are filed. If the suspect is not in custody at the time of the review, a warrant may be issued for the suspect's arrest or the prosecuting attorney may contact a defense attorney representing the suspect to facilitate a surrender.

Once a suspect is in custody, court proceedings may include:

--Arrest of defendant in court

--Bail Review

--Preliminary Hearing--within [??] court days after arraignment, witnesses testify, including survivors, and the judge must decide whether there is enough evidence to show that the defendant probably committed the crime

--Pretrial Motions

--Readiness Conference – defendant may plead guilty or not guilty at this time.

--Trial --date is set within xx days--witnesses testify, including victim--jury decides whether defendant is guilty or not guilty.

If the suspect is found guilty:

The Probation Department will most likely contact the victim concerning an impact statement and restitution

Sentencing Hearing – Approximately one month after trial, victim makes impact statement to judge, if he or she desires

Q: If I want to initiate charges, where should I go?

A: If the incident occurred locally, but off-campus, (name of locality) Police Department would conduct the investigation. If the incident did not occur locally, victim should contact the police in the jurisdiction where the incident occurred. Local advocates can make themselves available to help facilitate this process. If the incident occurred on-campus, victim can contact [either Public Safety or the (name of locality) Police Department] to report and investigate. If the incident occurred locally, on or off-campus, victims may also contact the (name of locality) District Attorney to initiate charges. The District Attorney's Office has a Victim-Witness Coordinator who can help the victim apply for state victim/witness assistance funds and to help orient the victim to the criminal justice process. In most jurisdictions, the community based advocate and the State Victim Witness assistance coordinator will work together to provide the most comprehensive services possible. However, it is important to recognize that in almost every jurisdiction, employees of state victim/witness assistance programs do not have confidentiality, whereas community based advocates do.

Q: Can criminal charges be filed even if I don't want them to be?

A: Yes, in certain infrequent circumstances, a district attorney could prosecute a case that a victim does not want to be prosecuted. Victims are not parties to the prosecution. A sex crime is a crime against the state, and prosecution is done in the name of the state, not the victim. The best and most common practice (except cases of domestic violence and child abuse) is to honor the needs of the victim. If possible, it is important for the victim or the victim's advocate to articulate that as a result of the trauma and the consequences of the sexual assault, the victim is unable to participate in the investigation and prosecution at the time, but that those circumstances could change. In addition to leaving the investigation open, the state may still allow the victim to be reimbursed for medical expenses.

Q: Does it matter when I file criminal charges?

A: Prosecutions are most successful in cases where the victim reports the assault to authorities as quickly as possible. (name of state) has a ?? year statute of limitations on reporting and prosecuting rape, but criminal charges cannot be filed more than ?? years after the incident occurred.

Q: If I prosecute, how long will it take?

A: Investigations can sometimes take weeks or months to complete, depending on the specific facts of the case. Specifically, forensic evidence analysis, DNA and toxicology often take months to process and obtain results. Criminal prosecutions can take years to get from the filing of charges to the end of the final appeal. This is not meant to discourage, but to give a realistic perspective on the criminal justice system.

Q: Are prosecutions confidential?

A: Criminal rape prosecutions **are/are not** closed to the public, and the name of the victim **is/is not** protected from release, **and/but** people involved in the prosecution would know about it, as would witnesses. Some states allow a victim of sexual assault to appear in court as Jane or John Doe. Many states also provide confidentiality so that reporters and others cannot utilize the Public Record Information Act to obtain a copy of the police report. Although they may obtain the report, in those states with legislation to protect a victim's confidentiality, all the victim's identifying information and other information that could be used to identify the victim – i.e., the name and address of the victim's father, would be removed from the report before release.

Q: If the prosecution is successful, what will happen?

A: Nationally, sentences for rape average 12 years, with 7-8 served, though sexual assault (as opposed to rape) convictions result in shorter sentences. Criminal convictions for sexual assault can result in fines, jail time, community service, probation and other punishments.

Q: How hard is it to win the case?

A: Criminal rape convictions must be proved beyond a reasonable doubt, a very high standard. Most rape charges do not end in conviction. Criminal trials are decided by juries, so every one is different and the outcome is hard to predict. It may be even harder to prosecute successfully when drugs are used to facilitate the sexual assault. Laws vary from state to state. Some states require that the suspect administer the drug to the victim for the crime to be prosecuted as a drug facilitated rape or sexual assault. In almost every state, the prosecution must also prove that the offender had knowledge of the victim's level of incapacitation at the time of the sexual assault.

Q: How much does it cost to prosecute?

A: Costs for criminal prosecution are paid for by the prosecuting attorney's office.

Q: If I prosecute, do I have to be there?

A: Normally, victims provide testimony as witnesses and provide the main evidence against the defendant. If a case proceeds to trial, in almost every case a victim would be required to testify.

Q: Will this prosecution put me on trial?

A: Sexual assault cases are undeniably difficult. The defendant's attorneys may try to make it look like it was your fault, and may try to call your character into question. However, irrelevant evidence of a victim's past sexual history is inadmissible in court.

Q: If the incident happened on campus, can I still prosecute?

A: Yes, courts have jurisdiction over cases that occur on campus.

Q: If I prosecute, do I still have other options?

A: Filing criminal charges does not preclude the filing of a campus complaint and/or civil suit(s).

_____ **Civil Suits/Civil Protection Order**

If questioned on this option, refer to the following:

--Civil Suit

Q: How is this different than a prosecution?

A: A victim can initiate a civil suit against a perpetrator to seek money damages and other civil remedies (not imprisonment).

Q: Is this option exclusive of other options?

A: No, filing a civil suit does not preclude the filing of a campus complaint and/or criminal charges. However, law enforcement and the prosecuting attorney prefer to first evaluate the criminal investigation. If a victim pursues civil litigation first, the defense will claim that the victim is simply trying to win a monetary award. This can be difficult to navigate because some states have very narrow windows of opportunity to file a civil case, i.e., as little as one year. Again, it is important to talk to professionals specifically trained in sexual assault to evaluate the best possible course of action for you or your friend.

Q: How do I exercise this option?

A: Initiate a civil suit by contacting an attorney. Attorneys can be found in the phone book, or by contacting the (name of state) Bar Lawyer Referral Service.

Q: How much does a civil suit cost?

A: Filing a civil suit is usually free. The attorney only gets paid if he or she wins, though you may have to pay for some court costs and other expenses if you lose.

Q: How long do I have to exercise this option?

A: Civil suits can be filed up to **two years** after the date of the incident, in most jurisdictions.

Q: Is there an advantage to this option?

A: Winning a civil suit is often easier than winning a criminal trial.

Q: How long will a civil suit take?

A: Resolving a civil suit can take several years.

Q: Will a civil suit be confidential?

A: No, civil suits are not confidential and will be open to the public.

--Civil No-contact Order/Protective Orders

Q: What is this option?

A: A no-contact/protective order is a legal order issued by a magistrate or judge, ordering someone to physically stay away from you and/or avoid all contact with you. No-contact orders do not physically prevent anything, they just give police the power to enforce and arrest when an order is violated. Most no-contact orders expire within a certain time frame. No-contact orders can be contact-preventing orders or can be distance-based (e.g., has to stay 100 yards away at all times).

Q: Where do I get one?

A: Obtain a protective order from civil magistrate or judge. There are agencies within each community that can help facilitate this process.

Q: How do I get one?

A: The judge will hold a hearing, and you will give testimony to show cause for the need for protection. You can seek assistance from police or Victim Witness Coordinator to help you get one.

_____ **Friend/Roommate may file an anonymous sexual assault incident report form with the SARC.**

_____ **Friend/Roommate will explain counseling options and offer to accompany the student to an appointment.**

If questioned on this option, refer to the following:

Q: What are my on-campus counseling options?

A: There is a counseling center on-campus (**contact info. and location**). Meetings are confidential, free of charge [**and counselors are available on a 24-hour emergency basis by contacting campus police, who will patch a victim through directly without any identifying information**]. There are also Clergy/Chaplains available on campus (**contact info. and location**).

Q: What are my off-campus counseling options?

A: Off-campus options include contacting the police, the Local Rape Crisis Center (**Tel. # ?**), the 24-hour, nationwide RAINN Hotline 1-800-656-HOPE (which will route the caller to a local rape crisis center), clergy, private therapists (counselors, psychologists, psychiatrists, social workers, etc.), family and friends, and Internet resources such as on-line support groups. On-line support groups can be wonderful, but it is wise to choose a reputable well-established one, as cyber-stalking of victims through less reputable sites can occur. For victims who prefer to process internally, there are some good support books out there, including: The Courage to Heal by Ellen Bass; and Recovering from Rape by Linda Ledray.

_____ **Friend/Roommate will explain the bounds of confidentiality of reports.**

The college policy: [**Insert your policy here, if it differs from this sample**] Victims should be aware that reports made to many campus resources (**see Handbook, p.?**) can be kept confidential if the victim so chooses. College officials will fulfill federal statistical reporting and timely warning requirements, while making every effort to maintain a victim's confidentiality. Police will note incidents in a police log that is made public within two business days of the report of an incident. No names or other information that could reveal the identity of the victim will be made public. If a report is made to college administrators, complete confidentiality cannot be guaranteed, but only those with a need to know will be told. In rare circumstances where an incident represents an ongoing danger to the community, information may be released as necessary to protect the safety of members of the community, but the privacy of the victim will always remain a priority with any information that is released.

_____ **Friend/Roommate 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.**

_____ **Friend/Roommate will explain and share and discuss with the victim a list of the campus victim's rights, which may include the following resources, services and information:**

- Victims have the right to be treated with respect by college officials;
- The right of both accuser and accused to have the same opportunity to have others present (in support or advisory roles) during a campus judicial hearing;
- The right not to be discouraged from reporting by college officials;
- The right to be informed of the outcome and sanction of any disciplinary hearing involving sexual assault, without condition;
- The right of victims to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire. However, as noted above, many states would not allow a sworn police officer not to report once the crime has come to the attention of the officer. At a minimum the officer would be instructed to write an informational report. The report would be limited to the amount of information provided by the victim but any facts obtained should be documented.
- The right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community;
- The right to notification of and options for, and available assistance in, changing academic and living situations after a reported sexual assault incident, if so requested by the victim and if such changes are reasonably available;
- The right not to have irrelevant prior sexual history admitted in a campus hearing;
- The right not to have incidents of Non-Consensual Sexual Intercourse mediated (as opposed to adjudicated);
- The right to make a victim-impact statement at the sexual misconduct hearing and to have that statement considered by the board in determining its sanction;

- The right to a campus no-contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student;
- The right to have complaints of sexual misconduct responded to quickly and with sensitivity by college officials.
- The right to appeal the finding and sanction of the sexual misconduct hearing, in accordance with the standards for appeal established in the section on Judicial Procedures of the Student Handbook.

_____Friend/Roommate will give the victim a copy of the college's sexual assault information pamphlet.

“WHAT TO DO IF...”

TRAINING FOR VICTIM ASSISTANCE

MODEL INTERACTION

Simply handing your contact points the checklists and descriptions in the chapter above would be like handing the judicial board the definition of rape and having them decide a case. Just as it is necessary to train the judicial board to hear sexual misconduct cases, it is also vital to train contact points for their interactions with students who have been victimized, and students who have committed sexual misconduct. Risk management objectives are better achieved when thorough training is provided. Excellent preparation and familiarity will make it less likely that a student in need will fall through the cracks, or fail to receive vital services and information.

The following training is based on the “What To Do If...Someone Is Raped” Program that Katie Koestner originated for RA’s, but it is applicable to all contact points equally:

It is important to lay some groundwork by highlighting the scope of the problem you are being trained to face. One in four women and one in eight men will be the victims of rape or attempted rape in their lifetimes. A women’s highest risk for sexual violence is from ages 16-24, the prime college years. Men’s highest risk is from ages 6-12. 84% of rape victims knew their attackers. The highest risk a woman faces for sexual assault in her lifetime is from the first day of her first semester of college, until her first break. 90% of campus sexual assaults involve alcohol or other drugs. Only 10% of female victims of sexual violence report it to authorities. Less than 5% of men will report an assault.

First, let’s address the 1-in-10 women and the 1-in-20 men who might come forward **directly** to you to report their victimization. Do you think the student

who comes to you will knock on your door and say, “I was just raped!,” or is it more likely that they will say, “Something terrible happened, and I really need to talk to someone”? Choice B. Most victims are not going to be comfortable with self-identifying as rape victims. Some do not know that the definition of rape applies to them, and others are afraid to attach that label like a Scarlet Letter “R.” You probably won’t know, therefore, what problem they are bringing to your attention. I suggest that you use the following guidelines for creating a comfortable environment, no matter what the issue you are dealing with.

First, ensure the safety of the student, if there is a sense of peril or immediate harm. If there is not, ask the student where they would like to talk to you. If you are a male, assisting a female, be sensitive to the fact that they were probably assaulted by a man (or men) and they may not feel especially comfortable confiding in you. Most likely, if they came to you, they will feel comfortable talking to you, but if you sense unease, you could offer to arrange for them to talk to a woman, or to have a woman present with you when you talk. Do not assume that your office, room, or apartment will be acceptable to them. If they don’t have a preference, you need to have a default location chosen for them.

What are the ideal characteristics of a place to talk with a student about a sensitive issue? You want a place that is quiet and private, but not secluded. It should be on neutral ground, such as an infrequently used lounge or conference room, or outdoors. Offering to go to the student’s room may not be a good idea, if the assault happened there, or they are reluctant to talk in front of their roommate. If you decide to use a dorm room or office, make sure that you will not be interrupted. Turn off the TV, take the phone off the hook, and put a sign on your door asking not to be disturbed, especially if you live in a residence hall. If the space has a door, allow the student to sit closest to it, because that is the exit route, and most victims have a heightened sense of their space and security.

Do not place yourself between the student and the exit. Maintain at least an arm's length of distance between you, because personal space needs are magnified for victims. Do not sit so far away that they feel awkward. Three or four feet is a good distance. If there is a desk or some barrier in the room, sit on the same side with the student, equalizing the power relationship. For the same reason, do not sit above them, such as on a bed or higher chair. Offer them the highest seat, or make an effort to sit at equal height or below them or on the floor.

If the student is crying or you have the impulse to comfort them, check yourself. It is crucial that any contact be initiated by the student. It is okay to offer, but choose your words carefully. It is better to say, "If you want a hug, I am here for you," rather than asking, "Do you want a hug?" The first offer gives the student the opportunity to initiate. The second choice puts the student on the spot, making them choose yes or no right then. It is a less empowering choice, and one of your primary goals should be to empower a victim as much as possible. Women, especially, often have difficulty with the idea that a nurturing response is not necessarily desired. It may be, but the key is to leave the decision to the student, without pressuring them with a closed-ended question. Remember that if indeed this student was raped, they were touched without consent, and by giving them an open question, you are helping them to regain control over their physical bodies.

The second part of the interaction comes when they begin to communicate with you. They might get right to the point, or they might start with something that is totally off the subject, and wind around to their point. It may take them a while to build up the courage, and you need to be patient. When they finally are ready, they will not tell you, "On September 29th, this is what happened first,

second, followed by third, therefore, and in conclusion.” Do not expect a police report.

Instead, often they will tell you what happened second, then fifth, then third, and never cover first, fourth, etc. This is because they may not remember, because of the trauma, or because they were drugged, or took alcohol. Or, another possibility is that you are an authority figure, and they are afraid to tell you that they are nineteen and were drunk when it happened. They are reluctant to tell you the parts where they violated college policy, or parts where they blame themselves or fear that you might blame them. Their storytelling might take two minutes, or it might take two hours. Fight the urge to fill in the blanks. Americans are obsessed with solving the mystery. Your role is not to ask questions, or clarify inaccuracies or confusing parts.

You are there to listen. Please be an active listener, both verbally and through gestures. Nod and reassure them that you are following along, and that you care. You may be inclined to tell them that you believe them, and that it is not their fault. While this is an excellent way to support victims, you must be mindful of your institutional role. If you are a college employee, it is best not to take sides. If you tell the student that you believe them, that implies that you disbelieve those that are being accused. Stay neutral, but that does not mean you cannot be supportive. You can tell them that you want to help them in any way you can, and that you are sorry for what happened to them.

Your next task is to become an option-provider for the victim. There are three main options that you need to address, and they are also outlined for you on your checklists, but are essentially as follows:

Options should be listed in time order of expiration, with medical attention first. Make sure the 72-hour time requirement for a Rape Kit (PERK) is explained, as well as where to get it, how to get there, how much it costs, who can accompany the victim for support, what they will be subjected to, how long it will take, and the all-important paper bag in which to take clothing evidence to the hospital.¹ STD, HIV and pregnancy testing and treatment information should be included. Recommend which local hospital has the best victim-advocate program, or makes a forensic nursing program available. Public funds are usually available to pay for PERK tests if the victim makes a report of the assault to the police. If not, will the hospital bill the insurer for “emergency medical procedures” or for a rape kit? Such billing can alert parents, and blind billing can be a comfort factor for survivors who are not yet ready to tell their parents.

The second option for victims is reporting, because of the longer expiration period. Victims have three options for reporting:

- 1) On-campus. Victims may report to any designated resource or campus security authority. They may then work with student affairs to pursue charges for a policy violation through the campus disciplinary system. This option is not exclusive of the other reporting options. All or some may be pursued concurrently. On-campus adjudications are attractive because they take less time than criminal prosecutions and civil suits, are easier to win than criminal prosecutions (because of the lower standard of proof), and are private and confidential, unlike the other options. If you have a campus period of limitation for filing charges, note it here.
- 2) Civil suits. Campus officials should notify victims of their right to pursue a civil suit for money damages against the perpetrator of a sex crime. Civil suits are easier to win than criminal prosecutions, and may be pursued concurrently with other

¹Plastic bags do not allow air to circulate, and thus destroy the chemical composition of any evidence inside.

reporting options. In order to pursue a civil suit, victims will need to contact a civil attorney, who will often work for a contingency. This means that it will not cost the victims anything unless they win. Notify the victim of the period of limitation for filing a claim in your jurisdiction (usually about two years). The nature of the suit and its proceedings could be a matter of public record and access.

- 3) Criminal Prosecutions. Campus officials should notify victims of their right to have charges filed by a prosecutor, district attorney, or commonwealth's attorney, and to pursue criminal prosecution and imprisonment for the perpetrator. Criminal convictions are tough to obtain, but may be a significant step in the healing process. Victim advocates are often available to assist victims, and campus administrators must inform victims of their right to make a report to the police and pursue charges. Campus officials must also assist victims in contacting these resources. Criminal charges may be pursued concurrently with other reporting options. Pursuing a prosecution will not cost the victim money for an attorney, they are paid by the state. Notify the victim of the period of limitation for filing charges in your jurisdiction (usually between 5-8 years). The nature of the case and its proceedings will be a matter of public record and access.

The third and final option for victims is the one that expires last. Victims should seek counseling, and there is no time limit on when they can do this. Notify victims of campus counseling resources, and of the need to talk to someone, when they are ready. That someone could be a friend, family member, rape-crisis counselor, support groups, victim advocate, psychologist, psychiatrist, social worker, or member of the clergy. If the college makes access to clinicians available to students for free, they should be informed of this as well. Further, there are crisis lines, for students who do not prefer face-to-face encounters. There are also support groups on the world wide web, with chat rooms, news groups and listservs. There are also good books, such as The Courage to Heal by

Ellen Bass and Laura Davis, Recovering from Rape by Linda Ledray, and Who's Afraid of the Dark by Cynthia Carosella.

CHAPTER TWO: A CAMPUS LAW ENFORCEMENT SEXUAL ASSAULT RESPONSE PROTOCOL

SEXUAL ASSAULT REPORTS

HOW TO USE THESE GUIDELINES:

- **FULLY EXPLAIN THIS PROTOCOL TO THE VICTIM**
- **SUPPLY INFORMATION AND ASSISTANCE IN ACCORDANCE WITH THE SEXUAL ASSAULT VICTIM ASSISTANCE PROTOCOL/CHECKLIST IN CHAPTER ONE, ABOVE.**
 - File with Sexual Assault Response Coordinator
- **FULLY COMPLETE THE INVESTIGATION CHECKLIST/REPORT**
 - File with Public Safety Supervisor
- **COMPLETE AN ANONYMOUS REPORT FORM**
 - File with Sexual Assault Response Coordinator

CAMPUS LAW ENFORCEMENT
SEXUAL ASSAULT INVESTIGATION CHECKLIST/PROTOCOL

NAME OF OFFICER: _____

- A REPORT IS MADE TO A CAMPUS POLICE OFFICER DATE: _____

1. BY WHOM?

- _____ COMPLAINANT/VICTIM
- _____ ANONYMOUS 3RD PARTY
- _____ FRIEND OF VICTIM
- _____ RELATIVE OF VICTIM
- _____ COLLEGE OFFICIAL OR EMPLOYEE
- _____ OTHER KNOWN 3RD PARTY
- _____ LOCAL POLICE DEPT.
- _____ OTHER

CONTACT INFORMATION FOR REPORTER:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

RELATION TO VICTIM: _____

2. HOW WAS THE REPORT MADE?

- _____ WALK IN/NOTIFICATION IN PERSON
- _____ PHONE CALL
- _____ WRITTEN REPORT
- _____ E-MAIL
- _____ ANONYMOUS TIP

3. DETAILS OF THE INCIDENT

DATE: _____

_____ **FRESH COMPLAINT?**

TIME: _____

LOCATION: _____
_____ ON CAMPUS _____ OFF-CAMPUS

STATUS OF VICTIM:

NAME OF VICTIM: _____

SEX OF VICTIM: _____

ADDRESS _____

TELEPHONE: _____

PHYSICAL DESCRIPTION: _____

OBSERVED EMOTIONAL STATE _____

DESCRIBE ANY PHYSICAL INJURIES _____

LOCATION OF VICTIM AT TIME OF REPORT _____

STATUS OF SUSPECT:

_____ SUSPECT KNOWN TO VICTIM
RELATIONSHIP TO VICTIM: _____

_____ STRANGER

TYPE OF SUSPECT:

_____ OFFENDER IDENTITY KNOWN:
NAME: _____

ADDRESS: _____

TELEPHONE: _____

LAST KNOWN WHEREABOUTS: _____

PHYSICAL DESCRIPTION: _____

_____ UNKNOWN OFFENDER

LAST KNOWN WHEREABOUTS: _____

PHYSICAL DESCRIPTION: _____

TYPE OF INCIDENT (CHECK ALL THAT APPLY):

1. _____ FORCED SEXUAL CONTACT
TYPE OF FORCE USED:
_____ COERCION (VERBAL PRESSURE/ARGUMENTS)
_____ THREATS
_____ PHYSICAL FORCE
_____ INTIMIDATION (IMPLIED THREAT/POWER RELATION)
TYPE OF SEXUAL CONTACT: _____

2. _____ FORCED INTERCOURSE _____ VAGINAL _____ ORAL _____ ANAL

TYPE OF FORCE USED:

- COERCION (VERBAL PRESSURE/ARGUMENTS)
- THREATS
- PHYSICAL FORCE/WEAPON(TYPE): _____
- INTIMIDATION (IMPLIED THREAT/POWER RELATION)

PHYSICAL INCAPACITY?:

- ASLEEP
- PHYSICAL VIOLENCE OR RESTRAINED
- THREATENED, INTIMIDATED, COERCED

3. NON-CONSENSUAL SEXUAL CONTACT
TYPE OF SEXUAL CONTACT: _____

4. NON-CONSENSUAL SEXUAL INTERCOURSE
 VAGINAL ORAL ANAL

5. DATE RAPE DRUG INDUCED

6. ALCOHOL RELATED

HOW MUCH WAS CONSUMED BY VICTIM? _____

WHAT TYPES OF ALCOHOL WERE INGESTED? _____

HOW MUCH WAS CONSUMED BY SUSPECT? _____

WHAT TYPES OF ALCOHOL WERE INGESTED? _____

DID VICTIM CONSUME WILLINGLY? _____

CONDITION/RESULT OF INGESTION (CHECK ALL THAT APPLY):

- CONSCIOUS
- UNCONSCIOUS
- PHYSICAL SICKNESS
- BLACKOUT

7. DRUG RELATED

HOW MUCH WAS CONSUMED BY VICTIM? _____

WHAT TYPES OF DRUGS WERE INGESTED? _____

HOW MUCH WAS CONSUMED BY SUSPECT? _____

WHAT TYPES OF DRUGS WERE INGESTED? _____

DID VICTIM CONSUME WILLINGLY? _____

CONDITION/RESULT OF INGESTION (CHECK ALL THAT APPLY):

- CONSCIOUS
- UNCONSCIOUS
- PHYSICAL SICKNESS
- BLACKOUT

WITNESSES:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____
TELEPHONE: _____
SUMMARY OF STATEMENT: _____

NAME: _____
ADDRESS: _____
TELEPHONE: _____
SUMMARY OF STATEMENT: _____

● **NOTIFICATIONS MADE BY VICTIM OR 3RD PARTY (not Law Enforcement)**

_____ STUDENT AFFAIRS	BY: _____	WHEN _____
_____ PUBLIC SAFETY	BY: _____	WHEN _____
_____ LOCAL PD	BY: _____	WHEN _____
_____ HEALTH SERVICES	BY: _____	WHEN _____
_____ COUNSELING CENTER	BY: _____	WHEN _____
_____ STUDENT ACTIVITIES	BY: _____	WHEN _____
_____ FACULTY	BY: _____	WHEN _____
_____ HOUSING	BY: _____	WHEN _____
_____ RAPE CRISIS	BY: _____	WHEN _____
_____ CHAPLAIN/CLERGY	BY: _____	WHEN _____
_____ HOSPITAL	BY: _____	WHEN _____
_____ DISTRICT ATTORNEY	BY: _____	WHEN _____
_____ OTHER	BY: _____	WHEN _____

● IF LOCAL POLICE DEPARTMENT HAS JURISDICTION OVER A CASE INITIALLY REPORTED TO PUBLIC SAFETY

_____ LOCAL JURISDICTION DETERMINED BY CHIEF:
_____ REPORT TO LOCAL POLICE SEXUAL ASSAULT UNIT
WHO IS REPORT MADE TO?
OFFICER NAME: _____
BADGE #: _____

TYPE OF ASSISTANCE NEEDED FROM LOCAL POLICE:

_____ ENTIRE INVESTIGATION
_____ INTERVIEWS ONLY
_____ CRIME SCENE
_____ SEARCH WARRANT
_____ RESPONSE TIME
_____ LOG ENTRY
_____ RECORD CLERY ACT STATISTIC

• **OVERVIEW--WHEN INCIDENT IS TO REPORTED TO AND IN THE JURISDICTION OF THE DEPARTMENT OF PUBLIC SAFETY**

1. MAKE NOTIFICATIONS, IF APPROPRIATE
 - _____STUDENT AFFAIRS
 - _____PUBLIC SAFETY CHIEF
 - _____OFFICER'S SUPERVISOR
 - _____SEXUAL ASSAULT INVESTIGATION OFFICER
 - _____LOCAL POLICE DEPARTMENT
 - _____HEALTH SERVICES
 - _____COUNSELING CENTER
 - _____HOUSING
 - _____OTHER
2. ASSIGN INVESTIGATING OFFICER, IF APPROPRIATE
(If possible assign officers of the same sex as the victim)
3. SECURE SEARCH WARRANT, IF APPROPRIATE
4. SECURE CRIME SCENE, IF APPROPRIATE
5. TAKE PHOTOGRAPHS OF CRIME SCENE, IF APPROPRIATE
6. OBTAIN PHYSICAL EVIDENCE FROM CRIME SCENE, IF APPROPRIATE
7. IDENTIFY VICTIM, IF APPROPRIATE
8. ASSESS VICTIM'S MEDICAL NEEDS, IF APPROPRIATE
9. ASSESS VICTIM'S SAFETY NEEDS, IF APPROPRIATE
10. ARRANGE FOR MEDICAL TRANSPORT, IF APPROPRIATE
11. INTERVIEW ATENDING PHYSICIAN, IF APPROPRIATE
 - WITH CONSENT OF VICTIM
12. OBTAIN PHOTOGRAPHS OF ALLEGED VICTIM, IF APPROPRIATE
 - WITH CONSENT OF VICTIM
13. DELIVER PHYSICAL EVIDENCE TO CRIME LAB FOR ANALYSIS (POSSIBLY INCLUDING RAPE KIT), IF APPROPRIATE
14. OBTAIN VICTIM'S MEDICAL RECORDS, IF APPROPRIATE
 - WITH SIGNED PERMISSION FROM ALLEGED VICTIM
15. TAKE VICTIM STATEMENT, IF APPROPRIATE
16. EXPLAIN OPTIONS/RESOURCES TO VICTIM, IF APPROPRIATE
 - FOLLOW VICTIM ASSISTANCE PROTOCOL
17. IDENTIFY PERPETRATOR, IF APPROPRIATE
18. ISOLATE PERPETRATOR, IF APPROPRIATE
19. INTERVIEW PERPETRATOR, IF APPROPRIATE
20. GET PERPETRATOR STATEMENT, IF APPROPRIATE
21. OBTAIN PHYSICAL EVIDENCE, IF APPROPRIATE
22. MAKE ARREST, IF APPROPRIATE
23. ASSIST IN OBTAINING A RESTRAINING ORDER, IF APPROPRIATE
24. IDENTIFY AND SEPARATE WITNESSES, IF APPROPRIATE
25. INTERVIEW WITNESSES, IF APPROPRIATE
26. TAKE WITNESS STATEMENTS, IF APPROPRIATE

27. COLLECT PHYSICAL EVIDENCE, IF APPROPRIATE
28. LOG ENTRY OF INCIDENT IN POLICE LOG, IF APPROPRIATE
 - FOLLOW CLERY ACT RULES FOR POLICE LOG DATA/CONFIDENTIALITY
29. NOTE CLERY ACT STATISTICAL INFORMATION FOR ANNUAL REPORT

CAMPUS LAW ENFORCEMENT GUIDELINES FOR

VICTIM INTERACTION:

- Address the victim by name, you would not call a male victim “dear” or “honey” and you should not do so with female victims either.
- Introduce yourself by name and position.
- If you are called to the scene, explain that you are there to investigate and offer help, information and options.
- Compassion and sympathy will help to put the victim at ease with your involvement. Detached, business-like attitudes do not resonate well with what most victims need. Attempt to create a comfort zone/environment for the victim whenever possible, such as by responding in plainclothes, arranging for a private area to talk in (preferably away from the scene of the assault), and clearly explaining the reporting process and what the victim will be going through.
- Be non-judgmental, even if the victim has broken laws (that can be addressed later). Be careful not to say anything that might blame the victim.
- Recognize that it is difficult to strike a balance between empowering a victim to make decisions and guiding someone who may be confused and in the midst of crisis.
- State briefly the purpose of your questions. Tell the victim you need to know what happened, when and where, getting a description of the assailant if he or she was not known to the victim.
- It is normal for the victim to exhibit hesitancy and/or embarrassment. Remember he/she has likely been assaulted and is probably scared, humiliated, angry and possibly feeling guilt about the assault. If you observe it, acknowledge it, by saying something like, “I know it is difficult to tell this to a stranger, but I want to help you.”
- Listen intently and let the victim tell the story in her/his own words. Devote your full attention to the story. If necessary, have another investigator secure the crime scene while you gather the pertinent information. Record what the victim says and clarify after he/she is finished, if you need to.
- Unless you have a reasonable suspicion that the victim is fabricating the report, do not use a suspicious tone, or accusatorial questions.
- Unless you have a substantial suspicion that the victim is fabricating the report, do not suggest that the victim submit to lie detection techniques, or subject him or her to such.
- Do not ask questions or make comments that will make the victim feel as if he or she did the wrong thing.
- Be mindful of the confidentiality of the information of an investigation. Do not release a victim’s name or address to the press or anyone else without authorization.
- Refer to additional information available above in the Sexual Assault Response Protocol section on how to create an effective victim-contact interaction.

MULTIPLE PERPETRATOR INFORMATION:

STATUS OF SUSPECT:

_____ SUSPECT KNOWN TO VICTIM
RELATIONSHIP TO VICTIM: _____

_____ STRANGER

TYPE OF SUSPECT:

_____ OFFENDER IDENTITY KNOWN:
NAME: _____
ADDRESS: _____
TELEPHONE: _____
LAST KNOWN WHEREABOUTS: _____
PHYSICAL DESCRIPTION: _____

_____ UNKNOWN OFFENDER
LAST KNOWN WHEREABOUTS: _____
PHYSICAL DESCRIPTION: _____

STATUS OF SUSPECT:

_____ SUSPECT KNOWN TO VICTIM
RELATIONSHIP TO VICTIM: _____

_____ STRANGER

TYPE OF SUSPECT:

_____ OFFENDER IDENTITY KNOWN:
NAME: _____
ADDRESS: _____
TELEPHONE: _____
LAST KNOWN WHEREABOUTS: _____
PHYSICAL DESCRIPTION: _____

_____ UNKNOWN OFFENDER
LAST KNOWN WHEREABOUTS: _____
PHYSICAL DESCRIPTION: _____

WITNESS INFORMATION:

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

NAME: _____

ADDRESS: _____

TELEPHONE: _____

SUMMARY OF STATEMENT: _____

APPENDIX A: SEXUAL ASSAULT INCIDENT REPORT FORM

Instructions: This form is intended to convey information needed to track the college response to the incident being reported, as well as assess the danger the incident represents to the community at large. All efforts must be made to maintain the victim's anonymity; no information should be included which might identify the victim. Please return this form to the Sexual Assault Response Coordinator within 24 hours of any victim contact.

Reporter's name: _____ Position/Dept.: _____ Phone: _____

Date of Report: _____ Date of discussion with victim: _____

Victim's age: _____ Victim's academic year: _____ Victim's Gender: _____

Date of incident: _____ Time of incident: _____ Occurred on campus? yes ___ no ___

Where on campus did the assault occur? _____

Describe the location (name of building, street, etc.) _____

Describe assault (check one):

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

Was the absence of consent due to the victim being incapacitated by : a) alcohol? yes ___ no ___
b) other drugs? yes ___ no ___

Describe any pressure or force used by the assailant:

- none
- verbal pressure or arguments
- position of authority (boss, teacher, supervisor, etc.)
- threat of physical force (threatened to hit, hold, or otherwise injure)
- actual use of physical force (hit, held victim down, twisted arm, etc.)
- gave victim alcohol or drugs so victim was significantly incapacitated

Was a weapon involved in the assault? yes ___ no ___ Number of assailants: _____

If a single assailant, describe: gender: _____ race: _____ age: _____ height: _____ weight: _____

Role of assailant(s) on campus (check):

- student _____ faculty _____ staff _____ other _____ no campus role _____

If single assailant, describe nature of relationship with victim prior to the incident (check one):

- stranger _____ spontaneous date (i.e., met at bar or party) _____ planned first date _____
- relative _____ friend or nonromantic acquaintance of any age _____ romantic acquaintance or on-going date _____

Name of alleged assailant(s): _____

Other contact points or departments the victim reported this assault to:

- Sexual Assault Response Coordinator Student Health Center
- Residence Life Campus police or security force
- Counseling Center Sexual Assault Companion/Peer Helper
- Dean of Students (or other administrator) Local Women's Shelter/Rape Crisis Ctr.
- Other: _____

Name of reporting victim (optional choice of the victim) _____