

Report of the Task Force on Sexual Assault May 2007

The Task Force's Charge

The University Task Force on Sexual Assault,¹ appointed by Officer in Charge Susan Herbst in October 2006, was charged:

- 1) To assess the incidence and prevalence of acquaintance rape at the University at Albany and on a national level.
- 2) To solicit and receive input from all constituents of the University at Albany community.
- 3) To examine nationally known best practice involving prevention, education and support services, and compare those to what currently exists at the University at Albany.
- 4) To enhance communication about prevention and safety to the on and off campus community and insure it is sensitive to the social and cultural context.
- 5) To make recommendations for short- and longer-term strategies, practices and policies that will foster positive outcomes at the University.

Introduction: Campus-Related Sexual Assault Nationally—Incidence, Consequences, and Correlates

Inconsistencies in how sexual assault is defined, and the fact that sexual offenses are among the most widely underreported of all crimes (estimates suggest that five percent of attempted or completed rapes are reported to law enforcement officials), cause difficulties in estimating how frequently sexual assaults occur nationwide on college campuses. Nevertheless, it is clear that the problem is of significant proportions. A recent national survey of more than 4,400 college women revealed that 2.8% had been raped or experienced an attempted rape during

¹. Originally designated as a Task Force on Acquaintance Rape, the Task Force's name subsequently was changed to reflect its broader focus. The Task Force was co-chaired by Vice President for Student Success James A. Anderson and School of Social Welfare Dean Katharine Briar-Lawson. The Task Force's other appointed members were: Distinguished Teaching Professor James Acker, School of Criminal Justice; Interim School of Public Health Dean Mary Applegate; Fawad Asghar, undergraduate student and Student Association multicultural affairs director; Professor Bonnie Carlson, School of Social Welfare; Paul DerOhannesian, attorney, DerOhannesian & DerOhannesian; Joseph Farrell, director of training, NYS Coalition Against Sexual Assault; Jennifer Fila, police officer, University Police Department; Dan Foerste, undergraduate student and Student Association gender and sexuality concerns advisor; Catherine Herman, associate vice president, Office of Media and Marketing; Christina Hernandez, graduate student and Board of Parole member, New York State Division of Parole; Vice President for Athletic Administration and Director of Intercollegiate Athletics Lee McElroy; Clarence McNeill, director, Office of Conflict Resolution and Civic Responsibility; Aran Mull, captain, University Police Department; Estela Rivero, director, University Counseling Center; Joan Savitt, associate director, Office of International Education, and chair, University Life Council/Senate; Colleen Steed, undergraduate student; Edelgard Wulfert, professor and chair, Department of Psychology, College of Arts and Sciences. Serving as staff for the Task Force were: John Reilly, associate counsel, SUNY University Counsel's Office, and Clifford Kim, assistant to the provost and executive vice president for Academic Affairs.

the academic year. This victimization rate thus approaches 5.0% when based on a full calendar year. Some women were victimized more than once, making the overall academic year victimization rate even higher—3.5%, or roughly 350 rapes or attempted rapes for every 10,000 women enrolled. As many as one-fifth to one-quarter of college women may be victimized by rape or attempted rape over the course of a standard (four to five year) college career.² Although the reasons are not clear, one might speculate that being in the most vulnerable age group (16-24), the adjustments associated with transitions to college, and the level of consumption of alcohol, are among the reasons that college students suffer sexual victimization at a higher rate than individuals not enrolled in college. Male students as well as female are prone to being victimized. As many as one in ten college students sexually assaulted by acquaintances are men.³

The consequences of sexual assault are profound. Sexual offenses involve not only physical injury, but also a serious violation of personal autonomy, physical and psychological boundaries, privacy, and of a person's right to make choices about sexual intimacies. As such, they entail significant psychological harm and are frequently highly traumatizing in nature. It is not uncommon for sexual assault victims to display elevated levels of anxiety and depression including contemplating and attempting suicide, high-risk drinking, cocaine use, drinking and driving, and high rates of heavy smoking.⁴ Nearly 5% of rape victims become pregnant.⁵ One out of five sexual assault victims experience additional injuries including bruises, black eyes, cuts, scratches, swelling, and chipped teeth,⁶ and many suffer from eating disorders⁷ and other long-term effects including chronic headaches, fatigue, sleep disturbance, and recurrent nausea.⁸ College students victimized by sexual assault may additionally experience disruption of their academic careers.⁹

Rapes and other sexual assaults committed by “strangers,” *i.e.*, assailants not previously known to their victims, comprise a distinct minority of sexual offenses. An estimated 90 to 95% of college women were acquainted with the man who raped or sexually assaulted them.¹⁰ Sexual

² Bonnie S. Fisher, Francis T. Cullen & Michael S. Turner, *The Sexual Victimization of College Women* 10 (Washington, DC: Bureau of Justice Statistics, U.S. Dept. of Justice 2000).

³ Rana Sampson, *Acquaintance Rape of College Students 2-3* (Washington, DC: Office of Community Oriented Policing Services, U.S. Dept. of Justice 2003).

⁴ Silverman, J. G., Raj, A., Mucci, L. A., & Hathaway, J. E. (2001). *Dating violence against adolescent girls and associated substance use, unhealthy weight control, sexual risk behavior, pregnancy, suicidality*. *The Journal of the American Medical Association*, 286 (5), p. 572.

⁵ Homes, M. M., Resnick, H. S., Kilpatrick, D. G. & Best, C. L. (1996). *Rape related pregnancy: Estimates and descriptive characteristics from a national sample of women*. *American Journal of Obstetrics and Gynecology*, 175, 320-324.

⁶ Fisher, Cullen & Turner, note 2, at 22.

⁷ Resnick, H. S., Acierno, R., & Kilpatrick, D. G. (1997). *Health impact of interpersonal violence: Medical and mental health outcomes*. *Behavioral Medicine*, 23, 65-78.

⁸ Eby, K. K., Campbell, J. C., Sullivan, C. M., & Davidson, W.S. (1995). *Health effects of experiences of sexual violence for women with abusive partners*. *Health Care for Women International*. 16 (6), 563-576.

⁹ P. Finn, *Preventing Alcohol-Related Problems on Campus: Acquaintance Rape—A Guide for Program Coordinators* (Newton, MA: Higher Education Center for Alcohol and Other Drug Prevention 1995, www.edc.org/hec/pubs/acqrape.html); Sampson, note 3, at 8,

¹⁰ Fisher, Cullen & Turner, note 2, at 17; Alan M. Gross, Andrea Winslett, Miguel Roberts & Carol L. Grohm, “An Examination of Sexual Violence Against College Women,” *17 Violence Against Women* 288 (2006); Joan F. Walsh, Brenda M. DeVellis & Robert F. DeVellis, “Date and Acquaintance Rape: Development and Validation of a Set of Scales,” *3 Violence Against Women* 46 (1997).

assaults involving college students occurred overwhelmingly in the evening (36.5%) and after midnight (51.8%). Two-thirds of completed rapes and 55% of attempted rapes took place off campus, most frequently in residences. Those committed on campus typically occurred in the victim's residence (nearly 60%), but many took place in other living quarters (31%) or fraternities (10.3%).¹¹ Although not invariably associated with sexual assaults, alcohol consumption is a known and significant risk factor.¹² Other risk factors common to victims include a prior history of sexual victimization and having a relatively high number of sexual partners.¹³ Students new to the college environment also are prone to sexual victimization, making frosh especially vulnerable, including during the early part of the school year and orientation periods that coincide with the start of classes.¹⁴

A combination of cultural, individual, and situational factors help explain sexual offending. Since offenders and offense circumstances vary so widely, it is both misleading and naïve to attempt to identify "typical" perpetrators. Still, a relatively small percentage of men account for an unusually high proportion of sexual assaults,¹⁵ and an offender's prior history of offending is one correlate of assaultive conduct.¹⁶ Alcohol use by perpetrators accompanies much sexual offending.¹⁷ Research also suggests that perpetrators of sexual assault may belong to groups whose members share attitudes and engage in behaviors that reinforce sexual aggression. Thus, participation in fraternities and athletic teams with such characteristics can be a contributing factor or correlate of sexual offending.¹⁸

The factors leading to sexual assault are complex and there are many challenges to be faced in the prevention of sexual assault and in aiding victims. The Task Force on Sexual Assault acknowledges both the complexity and the challenges and affirms the goal that the University at

¹¹ Fisher, Cullen & Turner, note 2, at 18-20.

¹² A. Abbey, T. Zawacki, P.O. Buck, A.M. Clinton & P. McAuslan, "Sexual Assault and Alcohol Consumption: What Do We Know About Their Relationship and What Types of Research are Still Needed?," 9 *Aggression and Violent Behavior* 271 (2004); A. Abbey, L.T. Ross, D. McDuffie & P. McAuslan, "Alcohol and Dating Risk Factors for Sexual Assault Among College Women," *Psychology of Women Quarterly* 147 (1996); M. Testa & K.H. Derma, "The Differential Correlates of Sexual Coercion and Rape," 14 *Journal of Interpersonal Violence* 548 (1999); M. Testa & K.A. Parks, "The Role of Women's Alcohol Consumption in Sexual Victimization," 1 *Aggression and Violent Behavior* 217 (1996); Gross *et al.*, note 10, at 289; Fisher, Cullen & Turner, note 2, at 23.

¹³ C.A. Gidycz, C. Coble, L. Latham & M.J. Layman, "Sexual Assault Experience in Adulthood and Prior Victimization Experiences," 17 *Psychology of Women Quarterly* 151 (1993); Gross *et al.*, note 10, at 289; Fisher, Cullen & Turner, note 2, at 23; Leah E. Adams-Curtis & Gordon B. Forbes, "College Women's Experiences of Sexual Coercion: A Review of Cultural, Perpetrator, Victim, and Situational Variables," 5 *Trauma, Violence & Abuse* 91, 109 (2004).

¹⁴ Sampson, note 3, at 7; M. Schwartz & W. DeKeseredy, *Sexual Assault on the College Campus: The Role of Male Peer Support* (Thousand Oaks, CA: Sage Publications 1997).

¹⁵ A. Abbey & P. McAuslan, "A Longitudinal Examination of Male College Students' Perpetration of Sexual Assault," 72 *Journal of Consulting and Clinical Psychology* 747 (2004); D. Lisak & P. Miller, "Repeat Rape and Multiple Offending Among Undetected Rapists," 17 *Violence and Victims* 73 (2002).

¹⁶ Catherine Loh, Christine A. Gidycz, Tracy R. Lobo & Rohini Luthra, "A Prospective Analysis of Sexual Assault Perpetration: Risk Factors Related to Perpetrator Characteristics," 20 *Journal of Interpersonal Violence* 1325, 1344 (2005);

¹⁷ Sally K. Ward, Kathy Chapman, Ellen Cohn, Susan White & Kirk Williams, "Acquaintance Rape and the College Social Scene," 40 *Family Relations* 65, 66 (1991); Loh *et al.*, note 15, at 1345; Sampson, note 3, at 13.

¹⁸ L. Lackie & A.F. deMan, "Correlates of Sexual Aggression Among Male University Students," 37 *Sex Roles* 451 (1997); Loh *et al.*, note 16, at 1326-27; Adams-Curtis & Forbes, note 13, at 104-106; Ward *et al.*, note 17, at 68; Sampson, note 3, at 14-15.

Albany be a community that is resistant to sexual assault. Our recommendations are presented as a comprehensive and significant next step toward enhancing the University's prevention of and response to campus-related sexual assault, and re-culturing the University community. Primary among the recommendations is that of establishing a Sexual Assault Resource Center. Its Director will provide leadership for and coordination of the recommendations, which follow.

Task Force Findings and Recommendations

1. Documents and Policies

- ***Definitions***

- (a) "Sexual assault" should be defined in a way that affirms that sexual intimacy requires the mutual, affirmative consent of each participating individual. We thus recommend that sexual assault be defined to encompass sexual violence or the use of coercion, as well as other sexual contact absent the free, knowing and active consent of the involved parties, including but not limited to cases involving impaired judgment and physical helplessness, and intimidation or exploitation of others for sexual purposes.
- (b) "Active consent" means that each person involved in sexual contact not only agrees to the sexual activity but agrees *freely* and *knowingly*. A person who has been threatened or coerced, whose judgment is substantially impaired by drugs, alcohol, or by other physical or mental impediment even if temporary, or who is unconscious or asleep, cannot actively consent to sexual contact. A person under the age of 17 years is deemed incapable of giving consent.
- (c) It is the responsibility of the *initiator* of sexual contact to obtain *active consent* from the other person and to determine that such consent is freely and knowingly given. The initiator of the sexual contact is in violation of this policy if he or she knew or should have known that the other person's judgment was substantially impaired at the time consent was obtained or sexual contact was initiated.
- (d) Silence or passivity should not be presumed to confer consent. A verbal "NO" or other verbal expression of dissent and/or physical resistance, no matter how indecisive or weak or passive, always means NO. If there is any doubt about whether a person's judgment is substantially impaired or whether a person who initially agreed to sexual contact has changed his/her mind, sexual contact should not be initiated or, if already initiated, should be stopped immediately.¹⁹
- (e) The various forms of rape, sexual assault, and sexual exploitation are defined in Appendix A.

- ***Statement of Principles and Rights for Victims of Sexual Assault***

- (a) A comprehensive Statement of Principles and Rights regarding campus-related sexual assault should be adopted and observed at the University at Albany. After consulting analogous provisions adopted at other universities, the Task Force has produced a draft Statement of Principles and Rights for Victims of Sexual Assault (see Appendix C).
- (b) Responses to sexual assault victims should be consistent with the Statement of Principles and Rights provided in Appendix C. Thus, victims should receive the full and prompt cooperation and assistance of campus personnel regarding their options to notify the

¹⁹ The definition of active consent has been adapted from Colorado College's policy statement.

proper authorities, and the full, prompt, and victim-sensitive cooperation of campus personnel in obtaining, securing, and maintaining evidence and securing a forensic medical examination, should they wish. Campus personnel should take reasonable and necessary actions to prevent further unwanted contact by victims' alleged assailants, and victims should be notified of the options for and provided assistance in changing academic and living situations if alternatives are reasonably available.

- (c) At the victim's request, the Office of the Vice President for Student Success will assist the victim in accessing all available University services.
- (d) The University Counseling Center provides psychological counseling and consultation services to assist victims. Victims should be notified about the availability of these services and, should she or he wish, assisted in making an initial contact.

2. Newly Created Sexual Assault Resource Center

A full-time position, with adequate resources, should be funded and staffed in the University Counseling Center, and the person occupying this position should have responsibility for initiating, coordinating, evaluating, and sustaining programming, services, and other activities for education, prevention, and responding to campus-related sexual assaults.

- ***Reporting and First Responders***

- (a) Sexual assaults are widely underreported; studies suggest that as few as 5% are called to the attention of law enforcement authorities. Although victims should be free from unwanted pressure to report their victimization and from any suggestion that they must report a sexual assault to be treated with dignity and in accordance with other identified principles or rights associated with their victimization, every effort should be made to facilitate such reporting. Victims' identities should be considered confidential by University personnel and victims should be protected against unwanted publicity associated with reporting a sexual assault.
- (b) The University should provide a systematic and well-publicized network of trained "first responders" to assist victims of sexual assault. First responders should comprise a sufficient representation of faculty and staff in all academic units and among support staff to allow victims of sexual assault to readily identify them and enlist their help. First responders should provide immediate support of victims and assist them in enlisting the assistance of professional staff, law enforcement personnel, and other services as appropriate.

- ***Peer Education***

- (a) Peer education services at the University should be enhanced by creating a group of peer educators whose primary focus is sexual assault prevention. Peer education services represent a method of intervention that relies on college students training and working with other college students in education and prevention efforts. Such services generally have enjoyed widespread support and their efficacy has been empirically validated. At UAlbany, both the nationally recognized Middle Earth Peer Assistance Program and Project SHAPE supervised by the University Counseling Center currently have the type of intensive educational infrastructure necessary for the further development of effective peer services under the auspices of the University Counseling Center.

(b) In addition to the enhancement of peer education services, student leaders, including those in student government, student organizations, athletics, residential life, and other segments of the University, should be enlisted to provide support and assistance to sexual assault education and prevention efforts.

- ***Bystander Awareness and Intervention***

(a) The Task Force was impressed with a prevention strategy that emphasizes bystander awareness and intervention, and is designed to influence norms and behaviors conducive to third parties' taking notice of, correctly interpreting, and having the motivation and skills to help prevent, intercept, and respond to problems such as sexual assault. Dr. Alan Berkowitz, a nationally recognized expert with whom the Task Force consulted, discussed the bystander awareness and intervention model with Task Force members and during a student forum. A bystander training program involving UAlbany faculty, staff and students should be developed and implemented. The programming should be mandated for first-year and transfer students. Students participating on athletic teams and their coaches should be involved, as should fraternities, sororities, and other student organizations as appropriate.

(b) It is important that the University's education and prevention programs be comprehensive, coordinated, and well integrated. Thus, ongoing education and prevention programs conducted by the University Counseling Center, the University Police Department, and the Office for Student Success, among others, should be coordinated with and complement the bystander awareness and prevention program, as should other University initiatives relevant to sexual assault education and prevention.

3. Faculty Development

Faculty who teach relevant subjects should be encouraged to devote instructional time to issues relating to sexual assault. Such instruction could appropriately take place in a variety of disciplines, including public health, psychology, sociology, criminal justice, social welfare, women's studies, literature, fine arts, and many others. Interested faculty also should be encouraged to assist with measurement and assessment initiatives regarding the incidence and correlates of sexual assault at UAlbany and the efficacy of related education and intervention efforts. Modest incentives in the form of small stipends and other relevant resources should be considered to help support faculty involvement.

4. Measurement and Assessment

A quarter-time position should be created to assist with the ongoing, rigorous and comprehensive evaluation that is a necessary element of a successful program. Discretionary funding should be provided in sufficient amounts to support these efforts.

The Task Force produced the *Logic Model – UAlbany Sexual Assault Prevention and Response* to present in summary form many of the assumptions, activities, and outcomes that should be evaluated in determining the University's progress towards its goal: The University at Albany will be a community that is resistant to sexual assault, including all non-consensual sexual contact. (See Appendix B.)

Survey findings and specific recommendation

- (a) In the spring of 2006, a sample of UAlbany students completed the National College Health Assessment (NCHA) of the American College Health Association. The assessment survey was administered to 549 students attending a random, stratified sample of undergraduate classes across schools and colleges at UAlbany. The survey included questions relevant to the Task Force’s inquiry, although it did not rely on the same definition of “sexual assault,” nor did it produce comprehensive information about attitudes and behaviors within the scope of the Task Force’s inquiry. The findings from the NCHA, interpreted with these caveats and *extrapolated* to the entirety of the undergraduate population, suggest that, during the 12 months prior to the survey: (1) 375 women and 179 men experienced attempted or completed sexual penetration against their will; (2) 775 women and 471 men experienced some form of sexual assault; (3) 1187 women and 840 men felt they were involved in an emotionally abusive relationship; (4) 248 women and 203 men felt they were involved in a physically abusive relationship; and (5) 133 women and 89 men felt they were involved in a sexually abusive relationship.
- (b) A comprehensive assessment should be made of the current incidence and correlates of campus-related sexual assault at UAlbany. Such an assessment will be necessary to gain a better understanding of the frequency with which campus related sexual assault occurs at UAlbany, the characteristics of victims and offenders, and correlates of sexual assaults, including location, associated activities, and risk factors. A comprehensive assessment also will be necessary to produce a baseline against which later interventions can be evaluated.

5. Parent Engagement

Efforts should be made to inform students’ parents about campus-related sexual assault in appropriate context, and to engage parents around issues of healthy sexual relationships, active consent, bystander empowerment, and otherwise concerning the incidence of and prevention of sexual assault.

6. Leadership and Coordination

A standing Committee on Campus-Related Sexual Assaults should be created. This committee should interact with at least two other standing committees—the Committee on Alcohol and Substance Abuse, and the Committee on Campus Violence—to form a coordinated University-wide Presidential Council on high-risk student behavior under the direction of the University President and the Vice President for Student Success.

7. University Governance

Consultation should occur with University governance regarding initiatives relevant to sexual assault education and prevention. The Chair of the University Life Council or designee, may serve as an ex-officio member on the Presidential Council on high-risk student behavior.

Conclusion

Members of the University at Albany community have a right to be free from sexually assaultive conduct. The University's administration, faculty, staff, and students have a collective responsibility to adopt measures designed to prevent sexual assaults, to assist and fully support victims and to take all appropriate action to help identify, discipline, and punish offenders. The Task Force on Sexual Assault has offered a number of specific recommendations for initiatives that are intended to help shape and reinforce attitudes, university-wide norms, and individual and institutional behaviors that respect and promote healthy sexual relationships and simultaneously protect against and respond effectively to campus-related sexual assault. We believe that the University at Albany is capable of assuming a position of national leadership in education and prevention efforts pertaining to sexual victimization on college campuses, and that the University owes its students and other community members no less.

Appendix A

Proposed Revisions for “Community Rights and Responsibilities” Rape, Sexual Assault, and Sexual Exploitation

6. Rape, Sexual Assault, and Sexual Exploitation

The University at Albany is committed to the maintenance of an environment that is supportive of its primary educational mission and free from all exploitation and intimidation. The University deplors sexual assault, including rape and any other form of nonconsensual sexual activity, including sexual exploitation. University students who commit sexual assault can be subject to both criminal and campus judicial charges.

Sexual abuse, rape, sexual misconduct, criminal sexual acts, and forcible touching as defined in the New York State Penal Code are subject to criminal prosecution. In addition to criminal prosecution, such behaviors are subject to the University’s judicial system.

Definitions

“Active consent” means that each person involved in sexual contact not only agrees to the sexual activity but also agrees freely and knowingly. A person who has been threatened or coerced, whose judgment is substantially impaired by drugs or alcohol or by physical or mental impairment even if temporary, or who is unconscious or asleep, cannot give consent to sexual contact. A person under the age of 17 years is deemed incapable of giving consent.

It is the responsibility of the initiator of sexual contact to obtain active consent from the other person and to determine whether such consent is freely and knowingly given. The initiator of the sexual contact will be found in violation of this policy if it is determined that he or she knew or should have known that the other person’s judgment was substantially impaired at the time consent was obtained or sexual contact was initiated.

Silence or passivity should not be presumed to confer consent. A verbal “NO” or other verbal expression of dissent and/or physical resistance, no matter how indecisive or weak or passive, always means NO. If there is any doubt about whether a person’s judgment is substantially impaired or whether a person who initially agreed to sexual contact has changed his/her mind, sexual contact should not be initiated or, if already initiated, should be stopped immediately.²⁰

The following behaviors are prohibited:

Sexual Assault I—By a stranger or acquaintance, sexual intercourse or any sexual penetration, however slight, of another person’s oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person’s body) where active consent was not established. Where the victim purported to give consent, but the accused used force, threat, intimidation, or the victim’s mental or physical helplessness, the charge of Sexual Assault I also applies. Mental

²⁰ Sexual consent definition adapted from Colorado College’s policy statement.

or physical helplessness would include, but not be limited to, sleep, as well as the inability to consent due to excessive alcohol or drug use or consumption.

Sexual Assault II—By a stranger or acquaintance, touching a person’s intimate parts (defined as genitalia, groin, breast, or buttocks), whether directly or through clothing, where active consent was not established. Sexual Assault II also includes forcing an unwilling person to touch another’s intimate parts. Where the victim purported to give consent, but the accused used force, threat, intimidation, or the victim’s mental or physical helplessness, the charge of Sexual Assault II also applies. Mental or physical helplessness would include, but not be limited to, sleep, as well as the inability to consent due to excessive alcohol or drug use or consumption.

Sexual Exploitation—Nonconsensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the nonconsenting party; nonconsensual video or audiotaping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and inducing incapacitation with the intent to sexually assault another person.²¹

The University is committed to assisting students who seek help in the event of a sexual assault. It is essential that a victim of sexual assault receive medical care, including the possibility of a forensic evidence exam to preserve evidence, as soon as possible. Additionally, a student who has been assaulted may also be in need of a variety of forms of support including counseling; advocacy; information on legal and judicial recourse; and academic, residential, or financial accommodations. The University’s response plan, “Coordinated Response to the Sexual Assault of Students” (www.albany.edu/studentaffairs/sprotocol.html), describes many of these resources and outlines the steps faculty and staff should take to assist a student who reports a sexual assault. The pamphlet “What You Can Do If You or a Friend Is Raped or Sexually Assaulted” (www.albany.edu/studentaffairs/ovpsa/whatyoucando.html), also provides detailed information for students. For a copy of either of these publications or for assistance, contact the Office of the Vice President for Student Success (956-8140) or the Coordinator for Sexual Assault Prevention and Education (442-5800). The Coordinator and other staff at the University Counseling Center are also available to faculty, staff, students and parents for confidential consultation about sexual assault matters. (See Appendix J for the Statement of Principles and Rights for victims of campus sexual assault.)

²¹ Sexual exploitation definition adapted from Students Active for Ending Rape, c 2003.

Appendix B

[Insert Logic Model]

Appendix C

Proposed Revisions for “Community Rights and Responsibilities” Appendix J

Appendix J

Sexual Assault Prevention, Sexual Assault Prosecution, Disciplinary Action, and Victims of Campus Sexual Assault: University at Albany Statement of Principles and Rights

I. Sexual Assault Prevention

The University at Albany has programs in place to inform members of the University community about sexual assault, risk factors and risk reduction measures, and, most especially, to invite all members of the University to be proactive in working to end sexual violence. Among these initiatives are mandatory prevention programs for incoming students during Summer Planning Conference, prevention programs for all students throughout the academic year, targeted outreach to men through Men REACH (Men for Relationship Education and Change), and RAD programs (Rape Aggression Defense) for both women and men. To learn more about these and other prevention activities, visit www.albany.edu/counseling_center and <http://police.albany.edu>.

II. Sexual Assault Prosecution

University at Albany Police are prepared to investigate sexual offenses that occur within their jurisdiction as are area police agencies. 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 a mental defect, mental incapacity, or physical helplessness. This series of offenses further include sexual intercourse with a person under the age of consent. The penalties for violations 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 violations 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 intimate parts. The penalty for violation of this section includes imprisonment for a period up to one year.

Section 130.55/.60/.65 - Sexual Abuse. This series of offenses include 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 caused 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.

III. Disciplinary Action

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

An individual charged with a crime related to sexual assault may be subject to University disciplinary procedures, whether or not an individual is prosecuted under the New York State Penal Code. During the disciplinary process, the rights of the accused are as described elsewhere in Community Rights and Responsibilities.

The University will make every effort to be responsive and sensitive to victims of these serious crimes. Protection of the victim and prevention of continued trauma is the University's priority. When the victim and the accused live in the same residence hall, an immediate hearing with the Director of the Office of Conflict Resolution & Civic Responsibility will be held to determine the need for modifying the living arrangements.

Assistance for any other personal or academic concerns will be reviewed and options provided in accord with the University's Coordinated Response to the Sexual Assault of Students.

Additional information about resources and options to aid in recovery are available at <http://albany.edu/studentaffairs/ovpsa/whatyoucando.html> OR www.albany.edu/counseling_center.

IV. Victims of Campus Sexual Assault: University at Albany Statement of Principles and Rights

Introduction

The University at Albany is committed to providing a safe and secure environment in which all of its members are treated with dignity and respect. To that end, the University takes the strongest possible stance against sexual assault in all its forms including sexual violence or the use of coercion, sexual contact absent the free, knowing, and active consent of the involved parties, including but not limited to cases involving impaired judgment and physical helplessness, and intimidation or exploitation of others for sexual purposes. The University is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

Should a sexual assault occur, it is imperative that victims be fully supported in their efforts to heal and respond as they determine is in their own best interests. To this end the University will safeguard the victim's confidentiality, respect the victim's privacy and support the victim's right to make choices about resources and options in the University's "Coordinated Response to the Sexual Assault of Students."

All members and representatives of the University at Albany community, including campus officers, administrators, faculty, professional staff, employees, and students are expected to recognize and abide by the following principles regarding victims of campus-related sexual assaults:

HUMAN DIGNITY

Victims shall:

- Be treated with fairness and respect for their dignity
- Have their privacy honored
- Be free from any suggestions that they must report sexual assaults to be assured recognition of any other identified principles or rights
- Have their allegations of sexual assault treated seriously
- Be free from any suggestion that they are responsible for the sexual assaults committed against them
- Be free from unwanted pressure from campus personnel to:
 - Report sexual assaults if they do not wish to do so
 - Report sexual assaults as less serious offenses
 - Refrain from reporting sexual assaults for any reason, including the fear of unwanted personal publicity

RESOURCES ON AND OFF CAMPUS

Victims shall:

- Be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether or not the assault is formally reported to campus or civil authorities
- Have access to campus counseling
- Be informed of and assisted in exercising:
 - Any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy
 - Any rights to preventive measures such as emergency contraception or HIV prophylaxis
 - Any rights that may be provided by law to obtain the communicable diseases test results of sexual assault suspects
- Be informed of the possible availability of crime victim assistance compensation through the New York State Crime Victims Board

CAMPUS JUDICIAL AFFAIRS PROCEEDINGS

Victims have the right:

- To advance notice about a disciplinary hearing involving the person or persons accused of sexually assaulting them
- To have a person of their choice accompany them throughout the disciplinary hearing
- To remain present during the entire proceeding
- To be heard at the proceeding
- To be assured that their irrelevant past sexual history will not be discussed during the hearing
- To make a “victim impact statement” if the accused is found in violation of the code
- To be informed in a timely fashion of the outcome of the hearing

LAW ENFORCEMENT AND CAMPUS INTERVENTION

- Allegations of sexual assault should be investigated and evaluated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported
- Victims shall receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities
- Victims shall receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault
- Campus personnel shall take reasonable and necessary actions to prevent further unwanted contact by victims’ alleged assailants
- Victims shall be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available

STATUTORY MANDATES

- Nothing in this Statement of Principles and Rights shall be construed to preclude or in any way restrict the University at Albany from carrying out its duties under law to report suspected offenses to the appropriate law enforcement authorities. Except as required by law, the University will take care not to identify the victim.
- Nothing in this Statement of Principles and Rights shall be construed to preclude or in any way restrict the University at Albany from issuing a Community Notice when the University is aware of a reported sexual assault incident that potentially puts the campus community at risk. The University will take care not to identify the victim in such notices.

Adapted from: Rutgers (c 2006), Princeton (c 2006) & Ball State Universities' Rights Statements