

Westminster College - Sexual Assault Task Force (SATF)
SAFE - Training Manual

SEXUAL ASSAULT RESPONSE PROTOCOL

Westminster College is committed to having a campus that is free from sexual assault and harassment. Our goal is to create an environment that is safe and secure for all of our students. We hope to achieve this through education and aggressive pursuit of individuals who victimize members of our campus community with unwanted sexual advances or acts. While we hope to achieve our ideal, we recognize that in an imperfect world there will always be unfortunate incidents that occur from time to time. This document exists to support our campus in its endeavor to achieve our goal. Within it you will find resources available to guide you on how to respond if you do become a victim of a sexual crime.

The best defense against any type of crime is placing a strong deterrent in the path of possible perpetrators by creating an atmosphere where they know that any act of deviance will be swiftly and surely pursued through the campus judicial system or a court of law. However, if the unthinkable occurs, then an equally important priority is to support the victim by putting the full resources of the campus and community agencies at their disposal to help them deal with the impact of an assault.

We strongly encourage all victims of sexual assault to immediately contact the Campus Public Safety Department at **x7777** from a campus phone or (724) 946-7777, or the local police so that these agencies can initiate an investigation and involve the support network needed to help the victim. Delay is the ally of the criminal because physical evidence needed to prove a case will degrade or disappear quickly. However, the welfare of the victim is our primary concern and we will not require anyone to unwillingly pursue criminal or judicial charges against a perpetrator.

Westminster College has the following campus and community support and prevention services in place to serve our campus community and we hope you will avail yourself of them if needed:

- * **Public Safety Department:..... campus phone 7777 or 724 946-7777**
- * **College Counseling Services:..... “ “ 7340 or 724 946-7340**
- * **College Health Center:..... “ “ 7927 or 724 946-7927**
- * **Westminster College Counseling Team:**
 - Babs Quincy.....campus phone 7340 or 724 946-7340**
 - Rev. James Mohr..... “ “ 7116 or 724 946-7116**
- * **Crisis Shelter of Lawrence County:**
 - 24 Hour Hotline.....724-652-9036**
 - Ori link: www.crisishelter.org**
- * **New Wilmington Police:**
 - Emergency(from any phone).....911**
 - Administrative.....724-946-8111**

In addition to these resources, Westminster College does sexual assault awareness training at various times throughout the year. All incoming freshman receive the training during their new student orientation and upper class students receive it during residence hall in-briefing programs. There are also special programs and guest speakers scheduled throughout the academic year. Sexual Assault Prevention pamphlets are available in all residence halls and at the Student Affairs Office. Guest & Visitor Information pamphlets are available at the Information Desk in the McKelvey Campus Center for our summer camp and conference guests.

Campus crime statistics and our many campus policies mandated under the Campus Crime and Reporting Act are available by clicking the quick-link below:

<http://www.westminster.edu/security/clery-report>

The binder listing all crimes committed on the campus each year is kept in the office of the The Public Safety Supervisor, located in MCC165 and is available for review by appointment. Contact x6217 or x6216 to schedule a time to review the book.

We hope that all members of our campus community will work together to eradicate crime in all of its insidious forms and help to make our College safe and secure. Please remain vigilant, aware and involved in all aspects of your education and daily living as we strive to reach our goal of a crime free campus.

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Section One, Introduction

What is a Sexual Assault Advisor?

Sexual Assault Advisors undergo 4 hours of training, during which we are trained to listen, offer support, and make appropriate referrals based on the individual needs of sexual assault survivors. We also serve the Westminster community by providing outreach education.

After training is complete, our name and phone number is added to a list of advisors that is distributed around campus in flyers and brochures, in addition to be posted on the Sexual Assault Advisor web page. There are a number of student, faculty, and staff advisors in almost every department and organization on campus.

Statistics:

- **It is estimated that 1 out of 4 college-aged women will be sexually assaulted. Among women 18-29 years old, two-thirds had a prior relationship with their rapist.**
- About 67% of all rapists are known by their victims in some way. Only 33% are committed by complete strangers.
- In cases of acquaintance rape, 50% of females said they were intoxicated at the time of the assault.
- A rape occurs approximately once every 8 minutes in the United States.

*Statistics are from the Pittsburgh Action Against Rape and the Center for Victims of Violent Crime.

What does this mean for you?

Sexual assault is not uncommon among college students. As Advisors, we are here as a resource to provide information on a variety of fronts. These include psychological, medical, and legal resources on- as well as off-campus. We are also trained to be effective listeners, which is perhaps the most important function we serve.

In addition to aiding rape survivors, we also deal with a broad spectrum of issues pertaining to sexual assault, including inappropriate comments and touching, sexual harassment, as well as unhealthy or abusive relationships.

There are often many negative feelings surrounding these issues. We are here to listen.

In addition, we can also connect you with others who can help.

We are here for everyone. Feel free to contact us with any questions, comments, or concerns related to any of these issues. All calls and contacts with Sexual Assault Advisors are kept completely confidential.

Section Two, Responses of Rape Survivors

Responses of survivors can vary greatly, but here are some of the more common responses that have been observed.

- I. During the assault, the survivor experiences many reactions, but common ones are:
 - A. Fear of death
 - B. Fear of serious injury or has actual injuries
 - C. Loss of control over her/his life—for that period of time the rapist has total control of the survivor's life

- II. Immediate Reactions and Crisis Stage
 - A. Physical Concerns:
 1. Injuries received—including the possibility that s/he feels numb and cannot identify her/his injuries
 2. Fears of venereal disease
 3. Fears of pregnancy
 - B. Legal Concerns:
 1. To report it or not
 2. Concerns about police procedures, etc.
 - C. Other Practical Concerns:
 1. Who to tell vs. people finding out and concern over others' reactions to rape and to survivor
 2. Home/job responsibilities
 3. Safety, locks, etc
 4. Where to stay
 - D. Physiological Reactions- (these are effects that are both physical and emotional):
 1. Sleep problems- including nightmares, trouble falling asleep, trouble staying asleep, or, sometimes, sleeping too much.
 2. Eating problems- loss of appetite, or eating too much, frequently this means not eating at all or very little, for several days.
 3. Concentration problems- unable to concentrate on job or at home or problems working effectively; this is usually caused by constantly remembering the assault (see 4).
 4. —Daymares!- flashbacks or vivid memory of attack that seems to be constantly in her/his awareness; these memories are overwhelming and lead to feelings of fear and nervousness, but tend to decrease over time.
 5. Nervousness- feelings of tension, shaking, sweating, shortness of breath.

Section Three, Immediate Needs of Survivors

I. Medical

- A. If the survivor has been assaulted recently, (within 72 hours) ask if s/he would like to go to the emergency room.
- B. A medical exam is helpful for several reasons:
 - 1. Treatment of physical injuries.
 - 2. Testing and treatment of sexually transmitted diseases (STDs).
 - 3. Pregnancy testing and counseling.
 - 4. Collection of evidence.
- C. Advise the survivor not to bathe, douche, eat, drink, go to the bathroom, or smoke if the survivor wants to have evidence collected.
- D. Place any clothes, sheets, etc. in a paper bag, not plastic, for evidence collection.

II. Psychological

A. Tasks

- 1. Initiate a supportive relationship.
- 2. Help survivor organize her/himself. Identify her/his major concerns and thoughts about what kind of help they need.
- 3. Provide options regarding medical care, police investigation, and court procedures.
- 4. Help survivor use available social supports.
- 5. Anticipate with survivor what feelings, thoughts, and symptoms s/he might experience.
- 6. Encourage survivor to make plans for her/his safety and support for next few days.
- 7. Determine referral needs (i.e., Counseling and Psychological Services).

B. Techniques

- 1. Concentrate on her/his current feelings.
- 2. Expect shock, disbelief, confusion, fear, depression, and anger.
- 3. Maintain a calm, attentive, and concerned demeanor.
- 4. Avoid being controlling.
- 5. Ask general questions and move gradually to specific inquiries.
- 6. Only ask questions that you need to know!
- 7. Let the survivor tell her/his story in her/his own time.
- 8. Underscore options as a way of encouraging an active role in recovery.
- 9. Remember that s/he needs to feel in control again.
 - a. Believe and support the survivor.
 - b. Offer help with decision-making.

C. Resources

- 1. **On-campus Professional Counseling Services: 724-946-7340/7927.**
- 2. **Other Trained Sexual Assault Advisors on Campus:**
 Refer to the following URL for the current list of trained both Faculty/Staff and Student Sexual Assault Advisor (SAFE) advisors:
<http://www.westminster.edu/security/sa-advisors>

3. Off-Campus

Lawrence County Crisis Shelter: 724-652-9206; ORI www.crisishelter.org

III. Safety Resources and Issues

A. Is a location change necessary?

1. Temporary help

The Residence Life staff will attempt to provide a residence hall room or bed on campus other than that of the victim. Contact Public Safety, x7777, for information and assistance after normal business hours. During regular business hours you may contact Student Affairs at x 7110, 7111 or 7114

2. Permanent on and off-campus help

Westminster Residence Life and the Public Safety Office can assist with changing locks and in finding temporary or longer-term accommodations. Contact the Student Affairs Office at 724-946-7110 for housing assistance.

B. Support People

1. Create companionship schedule (friends, RAs, Residence Life, Student affairs Staff, Public Safety).

2. Where does survivor need support (in room, walking around campus, classroom buildings)?

3. Friends and acquaintances can be of assistance in simply volunteering or letting the survivor know that they are available to accompany her/him when the person feels the need for such support.

C. Campus Public Safety

1. Extra patrols in specific areas of campus.

2. Provides assistance and information about protective orders.

D. Escort Service

1. Call Public Safety at 724-946-7777 - 7 days a week 24 hours per day.

IV. Legal Resources and Information

A. Westminster College Public Safety

If the assault took place on campus, Westminster College's Public Safety Department will be the first responding agency to the incident. If it occurred off-campus, they are still a good resource to call because they will assist an individual in their dealings with Borough or State Police and the criminal justice system. The procedure for filing charges and pursuing them through Westminster's Public Safety Office is as follows:

1. First response

a. Responding officers will assess immediate needs individual—medical, emotional, contact with CVVC or PAAR, etc.

b. Preliminary investigation- Collection of evidence, statements and survivor's identification of the actor (perpetrator). If a victim indicates that s/he wants to pursue a criminal prosecution, the New Wilmington Police Department will be called in to assume lead in the Investigation, WC Public Safety Department will assume a support role.

- c. Filing of charges- Campus judicial charges can be filed with or without corresponding physical evidence and this procedure is outlined in the Handbook for Students. Criminal charges will be filed by the New Wilmington Police Department. All cases begin with the filing of a complaint with the local District Justice and after filing, a representative of the District Attorney's office will oversee prosecution of the case.

2. Preliminary hearing

Preliminary hearing takes place about 7-10 days after the arrest and determines if the case should go to trial. Prior to the hearing, the investigator will meet with the assistant district attorney handling the case who represents the plaintiff (survivor) on behalf of the Commonwealth of Pennsylvania. The plaintiff must be present at the hearing and generally will testify. The actor (accused person) has the right to hire legal representation, or have a public defender appointed by the court or represent him or herself in court.

- a. Possible outcomes of the preliminary hearing:

1. Magistrate holds the case for court and a court date is set.
2. Judge amends charges, asks the defendant if s/he agrees to the charges (pleads guilty) and if so, the case is over except for sentencing.
3. Judge throws out the charges: could happen if the arresting officer or the plaintiff is not present.

3. Trial

If the case has been held over for trial, the case goes to the District Attorney (DA) who will meet with the arresting officer, look over the list of witnesses and plan a strategy for the trial. If the DA says the case lacks prosecutorial merit, it ends. If it goes to trial, the witnesses and plaintiff testify for the Commonwealth. In plaintiff testimony, the defense is normally not permitted to bring up or question the plaintiff about her/his past sexual conduct unless it relates to the encounter with the defendant.

B. Community Advocacy Groups

1. Lawrence County Crisis Shelter - 724-652-9036

Contact for additional support and an advocate to accompany an individual to legal and/or medical proceedings and appointments. This agency, as well as the Westminster Public Safety Department will provide information about the Victim's Compensation Act. Through this act, victims of crimes are able to collect compensation from the fund set up by the Commonwealth of Pennsylvania to cover expenses relating to the crime such as lost wages and medical bills.

C. On campus disciplinary procedures—Student Life Office

All contact and discussions are confidential. An individual may pursue action through The internal disciplinary system if s/he wants the university to address the situation because the accused is a member of the university community. The direction and timing of the process for pursuing actions are completely determined by the

individual's wishes. S/he is in control of the process. For students who are accused, disciplinary sanctions cover a range of actions including probation, suspension, expulsion, warnings, fines, community service, and counseling when the hearing board determines the party is guilty of the charges described. The campus judicial process is outlined below.

1. Initial Contact.
2. Have a conversation with the Dean of Student Affairs or an Associate/Assistant Dean to discuss options. This conversation can take place over the phone or anonymously if the survivor wishes, although in-person meeting is preferable.
3. Compiling the Charges: The person bringing the charges writes them in conjunction with Campus Public Safety Officers.
4. Notifying the Individuals Involved of the Hearing.
5. Selection of Hearing Board or Hearing Officer
 - a. A hearing board consists of four students and four faculty members, with 5 voting members (at least 2 faculty and 2 students) needed for a quorum.
 - b. A hearing may also be held by a Dean in the Student Affairs Office, but the accused individual has the option of choosing whether the case will be held by the Dean or the Board.
6. Hearing Held.
7. Notification of the Outcome to Both Parties.
8. Possible Appeal.

D. Non-disciplinary options on campus

1. No Contact Order:

The College, through the Office of the Dean of Student Affairs, may issue a no contact order to the accused, if he/she is a member of the College community. This mandates that the survivor and the accused have no contact whatsoever with each other whether direct or indirect and includes but is not limited to speaking in person, over the phone or via electronic communication such as e-mail; and any looks, glances or gestures. Violations of this no contact order can result in the immediate suspension of the individual involved.
2. Request for the Dean of Student Affairs to meet with the accused to discuss what the complainant wishes. Complainant can remain anonymous in this instance, if he/she desires.
3. Counseling can be imposed for the person who is accused by mediated settlement.
4. Writing a letter to the accused describing the incident and its impact on the individual. A copy of the letter may be placed in a confidential file in Student Affairs at the individual's request. If the accused is later found responsible for a separate violation of the College's Code of Conduct, the letter could be introduced as a factor to be pursued with the accused.
5. Concerns about further harassment or retribution
 - a. Generally either a Student Affairs staff or Public Safety officer meets with an accused person and will tell them to have no contact with the person bringing charges and vice versa and will tell both parties to share the same message with their friends. Since Westminster College is a private institution, it is

also possible to mandate that an outside person who has assaulted a member of the campus community may not set foot on campus and to do so would be considered trespassing. If an individual is still concerned about harassment or retribution, there are several other legal options to pursue.

6. Protection from Abuse (PFA) Order: A legal document used in domestic situations to protect one partner from the other's continuing abuse.
7. Other protective orders:
Intimidation, harassment or retribution of witnesses or victims is considered an additional felony under the Crimes Code. A protective order is a court order that states that an accused party may have no contact with a complainant except through their respective attorneys.

E. Community Resources and Procedures

1. Preliminary Emergency Room Procedures
 - a. Contact the New Wilmington Police if the survivor is not accompanied by a police officer when s/he arrives at the hospital.
2. The survivor has the right to tell the police that s/he does not wish to pursue the assault through the courts and does not wish to offer any details on the assault.
3. If a Westminster College Campus Public Safety officer accompanies the survivor to the ER, the New Wilmington Police should be called if the victim wants to pursue a criminal investigation.
4. Emergency contraception (Morning after Pill) is offered if within 72 hours of time of assault.

F. Parental Consent for Medical Treatment

Consent is not sought from parents in either the emergency room or Student Health Services if the survivor is 18 or older and in some cases as young as 16.

Note: At Jameson Hospital in New Castle, the survivor is first assessed by the Triage Nurse and then escorted to a private room in the ER. The ER nurse will then check her and call the Safe Nurse. The Safe Nurse will come to the ER within a 30 minute period. Meanwhile the ER doctor will check her for physical injuries and attend to those as needed. The Safe Nurse will do the rape exam and gather the evidence. The police are always called, and the sealed evidence is always given to the police at that time.

G. Medical Advocacy

If the survivor is not accompanied by an advocate, an advocate from the Lawrence County Crisis Shelter may be contacted by ER staff. The survivor always maintains the right to refuse this service.

H. Where and When to Refer

1. Jameson Hospital Emergency Room: 724-656-4040
2. Student Health Services: 724-946-7927
 - a. Refer to the Student Health Center if the survivor does not want evidence collected and the Health Center is open.

I. Paying for Services

1. Health Insurance: No one will be refused treatment on the basis of ability or inability to pay for medical care. If the survivor does not have insurance or does not want the parent's insurance billed, complete and file a Victim's Compensation form, which will only REIMBURSE the survivor for costs including medical and psychological care and lost wages. Reassure the survivor that monetary concerns should not interfere with her/his seeking care. We will work with the survivor to ensure that they receive the care they desire and that the costs for such care are covered.

J. Future Considerations

1. Medical

- a. HIV testing 6 months after the assault. This can also be done 3 months and then again after 6 months after the assault and is available at the Student Health Center.
- b. Delayed physical reactions to victimization: headaches, gastrointestinal upset, sleep, disturbances, malaise and chronic fatigue.

2. Psychological

- a. Help survivor give self-permission to take time to heal.
- b. Educate survivor to understand healing as a process in which s/he'll learn new skills.
- c. Discuss options regarding psychological care - therapists, psychologists - for short and long term care.

V. Academic Resources

A. College Liaisons

1. If the student involved in an assault will be out of class for several days, the Advisor or the student can contact the Office of Student Affairs who will inform the student's faculty of the student's absence. The Office will provide only the information the student wishes to disclose, e.g., "Mary Jones will be out of class for this week" or "Mary Jones will be on a medical leave this week."
2. The student is responsible for contacting the faculty members to make up work or assignments. Depending on the student's relationship to their professors, he or she may wish to tell them of the incident.

Section 4, Crisis Theory

Life is a series of changes-- some expected or planned, others unexpected; some viewed as positive, others negative. When change is perceived as a loss, grief is experienced. During grief, individuals generally pass through seven stages:

1. **Shock and Disorientation:** a feeling of numbness.
2. **Expression of Feeling:** particularly anguish and/or relief.
3. **Denial** or minimizing of the loss: I'm ok, this wasn't so bad.
4. **Sadness:** low self-esteem, self-blame, and loss of control.
5. **Letting Go** of the past and moving on with life.
6. **Acceptance** of the change and future planning.

7. **Reflecting** on the past experience.

A crisis is a profound disruption of a person's life cycle and methods of coping. It is usually limited in time and is accompanied by feelings of fear, shock, and distress. Sexual assault is an example of a situational crisis; one that results in loss—loss of trust, self-esteem, innocence, feelings of safety, independence, control, and support from others.

There are four general phases of a crisis period:

1. *Initial tension* is experienced and previous coping mechanisms begin to operate.
2. *Tension increases* coping techniques do not produce success at reducing the stress.
3. *Tension continues to increase* and external and/or internal emergency methods come into play.
4. *An acute phase follows* if the emergency mechanisms did not work and dysfunctional behaviors develop and/or emotional control is lost.

How well a person copes with a crisis situation is dependent upon the adequacy of coping skills, psychological background and personal make-up, and the availability of a helping relationship.

Communication Strategies

Listening

We all spend a lot of our time talking and listening, but usually we are thinking about what our response will be to what is said and how we agree or disagree with the speaker. We are usually listening for facts such as what happened and who was involved.

When we think about what a survivor of sexual assault needs in a conversation, we list things such as:

To be heard

To be allowed to talk

Acceptance - supportive listening that is not blaming or questioning

Information

More than anything else, our purpose as Sexual Assault Advisors is to provide these things to survivors of sexual assault when we have communications with them.

The Philosophy of Active Listening

People have the right to direct and have control over their own lives. More specifically, we believe that survivors of sexual assault are capable of being self-directed and strong. It follows, then, that Sexual Assault Advisors must allow survivors the space to achieve this potential.

A person who has been sexually assaulted has been in a situation in which control over his or her life has been taken away. It is, therefore, an advisor's task to help the survivor regain control over his/her life. The rape survivor must be allowed to resolve his or her situation in a way that is specific to his/her own needs. The Sexual Assault Advisor's role is that of supportive listener and information giver.

This philosophy has led to the concept of "Active Listening". Others have called it "Creative Listening" or "Facilitative Core".

Active Listening is:

1. A way to show someone that you are really listening and that you care about them.
2. A way to help someone clarify and identify what he or she is feeling, thinking, or doing, without taking over his or her life and creating dependency on you.
3. A way to help someone gain or regain control over his or her life.
4. A skill that can be learned by anyone who has the willingness to learn and to practice.
5. A skill that can be learned only if the helper cares, and that is not dependent upon any particular formal education.

A person in crisis needs to be heard, understood, and reassured. The techniques of active listening are a good means of helping a victim ventilate and recognize his or her own feelings and offering support for whatever decisions he or she may come to. The aims of active listening are not to exaggerate or reduce the speaker's feelings, but to reflect them accurately, not to insist that you "know just how it feels," and not to give advice. In short, active listening is an attempt to help the survivor come to terms with his or her feelings, and to assist in but not direct the problem solving process.

When we do active listening, we are listening for the person's feelings and their concerns. We want to give verbal and non-verbal encouragement such as saying "uh huh", nodding, and making eye contact. We want to clarify, paraphrase, and listen for feelings in response to what has happened.

The last thought, to listen for feelings, seems counter to a lot of what we do in our daily lives.

Think about society's response to disappointment or depression. One might say, "Cheer up", "Don't cry about that," "Crying won't help," or "It can't be all that bad."

Think about society's response to anger. One might say, "Simmer down," "Keep feelings out of this, let's be rational."

Think about society's response to joy. One might feel embarrassed or concerned about pride or carelessness.

Techniques of Active Listening

1. Mirroring - The listener can feed back content based on the situation or feelings being Discussed.
2. Reflecting Feelings - The listener can identify and reflect feelings of the speaker.
3. Paraphrasing - The listener can restate what the speaker has said in his/her own words.
4. Asking open-ended questions - The listener will ask the survivor questions that will help the survivor think about his/her situation, about his or her feelings, and about what he/she wants to do now.
5. Confirm and validate - The listener is reassuring and supportive.

1. Mirroring

This is actually what we all did to learn how to speak. Watch a two-year-old and you will see someone mirroring beautifully. They repeat exactly what they just heard word for word or just the end of the line if it was too long.

Example:

Speaker: I was mad at my dog this morning. She got into the trash last night.

Listener: You were mad at your dog this morning. She got into the trash last night.

Mirroring can be used as a fall-back plan. It allows the speaker to hear him or herself and indicates that they have been heard. One can never go wrong with this tactic. These really basic skills are useful whenever you are stumped when talking to a survivor. Some clarifying happens in the speaker just being heard and hearing him or herself.

2. Reflecting Feelings

Listening for feelings helps the survivor feel important, cared about, recognized, respected, and accepted. In these ways, the listener can create an atmosphere of trust and acceptance, and thus, reduce the speaker's anxiety. Unrecognized feelings, and/or feelings that have not been dealt with, can isolate an individual and block true communication. Listening for feelings and acknowledging them also helps people to become more self-aware and increases their self-understanding. Clarifying the feelings will also help the speaker and listener communicate and understand each other. The speaker can ventilate his or her feelings without being judged.

How to Identify Feelings

Be attentive to the content. What does the speaker say that he or she is feeling? Notice verbal clues such as volume, pitch, speed, and silences and check non-verbal behavior such as posture, facial expressions, and gestures.

Reflect what you believe you are hearing or seeing.

- Label the feelings you have identified in a simple and concise way such as, "That really hurt you" or "You resent her".
- Try to figure out what the survivor is feeling by building off of what they have said, rather than telling the speaker how they feel. Try phrases such as, "It sounds like you feel..." or "You seem to be saying that..."

By reflecting feelings you can bring out some of the other feelings the survivor might be having that he or she might not have expressed overtly or even be aware of. This sort of reflection will help the speaker to recognize what he or she is feeling and will give the speaker open permission to feel and express his/her feelings.

Example:

Speaker: I expected to meet an old friend on Saturday afternoon to catch up on the last few years. I had canceled dinner with another friend and set aside some time to see her. I waited at home all afternoon expecting her to come and she never even called.

Listener: You seem angry with your friend for not calling to let you know that she was not coming on Saturday. You had made time and canceled other plans in order to be with her

What are some of the other feelings the woman might have had while waiting for her friend? Did she feel hurt, not valued, angry, disappointed, or even relieved?

One way (and there can be many ways) to reflect the feelings of the speaker in this situation could be to say, "It sounds as if you were looking forward to seeing her and are disappointed."

Here you want to be careful not to declare what the speaker's feelings are. You never want to assume anything, so try to be careful to state feelings in a wondering way.

3. Paraphrasing

Paraphrasing comes more naturally and is used after the survivor has talked for a while. You may have mirrored during the time they have spoken. Paraphrasing is a restatement of what the survivor has told you. This will help to clarify what s/he has said up to that point in the conversation.

Remember that you are still not adding your own opinion or questioning the person. You are listening and proving to them that you are paying attention to their story and their feelings if any feelings are expressed. Paraphrasing helps a person be clear and concise about her/his experience. It also lets a survivor know that you are with her/him and you have taken in what has been said.

Example

Speaker: My friends always seem too busy to spend much time with me.

Listener: Your friends are always busy and you'd like to be with them more.

4. Open-ended Questions

These are questions requiring more than a one-word response (not yes/no questions). Typically open-ended questions begin with how, what, where, when (but try to stay away from —why!). Closed questions begin with the "being" verb. For example, "Are you at home?" Ask questions one at a time. Give the survivor time to think and respond.

If you don't understand what you are hearing, ask for clarification. Some forms of clarifying questions include, "Could you give me an example of that?" and "Say some more of what that means to you."

It is important to remember to give the survivor time to be with their feelings, to consider what they are and time to think about a response.

5. Confirm and Validate

Every survivor needs to have her/his victimization confirmed by others. S/he needs those who care for her/him to acknowledge that the assault is extremely disruptive. Some survivors may not feel safe expressing their feelings. You may encourage the survivor to express such feelings, but even if you do not see a response, the survivor will be listening and knowing that you care. A

more agitated survivor might be calmed by hearing you say what s/he might be feeling. For example, “You must have felt helpless.”

It is also important to be reassuring to survivors. This can be done by saying things such as, “I know you are afraid; I’m here to help you.” or “You are safe now.”

When reacting to self-blaming statements and why questions that the survivor might have, it is important to emphasize that it is not the survivor’s fault. An example of a comment that might be used in this situation would be, “Dressing up does not give anyone permission to hurt or rape you.”

You will also want to educate the survivor about sexual assault by letting them know that anyone can be a victim and that it could not have been prevented.

Encourage survivors to seek support from family, friends, or a local rape crisis center. Acknowledge that this takes courage and strength on the part of the survivor.

Attending to the Survivor

There is more to communication than just listening. You must truly attend to the survivor. The primary element of attending is eye contact – not staring at the survivor, but looking naturally at the eyes, in a manner that displays a warm, genuine interest in the person. It says, “I hear you, I understand.” Eye contact allows the Sexual Assault Advisor to pick up nonverbal clues from the victim as well. It is important to be mindful of the distance between you and the survivor. Pay attention to signs of discomfort from the victim relative to physical space and eye contact. The degree of both is culturally learned, and thus, not identical for all people.

The second element of attending is posture. A good Sexual Assault Advisor needs to appear relaxed, and should lean towards the survivor while listening. Related to posture is gestures. In other words, the nonverbal messages the Sexual Assault Advisor gives through the use of arms, hands, sitting position, or facial expressions.

Skills for Understanding

This is an important part of the communication process, and these skills are most important in building the relationship between Sexual Assault Advisor and survivor in its earliest stages.

Indirect Leading: This helps the survivor start talking and continuing to take responsibility for the direction of conversation. It includes such phrases as “Why are you here?”, “Please tell me more about that.”, “How did that make you feel?”, and “What do you think that means.” Indirect leading is the message to the survivor that the advising relationship is her/his responsibility and that s/he sets the course.

Direct Leading: This is more focused encouragement to the victim to elaborate, clarify, or illustrate. The goal is to encourage the victim to a greater awareness and understanding of feelings and concerns. An example is, “How do you mean that you felt frustrated?”

Focusing: This is most helpful if the survivor is rambling or wandering over several topics at once. This may happen after an indirect lead by the Sexual Assault Advisor. It is a statement that emphasizes a single feeling or idea from those presented. It can be done by selecting one word of phrase and repeating it back as a question.

Questioning: Indirect leading, direct leading, and focusing are often expressed in the form of a question. The most effective type of question, in terms of continuing the communication process is open-ended. It is one that cannot be answered by a simple yes or no statement. Questions should be used sparingly and should elicit feelings or clarifications rather than information. It is best to avoid “why” questions.

Summarizing: This is simply putting together the concerns/issues, feelings, and plans at the conclusion of the contact between the Sexual Assault Advisor and the survivor. It enables the survivor to feel a sense of accomplishment and closure, and to be aware that s/he has been heard and understood. It is also a final check of the survivor’s messages to the Sexual Assault Advisor. It is an excellent idea to have the survivor summarize, if appropriate in the context of the contact. Say things like, “How do things look to you now?” or “Let’s see what we’ve talked about.”

Examples of Questions to Avoid

Multiple Questions: Don’t you ever see your kids? Was that the lawyer’s idea? Didn’t you say anything?

Going off the topic: I heard about the kids before, but where do you work?

Changing the flow abruptly: Your problems with your mother are wild. Now, what did you have for lunch today?

Asking “why” questions: Why didn’t you call the police?

Assuming there is only one answer: Didn’t you go to the police?

Inflicting values on the survivor: You immediately told the truth about what happened, didn’t you?

Making the survivor defensive: How did you let this happen? What could you have been thinking of?

Making assumptions: You did call the police right away, I assume?

Cutting off discussion: That’s real neat about what our car looked like before the accident. Do you have adequate insurance?

Asking “why” Questions

Generally speaking, “why” questions will make the survivor defensive. S/he will try to justify what s/he did or what s/he plans to do rather than really examining it. If you think it

is important to examine a particular issue more closely, try phrases like, “Could you tell me more about that situation?” or “Could you explain what you mean by that? I don’t quite understand.” Remember that you should let the survivor tell her/his story in her/his own time.

Respect

Non-possessive warmth, personal regard, and respect mean acceptance of the speaker as s/he is. This means that you should not judge, label, dismiss, or over praise a person. A response that shows respect is one that communicates that you are open to or will consider entering into a helpful relationship. It communicates recognition of the survivor as a person of worth, capable thinking and expressing her/himself and acting constructively. A response that shows respect is one that demonstrates the advisor’s willingness to make sacrifices and bear the risk of being hurt in order to further the helping relationship. This results in the survivor experiencing her/himself as a valued individual and stimulates further interaction by allowing the survivor to feel free to be her/himself.

Warmth

Warmth is the degree to which advisors communicate their caring for the survivor. Warmth is seldom communicated by itself; it is most often included in communications of empathy and respect. Warmth alone is insufficient for relationship building, for the development of mutual respect, or for problem solving, but appropriate communication of warmth enhances these processes.

Warmth is communicated primarily through a wide variety of behaviors such as gestures, posture, tone of voice, touch or facial expression. These behaviors, for the most part, do not include words, so they are referred to as “nonverbal communications”. It is chiefly through nonverbal messages that the Sexual Assault Advisor’s caring for the survivor is communicated. Warmth, however, can be communicated in words such as, “It’s really important for you to talk about it, it is also important to me.”

Since some of your survivor contact will be by telephone, your tone of voice is especially important in communicating warmth.

Dealing with Intense Feelings

Remember that you are not responsible for the survivor’s choices. If s/he doesn’t seem better after you have talked with her/him, don’t blame yourself. The survivor is responsible for working or not working out her/his own problems.

Intense Feelings

As a Sexual Assault Advisor you will need to learn how to deal with the intense feelings expressed by survivors. Stay with the survivor and try to meet her/his level of intensity in your responses.

Let her/him stay in the self-exploration stage as long as needed. Don’t try to push her/him away from exploring the intensity of her/his feelings. S/he will move on at her/his pace and your role is to follow at the pace s/he sets. S/he has been through a terrifying and intense experience and you

may be the only person s/he can talk to about such intense feelings. STAY WITH SURVIVOR, BUT LET HER/HIM LEAD.

Silences

Don't be afraid of silences. The survivor may need them to think about what is going on. If you think s/he may be silent because it is hard for her/him to talk, you can comment on this. For example, you could say something like, "It was such a scary experience for you, and it seems like you are having a hard time talking about it to me."

Dealing with Anger

Anger is a common feeling after rape. It is also very logical and appropriate. As a Sexual Assault Advisor, try to be comfortable with the intense anger that may be expressed by survivors. Tell the survivor that their feelings are normal and it is okay to be angry,

Dealing with Fear

After someone is sexually assaulted it is logical for her/him to experience a good deal of fear. S/he was in a very frightening situation in which s/he was out of control of her/his life. Help her/him to be specific about what her/his fears actually are. Then help her/him to find alternative ways to be as comfortable as possible. For example, is the survivor afraid of an intruder entering her/his home? Some solutions might be getting new locks, a roommate, a dog, or an alarm system. Don't try to reassure her/him that it won't happen again. There is absolutely no way that you can know that. Fears sometimes last a long time. If it seems like her/his fears are too large or intense, a referral to a therapist might be necessary.

Dealing with Feelings of Being Dirty or Cheap

Many survivors of sexual assault experience feelings of being dirty, cheap, or unclean in some way. Sexual victimization is different than any other victimization because of societal attitudes about female sexuality and because of the myths about rape. Let the survivor know that the rape or assault was not her/his fault and does not reflect on her/him as a person.

Keep Your Agenda Out and Don't Give Advice

If you hear yourself saying, "should" or "ought" an alarm should go off in your head. The survivor does not need your advice; rather s/he needs to find her own solutions through your help. Beside Advice is very rarely listened to. In fact, many people will do just the opposite what someone had advised them to do because they want to make their own decisions.

Keep Your Problems Out

Although there are appropriate times to talk with a survivor about your thoughts or feelings, you should keep your problems out of the conversation. For example, just because you may have a problem dealing with police, it doesn't mean that the survivor will. If you are a survivor and feel that your own experience is relevant, you can bring that up in the conversation, but be careful not to take over the conversation. Try to talk to another advisor if dealing with a survivor brings back memories of your own assault.

Searching for Alternatives

Help the survivor assess reasonable alternatives without giving advice. Since you are trained and have information of possible alternatives for sexual assault survivors, you will want to share this information. Help the survivor to determine the pros and cons of each alternative but allow her/him to weigh them. Try to stay as neutral as possible about the alternatives. Remember to be supportive of whatever alternative the survivor chooses.

Focusing on the Issue for the Survivor

This is the issue of staying with the survivor and letting her/him direct the conversation. For example, a bigger issue for the survivor may be telling her/his family about the sexual assault rather than the sexual assault itself. Always let the survivor decide on what the real issue is.

The Bottom Line

Rather than spending your time and energy trying to thing up the “correct” responses, just let the conversation flow. There are no hard and fast counseling rules. Counseling is not logical in the sense that if the survivor gives comment “A”, you give comment “B”. Your creative listening skills, concern, and interest in the survivor and situation plus the use of your own good sense is what you need.

Neutrality

Always remember that it is the survivor who has to make decisions. If s/he doesn’t want to report the assault or rape to the police, and you think you would if you were in the same position, don’t try to persuade the survivor to do what you want. Give the survivor relevant information so that her/his decisions can be based on fact but don’t try to make decisions for the survivor.

Confidentiality

Keeping what the survivor tells you confidential is extremely important. S/he is telling you things that are for your ears alone. Don’t talk to your friends or family about the survivor. If you feel that you need to discuss it with someone, talk to the Sexual Assault Advisors Coordinator or a Gender Issues Intern. If you want to call a survivor back or make a call for the survivor, get the survivor’s explicit permission beforehand. But remember not to make promises that you can’t keep. If you feel that the survivor may be in danger of harming her/himself or someone else, alert someone else without hesitation.

Tips to Remember:

- 1) Express your concern for the survivor.
- 2) Support the survivor’s strengths.
- 3) If you need to ask a question, ask an open-ended one, not questions that can be answered yes or no.
- 4) Be aware of what the survivor might be avoiding.
- 5) Be aware of what you may be avoiding
- 6) Offer assistance but don’t push it on the survivor.

Section Five, Legal Definitions

A survivor of sexual assault may decide that it is simply not enough to survive an assault. An assault survivor may decide to report the crime to the police.

The decision to report can be a transforming expression of anger, self-determination, and integrity. However, the legal system can be a hostile environment for the assault survivor. Deciding to prosecute exposes the victim to the sexist, racist, and classist attitudes of society. Deciding to prosecute releases private feelings about a social crime. The nature of the crime places an undue burden of legal proof upon the victim of the crime. The decision to prosecute can provoke as much stress for the survivor as the assault itself. In addition, the crime is considered a crime against the state, not against the survivor.

It is imperative that a victim of sexual assault who chooses to report and testify receives support and accurate information throughout the entire criminal proceeding.

This section of the manual is designed to provide you with a basic overview of the criminal justice system relative to the crime of sexual assault. It is also intended to help you provide basic legal information to a survivor.

General Definitions

Below is a glossary of terms frequently used in the legal system, which can be useful in becoming familiar with basic legal language.

Accelerated Rehabilitative Disposition (ARD)- A voluntary program for non-violent offenders set up by the Supreme Court of Pennsylvania in 1972, involving the concept of probation supervision without conviction. Offenders are temporarily diverted for a period of up to two years after which, if they successfully comply with the program conditions, the charges are dismissed.

Acquittal- A judgment of judge or jury that the defendant is not guilty of the offense(s) for which s/he has been tried.

Adult- A person who by virtue of her/his age, 18 or older, is within the jurisdiction of criminal court.

Appeal- A petition to a higher court for a reversal or modification of the judgment of a lower court.

Arraignment- The appearance of a person before a court in order that the court may inform her/him of the accusation(s) against her/him and enter her/his plea.

Arrest- Taking a person into custody by authority of law, for the purpose of charging her/him with a criminal offense or for the purpose of initiating juvenile proceedings, terminating with the recording of a specific offense.

Charge- A formal allegation that a specific person(s) has committed a specific offense(s).

Citation (Appear)- A written order issued by a law enforcement officer directing an alleged offender to appear in a specific court at a specified time in order to answer a criminal charge.

Commitment- The action of a judicial officer ordering that an adjudicated and sentenced adult or adjudicated delinquent who has been the subject to a juvenile court dispositional hearing be admitted into a correctional facility. (A juvenile is not permitted to be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime.)

Community Facility (Also, Non-Confinement Facility, Adult or Juvenile)- A correctional facility from which residents are regularly permitted to depart, unaccompanied by any official,

for the purpose of daily use of community resources such as schools or treatment programs, and seeking or holding employment.

Complaint- A formal written accusation made by any person, often a prosecutor, and filed in a court, alleging that a specified person(s) has committed a specific offense(s).

Consent Decree- A disposition available to the juvenile court in which the court, after the filing of a petition and before the entry of an adjudication order, suspends the proceedings and continues the child under supervision in his own home, under terms and conditions negotiated with the probation services and agreed to by all parties affected. A consent decree remains in force for six months unless the child is discharged sooner by probation services with the approval of the court. A consent decree may be extended by the court for an additional six months.

Count- Each separate offense, attributed to one or more persons as listed in a complaint, information or indictment.

Criminal History Record Information- Information collected by criminal justice agencies on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal criminal charges, and any dispositions(s) arising therefrom, sentencing, correctional supervision and release. Also referred to as an offender's "prior record."

Criminal Justice Agency- Any court with criminal jurisdictions and any other government agency or sub-unit, which defends indigents, or of which the principal functions or activities consist of the prevention, detection and investigation of crime; the apprehension, detention and prosecution of alleged offenders; the confinement or official correctional supervision of accused or convicted persons, or the administrative or technical support of the above functions.

Defendant- A person against whom a criminal proceeding is pending.

Delinquent Act- An act that is designated a crime in Pennsylvania or Federal law, local ordinances or laws of another state if the act occurred in another state . The term "delinquent act" does not include summary of offenses, unless the child fails to pay a fine levied thereunder, and the crime of murder.

Delinquent Child- A child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision, or rehabilitation.

De Novo- Literally anew, as in trial de novo- the granting of a new trial.

Detention- The legal confinement of a person subject to criminal or juvenile proceedings.

Diagnostic Classification Center (DCC)- A functional unit within a correctional institution charged with the responsibility for determining in which facility or program an offender should be placed. There are three such units in the state institutional system, one each at the Western, Camp Hill and Graterford state correctional institutions.

Dismissal- A decision by a judicial officer to terminate a case without a determination of guilt or innocence.

Disposition- The action by a criminal or juvenile justice agency which signifies that a portion of the justice process is complete and jurisdiction is relinquished or transferred to another agency; or which signifies that a decision has been reached on one aspect of a case and a different aspect comes under consideration, requiring a different kind of decision.

Expunge- The sealing or purging of arrest, criminal or juvenile record information.

Felony- A criminal offense punishable by death or by incarceration in a state or federal confinement facility for a period of which the higher limit is prescribed by statute in a given

jurisdiction, typically one year or more. In Pennsylvania, felonies may be of the first, second or third degree. The penalties are: 1st degree- imprisonment up to 20 years; fine to \$25,000; 2nd degree- imprisonment up to 10 years; fine to \$25,000; and 3rd degree- imprisonment up to seven years; fine to \$15,000.

Group Home- A non-confining residential facility intended to reproduce as closely as possible the circumstances of family life, and at minimum providing access to community activities and resources.

Halfway House- A non-confining residential facility for adjudicated adults or juveniles, intended to provide an alternative to confinement for persons needing a period of readjustment to the community after confinement.

Hearing, Preliminary- A proceeding before a judicial officer in which arguments, witnesses or evidence is presented and in which it is determined whether there is sufficient cause to hold the accused for trial or the case should be dismissed.

Indictment- A formal written accusation made by a grand jury and filed in a court, alleging that a specified person(s) has committed a specific offense(s).

Information- A formal written accusation made by a prosecutor and filed in a court, alleging that a specified person(s) has committed a specific offense(s). The vast majority of criminal actions in Common Pleas Court are initiated via this instrument.

Intake- The court process during which a juvenile referral is received and a decision is made either to file a petition, to release the juvenile or to place her/him under informal adjustment.

Involuntary Deviate Sexual Intercourse- Sexual intercourse per os or per anus between human being and any form of sexual intercourse with an animal. The term also includes, however slight, of the anus or genitals of another person with a foreign object for any purpose other than good faith medical, hygienic, or law enforcement purposes.

Jurisdiction- The territory, subject matter, or person over which lawful authority may be exercised.

Jurisdiction, Original- The lawful authority of a court or an administrative agency to hear or act upon a case from its beginning and to pass judgment on it.

Juvenile- A person who by virtue of her/his age, under 18, is within the sole jurisdiction of the juvenile court unless bound over for cause for adult processing.

Juvenile Court- The commonly used term for the court of jurisdiction over juvenile matters, which is the Court of Common Pleas.

Juvenile Justice Agency- A government agency, or sub-unit thereof, of which the functions are the investigation, supervision, adjudication, care or confinement of juveniles whose conduct or condition has brought or could bring them within the jurisdiction of a juvenile court.

Juvenile Record- An official record containing arrests and dispositions of juveniles as a result of juvenile court processing. In Pennsylvania, these records are usually maintained by the probation office.

Master- An attorney used in juvenile proceedings to hear the facts of the case and decide issues/make recommendations to the judge as the need dictates. The parties involved must agree to have the matter handled by the appointed master. Otherwise, the hearing is conducted before a judge.

Misdemeanor- An offense usually punishable by incarceration in a local confinement facility, for a period of which the upper limit is prescribed by statute in a given jurisdiction, typically limited to a year or less. Misdemeanors in Pennsylvania may be of the first, second, or third degree. The penalties are: 1st degree- imprisonment up to five years, fine to \$10,000; 2nd degree-

imprisonment up to two years, fine to \$5,000; and 3rd degree- imprisonment up to one year, fine to \$2,500.

Model Penal Code- A generalized modern codification of that which is considered basic to criminal law, published by the American Law Institute in 1962.

National Crime Surveys- Criminal victimization surveys formerly conducted for the Law Enforcement Assistance Administration by the U.S. Bureau of Census, which gauge the extent to which persons age 12 and over, households, and businesses have been victims of certain types of crime, and describe the nature of the criminal incidents and their victims. Crimes are grouped by the national Crime Panel into three major categories: crimes against persons, crimes against households, and crimes against businesses. Crimes against persons are further divided into crimes of violence and crimes of theft.

Nolo Contendere- A formal plea in court wherein the defendant maintains that s/he will not contest the charges being brought against her/him.

Nol Pros ("Nolle Prosequi")- A decision by the local prosecutor not to pursue the prosecution of a particular charge or case.

Obits- An abbreviation for "offender-based transaction statistics," which are derived from information concerning law enforcement, court and corrections proceedings recorded in such a way that the system identity of the person subject to the proceedings is preserved throughout data collection and analysis.

Parole- The status of an offender conditionally released from a confinement facility prior to the expiration of her/his sentence, and placed under the supervision of a parole agency.

Petition (Juvenile)- A document filed in juvenile court setting forth the facts that bring the child within the jurisdiction of the court and stating that it is in the best interest of the child and the public that the proceeding be brought; and, if delinquency is alleged, that the child is in need of treatment, supervision, or rehabilitation.

Plea- A defendant's formal answer in court to the charges being brought against her/him. In Pennsylvania, a defendant may plead guilty, not guilty, nolo contendere, or guilty but mentally ill.

Plea Bargaining- The exchange of prosecutorial and/or judicial concessions, commonly a lesser charge, the dismissal of other pending charges, a recommendation by the prosecutor for a reduced sentence, or a combination thereof, in return for a plea of guilty.

Plea, Final- The last plea, to a given charge, entered in a court record by or for a defendant.

Pre-Sentence Investigation Report (PSI)- The document resulting from an investigation undertaken by a probation agency or other designated authority, at the request of a criminal court, into the past behavior, family circumstances, and personality of an adult who has been convicted of a crime, in order to assist the court in determining the most appropriate sentence. ("Social History" in juvenile cases.)

Probable Cause- A set of facts and circumstances which would induce a reasonably intelligent and prudent person to believe that an accused person had committed a specific crime.

Probation- The conditional freedom granted in lieu of incarceration by a judicial officer to an alleged offender, or adjudicated adult or juvenile, as long as the person meets certain conditions of behavior.

Probation Without Verdict (PWV)- A disposition authorized by the Drug Act which permits the diversion of offenders with drug problems into treatment programs in lieu of further prosecution.

Pro Se- Acting as one's own defense attorney in criminal proceedings.

Prosecutor- An attorney employed by a government agency or sub-unit whose official duty is to initiate and maintain criminal proceedings on behalf of the government against persons accused of committing criminal offenses.

Public Defender- An attorney employed by a government agency or subdivision, whose official duty is to represent defendants unable to hire private counsel.

Purge- The complete removal of arrest, criminal, or juvenile record information from a given records system.

Rap Sheet- A chronological list of an adult offender's prior record of criminal arrests and dispositions. Access to this document in Pennsylvania is restricted by law. See Criminal History Record Information Act (18 C.P.S.A. 9101 et. Seq.). These records are maintained in the Central Repository for Criminal History Information at the Pennsylvania State Police Headquarters in Harrisburg.

Recidivism- The repetition of criminal behavior; habitual criminality.

Release on Bail- The release by a judicial officer of an accused person who has been taken into custody, upon her/his promise to pay a certain sum of money or property if s/he fails to appear in court as required, which promise may or may not be secured by the deposit of an actual sum of money or property.

Release on Recognizance- The release, by a judicial officer, of an accused person who has been taken into custody, upon her/his promise to appear in court as required for criminal proceedings.

Residential Treatment Center- A facility which serves juveniles whose behavior does not necessitate the strict confinement of a training school, often allowing them greater contact with the community.

Restitution- A monetary or non-monetary commitment on the part of the offender pursuant to a court order or other agreement whereby the victim or community is compensated for a loss arising out of the actions of the offender.

Revocation Hearing- An administrative and/or judicial hearing on the question of whether or not a person's probation or parole status should be revoked.

Sentence- The penalty imposed by a court upon a convicted person, or the court decision to suspend imposition or execution of the penalty.

Sentence, Suspended- The court decision postponing the pronouncing of sentence upon a convicted person, or postponing the execution of a sentence that has been pronounced by the court.

Shelter Care- Temporary care of a child in physically unrestricted facilities.

Subpoena- A written order issued by a judicial officer requiring a specified person to appear in a designated court at a specified time in order to serve as a witness in a case under the jurisdiction of that court, or to bring material to that court.

Summary Offense- In Pennsylvania, a lesser violation of law punishable by imprisonment of up to 90 days and/or a fine to \$300.

Summons- A written order issued by a judicial officer requiring a person accused of a criminal offense to appear in a designated court at specified time to answer the charge(s).

Trial- The examination of issues of fact and law in a case or controversy, beginning when the jury has been selected in a jury trial, or when the first witness is sworn, or the first evidence is introduced in a court trial, and concluding when a verdict is reached or the case is dismissed.

UCR- An abbreviation for the Federal Bureau of Investigation's Uniform Crime Reporting program. UCR's published summary crime statistics represent all Part I Offenses reported to police minus those found by police investigation to be false or baseless. UCR Offense

Classifications divide offenses into two major categories: Part I offenses and Part II offenses. Part I offenses are those crimes which are the most likely to be reported, which occur with sufficient frequency to provide an adequate basis for comparison and which are serious crimes by nature and/or volume.

Venue- The geographical area from which the jury is drawn and in which trial is held in a criminal action.

Verdict- In criminal proceedings, the decision made by a jury in a jury trial, or by a judicial officer in a court trial, that a defendant is either guilty or not guilty of the offense(s) for which he has been tried. In Pennsylvania, judges and juries may also return verdicts of guilty but mentally ill or not guilty by reason of insanity in cases where the insanity defense has been raised.

Warrant, Arrest- A document issued by a judicial officer directing that a person who has failed to obey an order or notice appear or be brought before the court.

Warrant, Bench- A document issued by a judicial officer directing that a person who has failed to obey an order or notice appear or be brought before the court.

Warrant, Search- A document issued by a judicial officer which directs a law enforcement officer to conduct a search for specified property or persons at a specific location, to seize the property or person, if found, and to account for the results of the search to the issuing judicial officer.

Definitions of Crimes and Acts of Sexual Violence

Note: Elements of the crimes, penalties and definitions change on a daily basis through the PA Legislature for an accurate definition please check the current law.

AGGRAVATED INDECENT ASSAULT: 18 PA CSA Sec. 3125

An actor who engages in **penetration, however slight**, of the genitals or anus of a complainant with **apart of the actor's body** for any purpose other than good faith medical, hygienic or law enforcement procedures commits a felony of the second degree, if he/ she:

- (1) does so without the complainant's consent;
- (2) does so by forcible compulsion;
- (3) does so by threat of forcible compulsion that would prevent resistance by a person of Reasonable strength or courage;
- (4) does so on a person who is unconscious, or where the actor knows that the complainant does not know that penetration is occurring;
- (5) does so after the actor has impaired the complainant's power to appraise or control his/ her conduct, by administering or employing, without the complainant's knowledge, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) does so upon a person who suffers from mental disability which makes the complainant incapable of giving consent to the act;
- (7) does so upon a person who is less than thirteen years of age;
- (8) does so upon a person who is less than 16 years of age and the actor is four or more years older than the complainant and the complainant and the actor are not married to each other.

DEVIATE SEXUAL INTERCOURSE: Sexual intercourse performed upon the mouth or the anus of the complainant, or sexual intercourse with an animal.

Note: this definition also includes penetration, however slight, of the genitals or anus of another person with a foreign object. 18 PA CSA Sec. 3101

Example: Insertion of the penis into the mouth or anus – penetration does not have to be complete. Insertion of an object: a broom handle, a soda bottle, a gun.

Illustrative Case: Actual penetration of the vagina is not necessary for conviction of “deviate sexual intercourse”; some form of contact with genitalia of female victim or anus of the male victim is all that is required. (E.g. kissing, licking, placing of an object into the labia, etc.) In interest of J.R., 648 A.2d28, 436 Pa. Super. 416; appeal denial, 655 A.2d 515, 540 Pa. 584. (1994).

FORCIBLE COMPULSION: Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person’s death, whether the death occurred before, during or after sexual intercourse. 18 PA CSA Sec. 3101.

Example: There have been cases where the actor convinced the complainant that he/she was required, for religious reasons, to comply with the actor’s demand for sex, or where a child, for example, was convinced by an adult that sexual intercourse was part of the father/daughter learning experience.

Example: Where the victim is beaten severely by the actor, and dies, and the actor has sexual intercourse after death has occurred, under this section, the crime is Rape, not Abuse of Corpse, in addition to Homicide.

FOREIGN OBJECT: Includes any physical object not a part of the actor’s body. 18 PA CSA 3101. This section is designed to address a problem in charging; under the old Code, use of a foreign object was, at most, simple assault.

Example: Insertion of any object into the vagina, or anus of the complainant is now a felony. (18 PA CSA Sec. 3123.) Objects may include a gun, knife, soda bottle, spoon, broom handle, plastic fruit – anything.

HARASSMENT AND STALKING: 18 PA CSA Sec. 2709

A person commits harassment when he or she does any of the following with the intention of harassing, annoying, or alarming another person:

- (1) Strikes, shoves, kicks or subject the complainant to physical contact or threatens to inflict physical contact;
- (2) follows a person about in a public place;
- (3) repeatedly commits acts which alarm or seriously annoy the complainant and which serve no legitimate purpose.

A person commits the crime of stalking when he or she engages in a course of conduct or repeatedly commits acts toward another person (including following that person without authority to do so) under circumstances which demonstrate he or she:

- (1) intends to place the complainant in reasonable fear of bodily injury;
- (2) intends to cause substantial emotional distress in the other person.

Harassment is a summary offense. Stalking is a Misdemeanor 1 if it is a first offense. Stalking is a Felony 3 if it is a second or subsequent offense, or if the actor has previously been convicted of a crime of violence against the complainant or the complainant's family or household members, or if a PFA has or had been issued against him or her for which he or she has been convicted of violating.

INCEST: 18 PA CSA Sec. 4302

If a person knowingly marries, or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood, or an uncle, aunt, nephew or niece of the whole blood, he/she is guilty of incest. This is true without regard to legitimacy, or to relationships by adoption.

INDECENT ASSAULT: 18 PA CSA Sec. 3126

A person who has indecent contact with the complainant, or who causes the complainant to have indecent contact with him/ her is guilty of indecent assault if he/ she:

- (1) does so without the complainants' consent;
- (2) does so by forcible compulsion;
- (3) does so by threat of forcible compulsion that would prevent resistance by a person of reasonable strength or courage.
- (4) does so on a person who is unconscious or where the actor knows that the complainant does not know that contact is occurring;
- (5) does so after the actor has impaired the complainant's power to appraise or control her/ her conduct, by administering or employing, without the complainant's knowledge, drugs, intoxicants or other means for the purpose of preventing resistance.
- (6) does so upon a person who suffers from mental disability which makes the complainant incapable of giving consent to the act.
- (7) does so upon a person who is less than thirteen years of age
- (8) does so upon a person who is less than sixteen years of age and the actor is four or more years older than the complainant and the complainant and the actor are not married to each other

Note: Indecent assault is a misdemeanor of the second degree, except when the complainant is under the age of 13, when it is a misdemeanor of the first degree.

Note: Indecent contact may be under clothing or over clothing.

INDECENT CONTACT: Anything touching of the sexual or intimate parts of the person for the purpose of arousing or gratifying sexual desire in either person. 18 PA CSA Sec. 3101

Example: Touching breasts, vagina, anus, buttocks, penis. These touches are illegal even if the victim is clothed.

INDECENT EXPOSURE: 18 PA CSA Sec. 3127 (See also Open Lewdness, 18 PA CSA Sec. 5901) A person commits indecent exposure if that person exposes his or her genitals in any

public place or in any place where he or she knows or should know that this conduct is likely to offend, affront, or alarm.

INVOLUNTARY DEVIATE SEXUAL INTERCOURSE: 18 PA CSA Sec. 3123 A person commits a felony of the first degree when he or she engages in deviate sexual intercourse AND

(1) does so by forcible compulsion.

Note: In this section of the Act, —forcible compulsion includes, in addition to the Usual methods, compulsion resulting in the other person’s death, whether the death occurred before, during or after the sexual intercourse;

(2) does so by threat of forcible compulsion that would prevent resistance by a person of Reasonable strength or courage;

(3) does so on a person who is unconscious, or where the actor knows that the complainant does not know that sexual intercourse is occurring;

(4) does so after the actor has impaired the complainant’s power to appraise or control his/ her conduct, by administering or employing, without the complainant’s knowledge, drugs, or intoxicants or other means for the purpose of preventing resistance;

(5) does so upon a person who suffers from mental disability which makes the complainant incapable of giving consent to the act;

(6) does do upon person who is less than thirteen years of age.

(7) does so upon a person who is less than 16 years of age and the actor is four or more years older than the complainant and the complainant and the actor are not married to each other.

MENTAL DISABILITY: A condition of the complainant’s mentality which renders him/her incapable of intelligently consenting to the act of sexual intercourse or sexual contact. 18 PA CSA Sec. 3121 (5)

Example: The complainant is mentally ill or retarded to such an extent the he/she cannot intelligently appreciate what is happening to him/her, or does not understand what sexual intercourse is, and therefore cannot consent. Assent is not consent.

OPEN LEWDNESS: 18 PA CSA Sec. 5901

A person commits the crime of lewdness if he does an act which he knows is likely to be observed by others who would be affronted or alarmed by the act.

Example: A man goes into a bar and masturbates, or appears to masturbate, under his coat. Conviction of open lewdness is affirmed.

Note: Open lewdness does not require removal of clothing. Indecent exposure does not require a lewd act.

SEXUAL INTERCOURSE: Penetration however slightly by the penis into the vagina, anus or mouth of another person or penetration of an animal. Emission is not required.

Example: Penetration of the labia major (the outer lips) of the vagina in a woman is sufficient; penetration of the buttocks of a man is sufficient.

SEXUAL ASSAULT: Sexual intercourse or deviate sexual intercourse performed without the complainant's consent.

Note: this definition does not include the element of force.

Example: This is the definition for all assaults in the rape, involuntary deviate sexual intercourse, sexual assault, and statutory sexual assault sections. Note that the definition does not include a force element. Force is what distinguishes sexual assault from rape or IDSI.

Note: This definition, and the new Section 3124.1 (below) were passed to counteract the holding of the Supreme Court in *Commonwealth v. Berkowitz*, 609 A.2d 1338, 415 Pa. Super. 505, appeal granted 613 A.2d 1161, 537 Pa. 143. (1992), where the Court held that merely saying "No, without some show of physical resistance, was insufficient to sustain a conviction for rape."

STATUTORY SEXUAL ASSAULT: 18 PA CSA Sec. 3122.2

When a person engages in sexual intercourse (no force or other element described in the rape statute above is involved) with a person **under the age of 16**, and the actor is four or four years older than the complainant, and the parties are not married, the actor has committed a felony of the second degree.

Note: This is the old Statutory Rape Section, with slight changes: the old section required a victim under age 14 and an actor over age 18. The new language makes the law more flexible (e.g., if the child is 12, the actor need only be 16, to be guilty of statutory sexual assault. It's the difference in age that counts. Note, too, that the new law raises the upper age of the child-victim to 16.

Example: The child is fifteen, and the assailant is nineteen.

SEXUAL ASSAULT: 18 PA CSA Sec. 3124.1

A person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Note: This section specifically excludes Rape and Involuntary Deviate Sexual Intercourse. As discussed briefly under —Definitions above, this is the —No Means Noll section of the Act. Under this section, no evidence of force is required, and, where there is no (or insufficient) evidence of force, charge this section IN ADDITION TO charging rape or involuntary deviate sexual intercourse.

Example: Complainant was at a party with actor; things started getting a little heavy, and complainant told actor to stop, that she did not wish to engage in intercourse at this time. The actor proceeded to have sexual intercourse any way. The complainant continued to

tell him to stop, but there was no evidence of struggle or force. (Similar to **Berkowitz** case.)

STATUTE OF LIMITATIONS: 18 PA CSA Sec. 108; 42 PA CSA Sec. 5552(a).(b)(1)
Misdemeanors, in general, have a statute of two years. The following, therefore, have a two year statute of limitations:

- Stalking
- Indecent Exposure
- Indecent Assault

Felonies, in general, have a statute of five years. The following, therefore, have a five years Statute of Limitations.

- Rape
- Involuntary Deviate Sexual Intercourse
- Statutory Sexual Assault
- Aggravated Indecent Assault
- Incest

BUT, where the victim of the offense was a minor (under 18) at the time of the offense, the Statute of Limitations is extended so that it begins to run when the minor turns 18. The following crimes are subject to this extended Statute of Limitations:

- Rape
- Statutory Sexual Assault
- Aggravated Indecent Assault
- Indecent Assault
- Indecent Exposure
- Incest
- Endangering the Welfare of Children (not discussed here)
- Corruption of Minors (not discussed here)
- Sexual Abuse of Children (not discussed here)

Section Six, Megan’s Law-Registration of Sexual Offenders

Megan’s Law sets up a registry of sexual offenders and sexually violent predators, determined by the sentencing court, and by the Sexual Offenders Assessment Board. The process whereby these offenders are designated is not of great concern here.

Note: Elements of the crimes, penalties and definitions change on a daily basis through the PA Legislature for an accurate definition please check the current law.

The following is a synopsis of the requirements:

SEXUAL OFFENDER

- In registry for ten years
- Offenders required to verify their address annually.
- Must notify Pennsylvania State Police within 10 days of an address change.
- Community notification NOT REQUIRED.

- To view the Megan's Law Registry follow URL:
<http://www.pameganslaw.state.pa.us/>

WHO GETS NOTIFIED

- County Children & Youth Agency
- Licensed Day Care Centers
- Licensed Pre-Schools
- Neighbors
- Colleges within 1,000 feet of predator's address
- Offender's victim

VICTIMS' RIGHTS: 18 PA CSA 11. 101et seq.

In 1929 the first Victim's Rights codification was added to the Administrative Code. For the next 62 years, Pennsylvania operated under the same provisions which were established in 1929. The beginning of the 90s, however, saw increasing sensitivity to victim's rights and in 1991, 1992, and 1995, the Administrative Code was augmented by numerous special provisions to delineate the responsibilities of each set of actors in the criminal justice system, as well as specific rights for the victims of crime.

The present section does not attempt to discuss in great detail all of the obligations of all of the participants in the criminal justice system, since other protocols will do that.

Police officers should be aware, however, that their responsibilities under these sections are as follows:

1. You must give to the victim at the time of your initial investigation a checklist of her or his rights. These forms will be provided to you by the State through your own District Attorney's Office. You must then have the victim signify that he has received this Notice by checking off and signing a receipt for what she or he has been given.
2. As soon as there is an arrest of the suspect, you must make efforts to notify the victim of the arrest. It is mandatory under this section that the notice of the arrest be given to the victim not more than 24 hours after the preliminary arraignment;
3. If there is an escape, you are required to notify the victim immediately.
4. Note also that the victim has obligations under this section and you should make the victim aware that he/ she does have a positive obligation to provide you with a valid address and phone number where he/ she could be reached. If that address and phone number where he/ she could be reached. If that address and phone number should change, it is up to the victim to promptly notify you of any changes. You can assure him/ her that the information may not be permitted to be disclosed to any persons other than law enforcement, corrections, or the prosecutor's office without prior written consent.

CASES: To date, to the best of this writer's knowledge, there have been no cases interpreting these sections of the Administrative Code.

VICTIM'S BASIC BILL OF RIGHTS:

Finally the basic Bill of Rights for Victims should be a guideline for all police officers.

1. Basic rights of the victim are to be given to the victim at the initial interview.

2. Notice of significant actions and proceedings within the criminal justice system is to be given to the victim – this is usually done by the prosecutor’s office or the victim advocate.
3. The victim has the right to be accompanied to all public proceedings by a family member, another person or a victim advocate.
4. Where there is bodily injury, the victim has the absolute right to submit prior to comment to the prosecutor’s office on any possible reduction of charges or changing of a plea – this, again, is usually done through the victim advocate’s office or directly through the prosecutor’s office.
5. With regard to sentencing, the victim has the absolute right to offer his/ her comments on the sentencing, including an impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim’s family – again, this is done usually through the victim advocate’s office or directly through the district attorney’s office.
6. The Act provides for compensation to the victim in the form of restitution, return of property and compensation for injuries. The victim’s compensation request forms must be made available to the victim and usually the victim advocate’s office or the district attorney’s office, if there is no victim advocate, will help him/ her file the appropriate forms.
7. Where there has been a state sentence, the victim also has the right to provide comment on parole and post-sentencing release, including work release, furlough, parole, pardon or community treatment center placement and the victim, of course, has the ongoing right to receive immediate notice of escape.
8. Where the defendant has been sentenced to a local correctional facility the victim has a right to receive notice of the date of release, including work release, furlough, parole, or community treatment center placement and, again, immediate notice of escape.
9. Where the offender has been committed to a mental health facility, the victim has the right to be given notice of discharge, transfer, or escape.
10. The victim will also have the right to assistance in the preparation of and follow-up on financial assistance claims to the Bureau of Victim Services.

Cases: To the best of this writer’s knowledge at the time of publication of this manual, there have been no cases interpreting these provisions.

RESPONSIBILITIES OF LOCAL LAW ENFORCEMENT AGENCIES:

This section of the Administrative Code spells out in more detail that state and local law enforcement agencies must make victims aware that they have rights under the Victims of Crime Compensation Act for restitution and compensation for violent crimes.

It is interesting to note that the section says “Instruction concerning crime victims’ compensation shall be made a part of the training curriculum for all training officers.”

This section requires that a police officer provide the required information to the victim within **48 hours of the report of the crime**. Note also that the word “victim” can also include family members and significant others if they have been affected by the crime committed.

You will or should have been given forms which provide the name, the business address, and telephone number of the local victims' services agency, if there is one, and, if there is not one, then the location of the Bureau of Victim Services in Harrisburg. Forms are supplied to you by the Bureau of Victims' Services.

Please note that crime victims are expected to file the claim within one year or run the risk of having waived any right to claim compensation.

Cases: As of the date of this writing, there have been no cases interpreting these provisions.

Created by the Pennsylvania Coalition Against Rape.

Section Seven, Protection from Abuse (PFA) Law

I. Purpose

- to stop abuse, prevent future problems – through entry of a civil order
- if certain —safety provisions are violated, then mandatory police arrest and criminal sanctions that can include jail (up to six months) and a fine (up to \$1000).

II. Who Qualifies

- need both of the following:

1) RELATIONSHIP

- victim must have now or had in past (no time limit), one of the following relationships with the abuser:
 - spouses
 - persons living as spouses
 - parents and children
 - persons related by consanguinity (blood) or affinity (marriage)
 - sexual or intimate partners
 - persons who share biological parenthood
- (**Note: there is NO requirement that the parties need to have lived together)

2) ABUSE

- victim must have suffered one or more of the following acts/ types of abuse by the abuser:
 - attempted or actual bodily injury, serious bodily injury, or sexual assault.
 - conduct by abuser that places victim in reasonable fear of imminent serious bodily injury
 - false imprisonment
 - physical or sexual abuse of minor children
 - stalking

III. Relief Provided

- court may grant any appropriate relief needed to bring about a cessation of abuse—the most typical provisions are as follows:
 - 1) direct abuser (defendant in case) not to abuse the victim (plaintiff) or victim’s minor children;
 - 2) exclude abuser from victim’s residence where abuser and victim own or rent the residence together or where victim owns or rents alone
 - 3) exclude abuser from victim’s residence where abuser owns or rents alone, so long as abuser and victim are married or have a child together;
 - 4) award temporary custody of minor children to victim;
 - 5) direct abuser to pay spousal and/ or child support to victim;
 - 6) direct abuser to have no contact with victim or victim’s minor children, not to go to where victim or the children work or go to school, and not to harass victim or victim’s minor children or relatives;
 - 7) direct abuser to relinquish to the sheriff any weapons used or threatened to have been used in an incident of abuse against the victim or victim’s children and not to acquire or possess any other weapons for the duration of PFA order, and to relinquish any firearm license that abuser may have (police chief of municipality and sheriff of county where abuser lives should get a copy of the PFA order that includes such a provision);
 - 8) direct abuser to pay for reasonable losses suffered by victim because of abuse (e.g. damaged real or personal property, lost earnings, medical expenses, moving expenses, counseling, attorney’s fees);
 - 9) direct abuser to not stalk victim.

IV. Procedures

-- Emergency PFA Order:

- obtained through a District Justice in victim’s neighborhood.
- form is —PETITION FOR EMERGENCY RELIEF FROM ABUSE!;
- emergency is limited in both:
 - duration – lasts only until the end of the next business day that Common Pleas Court is available.
 - relief provided – only directs “no abuse” and “exclusion from victim’s residence” (** law does authorize the “no contact, stay away” relief but this has to be written onto the form)

- **Preliminary PFA Order:** lasts one week to ten days until the Final Hearing – generally contains all of the safety relief but none of the financial relief – must be personally served along with Petition on the abuser/ defendant – whoever serves the PFA Petition and Preliminary Order should complete the Affidavit of Service;
- **Final PFA Order:** can last for up to eighteen (18) months, or for any lesser period of time can contain all of the relief OR some of the relief available—each PFA order is unique

and the relief provisions will vary—are entered after hearings, upon consent of the parties, or upon defendant/abuser’s failure to appear after having been served.

- **Extensions/ Modifications:** Final PFA Orders can be extended for an additional eighteen (18) month period upon a petition and showing that victim is at a continued risk of harm from abuser/defendant – there may also be extensions of Final PFA Orders made at Contempt hearings; in addition, upon request of victim and/ or defendant, the Court may modify an existing PFA Order by changing some of the terms or vacating the entire order.

V. Enforcement

INDIRECT CRIMINAL CONTEMPT (ICC) – Police Arrest

1) Mandatory Arrest (can be warrantless)

- when a defendant violates one of the “safety” provisions of a PFA order (no abuse—exclusion from property—custody—no contact, no harassment, stay away from work/ school—weapons relinquishment), **“the police may arrest without a warrant upon probable cause whether or not the violation is committed in the presence of a police officer”** --- once the police determine that there is a valid PFA order in effect (this can be done by viewing a hard copy, checking with a police department that has a copy on file, or checking the PA State Police registry through CLEAN) and that they have probable cause that a violation of one of the safety provisions has occurred (** a credible victim statement is sufficient), **the police have a mandatory arrest obligation;**

2) Mandatory Seizure of Weapons

- after arrest, the police **shall seize all weapons** used or threatened to have been used during the violation or during prior acts of abuse;

3) Defendant taken for Arraignment

- after arrest, the police **shall take defendant for arraignment without unnecessary delay** to the minor judiciary court where the violation is alleged to have occurred:

A. Local District Justice

4) ICC Complaint Completed

- the form that is completed in order to file the PFA violation is the —Indirect Criminal Contempt Complaint for Violation of a Protection from Abuse Order— once it is completed, the arraignment occurs, bond is set, and the Contempt hearing is scheduled to be held within ten days in Common Pleas Court.

5) ICC Hearing

- Standard proof is —beyond reasonable doubt— public defenders are available for indigent defendants – sanctions can include up to six months in jail, a fine up to \$1,000, and other relief under the PFA law (such as extensions of the Final Order)

CIVIL CONTEMPT

- Provisions of PFA orders other than the safety provisions (such as support, damage and attorney fees payments, orders for defendants to go to batterers' counseling) can be enforced through a civil contempt process that is not initiated by police arrest.

VI. Responsibilities of Law Enforcement – Mandatory

- **training**: be trained on the provisions of the PFA law;
- **written policy**: have a written domestic violence policy
- **notice to victims of services/ PFA**: provide abuse victims with oral and written notice of safe shelters and other domestic violence services including the hotline number – the written notice must contain a specific notice about PFA relief (** same as the notice required under Crimes Code §2711)
- **notice to victim after ICC arrest**: notify victim protected by PFA order of an arrest of defendant for PFA violation – should be as soon as possible and not more than 24 hours after preliminary arraignment, unless the victim cannot be located.
- **arrest for PFA violation of safety provisions**: arrest if a valid PFA Order is in effect and probable cause exists that a violation of a safety provision has occurred
- **seizure of weapons**: after ICC arrest, seize any weapons used or threatened to have been used in the violation incident or in any past incidents of abuse
- **take defendant for arraignment**: after ICC arrest, take defendant for arraignment without unnecessary delay.

The Westminster College community is committed to the standard that all members of the community shall be able to pursue their interests free from non-consensual sexual contact. Therefore, it is a violation of Westminster's community standards to have sexual contact with any member of the community without the clear, freely chosen consent of those involved.

Persons bringing action under this policy are encouraged to pursue the incident through the criminal justice system and/or the college disciplinary system. No disciplinary or other action is taken in such cases without the clear, informed agreement of *the individual bringing the charge forward*. The college provides advice and emotional support to assist any individual in better understanding and pursuing the matter through one or both of these judicial systems. In addition, the College provides counseling and, if possible, direct medical treatment. The college also assists with referral to additional medical and counseling support where appropriate, and other support to any individual involved in such an incident.

These cases are dealt with in a confidential, supportive and discrete manner. Any individual involved in such an incident may contact the Public Safety Office 24 hours a day at x7777. The college has a [panel of sexual assault advisors](#) available to assist any individual involved in such an incident. These advisors include students and staff and may be contacted through the Public Safety Office, through the Student Affairs Office x7110, or through Counseling Services at x7340/7927. (Students contacting any of these offices should simply tell the receptionist that they would like to discuss a sexual assault and they will immediately be put through to the appropriate advisor.) Students should contact one of these advisors at any time to discuss an incident or a concern relating to sexual assault. Sexual Assault Advisor URL link:

<http://www.westminster.edu/security/sa-advisors>

All members of the college community are encouraged to take every measure available to eliminate rape and sexual assault on this campus. In addition to campus educational efforts, peer influence will be central to protecting members of the community from assault. Any student aware of a sexual assault on the campus is encouraged to contact immediately the Public Safety Office, the Student Affairs Office, or one of the sexual assault advisors.

Students also should be aware of the college policy on sexual harassment, which can be found below and in the Student Handbook.

Section Eight, Westminster College Student Code of Conduct

RIGHTS AND RESPONSIBILITIES

Westminster College affirms that its educational purposes require an atmosphere characterized by rational inquiry, discussion and standards of acceptable behavior. These regulations, which reflect the values to which the College is committed, are designed to help ensure order in the College community, to protect the rights of community members, and to create an environment which can enhance the opportunity for personal growth and development.

The College reserves the right to take disciplinary action against students or student organizations that violate these regulations. The College also reserves the right to supersede the authority of the Greek Judicial Committee as it deems necessary and appropriate and to initiate disciplinary action against fraternities and sororities through the College Judicial System. To that end, the College judicial system has been established to address alleged violations of College policies. The judicial system's membership, comprised of students, faculty and administrators, is committed to conducting fair hearings which observe and respect students' procedural and substantive rights. The judicial process is designed to be a means by which each student can learn the value of his or her rights and to realize the importance of his or her responsibilities as a citizen in the campus community.

ACCOUNTABLE DEPARTMENT: Student Affairs. Questions about policy content should be directed to Neal Edman, Dean of Student Affairs, x-7110. To report an incident, call Public Safety at x7777; help is available 24 hours a day. To contact a sexual assault advisor call the Student Affairs Office, x7110; or the College Counselor – Barbara Quincy, x7340/7927.

OFFENSES DEFINED

A. Misconduct

The following behavior by student(s) or student organization(s), whether on- or off-campus, is subject to disciplinary action:

1) Behavior that may, or in fact does, cause physical or emotional harm to another person or cause reasonable apprehension of such harm. Such behavior may be intentional (a conscious decision to engage in the conduct; intoxication is not a defense to a charge of intentional misconduct) and/or reckless (conduct which could reasonably be expected to create substantial risk of harm to another person). Examples of behavior which constitute a violation of this regulation include, but are not limited to:

- a) Actions, explicit or implied threats, or gestures, which place a person in reasonable fear of unwelcome physical contact or harm;
- b) Attempts to cause or intentionally or recklessly causing bodily injury to another person;
- c) Striking, shoving, kicking or otherwise subjecting another person to unwelcome physical contact or attempting or threatening to do so, with the intent to harass, annoy or alarm another person;
- d) Communicating by voice or graphic means or making a telephone call, whether or not a conversation takes place, or via any other information resource, for the purpose or which has the effect of harassing and/or alarming another person;
- e) Engaging in sexual contact or behavior with another person (sexual intercourse, touching the sexual or other intimate parts of another person, inappropriate disrobing, or any other physical contact or touching of a sexual nature) without the consent of that person and/or by compulsion through physical force or fear. The term "consent" is defined as freely given agreement by a competent person. A person is deemed incompetent to give consent when that person is intoxicated or otherwise incapacitated to the point that he or she does not understand the nature of the consent. A minor is deemed to be incapable of giving consent.

DISCRIMINATION / HARASSMENT POLICY

Sexual harassment is an act of coercion (an inappropriate use of power) that can occur between any individuals formally associated with the College, for example, between an employee and a supervisor, between coworkers, faculty members or between a faculty, staff or student and a customer, vendor or contractor, or between a student and a faculty member or another student. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, participation in any program or activity, or status in an academic course;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individuals; or
3. Such conduct has the effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile or offensive environment for working, learning, or living on campus.

Thus, sexual harassment encompasses any sexual attention that is unwanted. Verbal, visual, and physical conduct prohibited by College policy includes, but is not limited to:

1. Physical assault;
2. Direct or implied threats that submission to or rejection of sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation;
3. A pattern of conduct (not legitimately related to the subject matter of a course) that causes discomfort or embarrassment including:
 - (a) Inappropriate comments of a sexual nature;
 - (b) Sexually explicit questions, jokes or anecdotes;
 - (c) Touching, patting, hugging, intentionally brushing against a person's body, or repeated or unwanted staring;
 - (d) Inappropriate remarks about sexual activity, experience or orientation; or
 - (e) Display of inappropriate sexually oriented materials in a location where others can see them; when such conduct, comments, actions or materials unreasonably interfere with a person's working, living, or academic environment.

JURISDICTION AND RESPONSIBILITIES

All faculty, staff, students, and other individuals formally associated with the College are subject to and responsible for complying with Westminster College's Discrimination/ Harassment Policy. The Office of Human Resources is responsible for the administration of this policy and associated procedures. The President, Vice Presidents, Deans, Department Chairs, administrative officials, and supervisors shall be responsible for assuring compliance with this policy.

Student-to-student acts of discrimination, harassment, or sexual harassment complaints will be adjudicated through the Office of Student Affairs.

RETALIATION, CONFIDENTIALITY AND FALSE ALLEGATIONS

Reprisals against any individual covered by this policy for reporting discrimination, harassment, or sexual harassment are prohibited by College policy, as well as by state and federal law. The College will make every reasonable effort to conduct all proceedings in a manner which will protect to the extent possible the confidentiality of all parties. Of primary concern is the protection of human rights, especially personal safety, dignity, and self-respect. Every reasonable attempt will be made to protect any victim from further discrimination, harassment, or injury. It is a violation of this policy for anyone knowingly to make false accusations of discrimination, harassment, or sexual harassment. A determination that a complaint is not meritorious is not necessarily equivalent to false allegation. Sanctions may be imposed for making false accusations of discrimination, harassment, or sexual harassment.

CONSENSUAL SEXUAL RELATIONSHIPS

The College recognizes the possibility of consenting relationships between faculty or administrators and students, or between supervisors and employees; nonetheless, faculty and

administrators are cautioned about the potential ramifications of such behavior. In addition, no faculty member at Westminster shall have a romantic and/or sexual relationship (consensual or otherwise) with a Westminster student who is enrolled in a course taught by the faculty member, or whose work or extra-curricular activity is being supervised and/or evaluated by the faculty member. The aforementioned statement is not intended to apply to a spousal relationship. Given the respect and trust accorded a professor or administrator by a student, as well as the power exercised by the professor or administrator in giving praise, blame, grades, recommendations, etc., the student's freedom of choice and clarity in decision making may be diminished. The same is true for all superior/subordinate relationships on campus, be they between administrators and faculty, staff, or students, faculty and staff, staff and students, or faculty and students. Any College employee who enters into a consenting sexual relationship with a student or subordinate where a professional power differential exists must realize that, if a charge of sexual harassment is subsequently filed, the fundamentally asymmetrical nature of the relationship will make it exceedingly difficult to prove mutual consent.

DISCRIMINATION/HARASSMENT COMPLAINT INVESTIGATION OFFICER

The Director of Human Resources will serve as the College's Discrimination/ Harassment Complaint Investigation Officer (CIO). The CIO is responsible for:

- (1) ensuring that all concerns and complaints alleging discrimination, harassment, or sexual harassment are documented (e.g., using the Discrimination/ Harassment/Sexual Harassment Incident Report form) and investigated;
- (2) for maintaining the records of all such reports and investigations; and
- (3) for assuring that proper procedures are followed. Charges brought against the CIO shall be submitted to the Vice President for Finance and Management Services. The President shall then appoint someone else to assume the duties of the CIO.

PROCEDURES FOR ADDRESSING INCIDENTS OF ALLEGED DISCRIMINATION/HARASSMENT

The College's procedures are designed to allow for sufficient flexibility in order to deal with the possible wide range of incidents that are encompassed under the terms discrimination, harassment, or sexual harassment. Individuals who feel they have been discriminated against, harassed, or sexually harassed are encouraged to report the matter to the Director of Human Resources or their appropriate Vice President or Dean. While reasonable efforts will be made to resolve a concern or a formal complaint in an expeditious manner, there may be occasions where, due to the seriousness of any such charge, expediency must play a subservient role to conducting a thorough investigation.

Faculty, administrators, staff, and students who receive expressions of concern or complaints about acts of alleged discrimination, harassment, or sexual harassment are to immediately inform the CIO or their appropriate Vice President or Dean of such incidents.

RESOLUTION OF CONCERNS AND COMPLAINTS

Initially and where feasible, attempts should be made to resolve concerns about acts of discrimination or harassment through informal discussions. Individuals who feel they may have been subject to such treatment (the "Complainant") are encouraged to engage in direct discussions with the responsible party (the "Respondent") in an attempt to resolve the concern. In addition, individuals are also encouraged to discuss the incident(s) with the CIO. This discussion should assist in determining the validity of the charge, scope of the problem, and possible causes of action which may include, but are not necessarily limited to, informal meetings with the accused to discuss the allegations, discussions with the accused's supervisor, full investigation of the allegations by the CIO and issuance of findings and recommended corrective actions as may be warranted.

The CIO, in consultation with the appropriate Vice President or Dean, shall determine whether corrective action is warranted. Such determinations shall be made on a case by case basis considering the totality of the circumstances. Reports of alleged discrimination, harassment, or sexual harassment brought against any College employee by one or more persons may warrant corrective action regardless of whether or not a written complaint is filed under the College's Discrimination/ Harassment Policy. [Corrective actions against a faculty member may be grieved by the faculty member under Section 2.11 of the *Faculty Handbook* or, in the case of a sanction of dismissal, the procedures of Section 2.6.4 of the *Faculty Handbook* would apply.]

EDUCATION AND PREVENTION

The establishment of a campus environment that is as free as possible from discrimination, harassment, and sexual harassment can be best achieved through ongoing and preventive educational efforts designed to ensure that persons are aware of their rights, that persons clearly understand prohibited conduct, and that persons are aware of the proper way to address complaints. The Director of Human Resources will coordinate these educational programs.

The College will conduct annual training sessions for all faculty, staff, and students regarding this policy and the prevention of discrimination, harassment, and sexual harassment. The intent of this training is to produce an institution that is free of discrimination and harassment and that provides the opportunity for everyone to reach full potential in the performance of his or her assigned job or educational pursuits.

The Westminster College Student Code of Conduct is available online at:

<http://www.westminster.edu/student/handbook>

Section 9, Hospital Protocol for Evidence Collection in Cases of Sexual Assault

The evidence collected at the hospital is often critical in the prosecution of sexual assault cases. Even in cases where the survivor knows the actor, evidence collection can be crucial. Often the actor, even if known to the patient, may deny that certain of the acts of intercourse took place, when in fact the physical evidence will show that they did.

The following steps should be taken whenever a survivor of sexual assault arrives at the hospital:

Referral Process for Rape Crisis Services - Hospital personnel should **immediately** ask the survivor if s/he would like a counselor from the Lawrence County Crisis Shelter. If s/he does, the hospital personnel should contact the agency. It is preferable to call soon after the patient's arrival to ensure immediate access to services. If police officers are present or are arriving, it would be helpful to let them know a counselor has been called.\

Documentation and Evidence Collection –

- 1) All injuries, even minor ones of no medical significance, should be documented. Photographs should be taken of any visible injuries. The survivor should be instructed to ask the police to take additional pictures the next day or later in the week if the injuries become more visible.
- 2) The Sex Crimes Kit should be collected.
- 3) If the survivor suspects that s/he may have been drugged by the suspect, samples must be collected in order to test for the presence of drugs. The following additional samples should be collected and submitted along with the Sex Crimes Kit:
 - a. Two gray-topped tubes & two green-topped tubes of blood from the survivor.
 - b. A urine specimen from the survivor.

Section 10, The Sexual Assault Advisor's Role in the Emergency Room

The Sexual Assault Advisor who is present with a sexual assault survivor at the hospital emergency room and during the medical (forensic evidence-gathering) examination plays a crucial role in the victim becoming a survivor. It is during this crisis phase that the survivor needs an empathetic, open minded, respectful, and understanding support person. The Sexual Assault Advisor can serve as:

An information resource—answering questions and explaining medical procedures, follow-up testing, possible future concerns, police, and legal aspects.

An active listener—helping the survivor sort through and identify feelings and concerns.

A resource identifier—assisting the survivor in thinking about those people in her/his life who could be a support.

A reality tester—letting the survivor know her/his reactions are normal, what may happen in the near future, and dispelling the myths and misconceptions s/he may have.

A representative of the College who will be there whenever and for whatever s/he needs.

Section 11, General Glossary

After Effects: The survivor's emotional and physical reactions after a sexual assault. The most common are: sleeplessness, nightmares, fear, lack of concentration, depression, anger, need to blame themselves, humiliation, paranoia, concerns about trust and sense of powerlessness. These are all normal reactions and need to be reinforced as such.

Appeals Board: Any student who has been found responsible by either the Judicial Board or a College Hearing Officer for violating the Code of Conduct, may appeal the decision. The Appeals Board of the College serves as the first level of appeal and is usually comprised of three faculty and three students. Additionally, any student may appeal to the President of the College a decision of the Appeals Board.

Arraignment: At the preliminary arraignment, the defendant appears in court for the first time where he/she is read the charge. The amount of bail the defendant must provide to avoid jail while awaiting trial is also determined. There are 3 types of bail.

1. Personal recognizance: Where the defendant swears to return to court when scheduled.
2. Surety bail: When the judge sets a case value of the bail but allows the defendant to only pay a percentage of it (usually 10%).
3. Cash bail: when the defendant must put up the full amount of the bail.

RD: RD stands for Residence Director. There are eight (8) RD or CAs, each in charge of a residence hall on campus. Six of the RDs are non-students. Each non-student RD has attained a Bachelor's degree and, typically, is completing graduate work at a nearby institution of higher education – oftentimes in Student Development or Higher Education Administration. The CA's are upper class Westminster students. The RD/CA manages anywhere from 4 to 6 RAs (Resident Assistants). The responsibilities of the RD/CA are as follows: to supervise, advise, help create community, program, educate, and coordinate. The RD serves as a liaison between the RAs, residents, and the Student Affairs Office.

Westminster Counseling Services: Counseling Services is available during normal working hours, M – F, when college is in session. The college counselor is also on-call as needed after normal working hours. Individual appointments can be made with the counselor. At times, support groups are formed to deal with the issue of sexual assault. The office is located in the Student Health Center, Shaw Hall. The counselor, Babs Quincy, can be reached during the work week calling x7340/7927 or Public Safety at x7777.

Crisis shelter of Lawrence County: This organization provides a variety of services for assault survivors. They include a 24-hour hotline, support counseling, home and hospital visits, court accompaniment, support groups, and Victims Compensation Claims Assistance. They can be reached at 724-652-9206.

Coercion: The act of restraining or dominating by force. In instances of sexual assault, coercion can take the form of threats, bribes, or blackmail.

Consent: To agree to do something. Consent is active and is only possible when there is equal power. Children and those under the influence of alcohol are not capable of giving consent for sexual activity. In Pennsylvania the legal age of consent in sexual activity is 14. Consent is not the same as giving in.

District Attorney: In sexual assault cases the crime is considered as one against the state. Because of this, the DA, instead of a hired lawyer, handles the case. The survivor is considered a witness for the state. There is no fee incurred by the survivor when a DA handles the case.

Emergency Contraception: Emergency Contraception (EC) is a hormonal method used to prevent pregnancy after sex has occurred. EC can be either a combination product of pills containing estrogen and progesterone (Preven) or a progestin only (Plan B) pill. When administered within 72 hours of unprotected sex, it is 75% effective in reducing risk of pregnancy. Recent studies indicate it provides some level of protection up to 120 hours after sex. The first dose is taken as soon as possible following the event. The second dose is taken 12 hours after the first dose. It is safe and effective.

Empathy: Understanding and being sensitive to the feelings and experiences of another person. In working with survivors of sexual assault, this can be conveyed by restating what the survivor said, using their own words when reflecting on the situation, and summarizing the conversation at the end.

First Degree Sexual Assault: Any forced or coerced penetration of the vagina, anus, or mouth, by part of another person's body or by an object.

Hearing Officer: Any of the four Deans in the Office of Student Affairs who adjudicate cases in lieu of a College Judicial Board hearing.

HIV Testing: There are several ways that a survivor can receive an HIV test. Most clinics, hospitals and private doctors will perform this procedure. However, testing that is done at a hospital or with a doctor is kept as part of the survivor's medical records. The only way to receive an HIV test that will not go on record is through an anonymous testing site. The patient's name is never given; instead they are assigned a number. It is important to remember that if the HIV test is done immediately after an assault, and it comes back positive, that the survivor had already contracted the disease before the assault. In order to determine if the survivor was affected by the assailant, s/he must be tested 3-6 months after the incident.

Incest: Forced, tricked, or manipulated sexual contact between family or household members. It is the most common form of sexual abuse.

Involuntary Deviate Sexual Intercourse: Non-consensual anal or oral penetration. It is a felony in the first degree. In Pennsylvania, male rape survivors must use this category to file charges. They cannot use the charge of rape.

Judicial Board: The panel of faculty and students who hear charges brought up through the College disciplinary system. The board is usually made up of four faculty members and four students

No Contact Order: A university issued order that mandates that the accused and survivor have no contact with one another.

Offender: The person who commits the abuse. The words offender, assailant, and perpetrator refer to the same thing.

Options: The ability to give options to a survivor is one of the best ways to empower her/him to take back control in their lives. At every step, allow the survivor to make their own decision as to where a conversation will go, what medical or judicial paths to follow, and who/when to tell.

Preliminary hearing: Here the state must show that there is adequate evidence to allow the case to go to trial. The survivor will testify at the hearing.

Preliminary investigation: This process includes collection of evidence at the assault scene, the survivor's statement, and the survivor's identification of the assailant (if possible).

Prioritize: In a crisis situation, a way to help organize a survivor is through prioritizing. Allow the survivor to vent all of the problems that s/he may be facing, and then ask which one is their greatest concern. From there you can start to create a plan of action together.

Protective Orders: A court order that states that the accused party may have no contact with the complainant except through their attorneys.

Rape: In Pennsylvania, rape is defined as sexual intercourse by forcible compulsion or threat of forcible compulsion.

Rape Kit: Used to collect evidence that may be used in later criminal proceedings. This collection of evidence has many steps. They are:

1. Collection of medical history and assault information.
2. Collection of clothing worn during the assault (in a PAPER not plastic bag) remind the survivor to bring extra clothes to change into.
3. Pubic hair combing.
4. Oral, rectal, and vaginal smears.
5. Collection of head and pubic hairs (It is no longer necessary to collect pubic hairs, as this is a painful and invasive procedure.)
6. Blood and Saliva samples.
7. At times anatomical drawings are done to record any visible trauma.

Rape Trauma Syndrome: This usually occurs in three phases.

1. Acute Phase: (lasts several days to several weeks after the attack) The Survivor's reactions in this stage are generally spilt in two. Half of the survivors will respond in an expressed fashion. This means that they show their feelings, which can include crying or expressing anger and fear. The other half appears calm.
2. Reorganization Phase: (lasts weeks, years, even decades) Survivors work to reorganize their lives and are not interested in talking much about the rape. This is a period of trying to forget the assault ever happened.

3. **Reoccurrence Phase:** (can happen at any time) This is when the survivors relive the assault through flashbacks, dreams, or real life occurrences that trigger feelings about the rape. This often happens when the survivor sees the perpetrator or when they become involved in sexual relationships again, as well as upon the birth of children or when their children become the same age they were at the time of the assault (this most frequently happens with incest survivors).

Sexual Harassment: Sexual Harassment is any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Student Health Center: Services provided by the Student Health Center for sexual assault survivors are physical exams, pregnancy tests, HIV tests, and the Morning After Pill. Student Health Services can NOT perform rape kits or collect any evidence for survivors. The Student Health Center is located on the ground floor of Shaw Hall.

Survivor: Refers to a person who has been sexually assaulted ANY time in the past. The term survivor emphasizes courage, respect, and strength. We use the term survivor in order to empower people as well as to recognize the fact that surviving is a process.

Trial: When the prosecution presents the case against the defendant. The defendant has the right to choose to be tried by a judge or jury.

Victim: Refers to someone who is currently being victimized. The term victim conveys a meaning of helplessness and powerlessness.

Victims Compensation Act: Victims of violent crimes and family members of a victim are eligible for compensation for the following out-of-pocket expenses:

1. Medical Expenses that aren't covered by insurance.
2. Counseling.
3. Loss of Earnings.
4. Cash Loss of Benefits (in a robbery).
5. Funeral Expenses incurred by relatives of a homicide victim.
6. Loss of Support if a family member is dependent of the deceased's income.

In order to file for any of the following, the survivor must report the crime to the authorities within 72 hours of the assault and file a claim within one year of the incident. For more information on how to go through this procedure, call the Lawrence County Crisis Shelter at 724-652-9036.

[Section 12, Sexual Assault Prevention Tips](#)

Before you go out:

1. Have a plan. Decide where you are going ahead of time.
2. Let someone know where you are going and when you will be home. If the plans change, let them know.

3. Be sure to take a cell phone or money for a phone call with you.
4. Set aside money for public transportation if needed.

Use the Buddy System:

1. Go to parties with a buddy and be sure that you check for your buddy throughout the Night and when it is time to go home.
2. Pay special attention to any unusual behavior- Does your buddy seem drunk after one drink? Is s/he starting to become intoxicated? Be aware, and leave with your buddy if you have any concerns.
3. Do not walk home with a stranger or someone you don't know very well.
4. Do not leave the party or party room without telling your buddy where you've gone.
5. Avoid being alone in general, but especially in unfamiliar or isolated places.

Watch Your Drinks:

1. Do not accept open drink containers from anyone.
2. Do not leave beverages unattended, and discard them if you do.
3. Avoid spiked punch and other drinks with unknown amounts of alcohol.
4. Do not drink anything that has an unusual taste or appearance (e.g. salty taste, excessive foam, unexplained residue).
5. If possible, bring your own drinks to parties.
6. Do not drink or take sips from anybody else's drink.

Used the Campus Escort Service:

Avoid walking alone at night. Call for an escort at x7777, or use the SADD Bus if it is in operation.

Trust Your Gut!

1. If you feel uncomfortable in any situation, there is probably a reason. Learn to listen to your instincts; they are one of your most valuable resources for protecting yourself.
2. Be assertive.
3. Be aware of your surroundings and what is going on around you.
4. Know your sexual limits and communicate them directly.

Section 13, Human Rights and Sexual Choices

You have the right *not* to remain silent.

You have the right to

- ...talk about sex.
- ...talk about what you want.
- ...talk about what you don't want.
- ...talk about previous experiences.
- ...talk about how you feel about what's happening.

You have the right to ask for clarification if you do not know what the other person feels or wants.

If you are raped or in any other way violated, you have the right to talk to someone about it. You don't have to keep it a secret.

You have the right not to have sex with someone (even if you've had sex with that person before). You have the right to remain abstinent. You have the right to change your mind at any time. You have the right to stop at any point. You have the right to stop dating someone, for any reason.

You have the right to make your own choices about who touches you and how you are touched. Nobody has the right to manipulate, coerce, intimidate, threaten, or abuse another person.

You have rights

Section 14, Healthy Relationships

Indicators

- You feel at ease with your partner.
- You don't always feel you have to be at your best when you are together.
- Your partner is open with you about his/ her life.
- You feel cared for and appreciated.
- There is a good level of trust and honesty.
- You feel your partner sees and accepts you for who you are.

Are you a victim?

PHYSICAL

- Does your partner:
- push or shove you?
 - hold you to keep you from leaving?
 - slap or bite you?
 - kick or choke you?
 - throw objects at you?
 - lock you out of the house?
 - abandon you in dangerous places?
 - refuse to help you when you are sick?
 - subject you to reckless driving?
 - rape you?
 - threaten you with weapons?

SEXUAL

- Does your partner
- tell jokes or make demeaning comments about your sex?
 - treat you as a sex object?

get overly jealous?
 accuse you of affairs?
 insist that you dress in a more sexual way than you want to?
 criticize you sexually?
 insist on unwanted or uncomfortable touching?
 minimize the importance of your feelings about sex?
 withhold sex and affection?
 call you sexual names like “whore” and “frigid”?
 force you to have sex when you don’t want to?

EMOTIONAL

Does your partner:

humiliate you in public or private?
 refuse to socialize with you?
 make all decisions for you, control your actions?
 threaten to hurt you?
 tell you about other romantic involvements?
 act jealous and harassing about imagined romantic involvements between you and others?
 manipulate you with lies and contradictions?
 ignore your feelings?
 ridicule or insult your sex as a group?
 ridicule or insult your most valued beliefs, your religion, race, heritage, or class?
 withhold approval, appreciation, or affection as punishment?
 continually criticize you, call you names, shout at you?
 insult your family or friends?

DO YOU:

fear your partner?
 doubt your own judgment?
 express your opinion less and less?
 fear you will —do the wrong thing?|
 see friends less and less frequently?
 feel less confident of your abilities?
 feel less attractive?
 fee sexually ashamed?
 feel that no one else would want you?

Why do victims stay in abusive relationships?

When people realize that domestic violence is occurring in the lives of friends or family, the first reaction is often, “Why doesn’t she (or he) just leave?” It seems so simple to an observer, but to the victim there are many reasons for staying in the relationship despite the abuse. Relatives and friends must recognize these reasons in order to better understand the situation.

1. The victim still loves the abuser.

2. They may think they are the only one who can help their partner.
3. The victim may believe that all intimate partners are so abused, so why leave?
4. They may think they are the only one abused and are embarrassed to admit the abuse.
5. The abuser threatens to kill the victim, to kill others and/ or him/herself if the victim leaves.
6. Economics: the victim may not think that she/ he can support her/ himself and/ or children.
7. The victim wants to protect the image of the “perfect” family or “perfect” relationship.
8. The victim has no other support system available (friends, family, etc.).
9. The victim thinks the abuser will change.
10. The victim does not realize that he or she has the right NOT to be abused.
11. The victim wants to end the abuse, not the relationship.
12. She/ he fears being alone.
13. She/ he comes from an abusive family, so the violence seems normal.
14. The victim thinks it is her/ his fault.
15. The victim believes accepting the abuse is part of her/ his religious or cultural beliefs.
16. Because of the children.
17. Because of low self-esteem.
18. The victim has nowhere else to go.
19. The victim is too afraid or feels too powerless to leave.
20. The victim feels the relationship is her/ his responsibility and she/ he must fix it.
21. The abuser is not always abusive, sometimes he/ she is very loving.
22. The victim is unaware of the resources that are available.
23. The victim may think that legal help is too expensive or too complicated.

Section 15, Myth or Fact Quiz

Quiz

1. The rapist is almost always a stranger M F
 2. You have a better chance of being raped in a dark alley than in your own living room M F
 3. Rapists are mentally ill or insane M F
 4. Women provoke rapists by the way they act or dress M F
 5. Women cry rape to save their reputations or to get back at a man M F
 6. All rape victims are female M F
 7. A rape occurs approximately once every eight minutes M F
 8. Most rapists are caught and convicted M F
 9. Most rapes are inter-racial M F
 10. College aged women have a low risk of sexual assault M F
 11. Most rape attacks come as a complete surprise M F
 12. Nearly 3/4 of all rape victims were acquainted with their attacker M F
 13. Almost all victims fear they’ll be killed M F
 14. In the case of acquaintance rape, 50% of female victims said they were intoxicated at the time of the assault M F
 15. Most rapists plan their attack like any other criminal M F
 16. Most rapists have the availability of a normal sexual outlet M F
- 56
17. 35% of male college students believe that it is acceptable for a man to hold down

and physically force a woman to have intercourse under certain conditions M F

18. Most rapists go after pretty young women M F

19. Most women are —asking for it by the way they dress M F

20. Most rape victims suffer serious physical injury. M F

21. Most rapists are employed and have a high school education or better M F

22. Most rapists are repeat offenders M F

23. Most rapists are lonely men without females or loved ones M F

24. The first concern of rape victims should be memorizing the attacker's description M F

25. Weapons are used in less than 20% of rape assaults M F

Answers

1. The rapist is almost always a stranger Myth

About 67% of all rapists are known by their victims in some way, only 33% are complete strangers.

2. You have a better chance of being raped in a dark alley than in your own living room Myth

Only 20% of rapes occur outdoors (on the street, in a park, etc.) Nearly 50% of rapes happen in the home of the victim or the rapist, and about 18% occur in cars.

3. Rapists are mentally ill or insane Myth

60% of rapists are married men with normal sex lives

4. Women provoke rapists by the way they act or dress Myth

58% of one-man rapes are planned. The survivor does not bring it on herself by her actions.

5. Women cry rape to save their reputations or to get back at a man Myth

False charges of rape account for less than 4% of reported cases.

6. All rape victims are female Myth

7-10% of all adult rape cases are male.

7. A rape occurs approximately once every eight minutes Fact

8. Most rapists are caught and convicted Myth

The FBI estimates that 9 out of 10 rapes are never reported. Of those reported, no more than 50% are apprehended. Of those only 3% will be convicted.

9. Most rapes are inter-racial Myth

93% of perpetrators assault women of the same race

10. College aged women have a low risk of sexual assault Myth

Approximately 1 in 4 college women have been raped. Among victims 18 to 29 years old, two-thirds had a prior relationship with the rapist.

11. Most rape attacks come as a complete surprise Fact

12. Nearly 3/4 of all rape victims were acquainted with their attacker Fact

13. Almost all victims fear they'll be killed Fact

14. In the case of acquaintance rape, 50% of female victims said they were intoxicated at the time of the assault Fact

15. Most rapists plan their attack like any other criminal Fact

16. Most rapists have the availability of a normal sexual outlet Fact

17. 35% of male college students believe that it is acceptable for a man to hold down and physically force a woman to have intercourse under certain conditions Fact

*From a 1991 study called Characteristics of Aggressors Against Women testing a model using a national sample of college students. "One out of 13 men report having sexually assaulted a woman at some point in their lives, and approximately 35% of college men report that they would sexually assault a woman if they know that they would not get caught for the offense" (Malamuth, Sockloskie, Koss, & Tanaka, 1991).

18. Most rapists go after pretty young women Myth

Rapists do not generally choose their victims based on looks or age.

19. Most women are —asking for it by the way they dress Myth

The way that a woman dresses does not indicate whether she wants to participate in sexual acts.

20. Most rape victims suffer serious physical injury Myth

There is a very low percentage of rape victims who have suffered serious physical injury as a result of the sexual assault.

21. Most rapists are employed and have a high school education or better Fact**22. Most rapists are repeat offenders Fact****23. Most rapists are lonely men without females or loved ones Myth**

Most rapists seem to be —normal people. They function in the real world like you and I, and have similar family and romantic relationships as those associated with “normal” people.

24. The first concern of rape victims should be memorizing the attacker’s description Myth

The first concern of rape victims should be to protect themselves.

25. Weapons are used in less than 20% of rape assaults Fact