

CAZENOVIA COLLEGE POLICY

SEXUAL ASSAULT INCIDENTS

POLICY:

Cazenovia College is committed to maintaining an environment free of exploitation and intimidation. The College does not tolerate rape, sexual assault or other forms of nonconsensual sexual activity. It is the policy of Cazenovia College to ensure that all reported rape and sexual assault incidents are investigated thoroughly in a sensitive manner that provides support for and minimizes the trauma experienced by the victim. In addition, students, faculty, and staff shall be notified of Security policies and procedures as well as penalties for violating laws, rules, and regulations. This notification process shall be accomplished annually through the use of brochures, mailings, websites and links to websites, and student and employee handbooks and orientations.

DEFINITIONS:

Sexual Assault - Sexual assault is an act of violence prohibited by New York State Law and Cazenovia College Policy. Sexual Assault includes a wide range of victimizations, distinct from rape or attempted rape. These crimes include completed or attempted attacks generally involving unwanted sexual contact between the victim and offender. Sexual assaults may or may not involve force and include such things as grabbing or fondling. Sexual assault also includes verbal threats. *(Source: US Department of Justice, National Crime Victimization Survey)*

Rape - Rape, a form of sexual assault, is defined as any nonconsensual sexual intercourse committed by coercion, intimidation, threat or physical force, either actual or implied. Rape includes sexual assault committed by an acquaintance as well as a stranger. *(Source: New York State Penal Law)*

RESPONSE:

As soon as any member of the campus becomes aware of a sexual assault, Campus Security should be contacted immediately. If the victim requires medical attention, it is preferred that CAVAC be called otherwise the College staff member should arrange for an escort to a local area emergency room for evaluation. If the victim does not wish to report the assault to Campus Security or the police, the reporting employee may assist the victim in completing a confidential Sexual Assault Proxy Report.

PROCEDURE:

The initial complaint of a sexual assault may be made to the Police, or any member of, Campus Security, Division of Student Development, Health and Counseling, Faculty, or any other member of the campus community. Complaints may also be made by calling the T.I.P.S. line or completing a Sexual Assault Proxy Report if the victim wishes to remain anonymous. Campus Security shall immediately respond and interview the victim and any witnesses. The responding officer should:

1. Determine if the victim requires medical attention and arrange for such attention. Aid and comfort the victim.
2. Contact a staff person from the Counseling Center. If the victim does not wish to speak to a counselor, suggest contacting someone that the person knows for emotional support.
3. Interview the victim and any witnesses to determine:
 - a. if a sexual assault has actually occurred.
 - b. the identification of the guilty person at the scene or in immediate flight, and the initial crime scene processing and recording of all relevant evidence and

information.

4. Make notifications to the appropriate college officials.
5. Prepare all necessary reports and documents to assist the Division of Student Development in the judicial process or the police in the criminal prosecution.
6. If it is determined that the case will be turned over to the police for prosecution, the Director of Security or his designee will coordinate any police investigation with the chief of police or investigating officer of the police agency taking control of the investigation.
7. Investigations by the College as well as the police are possible and may be concurrent. Violators are subject to penalties resulting from both investigations.

The Division of Student Development will act to facilitate any judicial proceedings resulting from sexual assault and rape, in which the suspect is a student. The College will do everything possible to ensure a safe living environment for all involved persons.

Although the victim may not wish to proceed with formal judicial or criminal proceedings, the College reserves the right to protect members of the campus community.

VICTIM'S RIGHTS:

1. to protection from intimidation and harassment on campus after the alleged incident.
2. to be provided with information pertaining to criminal and campus judicial processes and to choose whether or not to pursue either
3. to due process within any criminal or campus judicial proceedings.
4. to withdraw from legal or campus judicial proceedings at any time.
5. to receive counseling.
6. to receive private and confidential medical treatment and to be examined for personal injuries, transmittable diseases, and pregnancy.
7. to be treated with dignity and compassion by all institutional personnel dealing with victims of violence.
8. to privacy.
9. to be accompanied by a faculty or administrative advisor of one's own choosing who can provide support and assistance throughout every phase of the process.

RIGHTS OF THE ACCUSED:

1. to be considered innocent until an admission of guilt or proof of responsibility by a preponderance of the evidence presented in a formal judicial hearing or criminal trial.
2. to a fair and objective investigation.
3. to hear and respond to testimony of complainant and witnesses.
4. to present witnesses on his/her behalf as outlined in the formal judicial procedures.
5. to be advised by a member of the Cazenovia College community during formal judicial procedures and to have a Cazenovia College faculty or administrative advisor to assist throughout both the investigative and procedural stages.

FALSE CHARGES:

Cazenovia College, as an institution of higher learning, is dedicated to the discovery, advancement and diffusion of truth. A false statement, especially the filing of false charges by a

member of the College community, violates the institution's dedication to truth. The filing of charges of sexual harassment or sexual assault is a very serious allegation and will be expeditiously investigated. If the allegations are proven false, the person who filed the charges will be subject to severe disciplinary action through formal judicial procedures or employee discipline proceedings as outlined in the Codes of Conduct.

PENALTIES:

College Internal Penalties

1. Student Violators: Due to their serious nature, sexual assaults are Level B violations of the Student Code of Conduct and are subject to the maximum penalty of suspension or dismissal from Cazenovia College.
2. Employee Violators: Due to the serious nature of sexual assaults, employees found to have committed such violations are subject to the maximum of dismissal from employment from Cazenovia College as stated in the Employee Code of Conduct.

Criminal Penalties

Persons convicted of sexual assault related crimes (listed in Article 130 of the New York State Penal Law) are subject to sentencing according to Article 70 of the New York State Penal law.

Details of all sexual assault incidents shall be considered confidential. Any personal information obtained during the investigation or adjudication of the matter will be subject to disclosure only to the extent required by law.

RESOURCES:

Police/CAVAC	911
Campus Security/Duty Residence Advisor	655-7271
Campus Security TIPS Line	655-7600
Health & Counseling	655-7122
Residence Life	655-7237
Interfaith Office	655-7375
Liberty Resources (Collect Calls Accepted)	366-5000