

ARTICLE VI: INTERPRETATION AND REVISION

1. Any question of interpretation regarding the Student Rights and Responsibilities shall be referred to the Vice President for Student Development or designee for final determination.
2. The Student Rights and Responsibilities shall be reviewed every three (3) years by the Board of Inquiry, the Vice President for Student Development and the College Attorney. The Ad Hoc Committee on the Code of Student Conduct may also be re-formed at this time to give input.

SEXUAL ASSAULT PREVENTION

Sexual Assault and the Law

Orange County Community College (SUNY Orange) has programs in place to protect all members of the college community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY Orange at both the Middletown and Newburgh Extension Center Campuses.

NYS Law contains the following legal provisions defining the crimes related to sexual assault:

Section 130.20 - Sexual Misconduct. This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section includes imprisonment for a definite period to be fixed by the court up to one year.

Section 130.25/30/35 - Rape. This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.40/45/50 - Criminal Sexual Act. This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to a mental defect, mental incapacity, or physical helplessness. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent.

The penalties for a violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed 25 years.

Section 130.52 - Forcible Touching. This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person's sexual or other intimate parts.

The penalty for violation of this section includes imprisonment for a period of up to one year in jail.

Section 130.55/60/65 - Sexual Abuse. This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due to physical helplessness, or due to the person being under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed three months up to imprisonment for a period not to exceed seven years.

Section 130.65-a/66/67/70 - Aggravated Sexual Abuse. This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for violation of these sections range from imprisonment for a period not to exceed seven years up to imprisonment for a period not to exceed 25 years.

If you are sexually or otherwise assaulted on campus:

- Get to a safe place as soon as you can.
- Try to preserve all physical evidence; do not bathe, douche, or change your clothes.
- Contact SUNY Orange Department of Safety and Security by dialing 77 from a campus phone or 341-4710 or 341-4932.
- Call 911 in an emergency, or use Blue Light campus emergency phone located on the Alumni Green inner circle by Harriman Hall.
- The Orange County Rape Hotline is available 24 hours a day at 1-800-832-1200.

This program will provide a specially trained advocate who will meet you at the hospital, and remain with you throughout the examination and reporting procedures. In addition, this program which is a service of the Mental Health Association in Orange County, can provide ongoing counseling and sexual assault survivor support groups.

Remember, assaults—sexual or otherwise—are crimes; they are not the victim's fault. Victims have the right to pursue adjudication of crimes that occur on our campus through criminal courts and/or through the college's internal disciplinary process (under the Student Code of Conduct). SUNY Orange Safety and Security Department Officers are trained to assist with prosecution in both systems.

Disciplinary Action

Where there is probable cause to believe the college's regulations prohibiting sexual misconduct have been violated, the college will pursue strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the college.

An individual charged with sexual misconduct will be subject to the college disciplinary procedures, whether or not prosecution under New York State Criminal Statutes is pending. The college will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of the continued trauma is the college's priority.

Assistance for any other personal or academic concerns will be reviewed and options provided.

During the disciplinary process, the victim's rights are:

- To have a person or persons of the victim's choice accompany the victim throughout the disciplinary hearing.
- To remain present during the entire proceeding.
- As established in state criminal codes, to be assured that his/her irrelevant past sexual history will not be discussed during the hearing.
- To make a "victim impact statement" and to suggest an appropriate penalty if the accused is found in violation of the code.
- To be informed immediately of the outcome of the hearing.
- During the disciplinary process, the rights of the "accused" are as described under the Due Process Procedure of the College Judicial System.

Information and Support

If you are the survivor of a sexual assault or sexual misconduct, you may seek advice and support services from any members of the campus rape response team, which includes the Director of Safety and Security, the Director of Health Services and a member of the Advising, Assessment & Counseling Staff. The nurses in Health Services and counselors in the Advising, Assessment & Counseling Center are trained to respond to assist survivors of rape and sexual assault, and can provide survivors with referral to the county Rape Survivor's Advocacy Program and Rape Survivor's Support Group. Survivors of sexual assault and violence are encouraged to use these services, regardless of whether the incident happened on or off campus.

Educational Programs

In cooperation with the Rape Crisis Services provided by the Mental Health Association in Orange County, educational programs to promote awareness of rape, acquaintance rape, and sex offenses are presented to the campus community. The Rape Crisis Program staff provides in-service training for various professional audiences including Safety and Security, Counseling, and Health Services personnel who come in contact with sexual assault survivors. Sexual assault prevention and other safety tip brochures, which include the annual Safety Committee report and campus crime statistics for the past three years, are distributed each semester by the Safety and Security Department. Health Services and the Advising, Assessment & Counseling Center staff offer additional information, support and related programs throughout the year.