

Sexual Assault Policy and Prevention



WHAT YOU NEED TO KNOW.....

**IF YOU HAVE BEEN A VICTIM OF
SEXUAL ASSAULT, DOMESTIC/INTIMATE
PARTNER VIOLENCE OR STALKING**



SEXUAL ASSAULT POLICY

SUNY Orange County Community College is committed to creating a community free from violence. Sexual Assault, harassment, dating/domestic violence and stalking as defined by State and Federal law will not be tolerated at SUNY Orange County Community College, at college supported events or activities, or at functions of recognized student organizations, on or off campus. SUNY Orange County Community College will take action, as needed, to discourage, prevent, correct and if necessary, discipline behavior that violates this standard of conduct. Rape and sexual assault constitute crimes. Federal and New York State law and College policy prohibit such behavior.

Confidentiality is fundamental to all aspects of cases dealing with sexual assault. The names of sexual assault victims shall not be revealed by persons responsible for implementing and enforcing the provisions of this policy, except with the consent of the victim.

The college recognizes the necessity of a community which is open and intellectually stimulating, where diversity of ideas is valued and every person's safety, dignity and autonomy is respected whether they are students, faculty, or staff, and regardless of race, ethnicity, age, religion, class, national origin, gender, sexual orientation, or disability.

More detailed information regarding the SUNY Orange Code of Conduct and grievance procedures is available in the Student Handbook.

GENERAL DEFINITION OF TERMS

Definition of Sexual Assault

Sexual assault is defined as any unwanted physical contact, or attempts to have physical contact, of a sexual nature without the clear and express consent of both individuals, or under threat or coercion. A sexual assault can be committed by a male or a female on a member of the opposite or the same sex. Sexual assault can occur forcibly and/or against a person's will.

It can also occur when a person is incapable of giving consent due to intoxication by drugs or alcohol, because she or he is under the age of 17, and/or because she or he has a disability (whether temporary or permanent, or mental or physical) or is unconscious or asleep and consequently is unable to give consent.

Consent must be given freely, voluntarily, and with knowledge of the act proposed by the other person.

Examples of sexual assault include, but are not limited to, rape (whether by an acquaintance or a stranger) including penetration with a body part or foreign object, sodomy, oral copulation, sexual abuse, sexual battery, fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threats of sexual assault.

Definition of Stalking

Stalking is the unwanted pursuit of another person. By its nature, stalking is not a one-time event. The individual's actions must be considered in connection with other actions to determine if someone is being stalked. It includes repeated harassing or threatening behavior toward another person, whether that person is a total stranger, slight acquaintance, current or former intimate partner, or anyone else. Stalking behaviors can include any behaviors if they have no reasonable legitimate purpose, depending upon the context in which they are done. The acts committed are limited only by the stalker's creativity, access, and resources.

Definition of Domestic/Intimate Partner Violence

Domestic/intimate partner violence is abusive behavior (emotional, psychological, physical or sexual) that one person in an intimate relationship uses in order to control the other. It takes many different forms and includes behaviors such as threats, name-calling, preventing contact with family or friends, withholding money, actual or threatened physical harm and sexual assault. Stalking can also be a form of domestic/intimate partner violence.

Most domestic/intimate partner violence is committed against women by their male partners or ex-partners. It also occurs in lesbian and gay relationships and is common in teenage dating relationships. In a small number of cases, men are abused by female partners. Every victim of domestic/intimate partner violence, whether female or male, gay or heterosexual, has the right to legal relief.

PRECAUTIONS

SUNY Orange offers events, workshops, and programming for students, faculty, and staff related to the prevention of sexual assault, domestic/intimate partner violence, and stalking.

Even the best self-defense program cannot completely prevent sexual assault.

Be aware that everyone is a potential victim of sexual assault. The most vulnerable target is a woman alone. It is a myth that assault is provoked by a woman's dress or mannerisms. Opportunity and vulnerability are the key factors. Over 80% of all assaults are committed by an acquaintance of the victim, but almost half of these victims tell no one about the attack. Many attacks begin with casual conversation. If your gut-level response to a stranger or friend is uneasiness, try and get out of the situation as quickly as possible, even if it means being rude or making a scene. The keys to prevention are awareness, trusting your intuition, and assertive behavior. Take the time to think ahead what you might do in the event of an attack.

The following tips are designed to increase your awareness of personal safety and to encourage you to think ahead about how you would react if assaulted.

- Trust your feelings. If you feel in danger, you probably are.
- Walk confidently. Be aware of the surroundings. Know your route and stay in well-lighted areas.
- Consider carrying a whistle on your key chain and use it if you find yourself in danger.
- Check your car before getting in. Keep doors locked and windows up.
- **DO NOT** stop to assist stalled drivers. Drive on and call the police. **DO NOT** accept assistance if your car is stalled. Tell anyone who offers help to call the police.
- **DO NOT** pick up hitchhikers.
- At home, keep the doors and windows locked. Ask repair, service, or delivery persons for identification of have them wait outside while you call to verify their employment.
- Learn to defend yourself.

- Teach children about the potential for sexual assault and what to do if they are ever approached inappropriately. Children should be told that they are never responsible for sexual assault and to tell a trusted adult if an assault should ever occur.

HOW TO AVOID SEXUAL and OTHER CRIMINAL ASSAULTS, BOTH ON AND OFF CAMPUS

- **Be alert to your surroundings**

Stay in well-lighted areas.

Walk with other people whenever possible.

Know the locations of *red phones in campus buildings, and *blue light telephones in parking areas.

If you are walking alone, don't use head phones; they distract you and prevent you from being aware of your surroundings.

- **If you travel by car**

Always keep your car locked, while you are riding & when it is parked.

When returning to your car, do so with your keys in your hand.

Check the back seat before you get in.

After you get in, re-lock the car immediately.

- **If you travel by bus**

Go to the bus stop with other people whenever possible, particularly at night.

Don't accept rides from strangers.

- **If you feel you are being followed**

Walk to the nearest occupied or well-lighted building, not to your car or a bus stop. If on campus, contact campus security for assistance; if off campus, call the police.

Note the appearance of the person or persons; note the license plate number of the car. Your personal safety should come before the security of belongings, such as books, bags, etc. When in doubt, leave them behind.

- **If you feel threatened**

Shout "*Leave me alone.*" Others may hear you and/or the potential criminal may be frightened away. Trust your instincts; don't be embarrassed to seek assistance.

- **Red and Blue Light Emergency Phones**

There are numerous, strategically located **RED** phones in campus buildings and **BLUE** light Emergency phones in parking areas. These phones may be used to contact Security, 24 hours a day.

REPORT ALL INCIDENTS

TO SECURITY IF ON CAMPUS, or TO THE POLICE IF OFF CAMPUS

SUBSTANCE ABUSE AND SEXUAL ASSAULT

Some Basic Facts on the criminal use of sedating substances to facilitate sexual assault: For centuries alcohol has been used to facilitate sexual assault.

Today it remains the substance most frequently associated with date rape, and the most accessible sedating substance. Other sedating drugs are increasingly being misused to commit sexual assault by spiking victims' beverages. These are referred to by a number of street names of which you should be aware. These include Liquid Ecstasy, Liquid X, Grievous Bodily Harm and Easy Lay for GHB, and Special K for Ketamine. Common street names for Rohypnol include Roofies, Roachies, La Rocha, and The Forget Pill.

The physical effects of alcohol and sedating drugs are very similar and include impaired judgment and motor coordination, disinhibition, dizziness, confusion and extreme drowsiness. If enough alcohol or sedating substances are consumed, an individual may fall unconscious or may not remember the details of what occurred.

Depending on the substance and the presence of alcohol and other drugs in the person's system, more dangerous and sometimes life-threatening side effects may occur.

HOW TO REDUCE THE RISK OF BEING DRUGGED AND SEXUALLY ASSAULTED

- Do not leave beverages unattended.
- Do not take any beverages, including alcohol from someone you do not know well and trust.
- At a bar or club, accept drinks only from the bartender or server.
- At parties, do not accept open-container drinks from anyone.
- Be alert to the behavior of friends and ask them to watch out for you. Anyone extremely intoxicated after consuming only a small amount of alcohol may be in danger.
- Limit alcohol consumption so you are better able to assess your surroundings and eat substantive food before drinking to help curb its sedating effects.
- When drinking in social settings, make arrangements with a friend so that you can leave together.

Most importantly, remember that whether you follow these tips or not, if someone sexually assaults you, it is not your fault. You are *never* to blame for someone else's actions.

IF YOU HAVE BEEN SEXUALLY ASSAULTED

Go to a safe place. Try to preserve all physical evidence; do not bathe, douche, comb your hair, or change your clothes.

CONTACT: SUNY Orange Dept. of Safety and Security:
MIDDLETOWN—dial 77 from a campus
phone or call 341-4710 or
NEWBURGH—dial 9533 from a campus
phone or call 341-9533

- You may also use one of the Blue Light emergency phones, or any of the red phones located throughout both campuses.

- Get medical attention as soon as possible. A medical examination is important to detect injury and for possible protection against a sexually transmitted disease or pregnancy.
- You may seek advice and support services from the SUNY Orange Sexual Assault Response Team (SART). The team can be contacted through Security at 341-4710, or the Wellness Center at 341-4870. Members of SART will assist sexual assault, domestic violence, dating or intimate partner violence and stalking victims and can provide referral to county resources and support. Individuals are encouraged to use these services, regardless of whether the incident happened on or off campus.
- 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 criminal statutes is pending. The college will make every effort to be responsible and sensitive to the victims of these serious charges.
- If a student presents with an order of protection, the office of safety and security will work in collaboration with the student and local law enforcement to ensure the student's safety.
- Think about reporting the assault to the police. Telling the police does not mean that you have to prosecute (go to trial).
- If you do want to prosecute, it is essential to have a rape exam at a hospital emergency room soon after the assault. To increase your options later, this exam is recommended, even if you are unsure about prosecution.

Following a sexual assault, you may feel shock, embarrassment, shame, guilt, disbelief, anger, anxiety or nothing at all. These are normal reactions to a violent crime.

- Remember—***IT IS NOT YOUR FAULT.***

- Sometimes months or even years after an assault, survivors re-experience feelings they had immediately following the attack. Counseling or support groups may help at these times.
- You may be eligible for compensation of medical costs or losses incurred as a result of a sexual assault. In order to receive assistance, contact the Orange County Crime Victims Assistance Program (CVAP) at (845) 346-1201.
- Decisions made after a sexual assault are difficult; there are no right answers, only what is right for you. Get the support you deserve.

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Summary of

New York State Penal Code 130 - Sex Offenses and Penalties

<u>CRIME</u>	<u>CLASS</u>	<u>MAXIMUM PENALTY</u>
Harassment—2nd Degree Violation	Violation	15 days
Harassment—1st Degree	B Misdemeanor	3 months
Aggravated Harassment—2nd Degree	A Misdemeanor	1 year
Aggravated Harassment—1st Degree	E Felony	4 years
Assault—3rd Degree	A Misdemeanor	1 year
Assault—2nd Degree	D Felony	7 years
Assault—1st Degree	B Felony	25 years
Menacing—3rd Degree	B Misdemeanor	3 months
Menacing—2nd Degree	A Misdemeanor	1 year
Menacing—1st Degree	E Felony	4 years

<u>CRIME</u>	<u>CLASS</u>	<u>MAXIMUM PENALTY</u>
Criminal Obstruction of Breathing		
or Blood Circulation	A Misdemeanor	1 year
Strangulation—2nd Degree	D Felony	7 years
Strangulation—1st Degree	C Felony	15 years
Stalking - 4th Degree	B Misdemeanor	3 months
Stalking - 3rd Degree	A Misdemeanor	1 year
Stalking – 2nd Degree	E Felony	4 years
Stalking – 1st Degree	D Felony	7 years
Unlawful Surveillance		
2nd Degree	E Felony	4 years
Unlawful Surveillance		
1st Degree	D Felony	7 years
Dissemination of an Unlawful Surveillance Image		
2nd Degree	A Misdemeanor	1 year
Dissemination of an Unlawful Surveillance Image		
1st Degree	E Felony	4 years
Sexual Misconduct	A Misdemeanor	1 year
Rape, 3rd Degree	E Felony	4 years
Rape, 2nd Degree	D Felony	7 years
Rape, 1st Degree	B Felony	25 years

<u>CRIME</u>	<u>CLASS</u>	<u>MAXIMUM PENALTY</u>
Criminal Sexual Act, 3rd Degree	E Felony	4 years
Criminal Sexual Act, 2nd Degree	D Felony	7 years
Criminal Sexual Act, 1st Degree	B Felony	25 years
Forcible Touching	A Misdemeanor	1 year
Persistent Sexual Abuse	E Felony	4 years
Sexual Abuse, 3rd Degree	B Misdemeanor	3 months
Sexual Abuse, 2nd Degree	A Misdemeanor	1 year
Sexual Abuse, 1st Degree	D Felony	7 years
Aggravated Sexual Abuse, 4th Degree	E Felony	4 years
Aggravated Sexual Abuse, 3rd Degree	D Felony	7 years
Aggravated Sexual Abuse, 2nd Degree	C Felony	15 years
Aggravated Sexual Abuse, 1st Degree	B Felony	25 years
Facilitating Sex Offense w/ a Controlled Substance	D Felony	7 years

Campus and Community Resources



The following programs and services are available in Orange County to provide assistance to you in an emergency situation or for on-going support in dealing with and recovering from a sex offense.

SUNY Orange **WELLNESS OFFICE**

Middletown Campus (Rm. 237, Shepard Student Center) (845) 341-4870

Newburgh Campus (Rm. 322, Kaplan Center) (845) 341-4870

SUNY Orange **SECURITY OFFICE**

Middletown Campus (845) 341-4710

Newburgh Campus (Kaplan Bldg.) (845) 341-9533

Newburgh Campus (Tower Bldg.) (845) 341-9293

SUNY Orange **SEXUAL ASSAULT RESPONSE TEAM (SART)**

Contact through Security at (845) 341-4710 or

Wellness Center (845) 341-4870

COMMUNITY RESOURCES

Rape Crisis Services (*Middletown*) (845) 342-2400

Rape Crisis Services (*Newburgh*) (845) 565-8681

Domestic Violence/Safe Homes O.C. (845) 562-5365

HOSPITALS

Orange Regional Medical Center (*Middletown*) (845) 333-1000

Crisis Evaluation (845) 333-1626

St. Luke's Cornwall Hospital (*Newburgh*) (845) 561-4400

(*Cornwall Campus*) (845) 534-7711

Bon Secours Hospital (*Port Jervis*) (845) 858-7000

St. Anthony's Community Hospital (*Warwick*) (845) 986-2276

POLICE

Middletown (845) 343-3151

Newburgh (845) 561-3131

New York State Police (*Middletown*) (845) 344-5300

ADDITIONAL RESOURCES:

24 Hour O/C RAPE CRISIS **HOT LINE** (*Orange County*) 1-800-832-1200

(*Outside of Orange County*) (845) 346-HELP

Power in Unity: Peer Support Group for Victims of Sexual Assault

(845) 342-2400 ext. 267

Check our Website: www.sunyorange.edu/wellness/sexual_assault.shtml