

Sexual Misconduct and Assault Policy

A. POLICY STATEMENT

Wesleyan University prohibits all forms of sexual misconduct and assault which can include but is not limited to sexual coercion, stalking, intimidation, assault, and rape. Sexual misconduct includes any sexual activity for which consent is not given. The policy for sexual harassment, which defines and addresses incidents of harassment, can be found in its entirety in the student handbook.

To better understand the policy, the following definition for consent is provided:

Consent must be given by participants in sexual activity. Consent must be present throughout the activity and can be revoked at any time; silence or a prior relationship, by themselves, are not sufficient to indicate consent. Consent may not be given by someone who is asleep, drugged, intoxicated, unconscious, a minor, or by anyone else whose capacity or ability to provide informed consent is otherwise impaired. If a person is under the influence of alcohol or other drugs—even if they were consumed prior to the sexual encounter and the other person has no knowledge of their consumption—that person may be unable to give consent as it is defined by state law. Likewise, an individual accused of sexual assault does not avoid responsibility because he or she (i.e., the individual accused) was under the influence of alcohol or other drugs.

B. PREVENTION

Prevention of sexual misconduct and assault requires a commitment from all members of the community in order to create a campus in which each person makes decisions for themselves free from coercion and intimidation. To assist in creating this type of campus community, please see **Appendix A** for more information.

C. WHAT TO DO IN THE EVENT OF AN ASSAULT

The following information is intended as a resource for students and offers suggested courses of action to be taken by a survivor, supportive friend, an accused perpetrator or a witness. Some suggestions may not apply, depending upon the specifics of the incident.

1. IMMEDIATELY AFTER AN INCIDENT OF ASSAULT: Seek Medical Assistance and Support

To best address the physical and emotional needs in the aftermath of an incident of assault, it is important to seek medical attention and counseling support as soon as possible. You are strongly advised to seek immediate medical attention at the Middlesex Hospital emergency room whether or not you know the person who assaulted you. While you may feel uncomfortable doing so, the purpose of seeking medical attention is to identify and treat physical injury, provide emergency contraception and/or medication to prevent possible transmission of sexually-transmitted infections, and to gather and preserve evidence.

a. Evidence Preservation: It is important that medical professionals are able to collect any trace physical evidence from your clothes and body. In order to preserve evidence, avoid showering, bathing, changing your clothes or brushing your teeth. If clothing has been removed, store it in a paper bag and bring it to the hospital. You should take a change of clothes with you to the hospital in case

the clothing worn at the time of the assault contains evidence which can be used to identify the assailant. The collection of physical evidence does not commit you to pressing charges against the alleged perpetrator, but it will assist investigators later if you choose to report the assault to the Middletown police. Call the Office of Public Safety if you need transportation to the hospital. Advocates from Conn SACS are available to meet survivors at the hospital and be with them throughout the exam.

b. Medical Exam. In order to collect physical evidence, a clinician may perform a medical exam, including a sexual assault evidence collection kit ("rape kit") to collect markers of the assailant's identity. This exam should be performed as soon as possible, but generally no later than 72 hours after the assault. There is no charge to the survivor for the administration of the evidence collection kit.

Additionally, an exam may include, at your discretion, treatment of other injuries, an interview about the assault, tests for sexually transmitted diseases, including HIV, and a pregnancy test.

c. Mental Health Support: Seek counseling after the assault. Confidential counseling is available to students through the Office of Behavioral Health and off-campus, through the Women and Families Center 24 hours a day.

d. Additional Support: During the academic year, medical care, testing and prescription medications are made available at the Davison Health Center without cost to students. Follow-up care is available at Community Health Center when the Davison Health Center is closed during breaks.

2. DECIDE WHETHER TO REPORT AN INCIDENT OF SEXUAL ASSAULT AND HOW TO REPORT IT

You are encouraged to report an incident of sexual misconduct or assault so that the University can investigate and take action. We encourage all survivors of crimes to report to the appropriate authorities. There are two main reporting options open to students: reporting to the University and reporting to the Middletown police. You may choose to use one or both of them.

The following provides some general information about reporting incidents.

a. Reporting Violations to the University

Contact the Office of Public Safety at (860) 685-3333 or 911 (24 hours) or the Dean of Students Office at (860) 685-2775 (during business hours). Or you may prefer to report the incident to a faculty or staff member (including Residential Life student staff) with whom you feel comfortable. Faculty and staff members must then report the incident to their supervisors. By reporting the incident to the University, judicial charges against the alleged perpetrator may be initiated.

If the accused is a member of the Wesleyan Community, students have two options in reporting an incident to the University:

Confidential crime report: This report notifies key staff in Student Affairs/Deans' Office and Public Safety that an incident of sexual assault has occurred, but does not involve names or other identifying information. Because identifying information is not included in this type of report, Public Safety cannot investigate the incident and there cannot be formal judicial follow-up by the University. You may file this report with any staff member or office listed under "On Campus Support Resources" below.

Formal University report: This report results in an investigation by Public Safety and the report will be referred to the Dean of Students Office for adjudication. If a student is found to have violated the sexual misconduct and assault policy, a range of sanctions can be imposed up to and including suspension or dismissal from the university. To initiate this process, you may file a report with any staff member or office listed under “On Campus Support Resources” below, but it is best to make the report directly to the Dean of Students Office or to Public Safety. It is up to the survivor about whether or not to also make a formal report to Middletown Police.

All violations of the sexual misconduct and assault policy will be adjudicated by an administrative panel comprised of four employees of the university. The panel will be comprised of two male and two female staff or faculty drawn from the advisors to the board or hearing officers who have been trained on cases of sexual assault. The procedures for the hearing outlined in the Code of Non Academic Conduct will be followed. Prior to the hearing, the Dean of Students Office may take certain actions that would minimize contact between the alleged perpetrator and survivor in day-to-day situations and in the judicial process as outlined in the code. Victims of sexual assault or misconduct who may have been under the influence of drugs or alcohol at the time of the assault will not be charged through the student judicial process for any alcohol or drug violation. For information about Wesleyan judicial processes, refer to the Code of Non-Academic Conduct in the student handbook: <http://www.wesleyan.edu/studenthandbook/>.

You may also contact the Dean of Students Office to find general information about how this process works. If you would like to speak with someone confidentially prior to formally reporting the sexual assault, please contact the Davison Health Center or the Office of Behavioral Health for Students.

b. Reporting Sexual Assault To The Middletown Police

Contact the Middletown Police Department at (860) 344-3200. The investigating officer will explain the investigatory and legal processes that follow a report. Reporting an incident of sexual assault to the police begins a legal process that may or may not result in an arrest.

University Contacts & Resources

ON CAMPUS

Office of Public Safety 860-685-3333 (Available 24 hours a day)

Davison Health Center 860-685-2470 (After hours on-call staff available)

Office of Behavioral Health for Students 860-685-2910 (After hours on-call staff available)

OFF CAMPUS

Women and Families Center/Sexual Assault Crisis Services 888-999-5545 (English) 888-568-8332 (Spanish)

Middlesex Hospital 860-344-6686

Middletown Police 860-344-3200

D. SEEK ONGOING SUPPORT

Individuals experience the aftermath of sexual assault and sexual misconduct differently and may take varying lengths of time to come to terms with their experience. You are encouraged to seek ongoing medical and psychological care as needed in order to help you cope with the incident. Support and counseling, both informal and professional, are key elements of care beginning as early as possible and continuing as long as needed. Friends and family are often a valuable source of support following an assault, but you may need additional support from the staff at the Office of Behavioral Health for Students (OBHS), the sexual assault crisis advocates at the Women and Families Center, or other sources of counseling. Services at OBHS and the Women and Families Center are free and confidential.

E. IF YOU HAVE BEEN ACCUSED OF SEXUAL ASSAULT:

You have the right to know and understand the charges against you, whether filed through the university or the legal system. Information about university proceedings can be found in the Code of Non-Academic Conduct, and the Dean of Students Office can further explain the process to you. You should be aware that any form of retaliation or intimidation towards someone who has filed a report will be considered a violation of the Code of Non-Academic Conduct. If criminal charges outside the University have been filed against you, you should seek legal advice to find out how a criminal investigation works. You are also encouraged to seek psychological support from staff at the Office of Behavioral Health for Students. Whether you feel you have committed a sexual offense or feel you were wrongly accused, it is important that you talk with a neutral, trained listener about the incident.

F. AS A WITNESS OF SEXUAL ASSAULT/ OR CONFIDANT

If you think you may have witnessed an incident of sexual assault, you are encouraged to immediately report the incident to Public Safety or the Dean of Students office. To preserve confidentiality and the integrity of any investigation, do not discuss the incident with others to the extent possible. If you feel in any way traumatized by what you witnessed, you are encouraged to contact the therapists at the Office of Behavioral Health for Students, the clinicians at the Davison Health Center, or the Women and Families Center.

If you have been told, as a friend, about an incident of sexual assault or misconduct, you may be uncertain about what you should do with the information, or be unsure how you can help. If this is a crisis situation, review the instructions for survivors of sexual assault and help the person get the assistance they need. Whether the incident just happened or occurred in the past, it is important that you let the person express their feelings. Let the person know the limits of the support you can provide. Encourage the person to speak with a therapist or other trained professional for additional assistance. It is also important to seek support for yourself, particularly if you are having difficulty coping with the situation. Residential Life student staff members, Peer Health Advocates, and some other student staff positions must report any incidents of sexual assault to their supervisors.

APPENDIX A

A. PREVENTION

Prevention of sexual assault requires a commitment from all members of the community in order to create a campus in which personal development and growth can occur safely. To assist in creating this type of campus community, the following suggestions are provided:

- Educate yourself and others on the causes, impact, and prevention of sexual and other forms of violence.
- Show respect for others by respecting their boundaries, physical and otherwise. This includes a personal decision to be alcohol-or drug-free.
- Avoid being a bystander to situations which could potentially evolve into sexual assault.
- Intervene in situations where a friend or acquaintance may be at risk for sexual assault.
- Sixty to seventy percent of all sexual assaults are at least partially planned. If you learn of someone planning to take advantage of another person, confront the individual or ask for assistance to do so.
- Confront myths or negative attitudes about sexual assault and rape when heard to prevent misinformation from being spread further.
- Pay attention to the verbal and non-verbal signals others are giving to indicate whether they are a willing participant.
- When in an intimate situation, be sure consent has been given before engaging in any sexual activity.
- Verbal consent is best; if you are unsure if your partner has consented to a particular activity, ask.
- Do not use alcohol or other drugs to subdue another person's ability to protest.
- Strive to keep your own alcohol and other drug use at a minimum in order to maintain good judgment and legally be able to give consent.
- Work towards creating a non-violent society through political action, organizing or other activities you are interested in.

B. RISK REDUCTION

Since Wesleyan is not immune to such acts, sexual assault is a topic that must be taken seriously by the entire campus community. However, reducing the risk of sexual violence is not only a community responsibility but also an individual one. Individuals should understand that while it is possible to reduce one's risk for assault, the responsibility for preventing the assault from happening lies with the potential perpetrator. Studies show that about one in three women on college campuses will be the target of either a completed or an attempted rape and that more than 80 percent of all women who experienced assault were acquainted with the person who assaulted them. It is also estimated that one in six men will be assaulted in their lifetime, most often by an acquaintance or relative. Both victims and assailants may be of any gender.

- While the responsibility for any sexual assault lies with the perpetrator, there are many actions people can take to reduce the risk of becoming a victim.

- Educate yourself on sexual assault and on risk reduction strategies.
- Set your own sexual boundaries and communicate them clearly to a potential sexual partner before becoming intimate.
- Be alert to situations that could be misinterpreted.
- Notice your fears and act on them. Your instincts are usually right.
- Look for signs of a lack of respect. If someone does not respect your personal space or your wishes, it is possible they won't respect you in a sexual situation either.
- Sexual assaults can occur both on and off campus. Be especially cautious in a new environment with unfamiliar people. This applies whether you are on campus, off campus or traveling.
- Avoid going to isolated rooms or areas with someone you do not know well.
- Never leave a party or gathering with someone you don't know well, and don't accept a ride from a stranger.
- Avoid walking in isolated areas when alone or with someone you do not know well.
- You are safest traveling in well-lit areas with others familiar to you.
- Attend social gatherings with friends and leave with them.
- Make a plan for the evening and stick to it to ensure everyone's safety.
- Select a public place when meeting someone new for the first time.
- Have a friend with you or drive yourself and prearrange a way to leave the situation if your instincts tell you to do so. This is particularly important when the person is met via the Internet.
- Watch your alcohol and other drug use. Studies of rape indicate that up to 75 percent of victims were under the influence of alcohol or other drugs at the time of the assault, often provided by the assailant. For the same reasons that it is important to remain sober to control a car, it is equally important to stay sober in order to maintain control of your judgment and be able to legally give consent.
- Be your own bartender. Whether you are drinking alcohol or not, pour your own drinks to avoid being slipped a predatory ("date rape") drug by a potential assailant. Keep track of your drink at all times; get a fresh one if it was left unattended.
- At times, you may find yourself in a situation you did not anticipate. If you feel uncomfortable with or threatened by another person's behavior, trust that instinctive reaction and take the following steps:
 - Keep the door to the room open or invite another person in.
 - Speak firmly and look directly at the other person when you refuse any activity. Say "no" firmly

and repeatedly. Tell the offender to stop or leave. A reasonable person will see your rights and listen to a clear "no" message.

- Shout, scream, or use a whistle if they do not listen. Use any means possible to make noise in order to draw attention to your situation. Whistles are available free from Public Safety.
- Use self-defense techniques, if appropriate. Check with WesWELL and the Physical Education department for the availability of self-defense classes on campus. Try to get out of the situation any way possible, if you are able.

In addition, Public Safety encourages students to take the following precautions on and around campus:

- Use the Ride and Escort Service after dark.
- Walk with friends. There really is safety in numbers.
- Be aware of where the police and emergency call boxes are located on and around campus and use them in an emergency. Blue lights on campus indicate an emergency call box.
- Keep your doors locked at all times.
- Avoid propping outside doors to residential buildings open. If you see a door that has been propped open, close it or alert Public Safety.
- Walk only in well-lit pathways and stay alert to any sign of suspicious circumstances or behavior.
- Keep keys in hand when walking to your car, no matter where it is parked.
- Report when lights around campus are out by calling Customer Service at x3400.
- Report all incidents of harassment, assault, or other crimes and any suspicious people or incidents to Public Safety. Call 860-685-3333 or on campus x3333.

C. EDUCATIONAL PROGRAMS AND RESOURCES

Educational programs and workshops to promote awareness about sexual assault issues are coordinated by several different offices, as well as various student organizations. These programs include presentations to new students at Orientation; workshops in the residence halls facilitated by peer educators and outside speakers; and campus-wide activities such as lighting and safety tours, speakers, films and other projects. A few of these resources include:

WesWELL, the Office of Health Education
860-685-2466
Davison Health Center
www.wesleyan.edu/weswell/

Office of the Dean of Students

860-685-2775
First Floor, North College
www.wesleyan.edu/studentservices/

Office of Residential Life
860-685-3550
Lower Level, North College
www.wesleyan.edu/reslife/

Office of Affirmative Action
860-685-2454
110 Mt. Vernon Street
www.wesleyan.edu/affirm/

Office of Public Safety
860-685-2345
208 High Street
www.wesleyan.edu/publicsafety/

Office of the Vice President for Student Affairs
860-685-2600
2nd Floor, North College
www.wesleyan.edu/deans/

Women and Families Center/Sexual Assault Crisis Services 888-999-5545 (English)
888-568-8332 (Spanish)

The staff of the Women and Families Center provides support, workshops, presentations, and professional training for survivors, their friends and families. Program topics include, but are not limited to, sexual date/acquaintance rape, harassment, healthy relationships, stalking, and date rape drugs.