



St. Joseph's College of Nursing
at St. Joseph's Hospital Health Center

Rape and Sexual Assault: Policies, Prevention and Education

Title IX Coordinator:
Katherine Dixon, Manager
448-5040

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What is the College's policy regarding sexual assault and rape?

St. Joseph's Hospital Health Center College of Nursing is committed to the maintenance of an environment that is supportive of its primary educational mission and free from all exploitation and intimidation. The College will not tolerate rape, sexual assault, or other forms of nonconsensual sexual activity. St. Joseph's supports this policy for students, faculty, staff, guests and visitors.

St. Joseph's will enforce this policy through internal disciplinary procedures, security programs, and the encouragement of external prosecution of alleged offenders through appropriate external judicial forums. Violations of this policy shall include, but not be limited to, the following:

1. Any form of nonconsensual sexual intercourse, committed by physical force, coercion, threat, or intimidation, actual or implied, by a person(s) known or unknown to the victim. Sexual intercourse can involve anal, oral, or vaginal penetration.
2. Any actual or attempted nonconsensual sexual activity including, but not limited to: sexual intercourse, or sexual touching, committed without physical force, coercion, threat, or intimidation; exhibitionism or sexual language of a threatening nature by a person(s) known or unknown to the victim.

Nonconsensual activity shall include, but not be limited to, situations where the victim is unable to consent because he/she is physically helpless, or mentally incapacitated due to drug or alcohol consumption, or is unconscious, regardless of whether or not the consumption was with the victim's consent.

Victims of nonconsensual sexual activity are encouraged to file a complaint through the Dean/VP of the College of Nursing or the Associate Dean for Students and/or Title IX Coordinator as soon as possible after the alleged incident. Complaints may also be filed by parties not directly related to the College where a significant relationship to the mission and interests of the College can be shown.

Complaints against students will be forwarded to the Dean/VP of the College of Nursing/Title IX Coordinator for resolution within the College. Complaints against employees will be forwarded to the Office of Human Resources for resolution within the Hospital's grievance procedure systems. Members of the Hospital community found to be in violation of this policy through the procedures and systems described above shall be subject to sanctions including suspension and permanent expulsion.

This policy shall supplement all other policies relating to sexual abuse and harassment, all of which shall remain in effect. All policies shall be applied consistently in such a manner as to effectuate their collective purpose and may be amended from time to time as deemed necessary or desirable by the College.

What does New York State Penal Law say about sexual offenses?

Rape and other sexual offenses are illegal in New York State under §§130.00-130.70 of the Penal Code and may be prosecuted in a court of law.

New York State Penal Code, Article 130, and the New York State Sexual Assault Reform Act (SARA) are the laws that govern the prosecution of sexual offenses in New York State. The following information is an interpretation of New York State Penal Code and should not be substituted for any information or advice offered by the local District Attorney's Office. St. Joseph's College of Nursing regulations and the laws of New York State operate independently of one another and they do not substitute for each other. St. Joseph's may pursue enforcement of its own college regulations whether or not legal proceedings are initiated.

Under New York State Law, a sexual offense occurs when certain sexual acts are perpetrated against a victim without his or her consent. The law defines both the behavior and the physical nature of a sex offense and the lack of consent involved. "Lack of consent" can be defined as: (a) occurring as a result of physical force, coercion, or by threat either expressed or implied; (b) occurring when a victim is physically unable to indicate lack of consent because the victim is unconscious or because of a physical disability that makes one unable to physically or verbally communicate lack of consent; (c) the result of mental incapacitation in which the victim is temporarily incapable of understanding or controlling his or her conduct because of a drug or other intoxicating substance; or (d) when the victim is under 17 years of age.

What does New York State Penal Law say about penalties for sexual offenses?

Sexual Misconduct

Under New York State Penal law, sexual misconduct is defined as engaging in sexual intercourse with a female without their consent, or engaging in deviate sexual conduct with a person without the latter's consent. Sexual misconduct is classified as a Class A misdemeanor and definite sentence of imprisonment up to one (1) year.

Sexual Abuse

Under New York State Penal law, if a person is forced to engage in any form of sexual contact without consenting, it is considered sexual abuse. Sexual abuse is classified as a Class A misdemeanor -- Class D felony depending on the severity of offense and particular circumstances, and can carry a maximum sentence of 15years' imprisonment.

Rape

Under New York State Penal law, if a person engages in nonconsensual intercourse due to physical force (forcible compulsion), due to coercion or threat--actual or implied, engages in sexual nonconsensual intercourse with another person who is less than 17 years old, or engages in sexual intercourse with another person who incapable of giving informed consent due to physical, emotional, or psychological disability or impairment the act is considered rape. Rape is classified as a felony offense, Class B-D, depending on the severity of the offense and can carry a maximum sentence of 25 years.

Sodomy

Under New York State Penal law, if a person engages in nonconsensual deviate intercourse due to physical force, coercion, or threat--actual or implied--the act is considered sodomy. Sodomy is classified as a felony offense, up to Class B felony, depending on the severity of the offense and can carry a maximum sentence of 25 years.

What are St. Joseph's penalties regarding sexual offenses?

Sanctions for violations of St. Joseph's policies regarding sexual assault may include the following and other measures:

- Relocation or loss of campus housing privileges;
- Reassignment of academic courses to avoid contact with the complainant; and
- Status sanctions, including disciplinary probation, suspension, or expulsion

All St. Joseph's College of Nursing sanctions are separate from any criminal sanctions that may be imposed on adjudged subjects.

What are some personal safety tips to avoid sexual assault and rape?

At home

- Keep all doors and windows locked and secured
- Use adequate exterior lighting and keep lights on indoors as well
- Don't hide your key in any outdoor place
- Do not reveal to stranger that you are home alone

In the car

- Keep doors locked and windows rolled up
- Know where you're going and how to get there
- Check gas gauge before every trip
- NEVER pick up hitchhikers
- Stay on well-lighted and well-traveled highways and streets
- Do not stop to aid a stranger
- Park as close to your destination as possible, in a well-lighted area
- Lock your car
- Have your keys in your hand and ready when you return
- Check the interior before you re-enter your car

When walking

- Walk with someone else whenever possible; request an escort whenever possible
- Let someone know where you're going and when you expect to return
- Stick to well-lit, familiar, well-traveled areas (avoid "short-cuts" through questionable areas)
- Walk near the curb facing oncoming traffic

- If you are harassed by the occupants of a car, turn around and walk the other way. The driver would have to turn around to follow you.
- If you walk home regularly at night, vary your route
- If a driver stops to ask you directions, do not get too close to the car
- If you think you're being followed, change direction and head for a well-lit area with other people around (fire or police station, all-night store or restaurant, etc.)
- Cross to the other side of the street rather than confront a lone individual in an isolated area
- Have your key ready when you arrive home and lock the door behind you!

With acquaintances

- Know what you want sexually; set sexual limits; don't give mixed messages
- Trust your gut instinct about situations to avoid
- Be clear and responsible in your communication with others
- Be forceful firm, and assertive
- Be aware of nonverbal cues that can alert you to a problem
- In communicating your unwillingness to engage in an activity, reject the activity, not the person
- Remember that silence is not consent
- Don't assume that the other person knows what you want or don't want
- Use the buddy system; watch out for your friends
- At the beginning of a relationship, go on double dates or group outings; avoid secluded areas
- Do not assume that if you are with a friend or acquaintance nothing bad will happen
- Devise an action plan in advance for what you would do in confronted with a situation of possible rape or sexual assault
- Remove yourself from a situation at the first sign that you are feeling controlled or unsafe
- Become comfortable with the idea that you may have to be "rude," make noise, yell, etc., in order to remove yourself from a possible situation. Do not worry about the other person's feelings.

In social situations

- Don't lose control of yourself; alcohol and other drugs impair judgment
- Don't go to a bar, party, or social event alone
- Get your own drink (alcoholic or otherwise)
- Watch your drink being poured and do not leave it unattended at ANY time
- Don't drink from a large, open container, like a punchbowl
- Don't drink anything that tastes unusual to you, especially a salty taste
- Don't share drinks

How should I react if I find myself in a rape or sexual assault situation?

Perhaps, in spite of reasonable precautions, you will be confronted by a potential rape or assault. The question becomes, "How can I successfully resist a sexual assault?" What you chose to try will be largely determined by the kind of person you are, your assailant, and the circumstances of the situation.

In many cases, the initial approach by the rapist is not hostile, and is socially acceptable (asking for directions or for the correct time, for example.) This is often a “test” to determine if the potential victim can be easily intimidated. A confident, assertive response may decrease the chance of being victimized.

In considering your abilities and normal coping style, select tactics suitable for you. Possible responses are described below. Depending on the situation, each can be effective by itself. Remember that if talking or stalling fails, active resistance is still an option.

- **Talking** – Trying to communicate is, for some victims, the most natural reaction. Speak calmly (not crying, pleading or moralizing) as one human being to another, to reduce his rage and enhance his ego.

- **Stalling** – Stalling is an intermediate tactic to give you time to recover from the initial shock and to survey your predicament. Do the unexpected convincingly, so as not to antagonize your assailant and to make him stop what he is doing. Stalling can take many forms such as going limp and sinking to the ground or pretending to have developed abdominal or chest pains.

- **Running** – This will work if you are sure you can get to safety (and if there is somewhere to run.)

- **Screaming** – Before you start to scream, think what the rapist’s reaction may be. He may be frightened off, but he may react violently in order to silence you. Screaming can work if you are sure help is within hearing distance. A whistle or air horn may be more audible if it is readily available.

- **Fighting** – Fighting might make sense if you are sure he has no weapon and you know he is alone. Ask yourself if you are willing to fight hard enough to stop the assailant and if you are really willing (and able) to hurt someone. If you think your natural reaction would be to fight, then consider making sure you know how. Self-defense classes are available in the community.

- **Weapons** – Many items can be used as weapons, such as keys, pens, pins, etc. Also consider the possibility that a weapon can be taken away and used against you. Your best weapon is your ability to think quickly and clearly.

***If you think your life is in immediate danger, use any defense method that comes to mind. Scream, struggle, run, or use whatever is handy as a weapon.

What should I do if I am a victim of rape or sexual assault?

Contact the Title IX Coordinator immediately.

Actions taken by a victim immediately after he or she has been raped are important steps in rape prevention because a rapist rarely stops with one victim. A rapist can be stopped by immediate and successful prosecution. Some victims are afraid of reporting a sexual assault or rape because they anticipate embarrassment and shame. The only shame would be if the rapist goes free. Some things to do that will help preserve evidence:

- Do not change clothes
- Do not bathe, shower, douche, or clean up
- Do not throw anything away
- Do not use any medications

Often the only witness in a rape case is the victim, so it is important to remember as much as possible about the assailant. Information most needed to apprehend and prosecute includes:

- Car license number, make and color
- Race of assailant
- Approximate age, weight and height
- Color and length of hair
- Color of eyes
- Clothing
- Any unique marks, scars, tattoos, rings, etc.
- Anything the assailant may have left at the scene

What are my reporting options as a victim of sexual assault or rape?

Victims have several options, and may choose to use one or more of the following: counseling, medical care, reporting (with or without prosecution), criminal prosecution, College/Human Resources complaint, civil court action, or no action. These decisions are often very emotional and difficult. Victims are encouraged to make use of the following options:

- The Associate Dean for Students/Title IX Coordinator are available as advocates to confidentially discuss reporting options including medical and legal options, and assist and/or accompany students through any of the processes they may wish to pursue
- Contact your resident assistant or the resident assistant on call
- Contact hospital security (x5555 or 448-5173)
- Contact Syracuse's Rape Crisis Center (468-3260)
- Go to St. Joseph's or UPSTATE Hospital Emergency Department
 - meet with a SANE nurse (Sexual Assault Nurse Examiner)
 - get a physical exam and STD testing
- Have a rape kit completed
 - at the hospital, evidence will be collected and stored
 - this must be done within 72 hours of the incident
 - much more evidence can be collected if you do not clean yourself until you have been examined
 - the rape kit should be done as soon as possible after the assault has occurred
- The Syracuse Police Department (911 or 442-5140), which has jurisdiction over the geographic area where the assault occurred, can provide an officer/investigator to explain its criminal investigation procedures to the victim. The Abused Persons Unit (APU) is composed of specially trained investigators who provide invaluable assistance to victims of sexual assaults and relationship violence.
- The Onondaga County District Attorney's Office Special Victims Unit is composed of trained prosecutors who are especially sensitive in assisting sexual assault victims through the criminal court process. The D.A.'s office provides experienced attorneys, at no charge, to review, advise, and/or prosecute these cases.
- Human Resources oversees staff and faculty matters. Complaints regarding offenders who are St. Joseph's employees may be filed with this office.

- Contact St. Joseph's Employee Assistance Program for free, confidential help and referrals to counseling and other mental health resources (451-5164 or 1-800-835-5012) a victim can also elect to take the case to civil court. For civil lawsuits, all parties must locate their own private attorneys and pay for attorney and court fees.
- The victim may decide not to report the assault. The decision to initiate a report or complaint is a difficult one. Should a victim decide to file a complaint later, many of the above resources will still make themselves available. If the filing of charges is being considered, serious attention should be given to timely reporting, since evidence and other factors may be significantly affected by delays.

What are my entitlements as a victim?

- To have the rules of confidentiality followed in order to protect a student's privacy
- To receive private and confidential medical treatment and to be examined for personal injuries, STD's, and pregnancy
- To receive the same credibility as a person reporting any other crime
- To prosecute or not to prosecute
- To complete a rape kit or not
- To have the option to withdraw from legal proceedings
- To answer only questions relevant to the crime
- To decide what services to take advantage of
- To receive counseling through EAP, the Syracuse Rape Crisis Center, or from a therapist in the community

What can you expect after the assault?

Victims of sexual assault or rape may feel a variety of emotions – anxiety, anger, guilt, shock, fear, etc. These feelings may be expressed in a variety of ways including screaming, crying, obsessive bathing or exercising, hyperventilating, pacing around the room, and/or withdrawing. Physical symptoms of pain, soreness, fatigue, diarrhea, headache, and/or shakiness may be experienced. A world that once felt safe and secure may suddenly appear frightening and unpredictable. Normal responses to trauma may include:

- Feeling alone and in disbelief about what happened not sleeping well, having nightmares, waking frequently
- Being scared, seeing the assailant everywhere, not trusting people like you used to,
- Feeling depressed and/or guilty, feeling afraid of places and situations associated with the trauma,
- Feeling afraid of sexual contact even with someone you trust and wish to be close to (sexual intimacy may trigger flashbacks of the assault)

There is a need to talk and sort through your experience and feelings. You may feel very alone, and a chance to talk to someone else who was sexually assaulted or raped may reassure you that you are not alone. It may be important for you to know that friends and loved ones still care about you and do not blame you for what happened. Counseling is important and being involved in a support group may help. Working through the trauma of sexual assault or rape will be enhanced by a strong support network, a willingness to be open, and talking out thoughts and feelings.

Phone Numbers

- Hospital Security 448-5555 or 448-5173
- Syracuse Police Department 442-5140 or 911
- SPD Abused Persons Unit 435-3092
- Employee Assistance Program 451-5164 or 1-800-835-5012
- SJ Emergency Department 448-5101
- Associate Dean for Students 448-5055
- Dean / Dean/VP 448-5040
- SJ Human Resources 448-5575



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VERA HOUSE

What to do if you are being abused

Safety for yourself and your children is your first priority!

Find a safe place. Stay with family, friends or at a local women's shelter.

Call the police. Try to remain calm. Provide the police with information and evidence of injuries. Ask for a police report. If you want your partner arrested, tell the responding officer.

Get medical attention. Call your doctor or go to the emergency room for treatment. Make sure you tell the doctor how your injuries were sustained and have this information documented. This is necessary information if you decide to press criminal charges, go to family court, or file for a divorce.

Get legal help. If you are being abused by your partner, it is important to know your legal rights and options. Your partner may try to frighten you into not doing anything by making statements such as: "You have no legal rights," "If you leave me, you will lose custody of the children," or "If you leave me, I'll get you for abandonment." To know what your legal rights and alternatives really are, you will need to contact a lawyer. The District Attorney's Office can provide information about a criminal proceeding. Information regarding Family Court options can be obtained from an attorney or Vera House volunteers at the courthouse. Information can be provided by a private attorney and-or by legal services.

Get counseling for yourself and your children. There are always professionals and people just like you who can talk with you about your situation. Don't wait until you are hit again or are seriously hurt. Help is available for you and your children.

Where to find help

(All numbers are area code 315.)

Shelter Programs:

Available 24 hr/day, 7 days/week

Vera House	468-3260
Dorothy Day House	476-0617
Salvation Army	479-1332

Law Enforcement Agencies

Emergencies	911
Syracuse Police Department	442-5111
Syracuse Police Domestic Violence Unit	442-5332
Onondaga County Sheriff	425-2111
Sheriff's Abused Persons Unit	435-3092
New York State Police	457-2600
	699-2681
Town and Village Police	425-2333

Victim Witness Assistance Center

(Mon-Fri 9:00 am-4:00 pm)

To initiate a criminal proceeding:

Public Safety Building	473-2891
511 South State St.	
Syracuse, NY 13202	

Family Court

To file a family offense petition

Room 112	671-2000
Court House	
Syracuse, NY 13202	

24-Hour Hotline Numbers

Vera House	468-3260
Volunteer Center HELP LINE	474-7011
CONTACT	251-0600
NYS Domestic Violence Hotline	1-800-942-6906
NYS Domestic Violence Hotline (Spanish)	1-800-942-6908

Support Services

Spanish Action League - La Liga de Accion Hispana	475-6153
Vera House	468-3260
Child and Family Service	474-4291
Salvation Army	479-1324