



Sexual Assault Prevention & Response Guidelines

*What You Need to Know
If You Have Been A Victim of...*

- ◆ *sexual assault*
- ◆ *domestic/intimate partner violence*
- ◆ *dating violence*
- ◆ *stalking*

**SUNY ORANGE**

SEXUAL ASSAULT PREVENTION AND RESPONSE

SUNY Orange is committed to creating a community free from violence. Sexual assault, harassment, dating/domestic violence and stalking as defined by State and Federal law will not be tolerated at SUNY Orange, at College supported events or activities, or at functions of recognized student organizations, on or off-campus. SUNY Orange will take action, as needed, to discourage, prevent, correct and, if necessary, discipline behavior that violates this standard of conduct.

Rape and sexual assault constitute crimes. Federal and New York State law and College policy prohibit such behavior.

Confidentiality is fundamental to all aspects of cases dealing with sexual assault. The names of sexual assault victims shall not be revealed by persons responsible for implementing and enforcing the provisions of this policy, except with the consent of the victim.

The College recognizes the necessity of a community which is open and intellectually stimulating, where diversity of ideas is valued and every person's safety, dignity and autonomy is respected, whether they are students, faculty or staff, and regardless of race, ethnicity, age, religion, class, national origin, gender, sexual orientation or disability.

More detailed information regarding the SUNY Orange Code of Conduct and grievance procedures is available in the Student Handbook.

DEFINITION OF TERMS

Sexual Assault: Sexual assault is defined as any unwanted physical contact, or attempts to have physical contact, of a sexual nature without the clear and express consent of both individuals, or under threat or coercion. A sexual assault can be committed by a male or a female on a member of the opposite or the same sex. Sexual assault can occur forcibly and/or against a person's will. It can also occur when a person is incapable of giving consent or is unable to give consent.

Examples of sexual assault include, but are not limited to, rape (whether by an acquaintance or a stranger) including penetration with a body part or foreign object, sodomy, oral copulation, sexual abuse, sexual battery, fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threats of sexual assault.

Stalking: Stalking is defined as intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

Domestic/Intimate Partner Violence: Domestic violence is defined as any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

Most domestic/intimate partner violence is committed against women by their male partners or ex-partners. It also occurs in lesbian and gay relationships and is common in teenage dating relationships. In a small number of cases, men are abused by female partners. Every victim of domestic/intimate partner violence, whether female or male, gay or heterosexual, has the right to legal relief.

Dating Violence: Dating violence is defined as any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Consent: Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Silence in and of itself cannot be interpreted as consent. Requesting and having consent accepted is the responsibility of the person(s) initiating each specific sexual act. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression. Consent may be initially given but withdrawn at any time. Failure to immediately cease sexual contact in response to the absence of or a withdrawal of consent is prohibited. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the capacity to fully, knowingly choose to decide about participating in sexual activity because they have a disability that limits informed sexual decision-making, or because of impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, or if any of the parties are under the age of 17. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

PRECAUTIONS

SUNY Orange offers events, workshops, and programming for students, faculty, and staff related to the prevention of sexual assault, domestic/intimate partner violence, dating violence and stalking. Even the best self-defense program cannot completely prevent sexual assault.

Be aware that everyone is a potential victim of sexual assault. The most vulnerable target is a woman alone. It is a myth that assault is provoked by a woman's dress or mannerisms. Opportunity and vulnerability are the key factors. Over 80% of all assaults are committed by an acquaintance of the victim, but almost half of these victims tell no one about the attack. Many attacks begin with casual conversation. If your gut-level response to a stranger or friend is uneasiness, try to get out of the situation as quickly as possible, even if it means being rude or making a scene. The keys to prevention are awareness, trusting your intuition, and assertive behavior. Take the time to think ahead what you might do in the event of an attack.

The following tips are designed to increase your awareness of personal safety and to encourage you to think ahead about how you would react if assaulted.

- ◆ Trust your feelings. If you feel in danger, you probably are.
- ◆ Walk confidently. Be aware of the surroundings. Know your route and stay in well-lighted areas.
- ◆ Consider carrying a whistle on your key chain and use it if you find yourself in danger.
- ◆ Check your car before getting in. Keep doors locked and windows up.
- ◆ DO NOT stop to assist stalled drivers. Drive on and call the police. DO NOT accept assistance if your car is stalled. Tell anyone who offers help to call the police.
- ◆ DO NOT pick up hitchhikers.
- ◆ At home, keep the doors and windows locked. Ask repair, service, or delivery persons for identification or have them wait outside while you call to verify their employment.
- ◆ Learn to defend yourself.
- ◆ Teach children about the potential for sexual assault and what to do if they are ever approached inappropriately. Children should be told that they are never responsible for sexual assault and to tell a trusted adult if an assault should ever occur.

HOW TO AVOID SEXUAL AND OTHER CRIMINAL ASSAULTS ON- AND OFF-CAMPUS

- ◆ Be alert to your surroundings: stay in well-lighted areas; walk with other people whenever possible; know the locations of red phones in campus buildings, and blue light telephones in parking areas; if you are walking alone, don't use head phones as they distract you and prevent you from being aware of your surroundings.

- ◆ If you travel by car: always keep your car locked while you are riding and when it is parked; when returning to your car, do so with your keys in your hand; check the back seat before you get in; after you get in, re-lock the car immediately.
- ◆ If you travel by bus: go to the bus stop with other people whenever possible, particularly at night; don't accept rides from strangers.
- ◆ If you feel you are being followed: walk to the nearest occupied or well-lighted building, not to your car or a bus stop; if on campus, contact campus security for assistance; if off campus, call the police; note the appearance of the person or persons; note the license plate number of the car; your personal safety should come before the security of belongings, such as books, bags, etc.; when in doubt, leave them behind.
- ◆ If you feel threatened: shout "leave me alone" as others may hear you and/or the potential criminal may be frightened away; trust your instincts; don't be embarrassed to seek assistance.
- ◆ There are numerous, strategically located red phones in campus buildings and blue light emergency phones in parking areas. These phones may be used to contact Security, 24 hours a day.

***REPORT ALL INCIDENTS TO SAFETY AND SECURITY IF ON CAMPUS,
or TO THE POLICE IF OFF CAMPUS***

SUBSTANCE ABUSE AND SEXUAL ASSAULT

Some basic facts on the criminal use of sedating substances to facilitate sexual assault:

- ◆ For centuries alcohol has been used to facilitate sexual assault. Today it remains the substance most frequently associated with date rape, and the most accessible sedating substance.
- ◆ Other sedating drugs are increasingly being misused to commit sexual assault by spiking victims' beverages. These are referred to by a number of street names of which you should be aware. These include Liquid Ecstasy, Liquid X, Grievous Bodily Harm and Easy Lay for GHB, and Special K for Ketamine. Common street names for Rohypnol include Roofies, Roaches, and The Forget Pill.
- ◆ The physical effects of alcohol and sedating drugs are very similar and include impaired judgment and motor coordination, disinhibition, dizziness, confusion and extreme drowsiness. If enough alcohol or sedating substances are consumed, an individual may fall unconscious or may not remember the details of what occurred.
- ◆ Depending on the substance and the presence of alcohol and other drugs in the person's system, more dangerous and sometimes life-threatening side effects may occur.

HOW TO REDUCE THE RISK OF BEING DRUGGED AND SEXUALLY ASSAULTED

- ◆ Do not leave beverages unattended.
- ◆ Do not take any beverages, including alcohol from someone you do not know well and trust.
- ◆ At a bar or club, accept drinks only from the bartender or server.
- ◆ At parties, do not accept open container drinks from anyone.
- ◆ Be alert to the behavior of friends and ask them to watch out for you. Anyone extremely intoxicated after consuming only a small amount of alcohol may be in danger.
- ◆ Limit alcohol consumption so you are better able to assess your surroundings and eat substantive food before drinking to help curb its sedating effects.
- ◆ When drinking in social settings, make arrangements with a friend so that you can leave together.

Most importantly, remember that whether you follow these tips or not, if someone sexually assaults you, it is not your fault. You are never to blame for someone else's actions.

IF YOU HAVE BEEN SEXUALLY ASSAULTED

- ◆ Go to a safe place. Try to preserve all physical evidence; do not bathe, douche, comb your hair or change your clothes.
- ◆ Contact SUNY Orange Safety and Security in Middletown by dialing "77" from a campus phone or by calling 341-4710. In Newburgh, dial 9533 from a campus phone or call 341-9533. You may also use one of the blue light emergency phones, or any of the red phones located throughout both campuses. Anonymous reports may be made by using those phones.
- ◆ To report the incident confidentially, one can contact the Wellness Center (845) 341-4870 and speak with a licensed mental health professional or registered nurse who by law maintain confidentiality, and can assist in obtaining services.
- ◆ Get medical attention as soon as possible. A medical examination is important to detect injury and for possible protection against a sexually transmitted disease or pregnancy.

- ◆ You may seek advice and support services from the SUNY Orange Sexual Assault Response Team (SART). The team can be contacted through Security at 341-4710, or the Wellness Center at 341-4870. Members of SART will assist sexual assault, domestic violence, dating or intimate partner violence and stalking victims and can provide referral to county resources and support. Individuals are encouraged to use these services, regardless of whether the incident happened on or off campus.
- ◆ Where there is probable cause to believe the College's regulations prohibiting sexual misconduct have been violated, the College will pursue strong disciplinary action through its own channels. This discipline includes the possibility of suspension or dismissal from the college. An individual charged with sexual misconduct will be subject to the College disciplinary procedures, whether or not prosecution under criminal statutes is pending. The College will make every effort to be responsive and sensitive to the victims of these serious charges.
- ◆ For more detailed information see the Student Handbook and within that the Code of Student Conduct available on the SUNY Orange website.
- ◆ If a student presents an order of protection, the Office of Safety and Security will work in collaboration with the student and local law enforcement to ensure the student's safety.
- ◆ Think about reporting the assault to the police. Telling the police does not mean that you have to prosecute (go to trial).
- ◆ If you do want to prosecute, it is essential to have a rape exam at a hospital emergency room soon after the assault. To increase your options later, this exam is recommended, even if you are unsure about prosecution.
- ◆ Following a sexual assault, you may feel shock, embarrassment, shame, guilt, disbelief, anger, anxiety or nothing at all. These are normal reactions to a violent crime.
- ◆ Remember—IT IS NOT YOUR FAULT.
- ◆ Sometimes months or even years after an assault, survivors will again experience feelings they had immediately following the attack. Counseling or support groups may help at these times.
- ◆ You may be eligible for compensation of medical costs or losses incurred as a result of a sexual assault. In order to receive assistance, contact the Orange County Crime Victims Assistance Program (CVAP) at 346-1201.
- ◆ Decisions made after a sexual assault are difficult; there are no right answers, only what is right for you. Get the support you deserve.

CAMPUS AND COMMUNITY RESOURCES

The following programs and services are available in Orange County to provide assistance to you in an emergency situation or for ongoing support in dealing with and recovering from a sex offense.

Campus Resources

SUNY Orange Wellness Center

Middletown Campus
Shepard Student Center, Room 237 (845) 341-4870
Newburgh Campus
Kaplan Hall, Room 322 (845) 341-4870

SUNY Orange Safety and Security

Middletown Campus
Orange Hall (845) 341-4710
Newburgh Campus
Kaplan Hall (845) 341-9533
Tower Building (845) 341-9293

SUNY Orange Sexual Assault Response Team (SART)

Contact through either...
Safety and Security (845) 341-4710
Wellness Center (845) 341-4870

Community Resources

Rape Crisis Services

Middletown (845) 342-2400
Newburgh (845) 565-8681

Domestic Violence/Safe Homes O.C.

..... (845) 562-5365

CAMPUS AND COMMUNITY RESOURCES

The following programs and services are available in Orange County to provide assistance to you in an emergency situation or for ongoing support in dealing with and recovering from a sex offense.

Hospitals

Orange Regional Medical Center

Middletown (845) 333-1000
Crisis Evaluation (845) 333-1626

St. Luke's Cornwall Hospital

Newburgh (845) 561-4400
Cornwall Campus (845) 534-7711

Bon Secours Hospital

Port Jervis..... (845) 858-7000

St. Anthony's Community Hospital

Warwick..... (845) 986-2276

Police

City of Middletown Police Department

..... (845) 343-3151

City of Newburgh Police Department

..... (845) 561-3131

New York State Police

Troop F Headquarters, Middletown (845) 344-5300

Additional Resources

24 Hour O/C RAPE CRISIS HOT LINE

in Orange County (800) 832-1200
outside of Orange County (845) 346-HELP

Power in Unity: Peer Support Group for Victims of Sexual Assault

..... (845) 342-2400
ext. 267

Check our Website
www.sunyorange.edu/wellness/sexual_assault.shtml
for additional resources

SUMMARY OF NEW YORK STATE PENAL CODE 130 - SEX OFFENSES AND PENALTIES

| Crime | Classification | Max. Penalty |
|---|-----------------------|---------------------|
| Harassment: 2nd Degree | Violation | 15 days |
| Harassment: 1st Degree | B Misdemeanor | 3 months |
| Aggravated Harassment: 2nd Degree | A Misdemeanor | 1 year |
| Aggravated Harassment: 1st Degree | E Felony | 4 years |
| Assault: 3rd Degree | A Misdemeanor | 1 year |
| Assault: 2nd Degree | D Felony | 7 years |
| Assault: 1st Degree | B Felony | 25 years |
| Menacing: 3rd Degree | B Misdemeanor | 3 months |
| Menacing: 2nd Degree | A Misdemeanor | 1 year |
| Menacing: 1st Degree | E Felony | 4 years |
| Criminal Obstruction of Breathing or Blood Circulation | A Misdemeanor | 1 year |
| Strangulation: 2nd Degree | D Felony | 7 years |
| Strangulation: 1st Degree | C Felony | 15 years |
| Stalking: 4th Degree | B Misdemeanor | 3 months |
| Stalking: 3rd Degree | A Misdemeanor | 1 year |
| Stalking: 2nd Degree | E Felony | 4 years |
| Stalking: 1st Degree | D Felony | 7 years |
| Unlawful Surveillance: 2nd Degree | E Felony | 4 years |
| Unlawful Surveillance: 1st Degree | D Felony | 7 years |

SUMMARY OF NEW YORK STATE PENAL CODE 130 - SEX OFFENSES AND PENALTIES

| Crime | Classification | Max. Penalty |
|---|-----------------------|---------------------|
| Dissemination of an Unlawful Surveillance Image: 2nd Degree | A Misdemeanor | 1 year |
| Dissemination of an Unlawful Surveillance Image: 1st Degree | E Felony | 4 years |
| Sexual Misconduct | A Misdemeanor | 1 year |
| Rape: 3rd Degree | E Felony | 4 years |
| Rape: 2nd Degree | D Felony | 7 years |
| Rape: 1st Degree | B Felony | 25 years |
| Criminal Sexual Act: 3rd Degree | E Felony | 4 years |
| Criminal Sexual Act: 2nd Degree | D Felony | 7 years |
| Criminal Sexual Act: 1st Degree | B Felony | 25 years |
| Forcible Touching | A Misdemeanor | 1 year |
| Persistent Sexual Abuse | E Felony | 4 years |
| Sexual Abuse: 3rd Degree | B Misdemeanor | 3 months |
| Sexual Abuse: 2nd Degree | A Misdemeanor | 1 year |
| Sexual Abuse: 1st Degree | D Felony | 7 years |
| Aggravated Sexual Abuse: 4th Degree | E Felony | 4 years |
| Aggravated Sexual Abuse: 3rd Degree | D Felony | 7 years |
| Aggravated Sexual Abuse: 2nd Degree | C Felony | 15 years |
| Aggravated Sexual Abuse: 1st Degree | B Felony | 25 years |
| Facilitating Sex Offense w/a Controlled Substance | D Felony | 7 years |



SUNY Orange

115 South Street, Middletown, NY 10940
One Washington Center, Newburgh, NY 12550

www.sunyorange.edu