

ANNEX 11: RAPE/ SEXUAL ASSAULT

GENERAL INFORMATION

Sexual assault on college campuses continues to make national headlines. Victims/survivors suffer short and long-term health problems, such as sexually transmitted infections, depression, anxiety, eating disorders, chronic illness, and post-traumatic stress disorder. College students who have been sexually assaulted are more likely to engage in risky behaviors, such as binge drinking and drug use, and have lower academic achievement, and they may be at greater risk for revictimization. Sexual violence occurs when someone is forced into unwanted sexual activity without consent. Campus sexual assault makes up the greatest proportion (43%) of total on-campus crimes in the United States, resulting in approximately eight forcible sex offenses per 10,000 students.

The **RED ZONE** is typically thought of as the beginning period of a new school year (i.e., mid-August to November), where there is a link between the increased frequency of social gatherings and rates of sexual assault. Research has found that 50% of Campus Sexual Assaults occur during the **RED ZONE**, especially for students who are new to campus.

MARGINALIZED AND OTHER AFFECTED POPULATIONS:

- **Gender-Based Violence** – Rates of sexual victimization are particularly high among female college students, where up to 25% of female college students reported being victims of sexual assault. Specifically, College women in their first year have reportedly been at the highest risk for sexual assault compared to other college women after their first year.
- **LGBTQ+** – LGBTQ+ college students experience an elevated risk of sexual assault compared to their heterosexual and cisgender peers. Students who identify as sexual minority men are nine times as likely to have experienced sexual assaults as heterosexual male students, and students who identify as sexual minority women are twice as likely as heterosexual female students to have been sexually assaulted.
- **Individuals with Disabilities** – Students with disabilities are more likely to be victims of sexual assault and may be particularly vulnerable due to a range of factors, including physical challenges, stereotypes about people with disabilities, and lack of opportunities for comprehensive sexual education.

If an individual informs you that he/she is a victim of a rape or sexual assault, please implement the following:

- **Listen with compassion.** Recognize that the person coming to you for help might be struggling with difficult feelings like anger, fear, denial, or embarrassment.

- **Explain confidentiality and mandatory reporting.** Inform the person right away that you are required to report information they tell you to the Title IX Coordinator to manage the institution's response to the rape or sexual assault. The Title IX Coordinator can work with the survivor on requesting accommodations regarding class schedule or parking. Informed consent such as this allows the survivor to choose how much to tell you. Do not discuss the situation with anyone other than the Title IX Coordinator without the person's permission.
- **Offer support.** Give assurance that campus and community resources can help and offer to help contact them.
 - Emergency Services: Call 911
 - Medical Assistance: Call St. Peter's Hospital (406) 442-2480
 - Emergency Room: 406-447-2684
 - National Sexual Assault Hotline/Confidential 24/7 Support (800) 656-4673
 - Friendship Center: 406-442-6800
 - Title IX Coordinator: Valerie Curtin (Executive Director of Compliance & Financial Aid) @ 406-447-6913

DEFINITIONS:

- **Sexual Assault** – any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** – The penetration, no matter how slight, of the vagina, or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because his/her temporary or permanent mental incapacity.
- **Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent
- **Consent** – means words or overt actions indicating a freely given agreement to have sexual intercourse or sexual contact.
 - An expression or lack of consent through words or conduct means there is no consent or that consent has been withdrawn;

- A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent; and
- Lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent.

- **Consent cannot be given when:**
 - Coercion, intimidation, threats, or physical force are used; or
 - If the victim is mentally or physically incapacitated; or
If the victim is impaired such that the victim cannot understand the fact, nature, or extent of the sexual situation.
 - Includes conditions due to alcohol or drug consumption, being sleeping, or unconscious.
 - Past consent to sexual activities does not imply future or ongoing consent.

Helena College has designated that ALL our employees (e.g. faculty and staff) are considered Mandatory Reports. Responsible employees are required by law to report all alleged cases of sexual harassment, assault, dating violence, domestic violence, and stalking to the Title IX Coordinator. Once reported, the Title IX Coordinator will determine (with others) whether action should be taken on the report.

30 Minute/3 Hour/3 Day Rape / Sexual Assault

30-MINUTE RESPONSE

If an individual informs you that they are a victim/survivor of a rape or sexual assault, please implement the following:

- Ensure your safety and the safety of the reporter/survivor. In an emergency, situation of imminent danger, or obvious medical attention is needed, call 911 immediately.
- Inform the victim that you are required to report the incident, even if the victim chooses not to press charges or file a report with law enforcement. Although every effort will be taken to ensure privacy, a mandatory reporter cannot guarantee complete confidentiality.
- Listen with compassion. Collect information needed for reporting.
 - Date, time, location of the assault (On-Campus or Off-Campus).
 - Injuries observed or described by the victim/survivor.
 - Obtain/collect suspect information (name, description etc.).
- **Report the incident Executive Director of Compliance and Financial Aid or Executive Director of Operations**
 - **Student related incidents report to the (Title IX Coordinator) Valerie Curtin – Executive Director of Compliance and Finance Aid by dialing (406) 447-6913.**
 - **Employee related incidents report to Kelley Turner – Executive Director of Operations by dialing (406) 447-6925.**
- Assistance to the victim/survivor best as possible.
- Empower the survivor to take back control.
 - Offer to walk the victim/survivor to the Title IX Coordinator's office.
Inform the victim of his/her option to also self-report the incident to local police for investigation or to decline to report the incident to law enforcement. Filing a report with the police does not require the victim to press charges.
 - If the victim/survivor decides to seek medical attention;
 - Consider driving them to the hospital.

- Assist in calling a family member to be with the victim/survivor.
- Research shows injuries and evidence can be detected up to 120 hours after the assault took place.
- If the victim/survivor decides to call law enforcement;
 - Consider helping them make the phone call.
 - Find a private room for the victim/survivor to meet with law enforcement.
 - Stay with the victim/survivor until the victim/survivor no longer requires your presence/support.
- If the assault happened on campus, consider how to protect/preserve the crime scene;
 - Lock the room down (Electronically).
 - Position a person to stand outside the door and not allow anybody to enter.
- Complete a "Sexual Misconduct and/or Discrimination" or a "Care Referral" report form.
 - Include date, time, and location of the assault.
 - Detailed account of what information the victim/survivor shared with you.
 - If the identity of the suspect was provided, list that person(s) name.

Title IX Coordinator or Executive Director of Operations

- Title IX Coordinator and Executive Director of Operations will work together to ensure proper procedures are being followed and the safety of the campus community is the priority.
- Verify the victim/survivor is safe and being taken care of medically.
- Determine if the assault occurred on campus, if so, secure/protect the crime scene.
- Determine the whereabouts of the suspect.
- Determine if law enforcement has or has not been contacted.
- Determine if there is still an ongoing threat to the campus community;
 - If so, consider sending out a Timely Warning via the Regroup Emergency Alert Notification System.
 - If not, slow down and gather as much information as possible.
- Start considering protective measures/support services unique to the situation.

3-Hour Response (Stabilization)

Title IX Coordinator and/or Executive Director of Operations

- Determine if there is still an ongoing threat to the campus community;
- If so, consider sending out a Timely Warning via the Regroup Emergency Alert Notification System.
- If not, slow down and gather as much information as possible.
- Establish protective measures/support services unique to the situation.
- Initiate Title IX procedures and protocols as necessary.

- Consider communication/messaging strategies.
- Continue to support law enforcement's investigation efforts.
- If assault occurred on campus, ensure the incident is reflected on the crime log within 48 hours.
- Comply with court orders (i.e., temporary restraining orders, no contact orders, etc.)

3-Day Response (Recovery)

- Determine if there is still an ongoing threat to the campus community;
- If so, consider sending out updated messages via Regroup Emergency Alert Notification System.
- If not, return to business as usual.
- Consider bringing in counselors to help in the recovery stage.
- Continue to follow Title IX procedures as necessary.
- Continue to implement support measures until no longer necessary or required.
- Continue to support law enforcement's investigation efforts.
- Consider assigning someone as a liaison with law enforcement/court proceedings etc.
- Continue to comply with court orders (i.e., permanent or temporary order of protections, no contact orders, other court orders of release etc.)
- Involve Financial Aid, the Registrar's Office, other Administrative Offices as appropriate.