Sexual Assault Response Protocol: University of California, Irvine

A guide for faculty, staff and student leaders on
How to respond to incidents of sexual assault

Prepared by UCI Campus Assault Resources and Education (CARE)
A unit of Counseling and Health Services

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Rationale

College students between the ages of 18 to 24 are more vulnerable to sexual assaults than are any other age group. Studies have consistently shown that sexual assault primarily affects women and youth, and that most perpetrators are friends, acquaintances, or other individuals known by the victim. The 1994 Ms. Report on Recognizing, Fighting and Surviving Date and Acquaintance Rape (Warshaw) demonstrated that one in four college women had been the victim of a completed or attempted rape. It is also important to note that a high percentage of these cases (75 % of men and at least 55% of women) involved in acquaintance rapes have consumed alcohol or other drugs prior to the incident (Warshaw, 1994). The Sexual Victimization of College Women survey (Fisher, Cullen & Turner, 2000) estimated, based on victim reports, that a college with 10,000 female students could expect more than 350 rapes to occur during each academic year. When projected over a 5-year college career, this figure translates into the sexual assault of one in five women during her college years. While sexual assault primarily affects young women, they are not the only targets. Men, individuals with disabilities, members of cultural and religious minority groups, and lesbian/gay/transgendered individuals also experience sexual assault. Sexual violence is a critical issue for all college and university campuses. Given the prevalence of the perpetration of sexual violence against college women, California law requires that university officials be knowledgeable on how to respond to such incidents.

Purpose

The following document was designed to ensure that members of the UCI campus community respond appropriately to students who are sexually assaulted. The protocol is intended to provide a comprehensive, standardized procedure for all faculty, staff and other campus leaders (e.g. residence assistants, student staff) to respond to victims of sexual assault in a consistent, caring and timely manner. The protocol provides a detailed explanation of how to offer a victim support, information and referral.

Section I of this document summarizes the terms covered by the UCI Sexual Assault Policy, to help inform the campus community about what constitutes sexual assault.

Section II summarizes the necessary steps to take, should an individual become aware that a sexual assault has occurred. Since the appropriate response varies according to when the assault occurred, section two is divided into four parts:

Part 1: Helpful immediate responses and ways to make referrals
Part 2: Responding to sexual assaults that have occurred within 96 hours
Part 3: Responding to sexual assaults that have occurred after 96 hours
Part 4: Initial points of contact.

Section I: Definition of Terms

Below is a general summary of the terms contained in the UCI Sexual Assault Policy: consent, sexual assault, rape, sexual battery and unlawful sexual intercourse. The university is not limited to the terms as summarized below and will enforce the terms as fully defined by the applicable California State Law, found in California Penal Code sections (261-269 and 286-289).

Consent: Positive cooperation in the act or an attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A person who is giving consent cannot be under the influence of drugs or alcohol, unconscious, passed out, coming in and out of consciousness, under the threat of violence, bodily injury or other forms of coercion, or have a mental disorder, developmental disability or physical disability that would impair his/her understanding of the act.

Sexual Assault: Any physical act of a sexual nature that is accomplished toward another without his/her consent. Such acts include but are not limited to forced oral sex, forced anal penetration and the insertion of foreign objects into the body.

Rape: An act of sexual intercourse accomplished with a person against the person's will using force or the threat of force. "Against someone's will" includes instances in which consent is not given. "Force or the threat of force" includes but is not limited to the use of a weapon, physical violence or restraint, verbal threats, intimidation, and threats of retaliation or harm.

Sexual Battery: Any unwanted touching of an intimate part of another person for the purpose of sexual arousal. "Touching" means physical contact with another person whether the individuals involved are clothed or unclothed. "Intimate part" means the sexual organ, anus, groin or buttocks of any person, and the breast of a female. (Penal Code 243.4).

Unlawful sexual intercourse (Statutory Rape): An act of sexual intercourse accomplished with a person, not the spouse of the perpetrator, where the person is under the age of 18 years.

*** When alcohol is involved:** Individuals are responsible for their actions whether or not they are under the influence of drugs or alcohol. This responsibility includes determining whether consent is being given at the time of the act. In instances where the accused reports that he/she was unaware of an accuser's impaired state which prohibited consent, the judicial process will determine whether the accused reasonably should have known of the prohibiting condition.

* **Witnesses and Bystanders:** UCI faculty and staff are strongly encouraged to report incidents of sexual violence to UCI Campus Assault Resources and Education (CARE) or to local law enforcement agencies. Silence about these crimes contributes to the creation of a sociocultural environment that is supportive of sexual violence and communicates to victims that sexually violent behavior is tolerated. We all have a responsibility to protect the members of our community by refusing to create such an environment. Any faculty, staff or student may file an anonymous report that does not identify the parties involved with UCI's CARE. This report may be filed regardless of any legal or university disciplinary action and will provide university staff with information about the incident that may be valuable in efforts to prevent future incidents and to educate the campus community about high-risk situations.

Section II: Responding to Sexual Assault

Part 1: Helpful immediate responses and ways to make referrals

As a first point of contact, it is important to provide sensitive care and support, to ensure that the student is not re-traumatized as a result of reporting the incident.

1. When you are made aware of a sexual assault, your first responsibility is ALWAYS to **ensure the immediate safety of the victim**. * Regardless of when the assault occurred *

2. Once the victim is safe: It is important to remember that your role is NOT to assess or to define the assault, or to determine whether or not the assault actually occurred. Your primary responsibility is to remain supportive of the victim, while **referring the student to campus or community agencies (see list of contacts, Part 4)** that are trained in providing assistance and intervention for survivors of sexual violence.

3. **Follow the flow-charts** in Parts 2 and 3 to help the student navigate options both on- and off-campus.

4. **You do not have to have all of the answers.** If someone is disclosing to you, it typically means that you are someone they trust and often times they just want to be heard. Don't be afraid to tell them that you don't know the answers, and use that as a point for referral. It is not your responsibility to "fix" the problem.

While you are not expected to act as a counselor, when you are present with someone who has been assaulted, you should be aware that the supportiveness of your response can be critical in the healing process. Though there is not one "right" way to respond to someone who has been sexually assaulted, the following may serve as a guide in identifying more or less helpful responses:

Helpful Responses:

- Listen without interrupting. Encourage the student to take his/her time, if necessary.
- Don't panic. Remain calm and concerned.
- Respect the language the student uses to identify what's happened.
- Understand that individuals from different cultural backgrounds may express or experience their reactions to an assault in different ways.
- Allow for tears and expression of feelings.
- Validate the student's experiences or reactions.
- Believe and support the student.
- Acknowledge courage and discomfort.
- Remind the student that he/she is not at fault.
- Help the student identify safe individuals within his/her existing support system.
- Encourage the student to seek medical attention and/or counseling.
- Allow the student to make his/her own decisions.
- Ask what you can do to be supportive.
- Provide resources and options.

Unhelpful Responses:

- Asking "why" questions or other questions that might imply blame.
  (i.e. "Why didn't you yell," "What were you doing there?")
- Blaming or judging the student's actions.
  (i.e. "You shouldn't have had so much to drink")
- Dismissing the student's feelings or minimizing his/her experience.
  (i.e. "You should just forget about it")
- Trying to "fix" the problem.
  (i.e. pressuring them to report and/or telling them what to do)

Above all, do no harm. Sometimes, when individuals feel overwhelmed by just having heard someone's story, people feel "pressured" to do something. When this occurs, oftentimes people unintentionally say things that could be hurtful. You don't have to say anything.

How to make a referral:

An important part of being helpful to a survivor of sexual assault is providing information about options and resources. You may do this by helping the student get connected with one or more of the resources listed in Part 4 of the protocol. Some examples of ways to facilitate a referral for a victim of sexual assault are provided below:

1. I am here to listen and support you, but it would also be helpful for you to talk to someone who has specialized knowledge in this area.
2. There are places that you can go anonymously to get information or support.
3. Even if you don't know what you want to do right now, it can be helpful to talk to someone about your options.
4. I would be happy to go with you to talk to someone.
5. What would make it feel safe for you to go talk to someone?

Part 2: Responding to Sexual Assaults Within 96 Hours

Step 1: Ensure the immediate safety of the victim.

Step 2: If the assault has occurred within the last 96 hours, it is important to preserve any physical evidence, treat any physical injuries and test for sexually transmitted infections (STIs) or pregnancy.

Is the individual interested in visiting an emergency room?

YES

Step 3: An exam may be conducted locally at ***Anaheim Memorial Hospital*** (WITH police involvement, within 72 hours) or at ***Santa Monica Rape Treatment Center*** (WITHOUT police involvement, within 96 hours). ***UCI's Student Health Center*** may check for injuries, STIs and pregnancy but CANNOT collect evidence. *, **

Step 4: Was the assault formally reported to law enforcement?

YES

*** **Step 4:** Refer the individual to ***UCI CARE*** (on campus), ***CSP, Inc.*** (in the community) or the ***UCI Counseling Center*** for emotional support.

NO

Step 4: Is the individual interested in making a police report?

YES

Step 6: Call ***911***, Contact ***the police department where the incident occurred*** or call the **UCI Police Department.**

*** **Step 7:** Refer the individual to ***UCI CARE*** (on campus), ***CSP, Inc.*** (in the community) or the ***UCI Counseling Center*** for emotional support.

NO or UNSURE

Step 3: Refer the individual to ***UCI CARE*** (on campus), ***CSP, Inc.*** (in the community) or the ***UCI Counseling Center*** for emotional support and discussion of options

NO or UNSURE

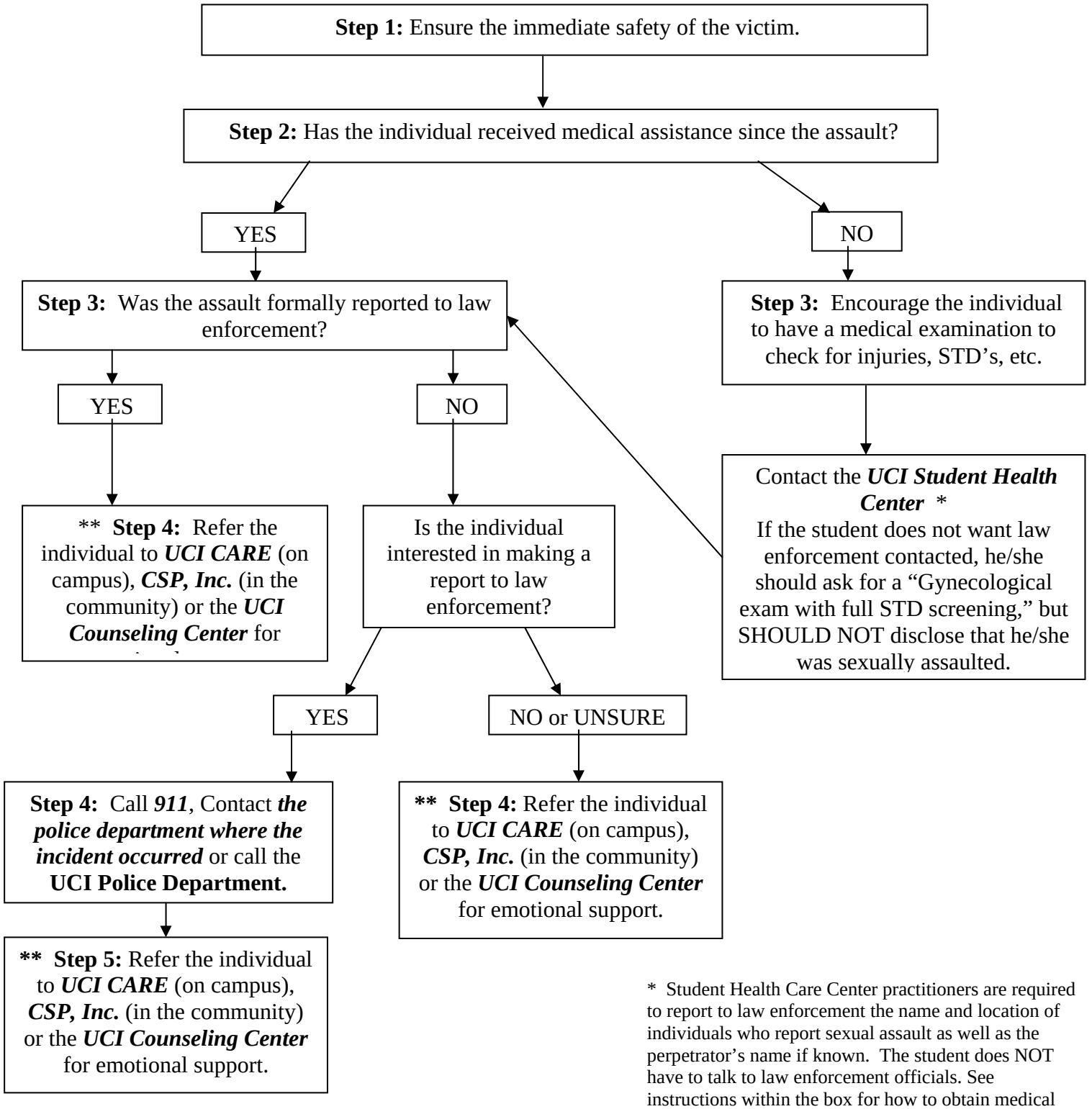
*** **Step 6:** Refer the individual to ***UCI CARE*** (on campus) or ***CSP, Inc.*** (in the community) to discuss options.

* The victim has a right to be accompanied to the medical exam by a trusted friend, family member or a sexual assault advocate.

** The victim should NOT brush teeth, shower, or douche. All clothes should be placed in a paper bag (NOT plastic, as this may destroy important evidence).

*** At this time, you should also be prepared to clarify and explain any reporting mandates for your unit to the student. Follow any required reporting guidelines.

Part 3: Responding to Sexual Assaults After 96 Hours



* Student Health Care Center practitioners are required to report to law enforcement the name and location of individuals who report sexual assault as well as the perpetrator's name if known. The student does NOT have to talk to law enforcement officials. See instructions within the box for how to obtain medical care without involvement of law enforcement.

** At this time, you should also be prepared to clarify and explain any reporting mandates for your unit to the student. Follow any required reporting guidelines.

Part 4: Initial Points of Contact

The following table provides contact information for individuals and/or agencies that may be contacted, should the student decide that additional support and/or information is needed. Please contact these sources in the order listed on the flow charts in Part 3 of this document. All are available Monday-Friday between 8:00 AM-5:00 PM, with the exception of Community Service Programs, which is available 24 hours/7 days a week.

Medical

Anaheim Memorial Hospital…….....…(714) 774-1450

- Rape exam to collect forensic evidence
- Testing for pregnancy and sexually transmitted infections
- Police involvement *required*

Santa Monica Rape Treatment Center…….....…(310) 319-4000

- Rape exam to collect forensic evidence
- Testing for pregnancy and sexually transmitted infections
- Police involvement NOT required

UCI Student Health Center…….....…(949) 824-5301

- Testing for pregnancy and sexually transmitted infections
- For testing *without* police involvement, ask for a "Gynecological exam with full STD screening" and do not disclose that you have been assaulted

Emotional Support

UCI Campus Assault Resources and Education (CARE)…….....(949) 824-7273

- On-campus resource
- Will walk over to meet with the student in-person
- Provides confidential services: identifying options for reporting and medical treatment, peer services, professional counseling and emotional support

Community Service Programs, Inc. (CSP) 24-hour hotline…….....……..(949) 831-9110

- Community resource, available 24 hours over the phone
- Provides confidential services including options for reporting and medical treatment

UCI Counseling Center…….....……..(949) 824-6457

- On-campus resource
- Counselors available to provide emotional support
- Student can walk over to meet with someone for a "same-day" appointment

UCI Student Health Center, Mental Health Services…….....…….(949) 824-1835

- Provides up to 20 sessions of individual counseling

Faculty and Staff Counseling Center.....(949) 824-8355

- Provides free counseling services to faculty and staff

Legal

Law Enforcement

UC Irvine Police Department…….....….911 or (949) 824-5223

- Will take a report from the student if the incident occurred on campus property, or will refer to the appropriate law enforcement center
- Will transport victims to hospital for a medical examination

*Note: If the incident occurred in a city other than Irvine, it is best to contact the law enforcement agency in the city where the incident occurred.

Administrative

UCI Student Judicial Affairs…….....…….(949) 824-5181

- Provides information about filing a criminal complaint or pursuing a complaint through the campus disciplinary process
- Provides resource information

Civil

The student has the right to contact a lawyer to pursue civil prosecution of a sexual assault case.

References

Warshaw, Robin. (1994). I Never Called It Rape: The Ms. Report on Recognizing, Fighting and Surviving Date and Acquaintance Rape. New York: Harper Perennial.

Fisher, F.S., F.T. Cullen, and M.G. Turner. (2000). *The Sexual Victimization of College Women,* NIJ Research Report, Washington, DC: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics, NCJ 182369: 3, 11–14.