

MESSIAH COLLEGE

PROTOCOL ON STUDENT SEXUAL ASSAULT, SEXUAL MISCONDUCT, SEXUAL HARASSMENT & SEXUALLY INAPPROPRIATE BEHAVIORS

Messiah College seeks to provide a consistent, caring, and timely response when a sexual assault occurs to a student within our college community. Messiah College is committed to educating our campus community on sexual assault awareness, prevention, and intervention. The College provides crisis intervention, advocacy, and referral services to sexually assaulted students.

Messiah College does not tolerate sexual misconduct, sexual harassment, or sexually inappropriate behaviors in any form. These behaviors are demeaning and interfere with the rights of others to pursue their education in an atmosphere that is safe and respectful. Sexual misconduct, sexual harassment and sexually inappropriate behaviors include, but are not limited to: sexual misconduct, including sexual assault; incapacitated sex and/or sexual contact; sexual harassment; sexual violence; sexual exploitation; coercion for sex and/or sexual contact and retaliation. Incidents which a student considers to be a violation of this policy should be reported immediately.

This protocol defines and coordinates campus-wide efforts to provide a caring and effective institutional response to benefit the victim of sexual assault and the college community. This protocol specifically seeks to do the following:

- Facilitate the recovery of a sexual assault victim by providing prompt and compassionate support services.
- Create a college environment that expedites and encourages the prompt reporting of sexual assaults.
- Facilitate the apprehension of assailants and processing of incidents within the campus discipline system and/or assist with adjudication through law enforcement.
- Establish and cultivate community involvement in sexual assault prevention.

To accomplish these goals, this document provides the following information (detailed in Attachment A):

1. Procedures to follow if an incident is reported;
2. Victims' options to notify local law enforcement;
3. Counseling and support services available for victims of sexual assault, both on-campus and in the local community;
4. Procedures for on-campus disciplinary action in cases of alleged sexual assault;
5. Educational initiatives to promote awareness of any type of sexual misconduct.

Title IX Information

Sexual Misconduct is a violation of Title IX, and Messiah College takes its responsibilities under Title IX seriously. Therefore, those who have questions about Title IX or wish to file a complaint under Title IX may contact one of our Title IX coordinators.

Definitions

This protocol is based on the following understanding of sexual assault:

1. The term sexual assault describes a range of coercive behaviors which violate both Pennsylvania legal statutes and Messiah policy (*Student Handbook*). The common element of these behaviors is use of coercion, force, or threat of force to obtain 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. Sexual Misconduct includes any of the following:
 - (a) any intentional, nonconsensual touching, or threat or attempt to: touch an intimate body part of another person or touch any part of another person's body with the intent of accomplishing a sexual act;
 - (b) unwanted inappropriate disrobing of another person or purposeful exposure of one's genitals to another without one's consent; or
 - (c) attempting to force any other person to engage in sexual activity of any kind without his or her consent. Consent may only be given by a person who is mentally and physically able to demonstrate reasonable judgment. By definition, a person who is intoxicated, unconscious, mentally impaired, or threatened is unable to give consent.
2. The perpetrator of sexual assault often is known to the victim. The experience may severely traumatize the victim regardless of presence of physical force. Victims need to know what services are available and who provides them. Similarly, they need to know what is outside the scope of any given provider's services and they need to know that providers will stay safely in their roles.
3. Victims of assault need clearly defined choice points and options, because they have been in a powerless position. They need an opportunity to re-establish a sense of personal control.
4. Time is of the essence for victims of assault in several ways. They are likely to be in crisis and in need of immediate support. Securing evidence for possible prosecution must be done quickly. At the same time, victims need time and ongoing support to emerge constructively from the assault.
5. Trust in others may have been severely damaged. Helping efforts should respect the victim's need for safety and control. Those providing services must be clear about the boundaries of confidentiality in their communication; any outside communication may be experienced by the victim as another violation of trust. Problem-solving efforts and strong recommendations may be perceived as blaming and further attack. The victim needs **to be heard, to be respected, to understand options, and to move at his or her own pace** through the process of recovery.
6. Sexual assaults involve both male and female victims. Statistically, the majority of reported sexual assault victims are female.

An array of safety, medical, psychological, administrative, and disciplinary services are in place and immediately available to students reporting sexual assault. The college is committed to supporting students' exercise of informed choice among these services and insuring their confidentiality. Messiah

College will provide counseling and health services regardless of whether the victim elects to pursue college disciplinary action or criminal prosecution. The *Student Handbook* describes rights of the accused in campus discipline.

This protocol outlines these services and describes how they may work in concert.

Follow-up

Each department will also encourage the victim to speak directly with designated campus personnel for support in seeking additional services. These personnel will help the student understand, evaluate, and choose among the services outlined in this protocol, and help ensure continuity of services by offering the student follow-up contact. The victim should be offered a preference of gender in determining which personnel will assist in any given matter. The following serve as designated campus personnel for responding to victims of sexual assault:

- Vice Provost/Dean of Students
- Director/Department of Safety – Title IX Deputy Coordinator
- Associate Dean of Students
- VP of Human Resources and Compliance – Title IX Coordinator
- Engle Center for Health and Counseling Services

Sexual Assault Response Team

If the Vice Provost/Dean of Students determines that a reported incident of sexual assault represents a potential danger to the campus community, she will convene the Sexual Assault Response Team. A potential danger to the community is generally defined as follows:

- A pattern of acquaintance sexual assault;
- A stranger assault;
- A violent or sadistic assault;
- Gang rape

The Sexual Assault Response Team will be composed of at least the following:

- Vice Provost and Dean of Students, Facilitator
- Director of Department of Safety
- Associate Dean of Students
- Director of Health and Counseling Services
- College Counsel

When appropriate, the Sexual Assault Response Team will work in conjunction with the mobilization of the college's Crisis Management Team. The purpose of the Sexual Assault Response Team is to address the safety needs of the community while protecting the victim's right to privacy and insuring the integrity of college response. If a threat to the community is determined, a warning will be released and other

steps to ensure campus safety will be considered. The Vice Provost/Dean of Students (VP/DOS) will be responsible for the release of information, and will do so in consultation with the Director of Public Relations. The VP/DOS will notify the President and Provost of the concern and response.

The victim will not be present at the Team meetings and the victim's rights to anonymity will be respected by all team members. The VP/DOS will keep the victim informed of the Team's actions, either directly or indirectly through the contact person who reported the assault to the VP/DOS.

GOALS

This protocol specifies the following information for each of the campus departments which constitute the immediate support network for a student reporting sexual assault:

- Boundaries of confidentiality
- Services offered by the department
- Reporting options and choices available to the victim
- Services offered by associated departments

EDUCATION

Sexual assault prevention will be addressed in several venues.

- Sexual assault prevention and response will be addressed annually in Residence Life staff training.
- An educational pamphlet addressing sexual assault prevention and response will be distributed annually.
- A rape, aggression, and defense class will be available upon request.

SEXUAL ASSAULT GUIDELINES CHECKLIST

Reporter: _____ Date: _____

- Explain that discussions with student are confidential. A confidential sexual assault report will be filed for tracking of incidents.
- Explain that reports of sexual assault are not kept in the victim's permanent college records.
- Complete a sexual assault incident report form and contact the Director of Safety to file confidentially.
- Explain that the student may file criminal charges with local law enforcement regardless of what action is taken with the college.
- Provide support and articulate clearly the services available on and off campus.
- Contact VP/DOS if academic assistance (rescheduling exams and other academic expectations) needs to be addressed.
- Offer information concerning the college disciplinary process and the reporting student's option to file charges. If the student chooses to file disciplinary charges, the VP/DOS or Associate Dean of Students will help initiate this process.
- Encourage the student to go to Holy Spirit Hospital, Harrisburg Hospital or Carlisle Hospital Emergency Room for medical services and offer to accompany the student (especially 72 hours or less).
- Encourage the student to take advantage of counseling services available at the Engle Center and offer to accompany the student to an appointment.
- Inform the student of services available through Rape Crisis-YWCA of Carlisle and provide the telephone number: 1-888-727-2877 or 717-258-4324.
- Ask if the student has a safe place to go and offer temporary accommodations. Work with Residence Life to offer changes in living arrangements in order to reduce the chances of continuing contact between the student and the alleged perpetrator and facilitate relocation.
- Explain that all contacts with Counseling Services are confidential and that a confidential sexual assault report will be immediately filed with the Department of Safety.
- Offer to assist in securing a medical examination and consultation, testing for sexually transmitted diseases and pregnancy, and follow-up as needed. If requested and within 72 hours of the assault, the Health Center will assist the student in securing a medical exam to preserve evidence. All of these services are voluntary and any procedure can be terminated at any time should the student so choose.
- Provide student with information sheet.
- Provide student with Victim Rights Notification Form.

Sexual Assault Incident Report

This form is intended to convey information needed for purposes of tracking the crime statistics required by state and federal laws. All efforts must be made to maintain the victim's confidentiality. **Therefore, no information should be included which might identify the victim, unless victim chooses otherwise.** Return this form to Cindy Burger, Director of Safety, Suite 3026. (Office: 691-6005 x7272 Dispatch: x6005)

Reporter's Name (person filling out report): _____

Dept.: _____ Phone: _____

Victim's Name (optional): _____

Date Incident Occurred: _____ Time Incident Occurred: _____

Date Victim Reported Incident: _____ Incident Reported to (dept.) _____

Date Reporter had discussion with Victim: _____

Age of Victim: _____ Academic Year of Victim: _____

Gender of Victim: _____ Race/Ethnicity of Victim: _____

Occurred on campus? Yes No

If assault occurred on campus, indicate where:

Residence hall (building name): _____

Other campus building: _____

Outdoors: _____

Automobile (list parking lot): _____

If assault occurred off campus, indicate where, if known: _____

If unsure of location, describe surroundings: _____

Describe Assault (check one):

sexual contact (fondling, kissing, petting but not penetration) without consent

intercourse (oral, anal, or vaginal penetration by penis or other object) without consent

other, describe: _____

Number of Perpetrators Involved in Assault: _____

Role of Perpetrator(s) on campus: student _____ faculty _____ staff _____ other _____

Unknown _____ No role on campus _____

Disposition: (check all that apply):

Arrest by Police Agency – Off Campus

Referred to Campus Discipline

Referred to Department of Safety

Anonymous Report

Sexual Assault Incident Report

If victim agrees, complete as much information as possible to the best of your ability, especially if victim is thinking about formally reporting the incident.

Describe the type of pressure or force used by the perpetrator (check one):

- None
- Verbal pressure/abuse or argument
- Position of Authority (boss, professor, supervisor, etc.)
- Threat of physical force (threatened to hit, hold, or otherwise injure)
- Used physical force (hit, held victim down, twisted arm, etc.)
- Gave victim alcohol or drugs so victim was significantly impaired

Were alcohol or other drugs involved in the incident?

Victim: Yes ____ No ____ Unknown ____
 Perpetrator: Yes ____ No ____ Unknown ____

Was a weapon involved in the assault? No ____ Yes ____

If yes, what type (describe)? _____

Describe Perpetrator(s): (If more than one, please use another piece of paper)

Gender _____ Age _____ Ethnicity _____
 Weight _____ Height _____ Class _____
 Special Marks or Tattoos _____

Last seen wearing (describe clothing) _____

Describe nature of relationship between perpetrator and victim prior to the incident:

Stranger _____ Spontaneous date (e.g. met at party) _____
 Relative _____ Planned first date _____
 Friend or non-romantic acquaintance _____
 Romantic acquaintance or on-going date _____

Comments made to victim by perpetrator during assault: _____

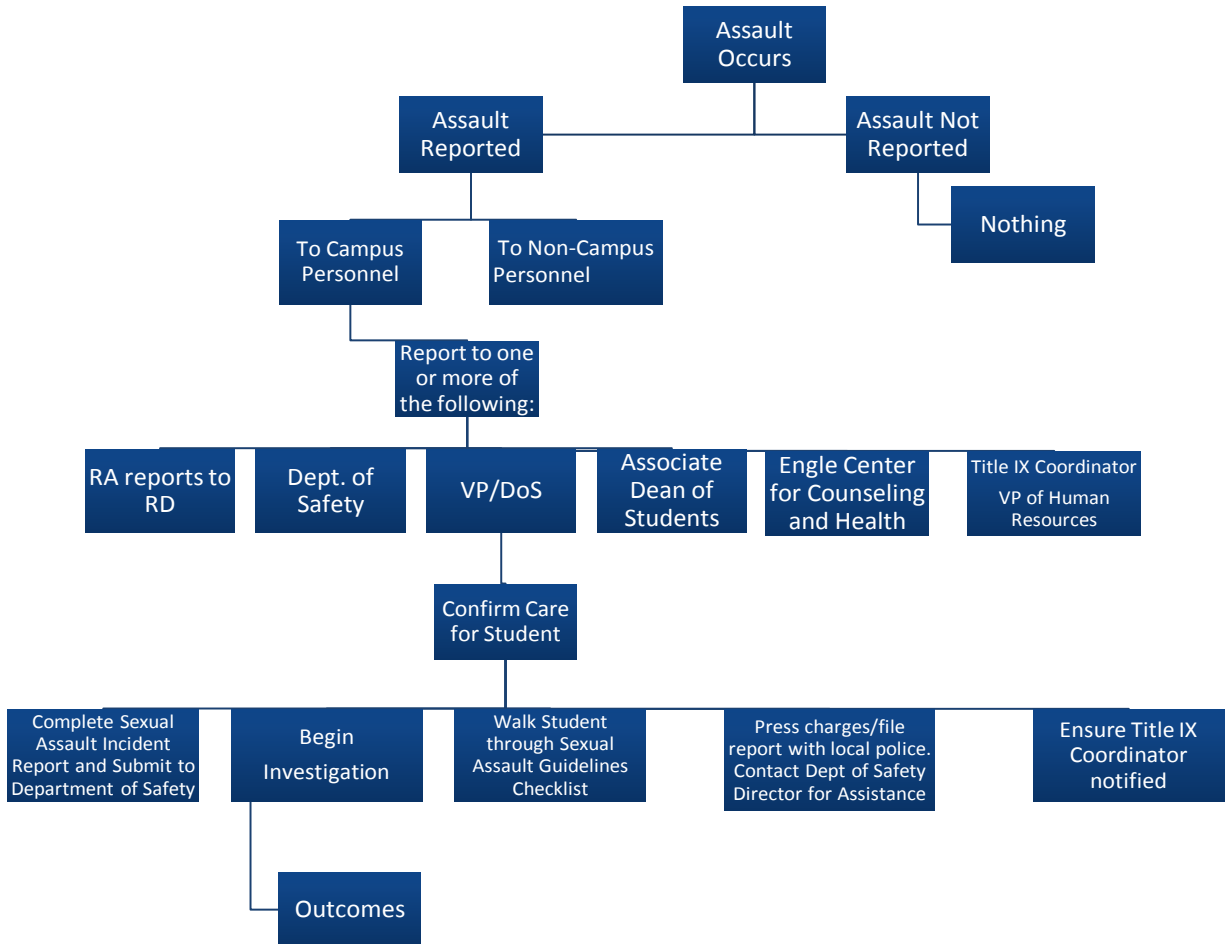
Student Information Sheet

We know you are going through a difficult time, and there are many feelings and concerns to be considered. We want to help and support you, and we offer these reminders in that spirit. Please know our individual assistance is always available.

-Kris Hansen-Kieffer, Vice Provost and Dean of Students

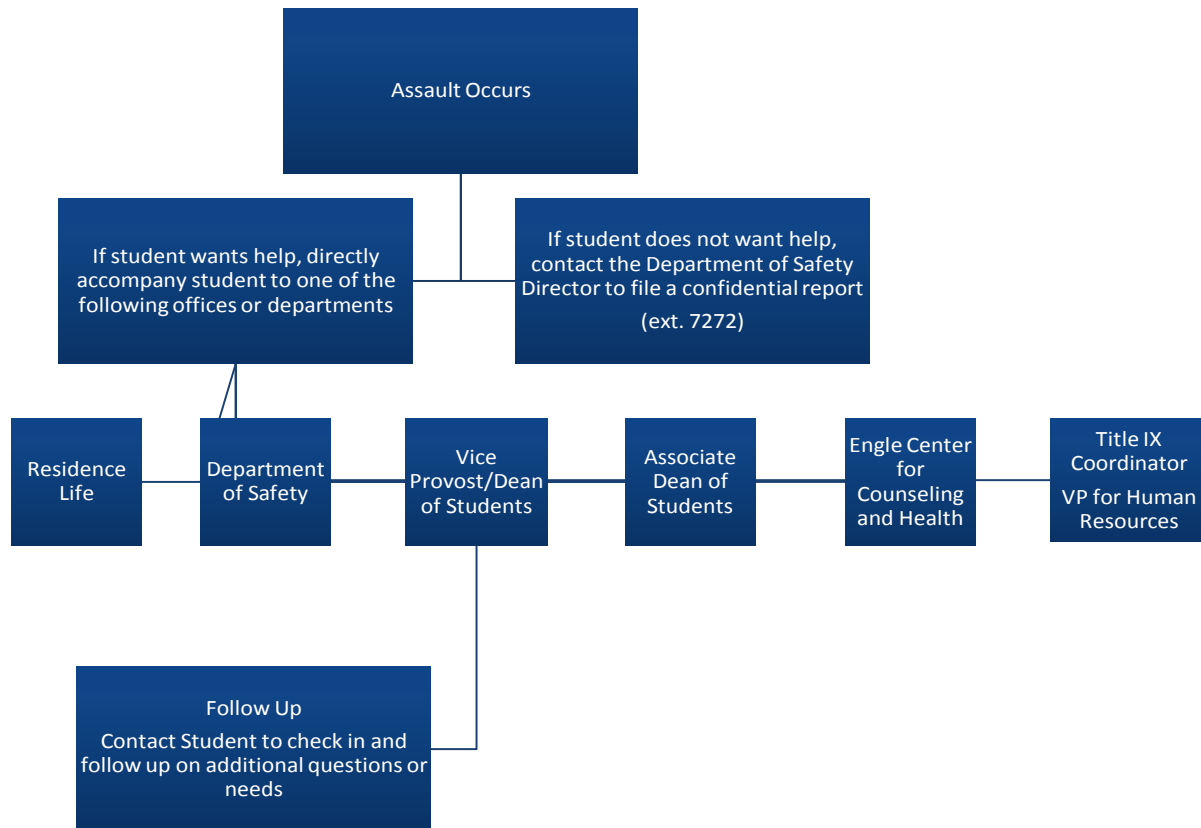
- You are encouraged to bring a friend or support person with you.
- Discussions with the Vice Provost and Dean of Students are confidential. She can be reached on campus at x3760 or at home at 265-4292. A confidential sexual assault report will be filed in order to help us track reported incidents.
- You may file criminal charges with local law enforcement regardless of what action is taken with the college. Cindy Burger, Director of Safety is our campus resource for understanding law enforcement processes. She can be reached on campus at x7272 or through dispatch at x6005.
- Reports of sexual assault are not kept in the victim's permanent college records.
- The Vice Provost and Dean of Students can provide assistance with academic demands by offering help with rescheduling exams and other academic expectations, as well as provide information on course withdrawal policies.
- The Vice Provost and Dean of Students can offer information concerning the college disciplinary process and your options to filing a complaint. If you choose to file disciplinary charges, she will help initiate this process.
- We encourage you to go to Holy Spirit Hospital (717-763-2100) Harrisburg Hospital (717-782-3131) or Carlisle Hospital (717-249-1212) Emergency Room for medical services. These hospitals have trained professionals who specialize in sexual assault. These professionals will conduct an interview and offer to perform a rape kit procedure. The victim may not be charged for the procedure if completed within 72 hours of the assault. We can support you by accompanying you to the hospital.
- Please do not douche, bath or shower if assault just occurred. This is so important evidence can be gathered during the medical exam. Please place clothes worn after the assault into a paper bag and provide this to the responding police agency or take with you to the hospital.
- We encourage you to take advantage of free and confidential counseling and health services available at the Engle Center and will help facilitate an appointment.
- A 24-hour Rape Crisis-YWCA hotline is available in Carlisle; 1-888- 727-2877 or 717-258-4324.
- We want you to have a safe place to stay and can offer temporary accommodations. We can also coordinate changes in living arrangements if you desire.
- For information regarding sanctions imposed through the campus judicial system, refer to the Student Handbook under Sexual Assault/Sexual Harassment.
- For a Victim Right's Notification Form, refer to the Department of Safety website, click on link under Sexual Assault/Violence and Harassment.

Sexual Assault Flow Chart Designed for Specific Campus Personnel



Sexual Assault Flow Chart General Public

If a student reports a sexual assault to you, the following flow chart explains how to care for the student and the situation.



Victim Rights Notification

A. VICTIM RIGHTS

As a victim of crime at Messiah College, you have the following rights:

- ▶ To receive basic information concerning the services to assist you;
- ▶ To be accompanied at all hearing proceedings by a person of your choice (i.e. a family member, a friend, a counselor, etc.);
- ▶ To recover your losses, to the extent possible, through restitution, and the return of property which was seized as evidence when it is no longer needed;
- ▶ To seek counseling and medical attention through the Engle Center;
- ▶ To have the option of reporting the crime to the Department of Safety or public law enforcement agency.

B. RIGHTS SPECIFIC TO SEXUAL ASSAULT/RAPE

As a victim of Sexual Assault/Rape at Messiah College, in addition to the above, you also have the following rights:

- ▶ In specific cases, to be informed of the outcome of any disciplinary proceeding held;
- ▶ To have the option of changing your academic and living situations if so requested and if the changes are reasonably available;
- ▶ To seek or have sought for you, medical attention through the Engle Center or, in cases of emergency, at the nearest hospital emergency room as soon as possible.

C. VICTIM RESPONSIBILITY

In order to receive information and/or notice on matters concerning your case, you must provide a valid address and telephone number to the Dean of Students and/or Department of Safety. You must promptly advise them of any change of address or telephone number. This is the responsibility of the parent or legal guardian for victims under the age of 18. The information supplied is for confidential purposes only and will not be released for any reason without your written consent.

Date: _____ Incident #: _____

Acknowledgement of Receipt of Victim Rights Information

I acknowledge that I have received the attached information on the basic services available for victims of crime.

Name (printed): _____ Cell Number: _____

Signature: _____ Date: _____

Officer's Signature: _____ Date: _____

D. RESOURCES/AGENCIES THAT CAN ASSIST YOU

CAMPUS RESOURCES:

Resource Coordination, General Questions and Concerns:

Dean of Students - Kristin Hansen-Kieffer @ ext. 3760

Campus Safety and Security:

Department of Safety @ ext. 6005 (24 Hour Dispatch)

Counseling and Emotional Support Services:

Engle Center - Philip Lawlis, Director of Counseling & Health Services @ ext. 5357

Health Services:

Engle Center - Judith Groop, Coordinator of Health Services & Nurse @ ext. 6035

Personnel Issues:

Human Resources - Amanda Coffey, Director of Human Resources @ ext. 3320

Safety & Police Reporting Info/Options:

Department of Safety - Cindy Burger, Director of Safety & Dispatch Services @ ext. 7272

Campus Discipline:

Office of Associate Dean - Doug Wood, Associate Dean of Students @ ext. 3200

OFF CAMPUS RESOURCES:

Police Information:

Upper Allen Twp. Police (Cumberland County): 911 (dial 9911 from all buildings on campus)
Carroll Twp. Police (York County): 854-5571

Medical Treatment:

*Harrisburg Hospital: 782-3131

*Carlisle Regional Medical Center: 249-1212

Holy Spirit Hospital: 763-2100

*Note: Harrisburg & Carlisle have trained professional staff who specifically handle sexual assaults.

Victim/Witness Assistance:

Information on Victims Rights and Services in the Cumberland County community.
Cumberland County Victim/Witness Assistance Program
(717) 697-0371, ext. 6220 or (717) 761-5599 Satellite Office (M-F, 8:00-4:30)
After Hours: (717) 238-9676 (Cumb. Co. Communications Center)

Domestic Violence:

Legal Advocacy, Counseling, Shelter and Other Assistance.
Domestic Violence Services of Cumberland and Perry Counties
HOTLINE: 1-800-852-2102 Business: (717) 258-4249

Sexual Assault:

Counseling, Advocacy and Services for Adult and Child Sexual Victims.
Rape Crisis - HOTLINE: (717) 258-4324