

 <p>Category: Code of Conduct</p> <p>Policy applicable for: Faculty/Staff/Students</p>	<p>Policy Statement on Sex Offenses</p> <p>Effective Date: 10/01/2011</p> <p>Prior Effective Date: 08/01/2008</p> <p>Enabling Acts: Federal Crime Awareness & Campus Security Act of 1990; University Rules 3361:10-17-03 and 3361: 40-5-05</p>	<p>1.3.4</p> <p>Policy Owner: VP for Student Affairs & Chief Diversity Officer</p> <p>Responsible Office(s): UC Women’s Center; UC Police; Labor Relations; Judicial Affairs; Office of the University Ombuds</p>
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Background

The University of Cincinnati is committed to the creation and promotion of a just community. Therefore, sexual assault, sexual harassment, intimate partner violence and stalking, as defined by State and Federal laws, will not be tolerated at the University of Cincinnati.

Policy

The University of Cincinnati is proactive in our response to sexual assault and sexual violence on campus. Therefore, there are a number of remediation and educational programs related to sexual assault.

SEXUAL ASSAULT PREVENTION AND EDUCATION

Sexual Offense Response Team (SORT)

- ❖ Composed of representatives from key constituents on campus, including Counseling Center, Resident Education and Development, University Health Services, Ombuds Office, University of Cincinnati Public Safety, UC Women’s Center, faculty, Governmental Relations and University Communications and Office of University Judicial Affairs.
- ❖ Meets in response to any incident reported on-campus or in the campus jurisdiction (as defined by the student code of conduct) to meet the survivor’s needs as well as create a university response to the incident. If adequate information has been provided to render communication with the university community informative and useful in protecting and educating our campus community, SORT will issue an electronic message to a staff and faculty e-mail distribution list and every student e-mail account. The same message may also be communicated via other channels as appropriate. The privacy rights of the survivor will always be respected in any communication with the UC community.
- ❖ Meets quarterly to review university policies, protocols and statistics related to sexual assault and relationship violence.

UC's Women's Center

- ❖ Coordinates ongoing educational programming with throughout the year.
- ❖ Provides professional training to staff, faculty, and student groups.
- ❖ Coordinates peer advocacy program that prepares students to offer support to survivors of sexual violence and to education other students about healthy sexual relationships.
- ❖ Maintains updated resource library, including literature and videos.

University Police Crime Prevention Unit

- ❖ Offers self-defense programs to provide insight and education about appropriate measures to limit the possibility of an offense. Programs are given upon request to student and community groups.

Counseling Center

- ❖ Presents workshops and educational programs provided upon request on topics related to protection against and survival of sex offenses.

Wellness Center

- ❖ Offers educational programming and information on sexual health topics, as well as free resources and products to encourage healthy sexual behaviors.

UNIVERSITY DISCIPLINE

Allegations of sexual assault will be processed according to the disciplinary procedures described in the Student Code of Conduct if the accused is a student or under the applicable University Rule or union contract if the accused is an employee. If the perpetrator is a student, a survivor may utilize the Student Disciplinary Process, which is the university's system of disciplinary action for students. This course of action can be initiated through University Judicial Affairs. Allegations against an employee should be reported to the University Police and the Office of Equal Opportunity. Possible sanctions include probation, suspension, or dismissal/termination from the university. Anyone committing a sex offense may also be subject to criminal prosecution and to the penalties provided by law in case of conviction of a crime. Both the accused and the accuser are entitled to the same opportunity to have others present during a university disciplinary proceeding. Both the accused and accuser will be informed of the outcome of any campus disciplinary hearing. University disciplinary proceedings may occur independently of any criminal proceedings and are subject to a different burden of proof.

Legal Definitions and Categories

(Based on Ohio Revised Code 2907.01-2907.09)

Sexual Assault: An umbrella term covering a wide range of actions taken against a person without the person's consent, against the person's will or under force, threat of force, or coercion. Legally, consent cannot be given while intoxicated or medicated since these states inhibit an aware state of mind.

Sexual Conduct. Vaginal intercourse between a male and female, anal intercourse or oral sexual activity between persons regardless of gender. Penetration with any body part or object, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact. Any touching of an erogenous zone of another, including the thigh, genitals, buttocks, anal zones, pubic region, areas particularly sensitive to sexual stimulation or, if such person is female, breast(s), for the purpose of sexually arousing or gratifying either person.

Rape. Vaginal, oral or anal penetration committed against a person's will and without consent. Rape can be committed by force, threat of force or by deception. Victim need not prove physical resistance.

Gross Sexual Imposition. Having sexual contact with another, by force or threat of force, or if the offender substantially impairs the other person's judgment or control using drugs or intoxicant secretly or by force, threat of force or deception.

Voyeurism. Trespassing or secretly invading privacy of another to spy or eavesdrop upon another with the purpose of sexually arousing or gratifying one's self.

Public Indecency. Recklessly exposing one's private parts or masturbating; engaging in conduct appearing to an ordinary observer to be sexual conduct or masturbation.

Sexual Other. Minor incidents of a sexual nature which may or may not involve physical contact. (Example: offensive sexual words or comments, bumping, gestures, etc.)

Procedure

UC SEXUAL ASSAULT GUIDELINES: IF SOMEONE YOU KNOW IS SEXUALLY ASSAULTED

1. Step One: Seek Support & Advocacy

Call the Women's Center CONFIDENTIAL 24-hour Sexual Violence Help Line for support, information and advocacy. A trained UC advocate will respond and can provide support, hospital accompaniment, police advocacy and information about available options.

The Sexual Assault Response Coordinator is available on campus to provide information/referral, hospital accompaniment, support and crisis intervention to survivors of sexual assault and relationship violence. During non-office hours, call UC Women's Center's 24-hour Sexual Violence Help Line.

2. Step 2: Important Options to Consider

Medical Care. Medical care is recommended after any sexual offense. At a minimum, such care allows for testing, treatment of sexually transmitted infections (STIs), and medication to prevent pregnancy. In addition, if the assault has taken place within 72 hours, an exam can be conducted (known as a rape kit exam) for the purpose of collecting evidence for prosecution. The University Hospital offers a Sexual Assault Nurse Examiners (SANE) program that provides medical professionals with training in sexual assault response. The hospital can also provide testing to determine if drugs were used to facilitate a sexual assault.

Prosecution. A victim has the right to choose whether or not to prosecute. Even if a victim initially chooses not to prosecute, it can be helpful to report an assault so that prosecution can be pursued at a later date if the victim chooses to do so. This allows for timely evidence collection and early interviews with the victim/witnesses and gives more credibility if prosecution is pursued at a later date. It can also substantiate a separate charge of sexual assault against the same perpetrator.

Counseling and Advocacy. Survivors can receive support through a variety of offices and individuals.

Sexual Assault Response Coordinator, UC Women's Center offers crisis intervention and emergency support services including accompaniments to the hospital, court and to the police. She supports survivors and assists with concerns related to on campus housing, academics and counseling.

UC Women's Center 24-hour Sexual Violence Help Line offers information/referral services, hospital accompaniment, crisis intervention and support to survivors of sexual assault and sexual violence.

UC Women's Center Peer Advocates. Trained students who provide confidential support and advocacy to victims. Advocates respond to the 24-hour Sexual Violence Help Line and respond to the online support e-mail service.

The UC Counseling Center offers educational programs, crisis intervention, individual and group therapy.

University Health Services offers individual mental health services and medical treatment.

Women Helping Women offers information, referral, hospital and court accompaniment, crisis intervention and community support groups.

3. Step Three: Dealing with the Aftermath

Housing and Academic Concerns. To assist with concerns related to housing arrangements or academics, contact the Ombuds Office.

The Sexual Assault Response Coordinator can also help facilitate this assistance. She can accompany and/or refer the survivor to the appropriate office.

TO REPORT AN INCIDENT:

Reporting a crime is necessary in meeting the needs of the victim and in holding the accused assailant accountable for his/her behavior. There are a number of ways in which a student or employee can report a sexual assault.

A. Police Report

Sexual assaults that occur on campus can be reported to the University of Cincinnati Police Department. UCPD officers are trained in responding to survivors of sexual assault and in the investigation of sexual offenses. Sexual assaults that occur off campus can be reported to the police department where the assault occurs. The Cincinnati jurisdiction covers most of the immediate area surrounding the campus. Even if the survivor does not want to press charges, he/she should still consider filing a report with police. Filing a report with police does not necessitate proceeding with a criminal investigation.

B. Statistical Reporting

The university will provide statistics of reported sexual assaults as required by the Campus Security and Right to Know Act. All personally identifying information will be removed from statistical reports. Because of Ohio public records law, UC is not permitted to promise confidentiality to persons reporting crimes to individuals or offices that supply crime statistics for this annual report. Crimes reported to the following individuals or offices are included in our annual crime statistics report: UCPD, Sexual Assault Response Coordinator, UC Women's Center, University Judicial Affairs, Resident Education and Development. Crimes reported to the Counseling Center or to a physician or nurse at the University Health Services are confidential by law and are not included in the annual crime statistics. For updated information on crime statistics, please refer to the UCPD webpage.

Other individuals and offices are also encouraged to report a sexual assault that has been disclosed to them so that the incident can be included in the campus crime statistics. These reports should be made to the Sexual Assault Response Coordinator during office hours who then compiles the data and submits it to UCPD for inclusion in the campus crime statistics. *All reports can be made anonymously so that no identifying information will be given.*

C. The Role of Faculty & Staff in Reporting

Faculty and staff are obligated to report a sexual assault that has been disclosed to them for two reasons:

- 1) As a representative of the university, you are responsible for reporting that incident to the appropriate office so that the university can effectively respond.
 - a) When the accused is a UC student, report that to University Judicial Affairs.
 - b) When the accused is a staff member, contact the Office of Equal Opportunity.
 - c) When the accused is a faculty member, contact the college dean who can refer you to the appropriate person.
- 2) You are encouraged to report the incident to the Sexual Assault Response Coordinator (SARC) so that it can be included in the campus crime statistics. These reports can be made either by calling her directly or by downloading the online report form at **www.uc.edu/ucwc** and submitting it to the SARC. The SARC then compiles the data and submits it to UCPD for inclusion in the campus crime statistics. *All reports can be made anonymously so that no personally identifying information will be given.*

Related links:

UC Crime Statistics	www.uc.edu/publicsafety/police/CrimeStatistics.html
UC Women's Center	www.uc.edu/ucwc
UC Women's Center Peer Advocates	ucpeeradvocate@gmail.com

Phone Contacts

UC Sexual Violence Help Line	513.218.9531
Sexual Assault Response Coordinator, UC Women's Center	513.556.0173
UC Counseling Center	513.556.0648
University Health Services	513.556.2564
Women Helping Women	513.381.5610
University of Cincinnati Police Department	513.556.1111
Cincinnati Police	513.765.1212
University Judicial Affairs	513.556.6814
Office of Equal Opportunity	513.556.5508