SEXUAL ASSAULT & RELATIONSHIP VIOLENCE

WHAT EVERYONE NEEDS TO KNOW!
A Guide for the Kutztown University Community
A Word About Self Blame

It is not your fault. While it is important for individuals to take responsibility for protecting themselves, it is critical to note that errors in judgment (e.g., mistaking someone’s motives, getting drunk) or failure to stop an attack are NOT the CAUSE of assault or abuse. Persons who assault or abuse other individuals are legally responsible for their actions, even if they themselves are under the influence of drugs or alcohol.

Student Rights in Sexual/Gender Based Violence Cases

The following rights of a complainant in sexual/gender based misconduct will be afforded in all University student conduct procedures according to the KU Sexual/Gender Based Offenses Policy as outlined in The Key:

- **Option to report** the non-consensual sexual intercourse or sexual/gender based misconduct to the Kutztown University Department of Public Safety and Police Services, the Dean of Students Office, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction. A complainant is encouraged, but not required, to report allegations of sexual misconduct, dating violence, domestic violence or stalking to the Department of Public Safety and Police Services and/or off-campus law enforcement.

- **Receive consideration** for amnesty for conduct violations (i.e. alcohol policy) related to the same incident in question;

- **Provide input** on whether or not to move forward with Student Code of Conduct charges and/or participate in a hearing;

- **Have every effort made** to respect a student’s privacy;

- **Contact supportive agencies** such as a rape crisis center;

- **Be free** from intimidation or harassment by the alleged respondent or others;

- **Request a change** of on-campus living, working and/or transportation arrangements, academic schedules and/or other schedules and/or those of the respondent, if reasonably available, by the Dean of Students Office and/or Title IX Coordinator;

- **Have a “no-contact” and/or “stay away” directive** issued to one or both parties of a complaint by Dean of Students Office and/or Title IX Coordinator;

- **Select an advocate** of choice to accompany him/her through all University student conduct processes;
• **Protection against discussion** of non-relevant, past sexual history during the hearing;

• **Have the option** to remain physically present during the entire student conduct hearing and participate fully in the hearing, including the opportunity to present evidence and witnesses;

• **Have the option** to provide testimony from a remote on-campus location;

• **Be informed**, in writing, of the outcome of the hearing, the potential for appeal by either party, and the final disposition of appeal, if applicable, and when the results become final;

• **Have the case decided** by the preponderance of evidence (i.e. it is more likely than not the sexual offense occurred);

• **Make up** any academic work missed while participating in student conduct or criminal proceedings related to the incident in question.

**What to do if someone you care about has experienced sexual assault or relationship violence**

• **Listen to the victim/survivor and take what she/he says seriously.**

• **Reassure the person** that the assault or violence was not her/his fault.

• **Ask first** before you touch or hug the victim/survivor to show support.

• **Don’t judge** or ask questions that could be interpreted as blaming, such as “Why didn’t you fight back?” “What were you wearing?” or “How can you stay in that relationship?”

• **Don’t press for details.** Allow the person to share information at her/his own pace in a safe environment.

• **Encourage victim/survivor to seek assistance and volunteer to go with her/him.**

• **Respect the person’s right** to make her/his own decision about whether to report the assault/abuse.

• **Maintain confidentiality** whenever possible.

• **Offer to accompany** the victim/survivor to classes, meals, parking lots, social gatherings, etc.

• **Get support for yourself.** Hearing about or witnessing events that are hurtful to those for whom we care also can produce post-traumatic symptoms.

1 in 4 adult females and 1 in 10 adult males will be sexually assaulted.
Call the police if you are in immediate danger.
On-campus emergency telephones are identified by a blue light; the emergency number is 610-683-4001. Off-campus students should call 911 immediately.

Get to a safe place.
After an assault, you may be in a state of shock. Wrap yourself in something warm. To preserve evidence, DO NOT: Bathe/shower, eat/drink, smoke, brush your teeth or hair, urinate or wash your clothing. Put the clothes you were wearing into a paper (not plastic) bag.

Call someone you trust.
Receiving comfort and support helps restore a sense of safety and contributes to better decision making.

Seek medical attention.
You may have injuries of which you’re unaware; you also should be tested for sexually transmitted diseases and pregnancy (if applicable). A medical exam for evidence collection (by a qualified forensic nurse examiner) is strongly recommended and should be done as soon as possible.

Report the assault promptly.
Reporting an assault does not commit you to filing charges and you can decide at any time not to pursue the case. While it is important that perpetrators be held accountable and prevented from doing this to others, you should never let anyone pressure you if you know you do not want to report.

Talk with a counselor.
Working with a counselor can accelerate recovery and help you manage post-traumatic symptoms.

Take care of yourself.
Rest, eat well, seek social support and engage in activities that are healing for you and your body.

Legal and institutional definitions of sexual assault vary widely but in simple terms sexual assault refers to any unwanted sexual contact, or in other words, sexual contact against your will, and without consent (womenslaw.org). Sexual violence and intimate partner violence is a problem that plagues our society and college campuses are no exception. In fact, the National Institute for Justice reported (2007) that 20% of women and 6% of men are victims of attempted or completed sexual assault while in college. This booklet has been developed to help educate members of the community about sexual and relationship violence and to provide resource information to help those impacted by violence.

Women ages 16-24 are the most likely victims of sexual assault.
Sexual assault and relationship violence are widespread but are widely unreported in communities of every race, culture, religion, gender identity or expression, sexual orientation and socioeconomic class.

Here are some important things to keep in mind about the issue of sexual violence:

- Being sexually assaulted by a date or an acquaintance is just as serious as sexual assault committed by a stranger.
- An individual incapacitated by alcohol or drugs cannot legally give consent; the legal responsibility for sexual or physical assault rests completely with the assailant.
- Victims/survivors of attempted sexual assaults/physical violence are entitled to the same legal, emotional and medical resources.
- Men can be victims of sexual assault and relationship violence; women can be perpetrators of these crimes. Sexual assaults and relationship violence can also occur when the assailant is the same sex as the victim.

Issues of Race, Culture, Gender, Sexual Orientation and Socioeconomic Status:

Individuals with less power/status in their families and cultures may risk loss of social support and additional physical or psychological harm as a result of reporting sexual assault or relationship violence. It is critical that family members, friends, colleagues and service providers be sensitive to these issues as they support victims/survivors.

Not Just a Women’s Issue:

In recent years, men’s groups and individual men, recognizing the high personal and societal costs of sexual and relationship violence have become active in sexual assault and relationship violence prevention work. Only through the cooperation of men and women is stopping these crimes possible.
Sexual/gender based harassment of students, which includes acts of sexual violence (including, but not limited to, non-consensual sexual intercourse, sexual assault, sexual harassment and sexual exploitation) is a form of sex discrimination prohibited by Title IX and includes physical sexual acts: against a person’s will, where a person is incapable of giving consent as a result of his/her use of drugs or alcohol, or where an individual is unable to give consent due to an intellectual or other disability. Sexual/gender based misconduct will not be tolerated. The University will actively and expeditiously investigate any allegation of sexual/gender based misconduct and if it is determined that misconduct has occurred, the University will take appropriate disciplinary action.

1. Non-Consensual Sexual Intercourse:
Non-Consensual Sexual Intercourse (or attempts to commit the same) includes all acts involving any penetration of a bodily cavity with a foreign object, tongue, digit, or genitalia by a person upon another person, without consent and/or by physical force. Non-consensual sexual intercourse occurs when imposed under any of the following circumstances:

- When the complainant is incapable of giving legal consent for mental, developmental, or physical reasons and this fact is known or reasonably should have been known by the person committing the act.

- When the complainant is prevented from consenting or resisting because of incapacitation, intoxication or unconsciousness at the time of the act.

- When the act is committed without the person’s explicit consent or is against the person’s wishes. Non-consensual sexual intercourse incorporates any or all of the following: the use of force, threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm.
2. Non-Consensual Sexual Conduct:

- **Sexual Assault:** Sexual assault (or attempts to commit the same) is the imposition of non-consensual sexual conduct (excluding non-consensual sexual intercourse) by a person upon another person, without consent and/or by physical force. It includes, but is not limited to caressing, fondling, or touching a person's genitalia, buttocks, or breasts. It shall also be considered sexual assault when the complainant is compelled to caress, fondle, or touch the assailant's genitalia, buttocks, or breasts.

- **Sexual Contact:** any non-consensual, intentional bodily contact (or attempts to commit the same) in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice by a person upon another person, without consent and/or by physical force, genitals, mouth or other orifice.

3. Sexual Harassment:

Sexual advances, requests for sexual favors, and/or other verbal or physical conduct that is pervasive or severe and objectively offensive may constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; or

- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such an individual; or

- such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

4. Sexual Exploitation:

Taking non-consensual sexual advantage of another: Sexual exploitation includes, but is not limited to, prostituting another student, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over another person, the non-consensual recording, photographing, or transmitting of identifiable images of private sexual activity and/or intimate body parts (including genitalia, groin, breasts or buttocks), knowingly allowing another person to surreptitiously watch otherwise consensual sexual activity, engaging in non-consensual voyeurism, knowingly transmitting or exposing another student to sexually transmitted infection or diseases without the knowledge of the student, exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals, and sexually based stalking and/or bullying.
Consent to Sexual Activity

Consent to sexual activity, known as effective consent, is words or actions indicating permission to engage in mutually agreed upon sexual activity. Effective consent must be informed, voluntary and represented clearly by actions or words. Effective consent to sexual activity may not: be gained by force, the threat of force, coercion or intimidation; be gained when a person is incapacitated as a result of physical (i.e. substance use) or developmental conditions and that fact is known or should reasonably be known by another; or as otherwise defined under the definition of Non-Consensual Sexual Intercourse. Consent to sexual activity may be withdrawn at any time. Consent to one form of sexual activity does not equate consent to another form of sexual activity.

5. Dating Violence, Domestic Violence, Stalking or Other Related Behaviors:

• **Dating Violence**: Violence by a person who is or has been in a romantic or intimate relationship with the complainant. Whether such a relationship exists will be gauged by the length, type, and frequency of interaction between the complainant and respondent.

• **Domestic Violence**: Violent offenses committed by the complainant’s current or former spouse, the complainant’s current or former cohabitant, a person similarly situated under domestic or family violence laws, or anyone else against an individual protected under domestic or family violence laws.

• **Stalking**: The repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and safety of another person that has the effect of intimidating another person.

• Other related behaviors, such as harassment, physical abuse, threats, intimidation, or bullying that fall under the Harm to Others standard or other standards of the Student Code of Conduct may be applied in addition to any of the above sexual misconduct offenses.
Over 75% of all sexual assaults are committed by an acquaintance. Of acquaintance rapes, 57% occur on a date.

Safety Tips

Don’t think that it can’t happen to you!
Just being aware that you could be at risk makes you less vulnerable.

You have the right to set sexual limits in any situation.
Make sure that you clearly communicate these limits.

Don’t invite people into your room that you do not know.

Don’t be afraid to be assertive.
If someone is doing something you don’t like or is not respecting your limits, then leave the situation.

Consider taking a self-defense course.
KU offers courses such as RAD (Rape Aggression Defense).

Trust your instincts.
If you are uncomfortable in a situation, then trust your gut reaction and get out as soon as possible.

Stay sober.
Drinking or using drugs diminishes your ability to make good decisions and makes you more vulnerable to the possibility of assault.

Never leave any beverage unattended or accept a drink from someone you do not know well.

Don’t leave any event with someone you just met or don’t know well.

Don’t walk alone at night;
avoid being near secluded or wooded areas.

Be aware of your surroundings.
Know where you are going, look around to see who is near you, walk confidently and always be alert. Use cell phones with caution; they can distract you from your surroundings.

Always keep your home and car doors locked.
Make sure you know who is at the door before you open it.

Never buzz in, sign in or let anyone you don’t know well into your residence hall or apartment.
Make sure you know who is at the door before you open it.
Kutztown University is committed to creating an environment free of sexual harassment for its students. Sexual harassment is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Title IX prohibits student-on-student sexual/gender based misconduct and requires a prompt and equitable resolution of complaints. In addition, the Campus SAVE Act or Campus Sexual Violence Elimination Act (amendments to the Violence Against Women Act [VAWA]) require the University to have policies and training about not only sexual violence, but also other crimes including dating violence, domestic violence and stalking.

Retaliation
It is a violation of the Student Code of Conduct and University policy to retaliate against any person making a complaint of sexual/gender based misconduct or against any person cooperating in the investigation, including witnesses, of any allegation of sexual/gender based misconduct. Retaliation is defined as any adverse action that causes a tangible academic or employment detriment to an individual for engaging in a protected activity. Retaliation may include but is not limited to intimidation, threats, harassment, and other adverse action threatened or taken against any such complainant or third party. Retaliation should be reported immediately to the Title IX Coordinator and/or the Dean of Students Office.

HEART at KU: Healing Environment Advocate Response Team
Kutztown University Sexual Assault/Relationship Violence Advocates are professionally trained staff and students willing to assist an individual who is a survivor of a sexual assault/relationship violence. HEART personnel can:

• Offer support to the victim (if requested) during initial interviews by police on campus.

• Accompany the victim to the hospital for testing and treatment, if needed, or decide to have Safe Berks meet the student at the hospital to offer support during testing.

• Distribute resource information concerning referral services available to the victim and offer information concerning access to those services.

Advocates are not permitted to transport a victim for medical treatment. Contact Public Safety and Police Services for assistance with transports as needed.
How To Report Sexual/Gender Based Violence

Students are encouraged to report sexual/gender based misconduct (non-consensual sexual intercourse, sexual assault, non-consensual sexual contact, sexual harassment, sexual exploitation, and/or dating violence, domestic violence and stalking) to the Department of Public Safety and Police Services immediately either by the individual or through a University staff member for criminal investigation and/or reporting.

Students are also encouraged to report sexual/gender based misconduct to the Dean of Students Office and Title IX Coordinator for an administrative investigation.

University employees should immediately report information regarding any sexual/gender based misconduct to the Department of Public Safety and Police Services and to the Title IX Coordinator.

Public Safety & Police Services
Old Main, B wing (Basement Level)
Emergencies: 610-683-4001
Non Emergencies: 610-683-4002
http://www.kutztown.edu/publicsafety

Dean of Students Office
119 Stratton Administration Center
Phone: 610-683-1320
http://www.kutztown.edu/studentconduct

Title IX Coordinator
Office of Social Equity
Old Main, A Wing
Phone: 610-683-4700
http://www.kutztown.edu/socialequity

Title IX Coordinator

The role of the Title IX Coordinator is to oversee investigations involving sexual/gender based offenses against students and to ensure University-wide compliance with Title IX. The offices of the Title IX Coordinator and Deputy Title IX Coordinator are located in the Office of Social Equity, Old Main A Wing, and either may be reached by telephone at (610) 683-4700 or by e-mail at socialequity@kutztown.edu. Additional information can be found at http://www.kutztown.edu/socialequity.
Some of the information contained in this brochure is adapted with permission from publications of the University of Chicago, Towson University and University of Maryland.

If you need the information contained in this brochure in an alternative format, contact the Dean of Students Office at 610-683-1320.