

WORCESTER STATE UNIVERSITY

POLICY FOR RESPONDING TO SEXUAL ASSAULTS

INTRODUCTION

Worcester State University is committed to providing a learning, living, and working environment free from all forms of coercive, harassing, or abusive conduct. Specifically, the University will not tolerate sexual assault in any form and is committed to educating members of the campus community about issues related to sexual assault, to engaging proactive preventative measures, and to providing ongoing confidential support services for survivors of sexual assault no matter where or when the assault occurred.

The current policy and set of protocols address the specific roles that various campus departments and agencies must play for the University to provide a caring and effective response for any member of the campus community who is a survivor of sexual assault. This policy and set of protocols specifies how to offer effective services both to a survivor of a recent assault and also to survivors recovering from past sexual abuse.

Survivors of sexual assault need to know what services are available and who will provide them. They also need to know any limits on the services that a particular provider can give. This document helps to clarify those limits for both survivors and providers. Off-campus support and judicial services may also play important roles, and the University will assist members of the community who choose to pursue criminal or civil prosecution and, when appropriate, disciplinary action under the University's student judicial system.

DEFINITION AND LEGAL RIGHTS

- 1) Sexual assault is illegal. It includes any sexual act directed against another person forcibly or against that person's will, or not forcibly where the victim is incapable of giving consent. Examples of sexual assault include forcible rape, acquaintance or date rape, forcible sodomy, forcible fondling and sexual assault with an object. According to the Massachusetts General Laws, Chapter 265, section 22D, sexual acts that occur "while the person is unconscious, asleep, or otherwise unable to communicate willingness" are considered crimes. This would include cases where the victim was under the influence of alcohol and/or other drugs. In addition to any criminal or civil penalties, perpetrators are subject to University disciplinary sanctions that include suspension, dismissal, and or expulsion from the University.
- 2) For the purposes of these guidelines, the term "sexual assault" shall include any of the involuntary acts described above.
- 3) Many sexual assault survivors are shaken and unsure of what legal course of action they may eventually want to pursue. Timely reporting is an important factor in a sexual assault investigation and prosecution. It is important to understand that *survivors are not required to pursue prosecution just because they report a crime to the police*. Reporting a sexual assault keeps legal options open and may also prevent others from being victimized.

WHERE TO GET HELP

Time is of the essence for survivors of sexual assault in several ways. Time is short in the sense that survivors are likely to be in a crisis and in need of immediate support. Time is also short for securing evidence for possible prosecution. On the other hand, survivors need time and ongoing emotional support in a constructive way.

In the immediate aftermath of a sexual assault, attention must be given to the immediate emotional and medical needs of the survivor, while also ensuring that appropriate documentation is obtained for subsequent legal and/or any disciplinary remedies he or she may wish to pursue.

Help is available 24-hours a day.

During normal business hours

Between the hours of 9:00 AM and 5:00 PM Monday through Friday, support is available from any of the following offices.

Sexual Assault Prevention and Response Coordinator	SC-331	Dr. Debbie Gaston	929-8851
Counseling Center	SC-300	Laura Murphy, Kevin Fenlon, Matt Kelly	929-8072
Residence Life Office	Wasylean Hall 103& 104		929-8074
University Police	Wasylean Hall 102		929-8044 929-8911

Help outside of business hours

Assistance can also be obtained 24 hours a day through the University Police, 929-8911 or 929-8044.

The Rape Crisis Center of Central Massachusetts is also available through 24-hour hotlines in English at 1 (800) 870-5905, and in Spanish at 1 (800) 223-5001.

The Role of the Sexual Assault Prevention and Response Coordinator

- 1) The Sexual Assault Prevention and Response Coordinator will serve as primary advocate to assist sexual assault survivors regardless of when or where the assault happened. Survivors can choose to utilize none, any or all of these services, as appropriate. Examples of services the Counselor can provide are listed below:
- 2) Provide ongoing confidential support and counseling.
- 3) Accompany the survivor to emergency medical services.
- 4) Accompany the survivor to the police station.
- 5) Accompany the survivor to disciplinary proceedings.
- 6) Provide education information on assault to members of the judicial board as part of any sexual assault-related disciplinary hearing.
- 7) Arrange for any necessary academic accommodations, such as extensions, class changes, etc.
- 8) Arrange for any necessary housing accommodations, such as a room change.
- 9) Arrange for any necessary safety actions, such as a campus stay away order.
- 10) Provide general advocacy and referrals to appropriate community support services.

In addition to assisting the victims of specific incidents of assault, the Counselor also:

- 1) Coordinates campus sexual assault education and prevention efforts.
- 2) Provides for sexual assault survivor group services.
- 3) Coordinates the tracking and reporting of sexual assault statistics.
- 4) Maintains comprehensive statistics on the incidences of campus-related sexual assault, formally reported or not.

SEXUAL ASSAULT REPORTING

Any reports of sexual assault must be reported to the University's Sexual Assault Prevention and Response Coordinator (SAPRC). Following a report of sexual assault, the SAPRC will complete a sexual assault incident report and will coordinate with departments to follow up on the services that are provided for each incident without the departments' disclosing the survivor's name. Such follow-up with departments will help ensure consistent implementation of this protocol and generate feedback necessary for future revisions. Such follow-up will also help within the greater Worcester community.

SEXUAL ASSAULT RESPONSE TEAM

The purpose of the Sexual Assault Response Team (SART) is to address the safety needs of the WSU community while protecting the survivor's right to privacy and ensuring the integrity of any police investigation or University disciplinary action. The Sexual Assault Prevention and Response Coordinator will consult with the SART as soon as possible or no later than 2 business days after receiving a report of a sexual assault.

Other members of the WSU community may be included as needed for a given set of circumstances, always maintaining high levels of confidentiality. Whenever the SAPRC or Chief of Police, in consultation with the SART, determines that a real or potential danger to the WSU community exists, an advisory will be issued by University Police. Examples of potential danger to the WSU community might exist even if no assault has been reported. This may include such circumstances as threats of violence, presence of date rape drugs in the community, etc.

If a potential danger to the WSU community is found to exist, an advisory to the WSU community will be released. University Police and the SART will determine measures for ensuring public safety. Notice of any situation affecting the safety of the WSU community and the SART's recommendations will be provided to the President of the University and other appropriate University staff. Although the survivor will not be present at the SART meetings, the survivor's rights to anonymity will be respected by all members and overseen by the SAPRC.

Furthermore, the SAPRC will keep the victim informed of the Team's actions either directly when the survivor speaks with the SAPRC or indirectly through the contact person who reported the assault (if other than the survivor).

The SART will be composed of at least the following:

- *Dean of Student Affairs*
- *Sexual Assault Prevention and Response Coordinator*
- *Chief of University Police*
- *Director of Counseling*
- *Members of the Advisory Group*
- *Director of Residence Life and Housing*

The decision of the SART will be based on consultation with at least 5 members. A telephone conference may be used if necessary. In order to protect both the survivor and assailant, specific information regarding any incident should be limited to the fewest number of people possible.

SEXUAL ASSAULT ADVISORY COMMITTEE

The Sexual Assault Advisory Committee will be composed of three to four tenured faculty and staff volunteers. Their purpose will be to provide a continuing role in developing and revising sexual assault policies. They may also provide recommendations for the Sexual Assault Prevention and Response Coordinator and suggest educational opportunities.

PROTOCOLS AND CONFIDENTIALITY

A survivor's trust in others may have been severely damaged, so all helping efforts should respect the survivor's need for safety and control. Those providing services must be clear about the boundaries of confidentiality in their communications because any outside communication may be experienced by the survivor as another violation of trust. Problem-solving efforts and strong recommendations may be perceived as blaming and further attack. In general, the survivor needs to be heard, needs to be respected, needs to understand options, and needs to move at his or her own pace through the process of recovery.

Specific protocols for several campus departments are provided as well as general protocols for faculty members and other WSU employees. Within each protocol, the boundaries of confidentiality, services offered by the department, options and choices available to the survivor and statements about services offered by associated departments are specified.

MANDATED REPORTING

Mandated reporting to the Department of Children and Families (DCF) is required whenever someone under the age of 18 is assaulted by a caretaker and is at risk. Mandated reporting to the appropriate state agency is also required whenever an elderly or disabled person is sexually assaulted.

RESIDENCE LIFE

Due to the profound impact that sexual assault has on the survivor and on a residence life community, paraprofessional staff (Resident Assistants) are required to report a sexual assault to their professional staff (Residence Director, Director, Associate or Assistant Director of Residence Life and Housing) immediately. All residence life staff is required to keep this information in strict confidence. Residence Life professional staff are then required to report a sexual assault to the SAPRC immediately.

HEALTH SERVICES

Similarly, Health Services staff is required to report a sexual assault to the SAPRC immediately. Health Services staff are required to keep this information in strict confidence.

COUNSELING SERVICES

Contacts with Counseling Services staff are by nature confidential. While Counseling Services staff is required to report a sexual assault to the SAPRC, they are not required to provide the name of the survivor.

STUDENT CENTER/STUDENT ACTIVITIES

SC/SA student staff is required to report a sexual assault to the Sexual Assault Prevention and Response Coordinator. After normal business hours, student staff is required to report this information to the University Police Department. Beyond these specific contacts, student staff is required to keep this information in strict confidence. Unless specifically requested by the survivor, student staff is expected to withdraw from the process at this point.

UNIVERSITY POLICE

University Police officers are required to report a sexual assault to the Chief of Police and the SAPRC immediately. Beyond these specific contacts, University Police officers are required to keep this information in strict confidence within the confines of the law as outlined in MGL c.41 ss97D. The Chief of Police is required to report a sexual assault to the SAPRC immediately. Beyond these specific contacts, the Chief and all University Police Officers are required to keep this information in strict confidence within the confines of the law. In accordance with the Student Right-to-Know and Campus Security Acts, anonymous statistics of sexual assaults will be maintained and reported by the Worcester State University Police.

FORMAL REPORTS

Survivors of sexual assault may report an assault to University Police as follows:

- 1) **CONFIDENTIAL REPORT-NO INVESTIGATION:** *The survivor may, at a future time, choose to pursue the University judicial option or the criminal complaint option listed below.*
- 2) **FORMAL REPORT-UNIVERSITY JUDICIAL:** *The survivor chooses to pursue adjudication through the University judicial process. This may be combined with the criminal complaint option.*
- 3) **FORMAL REPORT-CRIMINAL COMPLAINT:** *The survivor chooses to bring criminal charges. This may be combined with the University judicial process.*

Survivors will be part of the decision process with regard to prosecution. If the investigation indicates that the case should be prosecuted, the case MAY be referred to the District Attorney for prosecution regardless of the survivor's wishes. This would be rare, but could occur if an assault was particularly brutal or if there were unusual circumstances that require prosecution to protect the community.

SEXUAL ASSAULT PREVENTION AND RESPONSE COORDINATOR

In accordance with the Student Right-to-Know and Campus Security Acts, the SAPRC will statistically report any sexual assaults to the Chief of University Police for record keeping and reporting purposes.

FACULTY AND OTHER CAMPUS DEPARTMENTS

Due to the profound impact that sexual assault has on the survivor and the WSU community, faculty and other University staff must report all information concerning sexual assaults to the SAPRC and the University Police Department. Beyond these specific contacts, faculty and staff are required to keep this information in strict confidence. Unless specifically requested by the survivor, faculty and staff are expected to withdraw from the intervention process at this point.