

Owensboro Community & Technical College

Sexual Assault Policy

As Approved by the OCTC Executive Team – 9-26-11

In September 1992, the “Campus Sexual Assault Victim’s Bill of Rights” legislation became law. This law requires colleges and universities to establish a comprehensive policy to respond to sexual assaults on their campuses.

The following policy sets forth procedures and protocols in which faculty and staff will handle sexual assaults that involve our faculty, staff, and students of Owensboro Community & Technical College, whether on- or off-campus.

A separate pamphlet entitled “OCTC Guide for Sexual Assault Victims” is available for students, faculty, and staff. It defines sexual assault, who to contact if it occurs, evidence collection processes, the criminal procedures, the availability of victim counseling, and the process for requesting academic accommodations for the victim.

Definitions

Rape: A violation of Kentucky State Law (felony of the 1st degree) and the OCTC Student Code of Conduct. Rape occurs when a person engages in sexual intercourse with another person by:

- Forcible compulsion
- Threat of forcible compulsion that would prevent resistance by a reasonable resolution
- With a person who is unconscious
- A person who is mentally deranged or deficient that such person is incapable of consent.
- Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance

Acquaintance Rape: A violation of Kentucky State Law (felony of the 1st degree) and the OCTC Student Code of Conduct. Acquaintance rape is using physical force, emotional bargaining, blackmail or mind games to force sexual intercourse on a person against his/her will or consent by a known person. Acquaintance rape is rape by definition of law.

Sexual assault: A violation of Kentucky State Law (misdemeanor of the 2nd degree) and the OCTC Student Code of Conduct. Sexual assault is defined as any action in which one person forces to engage in sexual activity against one’s will or consent, involving the threat or the actual physical contact of a sexual nature.

Assent: Does not constitute consent if such assent is given by a person who, because of youth, mental disease, deficiency or impairment due to alcohol/drugs, is unable to make a reasonable judgment concerning the nature or harmfulness of the activity.

In all cases **NO** does mean **NO!**

“What Should I Do If I Am Sexually Assaulted?”

- Get to a safe place as soon as possible.
- Preserve all physical evidence. Do not wash, use the toilet, or change the clothing you were wearing at the time of the assault. Preserve the clothing in a paper bag, not a plastic bag.
- Contact the Campus Security Department by calling (270) 852-8977 or Police at 911.
- Get medical attention as soon as possible. This is to ensure that you are physically okay and to collect important evidence in the event that you wish to take legal action.
- Talk with a representative from the campus Counseling Center who will maintain confidentiality, help explain your options, give you information, and provide emotional support.
- On campus you can call the Counseling Center at (270) 686-4527. Off-campus you can call the New Beginnings Crisis Line at (270) 926-7273.
- Contact someone you trust (e.g., a close friend, a family member, a trusted crisis support volunteer) to be with you and support you through the various steps.

Reporting a Sexual Assault

This can be done immediately following an incident by calling the Police at 911 or switchboard at: (270) 686-4400. If you decide at a later date to report an incident that recently took place, you can call Campus Security at: (270) 852-8977 (Director’s Office) or (270) 686-4400 (ask for the officer on duty). The purpose of reporting to Campus Security is to:

1. Obtain the necessary medical assistance and emotional support.
2. Protect yourself and others from future victimization.
3. Apprehend the assailant.
4. Seek justice for the wrong done to you.

If you choose to report the incident, a security officer or a pair of security officers will take a statement from you regarding what happened. They will ask you to describe the assailant(s) if you do not know them or identify them if you are acquainted. They may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. You may have a support person with you during the interview

The Security Department is required by law to contact the local police any time a crime has been committed. The Security Department will give the police a copy of its report or if you are thinking of filing a criminal complaint, they may ask a local police detective to be a part of the interview process. This does not mean you have to proceed with criminal charges. You can request that your identity be kept confidential.

Anonymous Reporting

If you are assaulted and do not want to pursue action within the college system or the criminal justice system at this time, you may still want to consider making an anonymous report.

With your permission, a member of the Counseling Center or outside agency can report the details of the incident to the Security Department and/or other appropriate college officials without revealing your identity. The purpose of an anonymous report is to comply with your wish to keep the matter confidential while taking steps to ensure future safety for you and others.

With such information, the college can keep accurate records about the number of incidents involving students, determine whether there is a pattern of assaults with regard to a particular location, method, or assailant, and alert the campus community to potential danger.

Criminal Investigation Process and Criminal Charges

If you want to press criminal charges regarding the incident, the Owensboro Police Department or Daviess County Sheriff's Office will be contacted depending on the location of the crime.

In most instances, if you have contacted the Security Department, it will have notified the appropriate authorities. Depending on the timing of your report and your preference, it may be possible for you to make a statement in the presence of both the Security Department and local police. Be advised that any questioning can be difficult, and it is not something you have to go through alone. Remember, you may request that a support person be with you during police interviews.

If it is possible for the assailant to be apprehended, the suspect will be taken by police to the Daviess County Detention Center and charged with the appropriate offenses. The assailant will remain there until a preliminary arraignment is held. You do not need to be present during this proceeding. The assailant may be jailed or released on bail depending on the circumstances of the crime. One of the conditions of bail is usually that the suspect not attempt to contact you. If you are contacted by the assailant or feel threatened in any way, you should immediately call the police. Bail can be revoked and other charges filed if necessary.

A lawyer from the local District Attorney's Office will represent you without cost throughout the criminal proceedings. You may also wish to speak with your personal or family attorney for legal advice.

Medical Treatment

It is important to seek immediate medical attention for several reasons. First, it is important to assess and treat any physical injuries you may have sustained. Second, it is necessary to determine the risk of sexually transmitted diseases or pregnancy. Third, it is imperative to gather evidence for aiding in the criminal prosecution of the assailant.

Physical evidence should be collected immediately by qualified law enforcement personnel, preferably within the first 24 hours. It may be collected later than this; however, the quality and quantity of evidence may be diminished.

Immediate Emergency Services

A special exam conducted by proper medical practitioners should be conducted as soon as possible following an assault to ensure you are physically okay and to collect evidence that may be used in criminal proceedings. Even if you have not been physically harmed, this special exam is recommended to maintain all legal options. After the evidence is collected, it may be stored by an emergency department physician or gynecologist. A nurse is present throughout the procedure, and a support person of your choice can also be present.

NOTE: Ordinarily, the police will be contacted by hospital personnel whenever they provide treatment for injuries resulting from a crime. If you seek treatment at a local hospital and the police are contacted, this does not mean that you have to proceed with criminal charges.

Non-Emergency Medical Procedures

Even if evidence has not been collected at the hospital, it is still important to get medical attention. An examination in this case will include treatment of any physical problems and various lab tests for sexually transmitted diseases and pregnancy. This non-emergency treatment can be arranged at Owensboro Medical Health System, 811 East Parrish Ave., Owensboro, KY 42303 (24 hours). You may contact them via phone at (270) 688-2000.

Transportation

A member of OCTC Student Affairs or Security Staff will make the necessary arrangements to transport sexual assault survivors to the hospital if the incident occurs on campus.

Counseling and Emotional Support

On-Campus

The OCTC Counseling Center provides emotional support and counseling for its students. All students have access to qualified and competent professionals who are capable of providing them with short-term equitable, sensitive, and confidential support. Counseling services are provided at no charge to the student in a comfortable and private office environment in the Campus Center. To arrange an appointment with a counselor, please call (270) 686-4527 or dial extension 64527 from an in-house phone.

Off-Campus

The New Beginnings Crisis Line is a local rape crisis center with a 24-hour emergency hotline (270) 926-7273. Trained personnel can provide information and confidential counseling to those who have been sexually assaulted. The New Beginnings Crisis Center also provides medical and legal accompaniment and offers support groups for survivors of rape, incest, and other forms of sexual abuse.

College Disciplinary Action

If you have been assaulted by another student or group of students and are considering college action, you are encouraged to discuss the matter with the Vice President of Student Affairs. This will allow you the opportunity to review procedures should you decide to file a formal complaint through the college's system. This discussion does not obligate you to pursue official action.

If you are willing to take part in the college adjudication process, the Vice President of Student Affairs will assist you with the process. Charges may either be filed by you or by Owensboro Community & Technical College on the basis of your written statement. Such a charge would be handled in accordance with the procedures relating to violations of the Student Code of Conduct. Assailants could be subject to disciplinary action pending review by the college Judicial Board. For more details on these proceedings, consult the Student Code of Conduct (Article III). http://www.kctcs.edu/en/Students/Admissions/Academic_Policies/Code_of_Student_Conduct.aspx

Prevention Tips

- Be clear and honest in your communication about your limits regarding sex.
- Say “no” and mean “no” — or do not say it.
- Trust your instincts — if uncertain about someone, be very cautious about dating him/her.
- Non-verbal behavior can be interpreted differently than intended (but that does not mean that it is the victim's fault should a rape occur).
- Don't drink or use other drugs on dates (one's vulnerability rises dramatically).
- Forced sex is never okay — it is **always** rape!
- “No” means “no”; not “maybe”, or “I want you to be more assertive”.
- Take responsibility for your own limits and actions; do not let others decide what is right for you.
- Spending money on someone, previous sexual intercourse, petting, and long time dating do not obligate a person to have sex with anyone.
- Do not talk or encourage others to talk in a macho way or tell jokes belittling others or sex — You are contributing to the problem if you do.
- Being under the influence of drugs or alcohol is not an excuse for rape.

Understanding the Survivor of Sexual Assaults

Survivors of sexual violence experience many feelings: confusion, denial, shock, fear, self-blame, embarrassment, helplessness. These feelings are normal. But, at times, these last a lifetime if not addressed and resolved.

Survivors Need To...

- Seriously consider obtaining medical help
- Feel safe
- Be believed
- Know it was not his/her fault (no one deserves to be raped)
- Experience control of his/her life again

Resources

On-Campus Emergency: 64400
Off-Campus Emergency: (270) 686-4400
Security Officer: (270) 852-8977

Medical Treatment

Emergency Department

Owensboro Medical Health System
811 East Parrish Ave
Owensboro, KY 42303 (24 hours) (270) 688-2000

Police and Legal Information

OCTC Security Services Department
Administration Building
Non-Emergency Office (270) 852-8977
Emergency (270) 929-0221

Owensboro Police Department
222 East Ninth St.
Owensboro, KY 42303
Information (270) 687-8888
Emergency 911

District Attorney's Office
Daviess County Courthouse
Kirtley Annex, East 3rd St.
Owensboro, KY 42303 (270) 685-8429

Emotional Support

New Beginnings Sexual Assault Support Services: (270) 926-7273

Student Affairs Office

Vice President of Student Affairs: (270) 686-4504

Statement of Survivors Rights

Owensboro Community & Technical College recognizes that sexual assault and rape are offenses in which the survivor often feels powerless. Victims will be assured that they have the following rights throughout the trauma of being an assault survivor in our community:

1. The survivor will have the power to make decisions affecting her/ his medical and emotional treatment.
2. The survivor will have control over making decisions regarding legal prosecution and disciplinary action.
3. The survivor will decide who is notified outside the protocol established by the college, including notification of parents (except in the case of a minor victim).
4. The survivor will receive support from the college in obtaining needed counseling and support.
5. The survivor will be assured of confidentiality within the protocol followed by the college.
6. The survivor will have the following rights within the college disciplinary system:
 - a. to have an advisor present of his/her choice
 - b. to remain present during the hearing
 - c. not to have prior sexual history discussed during the hearing
 - d. to have a victim impact statement entered as testimony
 - e. to be informed of the outcome of the hearing

For further information, contact the Vice President of Student Affairs.