

SEXUAL ASSAULT POLICY/PROTOCOL

(Available on-line at <http://deanofstudents.uncg.edu/policy/>)

This policy was accurate as of the date printed. For the most current revisions to this policy refer to the Web site referenced above.

General Information

National statistics indicate that one out of seven women will be the victim of a rape or other sexual offense by the time she reaches college age. The University of North Carolina at Greensboro does not tolerate such affronts to basic human dignity in any form. The University provides this statement as a means of deterring acts of rape and sexual offense affecting its students and establishing its jurisdiction over such prohibited acts when committed by University students on campus or in off-campus locations. These are violations of University policy as well as criminal law. Allegations of such violations will be pursued actively under terms of the Student Code of Conduct, which clearly defines such prohibited conduct, and will be reported to criminal authorities where such alleged conduct violates criminal statutes.

This comprehensive policy is intended to make the institutional response “more than the sum of its parts” for the benefit of the victim/survivor of an assault and the University community at large. The policy serves as a guide to services and describes how the providers work in conjunction with one another. The immediate institutional response, both support and conduct, is part of the overall process of recovery for a victim/survivor. In addition, preventative educational programming is provided to reduce the risk of assault for individuals on campus.

Students should understand that the University community has ethical and moral values that all members of the community are expected to meet. Central to those values is the belief that all members of the University community have the right to be treated with respect and to participate in community life with dignity. Sexual assault and other forms of assault (physical and/or mental), or other actions resulting in violence violate all members’ right to respect and dignity.

This policy and its procedures are based on the following assumptions:

- Sexual assault is a label for a range of coercive acts against men or women which must be confronted directly by the campus community.
- A multitude of police, medical, psychological, administrative, and conduct services must be in place and available immediately to students reporting a sexual assault.
- The University is committed to supporting a student’s exercise of informed decision making about services needed and maintains confidentiality to the extent permitted by law.
- University conduct and police support and/or off campus support from the Greensboro community may play important roles to victims/survivors who seek criminal, civil, or University conduct action. The University will provide the support described herein to victims/survivors who choose either or both options.

Rape/Sexual Offense Defined Under North Carolina Law

The crime of rape is legally defined by North Carolina law as forced sexual intercourse by a male on a female against her will. In North Carolina, the “force” necessary to convict for rape may be other than physical force. It may be threat, fright, or duress. Those who aid or abet a rape may be equally guilty. Under North Carolina law, forced sexual intercourse with a woman who is a sleeping victim, physically helpless, as from overuse of alcohol, or mentally handicapped/incapacitated constitutes rape.

“Acquaintance rape” and “date rape” are terms commonly used to describe forced intercourse by a male on a female he knows. His social relationship with the female does not make the act legal if he uses force or the act is against her will. The criminal law makes no distinction between rape by an acquaintance or rape by a stranger.

The crime of Sexual Offense is a sexual act by a person of either sex where the act is by force or against the will of the victim. Sexual offense does not involve intercourse but does involve other sexual acts.

The Student Code of Conduct

The Student Code of Conduct defines prohibited conduct on the campus as violations of the community value of Respect. Non-consensual sexual acts including

- intercourse
 - without consent or
 - by force
- sexual acts other than intercourse but
 - without consent or
 - by force

are examples of such violations.

The use of alcohol or other drugs may be considered an aggravating factor in sanctioning of offenders.

Procedures for Reporting Sexual Assault

The following procedures are based on these understandings of sexual assault:

I. Range of behaviors: Sexual assault is a term that encompasses a wide range of behaviors that violate the State of North Carolina legal statutes and the UNCG disciplinary guidelines. The element common to all of these behaviors is the use of coercion, force, or threat of force to gain sexual contact against a person’s will. The type of coercion may range from psychological threat to physical violence with weapons. The type of contact may range from unwanted sexual touching to intercourse. The perpetrator of sexual assault may often be known to the victim/survivor. The experience may severely traumatize the victim/survivor even when no physical force was used in the coercion.

II. Options: Victims/survivors of sexual assault need clearly defined options because the individual has been in a powerless position and denied choice. Victims/survivors need to know what services are available to them and who provides them. Additionally, they need to know what is outside the scope of any provider’s services, and they need to know that the providers will stay safely within their roles.

III. Control: Sexual assault victims/survivors need the chance to re-establish a sense of personal control over what happens in their lives. They need clearly defined boundaries and role definitions of those professionals who offer assistance as the individuals' boundaries have already been violated. Problem solving efforts and strong recommendations from service providers, friends, and University officials may be perceived as blaming and personal attack. In general, the victim/ survivor needs to be heard, to be respected, to understand all of the options, and to move at his/her own pace through the process of recovery.

IV. Time: "Time is of the essence" for the victims/survivors of sexual assault in several specific ways. "Time is short" in the sense that they are likely to be in crisis and in need of immediate support. Time is also short for securing evidence for possible prosecution and preventing possible pregnancy. At the same time, victims/survivors need time and ongoing support to recover from the assault in a constructive manner.

V. Confidentiality: All helping efforts should respect victims'/survivors' need for safety and control as their trust in others may be severely damaged. Those individuals providing services must be clear about the boundaries of confidentiality in their communications. Any communication with a person viewed as an outsider by the victim/survivor can be experienced as a violation of trust.

Specific Procedures:

A student who has been sexually assaulted usually enters the University response system through one of several offices: Student Health Services, the University Police, or the Office of Housing and Residence Life. Individuals who have information about or who are victims/survivors of sexual assaults are strongly encouraged to report those offenses to the proper authorities, e. g., the University Police (within the boundaries of the institution or in regard to University sanctioned activities) or the City of Greensboro Police for offenses wherever they occur.

If a student has been the victim of rape or sexual offenses, his/her physical well-being is vital. The sooner the student reports a rape or other sexual offense, the sooner he/she may be treated, tested for pregnancy (women) and sexually transmitted diseases, and provide for preservation of physical evidence. Students should be reminded not to shower, douche or change clothes. Students who know of someone who may have suffered such an attack should urge him/her to get assistance at once.

For a student who wishes his/her assault to be handled in a confidential manner, it is important that he/she contact Student Health Services where, by law, medical providers and counselors can maintain confidentiality. If a student reports such an incident to other University faculty or staff, those individuals are obligated by federal legislation, the Campus Security Act, to report the incident to University Police.

At the point of initial contact with a University office, a member of the Sexual Assault Response Team (hereafter called an "advocate") is called and s/he responds immediately to the student. The advocate will offer overall assistance and follow-up to the victim/survivor. His/her role is to be an advocate for the student and to clarify for the student options related to sexual assault reporting. The advocate arranges the appropriate support services/information for the student including:

- Advising of, and securing if wanted, the assistance of Student Health Services (including the Counseling and Testing Center) and/or the 24-hour crisis hotline operated by Family Services of the Piedmont, Inc. (273-7273).

- Providing an explanation of sexual assault protocol (and evidence recovery) if the victim/survivor is to go to the hospital.
- Clarifying the roles of the University Police and/or Greensboro City Police.
- Notifying Student Academic Services if the student will be absent from a few classes. Academic support from the Office of Student Academic Services may also include assistance with acquiring notes for missed classes, assistance in rescheduling tests or project due dates, or possible reassignment to another section of a course/class if needed.
- Facilitating a change in living situation with the Office of Housing and Residence Life if needed.
- Clarifying the University's conduct process and insuring that the victim/survivor understands the options presented to her/him. The advocate does not serve in any capacity other than that of a support person during any conduct proceedings.
- Providing follow-up support to the victim/survivor as needed.

The Coordinator of the Sexual Assault Response Team serves as the central contact point for issues related to sexual assaults including reporting, advocacy, and support. Specific tasks of the Coordinator include:

- Recruiting and training advocates.
- Developing the on-call schedule and distributing it to all parties who may need that information (including but not limited to University Police, Housing and Residence Life, Student Health Services, the Vice Chancellor for Student Affairs, and The Dean of Students Office.)
- Convening the Sexual Assault Response Team at least twice a year to review the year's experiences, to consider the need for changes in policy and/or protocol and to provide/facilitate additional training for advocates as deemed necessary.
- Providing appropriate support and counsel to advocates as needed after an incident has been reported.
- Ensuring that all appropriate action has been taken by the advocates.

A list of resource agencies available to all students is included in the Numbers to Know section of this publication. Students are guaranteed rights to confidentiality, humane and ethical treatment and access to resources. A full listing of these rights may be found in the Student Code of Conduct.

University's Conduct Response

Conduct action on campus is designed to deal developmentally with student behavior within the University community which is prohibited or is deemed unacceptable to the community. Where the behavior is aggravated or presents a continuing danger to the University community, students are subject to removal from the institution. Criminal prosecution in the court system is designed to be punitive and to provide social consequences for convicted offenders. Student offenders may be charged under either or both systems.

Under its agreement with the City of Greensboro, the University Police will notify the Greensboro Police department of incidents involving allegations of rape and sexual offenses. Charges resulting from such incidents may invoke criminal penalties of the law. The punishment for the crimes can result in lengthy prison sentences up to and including life imprisonment in aggravated cases.

Another course of action for a victim/survivor is to pursue conduct action through The University's Student Code of Conduct. Where allegations concerning rape or sexual offenses arise, The University, with the consent of the victim/survivor, will pursue all available courses of conduct action against alleged

student offenders. When alleged student perpetrators are deemed to present an immediate danger or continuing threat to the community, they may be removed from The University by the Vice Chancellor for Student Affairs on an interim basis until an expedited conduct hearing can be scheduled.

In the event that the accused perpetrator is a student, support and assistance may be needed for that student as well. As soon as information about this person can be made available, an ombudsperson will provide support and assistance to the accused and his/her surrounding community as needed. This assignment will come from the Student Affairs Office.

Hearing procedures, victim's rights, and sanctions are fully described in the Student Code of Conduct. If found responsible of misconduct, sanctions/penalties are at a minimum conditional probation, with the maximum penalty being suspension or expulsion from the institution. The severity of the offense and the potential for subsequent harm to the victim/ survivor or the community at large weigh heavily in sanctioning actions taken in such cases. The victim's/survivor's identity and all information concerning the offense are held in strict confidence by hearing authorities under the guidelines of FERPA. (There are situations - e.g. court order - where confidentiality cannot be maintained.)

Campus Notification

There may be occasions when the University community as a whole should be provided sufficient information regarding a sexual assault/offense in order to prevent further incidents or problems. A threat to the community may exist if the perpetrator is an unknown individual but for whom there is a good physical description that might lead to an arrest. A threat may also exist if an individual involved has a history of threatening or assaultive actions against others or if there is concern that recent behaviors (i.e., verbal intimidation with identifiable victim or class of persons, evidence of planning a violent act, or harassment/stalking behaviors) may lead one to the reasonable conclusion that a foreseeable action may be forthcoming which would harm one or more persons.

At such a time, a notification team will be convened by the Chief Police in consultation with the Coordinator of the Sexual Assault Response Team to address larger safety needs of the community while protecting the victim's/survivor's right to privacy and ensuring the integrity of any police investigation, on or off campus. If a threat to the community is found to exist, a public warning or notification to The University of North Carolina at Greensboro community may be released and other steps will be considered to ensure the safety of the public.

The victim/survivor is not present at the notification team meeting. The individual's right to confidentiality will be respected by all members and overseen by the Coordinator of the Sexual Assault Response Team. Furthermore, the Sexual Assault Response Team Coordinator keeps the victim/survivor informed of the notification team's actions, either directly when the victim/survivor has spoken with him/her or indirectly through the designated advocate who reported the sexual assault to the Coordinator.

Educational Initiatives

To ensure that all students understand the University's expectations, the University provides a comprehensive educational program to complement the written policy on sexual assault. Prevention, education and referral services on sexual abuse issues are coordinated by the Wellness Center in Student Health Services.

These programs recognize that students arrive at the University from many different familial, social, and community settings. The initiatives are designed to increase student, faculty, and staff knowledge about the many forms of sexual abuse, improve their ability to make health-enhancing choices, and encourage use of campus and community resources. The emphasis of these programs is in the areas of new student orientation, peer education training, campus-wide awareness campaigns, and educational programs for students, faculty and staff. The Wellness Center also has a wide variety of resources available to the University community including videotapes, books, journals, and conference proceedings.

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