

Sexual Assault Protocol

Founded upon the values of the Sisters of Notre Dame de Namur and rooted in the Catholic tradition, Notre Dame de Namur university serves its students and the community by providing excellent professional and liberal arts programs in which the community engagement and the values of social justice and global peace are integral to the learning experience. NDNU is a diverse and inclusive learning community that challenges each member to consciously apply values and ethics in his or her personal, professional, and public life. To support this mission, the University depends on a strict adherence to standards of conduct set by its members. The University is committed to maintaining the campus community as a place of work and study free of sexual and other unlawful harassment.

Acts of sexual assault are reprehensible and our community members have the right to be free from harassment, abuse, force, violence on the campus or during University activities. The university prohibits unlawful sexual harassment and sexual assault of any member(s) of the university community. In addition, sexual assault is a crime punishable by both civil and criminal legal action and is a serious violation of the University policy. Students at the University are responsible for being familiar with and abiding by the standards of conduct set forth herein

Through the sexual assault protocol, the University seeks to provide a consistent, caring and timely response when sexual assaults occur. These procedures were created to accomplish the following:

- A. Facilitate the recovery of a sexual assault survivor by providing prompt and compassionate support services through a sexual assault response network (SARN).
- B. Create a campus environment which both expedites and encourages the prompt reporting of perceived sexual assaults and harassments against students.
- C. Facilitate the processing of case through the student conduct system.

To accomplish these goals, this protocol provides the following information:

1. Procedure students should follow if a sex offense occurs including who should be contacted, the importance of preserving evidence as it may be necessary for the proof of criminal sexual assault to whom the alleged offense should be reported;
2. Students' options to notify proper law enforcement authorities, including the on campus Public Safety office and local police, and the option to be assisted by campus authorities in notifying these authorities if the student chooses to do so.
3. Existing counseling, mental health or student services for survivors of sexual assault, both on-campus and in the community; and options for, and available assistance, in changing academic and living situations after an alleged sexual assault incident if requested by the survivor and if these changes are reasonable available.

Procedures in this document are addressed to the survivor and those providing assistance to the survivor.

Section 1: Suggested Procedures to Be Followed By a Student Who Has Experienced a Sexual Assault

A) *What to do immediately*

1. Go to a safe place.
2. Inform someone you trust, such as a friend.
3. Please inform a University representative, such as a resident Advisor, Housing & Resident Life staff member, or the Vice Present for Campus Life. The University has created a SARN (Sexual Assault Response Network) where students may report a sexual assault anonymously and receive support services confidentially. You are encouraged to contact any of the following departments to report the incident and seek assistance: Center for Student Leadership, Counseling Services, Housing & Resident Life, Public Safety, Health & wellness, Spirituality & social Change or Student development & Responsibility. Staff in each of these departments have been trained using a protocol check list to ensure t hat the student receive correct and consistent information and assistance. The SARN is coordinated by the Sexual Assault response Coordinator (SARC). This role is held by the director for Student Development & Responsibility.
4. Call a crisis center. Counselors on a g=hotline are trained to help rape and sexual assault survivors and offer confidential support and information about legal, medical and mental health resources. San Mateo County Rape Trauma Hotline (650) 692-7273
5. Preserve evidence.
6. It is suggested that before contact with authorities, you do not disturb evidence at the scene of the incident. This can be done by leaving the scene undisturbed and allowing professionals to collect the evidence if that is possible.
7. Seek Immediate Medical attention. It's important to seek immediate medical attention. **Within 72 hours of an assault**, a Physical Evidence Recovery Kit (PERK) can be performed at a hospital. Even if more than 72 hours have elapsed, it is important to seek treatment and testing for physical injuries, pregnancy and sexually transmitted disease.

You can call the police and they will send and officer to take you to the hospital. If you don't want to call the police, contact another trusted individual to take you to the hospital or health center for referral. If its an emergence, **Dial 911** for the Belmont Police Department or use the other options listed below:

Belmont Police Department
(650) 595-7400
Public Safety Cell Phone
(650) 504-0656 or (650) 740-1483

B) *What to do over the next few days*

1. Seek out the support of someone you trust, family, friend and/ or counselor. The University Counseling Center is located in the Oaks. (650) 508-3578
2. Report the incident to the Police department and the Universities SARN, if you did not do so previously.

Section 2: Reporting the Sexual Assault Incident

A) Reporting to the Police

From a place you feel safe, call 911 and report the incident to the Belmont Police Department. The Belmont Police Department has officers specially trained to deal with sexual assault survivors, and, if necessary, will send a patrol car to take you to the hospital. Should you prefer, you can request that a female officer pick you up and take you to the hospital. If possible, bring a change of clothes, as your clothes will most likely be collected as evidence. The Police officer will ask you to recount the events of the assault and file this information as an initial report. Try to answer honestly as you can and reply that you don't know or are unsure if you cannot remember.

The police will ask you to undergo a medical exam for the purpose of collecting evidence. This procedure will include an examination of your genital, anus and mouth for traces of the assailant and a search for evidence elsewhere on your body, including checking your finger nails and on your clothing. If there are any visible signs of the assault such as bruises, scrapes or cuts, the police may photograph them for use of evidence. The medical examination may also include a test for sexually transmitted disease and pregnancy. The emergency room staff and/or your advocate will advise you of the many options for dealing with the situation.

After your examination, the police will want to make a comprehensive report of the incident. Since your statements may be used by the defence attorney if the case comes to trial, you may want to consider having the presence of legal counsel when making your statement.

B) Making an Anonymous Report

1. Police

You may elect to report the incident anonymously. The police will record the date and time of the assault, the mode of operation of the assailant, and any description of the assailant you can give. If you know the assailant's name, it will be recorded. This report may influence the District Attorney's decision whether to prosecute another case if the same assailant has been named in one or more separate complaints. Also, the police store the information in the event a pattern of crimes by the assailant is detected.

2. University

We encourage you to report sexual misconduct directly to the University through the SARN or the Office of Student Development & Responsibility. You may decide to pursue action

through the University community. If the assailant is a student, reports the incident to public safety; or to the Director of Student Development & Responsibility, The Vice Present for Campus Life, or a Housing & Resident Life staff member. To assist you in deciding whether to report, you may want to contact the Counseling Center or any member of the SARN.

The University recognizes that many survivors desire confidentiality, and many will not want the University to investigate and attempt to resolve the incident. Despite this fact, if officials of the university (including administrators and Public Safety) are notified of the details of an incident, they have a duty to investigate and resolve the incident to the extent possible, even without the cooperation of the survivor. It is therefore very important that for you to understand during its investigation and attempt to resolve the incident, the University will not be able to assure complete confidentiality or control over the process. However, the University only discloses the information to those who need to know the information about the incident to assist with reaching a resolution. Even if the survivor refuses to cooperate with the University investigation and student conduct process, the process may go forward because University officials are obligated to pursue it to the extent possible.

Federal Statistical Reporting Obligations

University officials also have a duty to report sexual misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crimes, to ensure greater community safety.

Federal Timely Warning Reporting Obligations

Survivors of sexual misconduct should also be aware that the University administration must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the campus community. The University will ensure that a survivor's name and other identifying information is not disclosed, while still providing enough information for students to make safety decisions in light of the danger.

Section 3: Resources for Survivors of Sexual Assault

Medical Needs:

San Mateo County Medical Center
222 39th Avenue
San Mateo, Ca 94403
(650) 573-2222

Health & Wellness Services

(650) 508-3756

Emergency Needs:

911

On Campus Counseling:

Counseling Services
The Oaks
(650) 508-3578

On-Campus Student Support Services:

Vice President for Campus Life
(650) 508-3778

Student Development & Responsibility
(650) 508-3657

Housing & Resident life
(650) 508-3759

Other Services:

Public Safety
(650) 508-3502
(650) 504-0656
(650) 740-1483

Belmont Police Department
1215 Ralston Ave
Belmont, Ca 94002
(650) 595-7400

Rape Trauma Services
(650)- 692- RAPE or (650) 692-7273

Section 4: Statement of Survivor's Rights

Survivors have the right to be treated with respect by University Officials;

The right of both accuser and accused to have the same opportunity to have others present (in support of advisory roles) during a student conduct hearing;

The right not to be discouraged from reporting by University Officials;

The right to be informed of the outcome and sanction of any student conduct hearing involving sexual assault;

The right to be informed of their options to notify proper law enforcement authorities, including Public Safety and the Belmont Police Department, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the survivor's desire.

The right to be notified of available counseling, mental health or student services for survivors of sexual assault both on campus and in the community;

The right to notification of and option for, and available assistance in, changing academic and living situation after an alleged sexual assault incident, if so requested by the survivor and if such changes are reasonably available;

The right not to have irrelevant prior sexual history admitted in a student conducting hearing;
The right not to have Non-Consensual Sexual Intercourse charges mediated (as opposed to adjudicated).

The right to make a survivor-impact statement to the Student Conduct Board and to have that statement considered by the Board in determining its sanction;

The right to a campus no contact order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or improper behavior that presents a danger to the welfare of the complaining student.

The right to have complaints of sexual misconduct responded to quickly and with sensitivity by University officials;

The right to appeal the finding and sanction of the Student Conduct Board, in accordance with the standards for appeal established in the Student Code of Conduct section of the Handbook.

Additional Clarification About Sexual Misconduct

The object of sexual aggression is not required to physically or otherwise resist a sexual aggressor. Silence, previous sexual relationships and/or current relationships with the respondent (or anyone else) may not, in themselves be taken to imply consent. Consent cannot be implied by attire, or inferred from buying of dinner or spending of money on a date.

Intentional use of alcohol/drugs by the respondent is not an excuse for violation of the sexual misconduct policy. A student who deliberately drugs or supplies another with alcohol for the

purpose of rendering that person incapacitated or sexually submissive/passive commits a violation of the sexual misconduct policy.

Attempts to commit sexual assault or rape are also prohibited under this policy, as is adding the commission of sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly[because you cannot be expected to read the mind of your sexual partner(s)], all sexual activity must cease.

Sexual Assault Protocol

Belmont Police Department is the primary law enforcement investigation unit. NDNU Public Safety is the primary support unit for the investigation.