

NORTHWEST FLORIDA STATE COLLEGE
APPENDIX M

(Reference Policy: 6Hx17-9.02)

**DEFINITIONS AND PROCEDURES FOR
HANDLING SEXUAL ASSAULTS**

NWFSC Policy Number 6Hx17-9.02 prohibits violence against any member or guest of the college community.

Definitions of Violent Acts

BATTERY

A person commits battery if he/she

- (a) actually and intentionally touches or strikes another person against the will of the other; or
- (b) intentionally causes bodily harm to an individual.

MURDER

Murder is the unlawful killing of a human being.

ROBBERY

Robbery means the taking of money or property from a person or the custody of a person when in the course of the taking force, violence, assault, or fear is involved.

SEXUAL ASSAULT

Sexual assault is forced sexual activity perpetrated against the will of the victim. This applies regardless of whether the assailant is a stranger or an acquaintance of the victim. Force may involve physical violence, the threat of harm to the victim, or sexual exploitation of a person who is unable to resist such as a person unconscious. Unconsciousness may be due to alcohol, drugs, or some other reason. Use of alcohol or drugs by either the victim or the assailant does not diminish assailant responsibility for the violation.

Forms of sexual assault include forced sexual intercourse, forced anal copulation, forced oral copulation, and rape by a foreign object as well as the unwanted touching of an intimate part of a person.

SEXUAL EXPLOITATION

There is a range of exploitive behavior that may not constitute a sexual assault but which the college deprecates that may result in disciplinary action. Attempts to obtain sexual favors through psychological coercion, including but not limited to threats to embarrass or intimidate the victim (but in a way that does not include threat of force) is an example of sexual harassment that is prohibited behavior. Sexual harassment is covered by the College Policy on "Harassment." (Board Policies: 6Hx17-5.31, Harassment of Employees, and 6Hx17-7.222, Student Harassment.)

Procedures for Handling Sexual Assault

Sexual Assault

Victims of sexual assault are encouraged to report the incident to a law enforcement authority. If the victim will allow it, law enforcement agencies should be notified without delay or consultation with college officials. Even if the victim refuses to report the assault to law enforcement, the following steps must be taken by the college employee to whom the assault is reported.

1. If the sexual assault has just taken place, an immediate assessment must be made about the need for emergency medical care, if appropriate.

The phone numbers are: 911 for emergency assistance and Twin Cities Hospital at 678-4131 or Humana Hospital at 862-1111 for the nearest treatment center. In Walton County, call the Walton Regional Hospital at 892-5171, the Sheriff's Department at 892-8111, or the police at 892-8511.

A college employee must stay with and support the victim until either the victim indicates there is no longer need for support or until a law enforcement person, medical personnel, or parent/guardian/spouse assumes that responsibility.

2. In all cases, support and information as described in the following section entitled "Support to Victims" should be offered.

All reports of sexual assault and/or harassment are to be treated as confidential to the extent possible. The member of the College staff receiving the complaint should treat the victim with respect and consideration. It is important that confidentiality be extended to the accused as well as the victim. All persons involved in this procedure are directed not to discuss the matter except with college personnel involved in the process, attorneys for the victim and/or the accused, law enforcement personnel and other authorized agencies.

3. Once the victim's immediate needs and concerns are met and a course of action has been decided, then the following steps must be taken:

A. The Office of the President at ext. 6360 should be called. After regular work hours, this response can be initiated by calling ext. 6335.

B. Security should be notified at ext. 335 will secure the crime scene to protect whatever evidence may be present, and/or take whatever steps necessary to protect the safety of persons who may be present in the vicinity.

C. Contact the Dean of Student Services and report the sexual assault.

D. Write an "Incident Report" and submit to the Dean of Student Services.

Suggestions for Dealing With Sexual Assault Victims

Sexual assault is a grave matter. These suggestions are for all employees who may interact with a member of the college community who has been the victim of sexual assault. The first suggestion, "Dealing With Victims of Sexual Assault," describes steps to take and reasons to behave in a suggested manner. The second suggestion, "Support to Victims of Sexual Assault," describes ways to provide support to a victim and suggested responses to a victim's concerns and options that the victim has.

Dealing With Victims of Sexual Assault

1. The spontaneous reaction of the first person(s) whom a victim informs about an incident of sexual assault sets the tone for how the victim will feel in the future about the event and their self-image. College employees should be sensitive, accepting, and non-judgmental in their response to a victim.

2. The Dean of Student Services is the primary resource for victims of sexual assault (extension 6675). The Director should be contacted as soon as possible after a report of sexual assault is received. (If the incident is reported at night, contact the Coordinator of Evening Studies at extension 6276 who will contact the Director.) Telephone Devices for the Deaf (TDD) numbers are 729-5371 for the Student Services, and 729-5276 for the Coordinator of Evening Studies. If the Director cannot be reached, contact with the Director can be made through the Campus Security emergency number 729-5335 (ext. 6335).

3. Victims should be urged to speak personally with the Director immediately upon reporting an incident even if the incident took place in the distant past. If the victim refuses to see or speak with the Director, the employee must consult the Director while, if necessary, maintaining the anonymity of the student. The Director will "walk through" the sexual assault procedures and assist in dealing with the victim.

4. Confidentiality is a critical concern of individuals involved in incidents of sexual assault. Victims frequently express fears that family, friends, instructors, police, or the press will learn of their experience. Individuals should be informed that college persons involved in this matter will be directed not to discuss the matter except with college personnel involved in the process and (if they should become involved) attorneys for the victim and/or the accused, law enforcement personnel, and other authorized agencies. Inform the victim that College, hospital and police procedures require that certain individuals be notified of reports of sexual assault. The sharing of information is for providing adequate support to the victim and appropriate protection for the community.

Support To Victims of Sexual Assault

When an employee is informed by a member of the college community that they have been a victim of sexual assault the following procedures apply.

1. Find out whether or not the victim needs immediate medical aid. Ask the victim directly if he/she is all right physically. Explore this issue beyond initial questioning and observation if necessary.

2. Make sure the victim has as much privacy as desired when speaking with you. Having anyone else present when the victim speaks with you should be the victim's decision; however, if the victim is a minor, parents or guardian, HRS, and law enforcement agencies will be notified by the Dean of Student Services. Ask the victim if they want someone else present at the time of your conversation.

3. Find out what the victim's most critical concern is and respond in a non-judgmental, informed way. Before responding, consult the list at the end of this section, for examples, critical concerns, and suggested appropriate responses.

4. Advise the victim of options about further steps in the process. Some of the options relate to personal, medical matters and some to legal, practical matters. Some of the medical options need to be addressed quickly if the assault has just occurred, while other decisions may be deferred temporarily, depending on the particular circumstances and concerns of the student involved. The adult victim may choose to do one or more of the following:

a. Call the Dean of Student Services. The victim may wish to discuss the incident with the Dean in person or on the telephone. Tell the victim that the Dean will be called and informed anyway as a matter of procedure and encourage the victim to call the Director directly. The Dean will provide some on-going support and assure longer-term follow-up on personal concerns.

b. Go to the Emergency Room. The victim may wish to go directly to the hospital's Emergency Room for medical help and/or a forensics analysis. The hospital's ER is the only place where evidence necessary for medical and/or forensic evaluation and court testimony can be collected. Advise the victim not to shower, bath, or change clothing prior to going to the emergency Room as this will destroy important physical evidence. Should the victim require emergency room treatment, the first option is to dial 911 for transportation. Transporting the student yourself should be an alternative to 911.

If the victim will allow it, the Dean of Student Services should automatically be called to escort the victim to the ER and through the necessary procedures. If the Director is unavailable, you or another college employee should escort the victim to the ER where a nurse will most likely assume the role of "companion" during the procedures. If not, stay with the victim until he/she indicates that your presence is no longer required.

For physical evidence to be useful, it is best collected within 12-24 hours and no later than 5 days after the assault. The collection of medical evidence does not presume that charges will be pressed against the assailant. As part of evidence collection, the ER procedures involve testing for pregnancy and sexually transmitted diseases. The ER personnel may also offer the victim immediate counseling services, as well as local victim advocacy services.

The victim should be informed that current hospital protocols require that certain authorities be informed of the incident.

c. Call the Police. The victim may wish to report the incident directly to the local law enforcement agency. The law enforcement agency may notify the College that they have received a report of a sexual assault involving an NWFSC member, but they are not required to do so.

Victims should be advised that the College cannot control the extent of an investigation, or the outcome, once the local law enforcement agency becomes involved.

d. Call the Family. The victim may wish to speak with parent(s) or guardians. The College strongly encourages open communication between parents and students. If the victim is under 18, parents or guardian, HRS, and law enforcement agencies will be notified by the Dean of Student Services.

e. Contact a Friend The victim may wish to seek support from a trusted relative, friend, clergy member, etc.

f. Take No Action. The victim may wish to do nothing other than have this conversation. However, the college employee must notify the Dean of Student Services.

Examples, Critical Concerns of Victims and Appropriate Responses

1. *"I'm afraid I may be pregnant"*

Less than 2% of rape victims become pregnant as a result of the rape, but it is an understandable concern. The local medical facility may make the "morning after pill" (MAP) available to persons who have had unprotected intercourse. This treatment must be begun within 72 hours for maximum effectiveness. Appointments with female member of a local medical facility can be arranged on short notice through the Dean of Student Services or by calling ext. 6371.

2. *"I'm afraid I may have a sexually transmitted disease"*

Anyone who has experienced vaginal, oral, or anal intercourse should be tested for sexually transmitted diseases. Immediate testing (within 48 hours) is ideal, with follow-up testing done in two weeks and again

in six weeks. Clinic appointments can be arranged on short notice through the Director or by calling ext.6371.

3. *"I am afraid to be alone" or "I am afraid to stay in my room"*

This concern should be addressed immediately. Do not send the student out of your office alone. Make sure someone (a friend, relative, a Resident Assistant, the Dean of Student Services or designee, etc.) is with the victim, and remains until the victim decides that this is no longer necessary.

If the victim is a resident of student housing, call the Dean of Student Services to seek temporary lodging until other arrangements can be made. The Director will decide on the best option available.

4. *"I'm afraid everyone will find out what happened"*

This is a real chance on a small campus. You need to assure the victim that you and others informed of the incident will keep all conversations as confidential as possible. However, none of us has control over what other students may already think they know. You may want to remind the victim that they are under no obligation to answer questions from friends, the assailant's family, attorneys, private investigators or the press, and you may want to suggest that the victim discuss the incident only in the presence of trusted friends or relatives. Assure the victim that you and others will be available to provide the victim support. The Director can work through these and other issues with the victim.

5. *"My friends blame me for the incident"*

Blaming the victim protects other women and men from their own fears of rape. Finding something in the victim's behavior that caused the rape helps people feel less vulnerable. Most often, blaming the victim is not a personal attack against the victim, but rather a defense mechanism on the part of the friend. These factors may make recovery for the victim more difficult. The Director can explain these complicated issues further.

6. *"I'm afraid that the person who attacked me will try to see me again or will bother me"*

This is a common fear and can contribute to the victim's becoming isolated. The victim also may suffer academic problems after avoiding certain classes, labs, academic buildings, etc. Let the victim know that the Vice President for Instruction can provide academic and administrative support and may be able to arrange for the alleged assailant to stay away from the victim. Call the Vice President's Office and explain the concerns and agree to a mutually acceptable course of action.