Student Sexual Assault Procedures at Geneseo

This document outlines programs, services, and campus procedures relevant to student sexual assault on campus or in the Geneseo community. This is a working document in progress created to inform individuals interested in learning about current campus practices through the 2010-2011 Sexual Assault Teach In (SAT). Information listed here was gathered through multiple in person and electronic conversations with numerous individuals and offices on our campus. Please send corrections, additions, or other feedback to Jennifer Katz, Dept of Psychology (katz@geneseo.edu) or Melinda DuBois (**dubois@geneseo.edu**).

Education and Prevention

- Students participate in informal sexual assault education during Orientation via skits led by Orientation Assistants.
- A formal prevention program involving both a skit and structured discussion (*When a Kiss is Not Just a Kiss)* occurs the first weekend that new students arrive on campus each semester.
- The Health Promotions office provides a brochure with information to first year students in each student's mailbox (so it is not lost in the Orientation materials). First year students also receive an emergency card with phone numbers. Other information about sexual assault is available to all students at the Sexual Assault Focus on Education (SAFE) webpage: http://www.geneseo.edu/health/s_a_f_e_home
- Each semester Greek Peer Educators design and facilitate a workshop on sexual assault and healthy sexual relationships (as a part of the New Member Workshop Series) for all students who are new to the fraternity/sorority community. Each year roughly 200 new members participate in this mandatory education series.
- Many students receive educational information about sexual assault through residence hall programs, through Health Guard (peer health education) programs and as participants in student-organized events such as *Sexual Violence Awareness Week and Take Back the Night.*
- Student leaders and new students on our campus have participated in bystander intervention training (*Stand Up!*) since Fall 2009; this training includes intervening in cases of suspected possible sexual assault.

Medical Crisis Services

- Geneseo Health and Counseling (Lauderdale Health Center, 585-245-5736/5716) is open M-F 8 to 5 pm and some evenings during the week. Geneseo Health and Counseling does not provide medical crisis services. (This is true of nearly all colleges and universities that are not affiliated with a major medical center). Calls made to Geneseo Health and Counseling after hours will be directed to a nurse advice line.
- Health and Counseling administrators encourage victims to go to Strong Hospital (601 Elmwood Avenue, Rochester NY 14642, 585-275-2100, general; 585-275-4551, Emergency Dept) to be examined by a Sexual Assault Nurse Examiner (SANE). If the assaulted student wants to keep open the possibility of prosecuting the perpetrator, s/he is advised to go to Strong Hospital for an examination and evidence collection. Strong Hospital has a unique Sexual Assault Forensic Examination Center staffed by SANE nurses (highly trained individuals who evaluate a victim's medical status and collect/store evidence in the event of a criminal trial). The SAFE Center at Strong Hospital is open 24/7 and will administer emergency medical treatment and offer advocacy services. Other hospitals in the area can provide immediate medical treatment, although none currently are staffed with SANE nurses.
- Geneseo does not currently provide sexual assault victims with hospital transportation. The Division of Student and Campus life encourages faculty or staff members to assist students in need in finding hospital transportation, although faculty and staff member are not permitted to provide transport themselves. UPD may be able to provide transport depending on staffing availability. Other Transportation options include calling an ambulance (911), asking a friend with access to a car, or calling a taxi service such as Turbo Taxi (585-749-6648).
- The Livingston County Rape Crisis Hotline (1-800-527-1757) is available 24 hours to provide support and information, including information about crisis services. A trained advocate will offer to meet a sexually assaulted student at Strong or other hospitals to provide immediate support services.

Sexual Health and Counseling Services

Geneseo Health and Counseling offers free, confidential health care to students including pregnancy and STI testing, emergency contraception, and counseling.

Student Code of Conduct

Sexual assault is prohibited by the Geneseo Student Code of Conduct, which states, "Physical abuse or verbal abuse resulting in intimidation, harassment or coercion of another person or group of persons including acts such as killing, assaulting, battering, stalking, sexually assaulting, or sexually harassing another person or any other conduct which directly threatens or endangers the health and safety of any person." Sexual assault is not defined within the Geneseo Code of Conduct, although the reader is referred to the Student Handbook for more information.

The Student Handbook states, "Sex offenses occur on and off college campuses. While some victims are assaulted by assailants who are unknown, more frequently the campus victim is assaulted by a person known to the victim. These incidents are described as "acquaintance rapes." The assailant may be a date or a girl/boyfriend of the victim. However, s/he may also be someone who is identifiable because s/he is in a class with the victim, a resident of the same residence hall as the victim, or a friend of a friend of the victim" The Student Handbook also states, "College Regulations Regarding Sex Offenses Geneseo students who are victims of sexual offenses [e.g., rape, sexual abuse, nonconsensual sexual activity; (see previous section)] which occurred either on the Geneseo campus or at a location off-campus are encouraged to report their experiences to a College official." The Student handbook also directs students to definitions of sexual offenses based on NYS law (see Appendix B: http://www.geneseo.edu/webfm_send/2245). The Dean of Students indicated that the Student Conduct Boards not restricted to NYS law in determining whether an incident is considered to be sexual assault.

A document entitled, "Rape and other sexual offenses protocol: Division of student and campus life," defines rape as sexual intercourse without consent and by force or the threat of force, or when the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity. This definition includes the offenses of stranger rape and date and acquaintance (or known offender) rape. (This is a partial definition of rape in the first degree. For a full definition of this and other sexual offenses, refer to the Student Handbook.)"

Reporting a Sexual Assault: Who to Tell on Campus

Dean of Students – 354 MacVittie College Union – 585-245-5706

University Police Department – 19 Schrader – 585-245-5651

Campus Security Authorities (CSAs): CSAs are members of the campus community who are required to make a report to either the Dean of Students or UPD if they learn that a student has been sexually assaulted. CSAs are people in the following positions: faculty and staff advisors to student groups/clubs/Greek organizations, VP for Student and Campus Life, professional staff within Center for Community including the Conduct Officer, Director and Asst. Director of Athletics, coaches of intercollegiate athletic teams, Dean of Residence Life and Residence Hall directors (RDs), Director of College Union and Activities and professional staff, and the Coordinator of Health Promotion. CSAs may choose to report to UPD if they do not want to identify the name of the victim. (Other faculty and staff members, including those who are not club advisors and including health and counseling service providers, are not required to report students sexual assaults to either the Dean of Students or UPD. Livingston County Rape Crisis workers also do not make reports to either the Dean of Students or UPD).

Resident Assistants cannot promise to keep disclosures of sexual assault private. That is, when students disclose sexual assault experiences to RAs, RAs are required by the terms of their employment to report this information, including the names of the assaulted student and (if known) the accused offender, to their Residence Director (RD) or Area Coordinator (AC), and to the Office of Student Conduct and Community Standards. In some cases, depending on the time of the event and who is on call, this information is also forwarded to the RD's assigned Area Coordinator, the Assistant Directors of Residence Life, and the Dean of Residential Living. Although RDs and ACs are Campus Security Authorities, a direct report to an RD or AC will be passed on to the Dean of Residential Living in addition to the Dean of Students. Only the minimum information necessary to comply with Geneseo policies and New York State law is shared and staff members treat this information with the utmost discretion.

Reporting the Crime: Who to Tell Off Campus

Geneseo Police Department –119 Main Street – 585-243-2420/911

Livingston County Sherriff Department – 4 Court St – 585-243-7100/911

What to Report and Why

ALL formal reports of sexual assault must include the following information: *date*, *time*, *specific location*, and *enough information about the event* that it can be accurately and correctly classified as a sexual assault. The *name of the*

assaulted student (victim) and the *accused* (offender) student (if known) are also required when making reports to the Dean of Students; however, these names are not required by University Police Department.

Even if an assaulted student doesn't want to press charges, s/he may want UPD to be notified (directly or via a CSA) about an assault. UPD collects and distributes crime statistics based on reports made in good faith of events that occur *on campus* or in *campus recognized property* (e.g., a fraternity house) as per the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). Sexual assaults committed elsewhere, such as at a local bar or off campus apartment, are not included in Clery Act figures.

The Clery Act Definition of Sexual Offense, Forcible: "any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent."

After the Report: What Happens Next?

Each case is treated on an individual basis. The descriptions in the following sections can be used as general guidelines.

When the Dean of Students (DOS), Assistant Dean of Students (ADOS) or both are notified about a student sexual assault (from an assaulted student, a friend of the student, a CSA, or an RA), the DOS/ADOS is required to follow up with the assaulted student. Specifically, the Conduct Officer will initiate a meeting with the person who was assaulted. The purpose of this meeting is to begin a preliminary investigation, provide available resources, and work with the assaulted student to decide whether and how to press charges. Assaulted students may pursue a college conduct review (informally known as college disciplinary action), criminal action proceedings, neither, or both. There are three primary avenues to pursue:

1. Keeping the assault internal to Conduct (this applies to both on and off campus assaults involving student offenders). UPD will be given basic information (not names) at the end of the academic year to compile statistics for the Clery Report.
2. Reporting to on campus law enforcement (UPD) to file a police report/potentially launch a criminal investigation.
3. Reporting to off campus law enforcement agencies (e.g., Geneseo Police, Livingston County Sheriff Department) who will work with the DOS/ADOS and UPD.

Student Conduct Hearings

If the assaulted student wants to proceed with a conduct hearing through the Office of Student Conduct and Community Standards, either a Level I or Level II conduct procedure may be followed. In most cases, it is the assaulted student who chooses the level; however, the prior history of the accused student may affect the appropriate level of conduct review. The accused students' prior history will not be shared with the assaulted student or with members of the Student Conduct Board before the accused student is found responsible.

- In Level I reviews, which are conducted by the DOS/ADOS, if the accused student is found accountable, the student may sanctioned with probation or deferred suspension, the accused student is made aware of the charges and has a hearing with either the Dean of Students or ADOS; the assaulted student does not attend.
- In Level II reviews, which are conducted by a Student Conduct Board, if the accused student is found accountable, this student may be sanctioned with a suspension or dismissal from the college. First, the accused student is made aware of the charges. A hearing is held before a Student Conduct Board to determine accountability and witnesses can be called. For due process reasons, the assaulted student is required to participate in the hearing in some form (e.g., via phone conference, Skype, sitting in an adjacent room with a partition separating the victim and the accused) but is not required to stay for the entire hearing. If an assaulted student refuses to participate, a Level II hearing cannot be held. An advisor (such as a supportive staff or faculty member) may accompany the assaulted student to a Level II review. An advisor also may accompany the accused student to a review hearing. Students' friends are not permitted to attend the hearing although they may be called as witnesses if they have firsthand knowledge of the assault.

Accused students who are found to have violated the Code of Conduct have the right to appeal the outcome of the hearing in accordance with College conduct appeal procedures.

Flow Chart of Conduct Procedures:

A formal report of a sexual assault has been submitted to the Dean of Students or one of the CSAs previously listed in this section

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Contact is made by the DOS/ADOS with the assaulted student to explore options for addressing the sexual assault. The victim can choose to do nothing, proceed through the Student Code of Conduct and/or file charges with law enforcement on campus and/or in the off campus community. (Either or both avenues can be an option, although off campus community law enforcement may require that campuses withhold their investigations if a criminal case is pending)

LEVEL 1 (1:1 review)

Accused student informed of the complaint ↓

Accused student meets with Dean of Students or Assistant Dean (victim does not attend the review) ↓

The Conduct Administrator determines the outcome ↓

The assaulted student is informed of the outcome the maximum sanction is **deferred suspension;** a more common outcome is **conduct probation**

LEVEL 2 (Student Conduct Board)

Accused student informed of the complaint ↓

Conduct review is held with the Student Conduct Board

(Witnesses may be called by both parties; Assaulted student required to participate; may attend all or part of the hearing with an advisor) ↓

Student Conduct Board determines the outcome ↓

The assaulted student is informed of the decision; maximum sanction is **dismissal**

Deferred suspension means that given the nature of the violation that the student has been found responsible for - they could have been suspended but given the facts of the incidents, what the student has had to say or done to help themselves (for example - entering into Counseling) - the suspension is being deferred. Deferred suspension is in place for one semester or one academic year.

Conduct probation is a little less serious than deferred suspension. It is a formal reprimand that indicates that the student's behavior is not consistent with our Code of Conduct. Conduct probation is in place for one semester or one academic year.

Reporting to UPD: What Happens Next?

UPD may receive reports directly from student victims or from other sources, including CSAs. When students directly report their own sexual assaults to UPD, they may specify whether they want an investigation initiated. UPD officers indicate that if they believe there is a hazard to the larger community (such as a serial rapist), an investigation may be initiated independent of the victim's wishes.

If UPD receives a report from a student or from a CSA that does not identify the victim, they may still investigate. UPD also may follow up with the person who reported the event to be able to gather more information (e.g., to found or unfound the case or to warn others about a specific hazard).

CRIMINAL

Victim chooses to report to law enforcement (UPD, GPD, State Police, Sheriff) ↓

An investigation is conducted ↓

Law enforcement or the District Attorney will determine the next step.

If you have ideas or suggestions about how to make our campus a safer place, please don't hesitate to share your ideas with Melinda DuBois, Administrative Director of Student Health and Counseling, (dubois@geneseo.edu) or Jennifer Katz, Associate Professor of Psychology (katz@geneseo.edu).