

SEXUAL ASSAULT POLICY

The University of North Carolina at Pembroke has zero-tolerance for sexual assault and sex offenses committed against students, employees, visitors to the campus, and other persons who use University facilities. The University of North Carolina at Pembroke is committed to the prevention of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses.

Sexual Assault, Sexual Misconduct, Sexual Exploitation and Other Sexual Offenses

The University of North Carolina at Pembroke publishes an annual report of campus crimes, including sexual assault, as is required by the Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act. This landmark federal law, originally known as the Campus Security Act, requires colleges and universities across the United States to disclose information about crime on and around their campuses.

Definitions

Sexual assault may include any non-consensual sexual act in which a person is threatened, coerced, or forced to engage in against his or her will or while temporarily or permanently incapacitated. Sexual assault may be committed by a stranger or by a person known by the victim.

Acts defined as sexual assault include rape, date rape, acquaintance rape, and gang rape, but may also include sexual touching of another person against his or her will or without consent, and forcing an unwilling person to touch another person sexually.

Sexual Assault occurs when sexual acts are committed either without consent, by force, threat, or intimidation, or through the use of the victim's mental or physical helplessness, of which the assailant was aware or should have been aware.

Sexual Misconduct may include any attempted or actual act of non-consensual or forcible sexual touching. This would include, but is not limited to, fondling, kissing, groping, attempted intercourse (whether oral, anal or genital), or attempted penetration with a digit or any other object.

Sexual Exploitation taking nonconsensual, unjust, or abusive sexual advantage of another for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and that behavior does not otherwise constitute rape, sexual assault, or sexual harassment.

Examples of Sexual Exploitation include, but are not limited to: prostituting another student, nonconsensual video or audio taping of sexual activity, going beyond the boundaries of consent (such as letting friends surreptitiously watch you having consensual sex or unauthorized distribution of photos or other materials of a sexual nature), engaging in voyeurism, and inducing incapacitation with the intent to rape or sexually assault another person or with the intent to create opportunity for a third party to rape or sexually assault another person.

Other Sexual Offenses may include obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs without physically contacting the victim; or the display of sexual behavior that would reasonably be offensive to others.

Identifying Drug Facilitated Sexual Assault

There has been an increase of drug related sexual assaults. Rohypnol and GHB are perhaps the most widely publicized. Due to the accessibility of these drugs and others, it is essential for those parties involved to consider a full range of drugs that have sedative or hypnotic effects and not focus on detecting a single drug. Drugs used to facilitate rape generally produce an anesthesia like effect, rendering victims unconscious or unable to give consent. Depending on the type of drug administered, the victim of a drug-facilitated sexual assault may exhibit signs of memory loss, dizziness, confusion, drowsiness, or a variety of other symptoms. The victim may be unable to provide a complete account of the assault or of the events surrounding it. Due to the memory loss, there might be a delay in the reporting of the sexual assault. UNCP should view such delays as a natural consequence of the crime and do not allow reporting delays to discourage comprehensive and creative responses, including investigation. Even though it may be impossible to detect the drug used to facilitate the rape, it may still be possible to prosecute successfully-especially if investigators identify additional victims of the same rapist. There needs to be immediate arrangements made for drug testing. Call either the campus police and/or Southeastern Regional Medical Center to make arrangements for testing.

Responsibility to Report

Any student, faculty member, staff member, administrator, or visitor to the campus who has experienced, witnessed, or has knowledge of a sexual assault; sexual misconduct or other sexual offenses may report the assault immediately to the University of North Carolina at Pembroke Campus Police. If the assault occurred outside the jurisdiction of the University Police, they will assist in reporting it to the proper authorities.

Sexual assault, sexual misconduct, sexual exploitation or other sexual offenses may also be reported to the Pembroke Police Department, if it occurred within the city limits, or to the police of another municipality if the assault occurred within another township or city that has a police force. It may be reported to the Robeson County Sheriff's Department if it occurred outside city limits but within the county. Sexual assault, sexual misconduct, sexual exploitation or other sexual offenses may also be reported to the Robeson County Rape Crisis Center.

Preserving Evidence

It is important that evidence of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses be preserved, because it may be needed for prosecuting the criminal case. Victims and others should not alter the scene of attack. The victim should not change clothes, bathe, shower, douche, drink or eat anything if possible, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault but are not currently being worn, and any materials encountered during the assault (i.e. bed sheets, blankets, etc.) should be placed in a brown paper bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of rape and sexual assault.

Availability of Counseling and Advocacy

Counseling and other mental health services for victims of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses are available on campus and in the community. Students may use the Counseling Center at the University of North Carolina at Pembroke. Employees of the University may seek a one-time consultation for referral from the Counseling Center or contact the EAP through Human Resources.

Robeson County Rape Crisis may also assist with making referrals for individual counseling and support groups. Rape Crisis may also assist victims with identifying non-counseling campus and community resources that may be of additional help and serve as a victim advocate upon request.

Web Address: <http://rapecrisiscenterrobesoncounty.com/default.aspx> or
rapecrisiscenter@bellsouth.net

Phone: The 24hr crisis and administrative line is 910-739-6278
Rape Crisis Center of Robeson County

Address: 212 North Chestnut Street
Lumberton, NC 28358

Education and Awareness Programs

The Student Health Center and The Counseling and Testing Center are responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, and other sex offenses. Programs are presented regularly throughout the academic year in residence halls, academic classes, and for other student organizations and settings that are likely to reach people throughout the campus community. Campus-wide education and awareness activities are also conducted during Sexual Assault Prevention and Awareness Week. The Rape Aggression Defense (RAD) course is available to all students and is offered as a 1 credit hour course.

University Judicial System and Code of Conduct

When appropriate and regardless of whether the accused is criminally prosecuted, the University of North Carolina at Pembroke Police Department or any member of the University community may refer allegations of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses to the Office of Student Conduct for adjudication through the University hearing and appeals system. This system provides a just and equitable process for dealing with alleged infractions by students of University rules, regulations, or laws. The system is informal and is intended to educate students, to help them make responsible decisions, and to be accountable for their actions.

A UNCP student who has been victimized by sexual assault, sexual misconduct, sexual exploitation or other sexual offenses may seek redress through the campus judicial system if the accused is also an enrolled student at The University of North Carolina at Pembroke. Such redress may be in conjunction with or in place of pressing charges in the court system. In order to charge a student for sexual assault, sexual misconduct, sexual exploitation or other sexual offenses within the University hearing and appeal system, the victim should report the offense to

the Vice Chancellor for Student Affairs or his/her designee. Once the report is made, an investigation will be initiated by the Vice Chancellor for Student Affairs or his/her designee. The Campus Judicial Board (CJB) will be convened in cases where the accused denies the charges. The victim will be required to appear before the CJB and testify against the alleged assailant. The alleged assailant(s) and the alleged victim(s), may have a non-participating friend/advisor from the campus community present with them throughout the hearing process and may present witnesses on their behalf. If a student is charged with conduct that may subject him or her to criminal prosecution, that student may have as his or her advisor an attorney who may be present, but cannot actively participate in any hearing or appeal except to consult with his or her client. Immediate suspension of the accused student will occur if the Vice Chancellor for Student Affairs, or designee, concludes that the person's continued presence at the University would constitute a clear and present danger to the health or welfare of other members of the University community. When such a suspension is imposed, a hearing of the charges against the suspended person(s) shall be held as expeditiously as possible.

The penalty for a student found guilty of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses will at minimum be conditional probation, with the maximum penalty being suspension or expulsion from the institution. In the most severe cases involving forced rape and/or physical injury involving a weapon, the penalty will be expulsion. The severity of the offense and the potential for subsequent harm to the victim/survivor or the community at large weigh heavily in the determination of what sanctions are imposed in such cases. The victim's identity and all information concerning the offense are held in strict confidence by hearing authorities under the guidelines of FERPA. However, the University cannot guarantee confidentiality. Both the accuser and the person accused shall be informed in writing of the outcome of any campus judicial proceeding or grievance procedure in which sexual assault is alleged.

Training for Campus Judicial Board (CJB)

All members of the CJB should receive specific training about sexual assault, sexual misconduct, sexual exploitation and other sexual offenses prior to hearing sexual assault cases. Training should include, but not be limited to: review of student code of conduct; review of legal definitions of sexual assault, sexual misconduct, sexual exploitation and other sexual crimes; information refuting myths about sexual assault sexual assault, sexual misconduct, sexual exploitation and other sexual offenses; training on issues of consent and coercion; information about judging credibility; including that a victim's use of alcohol does not mean that s/he is lying about the assault; and information about appropriate sanctions such as expulsion. The training can be provided either from internal or external sources. Training should happen on an annual basis.

Accommodation/Change Options

Victims of sexual assault, sexual misconduct, sexual exploitation and other sexual offenses may receive assistance in making reasonable changes in their work, academic, or living situations. Students may request assistance in changing their living situations from the Student Housing Department. A room change will be approved if alternative space exists. The student may also request a lock change if the assailant had knowledge or previous access. The victim may also file

a request form in the Registrar's Office to remove his/her directory information from public access.

A victim of a sexual assault, sexual misconduct, sexual exploitation or other sexual offenses may also request the Associate Vice Chancellor for Academic Affairs to change his/her class schedule to avoid contact with the accused. Such requests will be honored when multiple sections of classes are available. Staff may request assistance in changing their work situations from their supervisors, work-study, graduate assistantship office, or Human Resources. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available. Every effort will be made by the University to make the victim feel cared for and safe.

Rights of Alleged Assailants

Any student enrolled at UNCP who is accused of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses, will be afforded full procedural due process in the investigation and adjudication of his/her case. This shall include the right to the presumption of innocence until proven guilty and the privilege against self-incrimination.

Residential Staff

Campus residential staff, such as resident assistants, hall directors, and resident administrators, are often the first to come in contact with a victim of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses. Therefore, it is important that all staff members receive training on how to respond to victims of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses. Training should include, but not be limited to: review of student code of conduct; review of legal definitions of sexual assault, sexual misconduct, sexual exploitation or other sexual offenses; information refuting myths about sexual assault, sexual misconduct, sexual exploitation or other sexual offenses; training on issues of consent and coercion; information about judging credibility; including a victim's use of alcohol does not mean that s/he is lying about the assault; and information about appropriate sanctions resulting from a sexual perpetrator. Training should also include on-campus and off-campus resources and referrals; and information about maintaining confidentiality and appropriate reporting requirements. These trainings can be provided either from internal or external sources. Training should happen on an annual basis. It should be made clear to all residential staff how reports will be made. Victims' confidentiality should be respected at all times with no information that identifies the victim being reported without his/her consent. Residential assistants have the responsibility to ensure safety whenever possible in the resident halls. Part of that responsibility is providing supports and information to our students. While it is not a mandate that our students use these supports, RAs must be skilled in providing such information or referrals whenever appropriate. RAs are required to report sexual assault, sexual misconduct, sexual exploitation or other sexual offenses as per the Campus Security Act of 1998. All reports should be made to the resident administrator who then reports to the associate director of resident life who will notify campus police.

Student Health Services

At this time UNCP's Student Health Center does not have Sexual Assault Nurse Examiners (SANEs) on staff. If a student comes into the Student Health Center who has been sexually assaulted, the nurse on duty will assess the situation and refer to Southeastern Regional Medical

Center for a full rape evaluation as needed. Follow-up services may be provided through student health services if necessary.

Sexual Assault Response Team

The Sexual Assault Response Team (SART) consists of departments who serve as responsive resources for faculty and staff on campus, and as supportive liaisons and advocates for students as they seek campus and community services and/or legal intervention after an assault. The SART provides assistance to victims of sexual assault, harassment, dating violence and stalking. Assistance includes counseling, advocacy, medical care, and resource referrals to both the Rape Crisis Center and Southeastern Family Violence Center. Upon contact with a victim, SART members will:

- Provide a safe place to be heard, where an individual will not be judged
- Offer information about resources that the victim might use to address personal, medical, psychological, and safety concerns related to the incident.
- Provide guidance on procedures to be followed and resources to be contacted.
- Offer to make initial contacts with resource providers and to introduce victim to appropriate contact people, both on and off campus, if the victim prefers
- Serve as a liaison with other members of SART who may share more extensive knowledge of particular resources for the victim
- Work to ensure a coordinated, timely and appropriate support system for the victim

The Sexual Assault Response Team evaluates the UNC Pembroke campus climate regarding sexual assault and makes recommendations regarding procedures for prevention, reporting, discipline and support; the committee will foster a climate that minimizes sexual assault incidents, which impact the UNC Pembroke community and promote a supportive environment where victims and subjects are treated accordingly to established campus policies. UNC Pembroke strives to create a climate that encourages victims to report incidents of sexual assault without fear; establish sexual assault prevention training and awareness programs to educate students; offer sensitive and comprehensive treatment to restore victims' health and well being; help leaders understand their roles and responsibilities regarding response to sexual assault victims, thoroughly investigate allegations of sexual assault and take appropriate administrative and disciplinary action; and, conduct sensitivity training for members of the sexual assault response team, so that re-victimization is minimized, to train advocates to assist victim/survivors with crisis intervention and to reduce victims' stress resulting from sexual assault. The SART works closely with existing community resources to maximize utilization of service. SART assists students in being referred to the Robeson County Rape Crisis Center as well as Southeastern Family violence when hospital transport and additional advocacy services are needed. SART will rely on these existing resources to continue their current work of advocacy in the event of a sexual assault. SART also utilizes existing therapeutic services at UNCP's Counseling and Testing Center to refer all victims for appropriate counseling.

Member of the team will include:

Director of Student Health Services
Director of Counseling and Testing
Representative(s) from Campus Police
Director, International Students
Outreach Coordinator
Director of Student Conduct
Vice Chancellor of Student Affairs or Designee
Assistant Vice Chancellor for Public Safety
Human Resources Director