

Sexual Assault

ADELPHI'S COMMITMENT TO SAFETY

Adelphi University is committed to providing an atmosphere in which students can pursue their educational goals and achieve personal growth. Maintaining a safe environment for students, faculty and staff has long been recognized as an essential part of University life.

At Adelphi, safety and security are of the highest priority and are considered a shared responsibility, requiring the cooperation of everyone concerned—students, faculty and staff.

The University has established policies and procedures, and offers comprehensive services, to ensure the well-being of members of the University community. All forms of discrimination, harassment (including sexual misconduct, dating violence, domestic violence and stalking) and retaliation are prohibited on the campus. See Adelphi University's *Anti-Discrimination, Harassment (including Sexual Misconduct/Title IX) and Retaliation Policy* at adelphi.edu/policies/title-ix for complete information.

The University advises and updates students about security procedures through a variety of means, including University publications, on-campus meetings and trainings, new student orientation programs, email and the emergency notification system, as necessary. For information on resources and reporting, visit adelphi.edu/safety-transportation.

The following information was developed for survivors of sexual assault and for those individuals at Adelphi University who might be called upon to support and advise them.

WHAT IS SEXUAL ASSAULT?

Sexual assault is gender neutral and describes all forms of sexual violence, including sexual intercourse (rape), oral or anal contact, penetration with an object or finger and touching of an intimate body part for the purpose of sexual gratification that is committed without consent, or by the use or threat of force, or where the complainant is incapable of giving consent.

Acquaintance/date rape is sexual intercourse perpetrated by someone known to the complainant and committed without the consent of the complainant or by the use or threat of force, or when the complainant is incapable of giving consent.

SEXUAL BOUNDARIES AND CONSENT

- Sexual consent means to give knowing, voluntary and clear permission by word or action to engage in mutually agreed-upon sexual activity.
- It is the responsibility of each party to make certain the other party has consented before engaging in sexual activity.
- Consent to some sexual contact cannot be presumed to be consent for other sexual activity.
- Consent given on a prior occasion does not constitute consent on a subsequent occasion.
- Silence or the absence of resistance in and of itself does not constitute consent.
- Consent can be withdrawn at any time during a sexual encounter. If that happens, the other person must stop immediately.
- If a person is intoxicated to the point of incapacitation, asleep, unconscious, passed out or underage, they are incapable of giving consent for sexual activity.

SAFETY TIPS

- **Be aware of your surroundings.** Stay in well-lit areas. Be wary of isolated spots. Be mindful that cellphone and headphone use can limit your awareness of surroundings.
- **Trust your instincts.** If a situation, place or person makes you uncomfortable, leave. Have your keys ready before you reach the door to your residence, office or car.
- **Using alcohol and drugs may increase your risk of being the victim of a crime.**
- **Never leave any drink unattended.**
- **Make sure your cellphone is charged before you leave home.**
- **If you see something, say something, but do not put yourself in harm's way.** Call Public Safety at **516.877.3511**.
- **Let your friends know where you are.**
- **Respect sexual boundaries and familiarize yourself with the University's definition of sexual consent.** (See *Sexual Boundaries and Consent* section.)

COMMON MYTHS ABOUT SEXUAL ASSAULT

- **"The person asked for it."** No one asks to be sexually assaulted. No one deserves to be sexually assaulted because of their clothing, behavior, appearance or for any other reason.

- **"It can't happen to me."** Anyone can be a victim of sexual assault, regardless of their age, race, gender, sexual orientation, educational background or income level.
- **"The primary motive for rape is sex."** Rape is a crime of power, violence and control.
- **"Rape only occurs among strangers."** Seventy percent of rape cases are committed by someone known to the victim.
- **"No one can be forced to have sex against their will."** Anyone can be forced to have sex against their will by the threat or use of force.
- **"Most rape victims suffer visible physical injury from the incident."** More than two-thirds of all rape victims do not sustain any visible physical injuries from their attack.

WHO IS MOST VULNERABLE TO SEXUAL ASSAULT?

Studies indicate that persons between 16 and 24 years old are most often victims of sexual assault. College students, especially first-year students, are the most vulnerable because they may be:

- Away from home for the first time
- Confronted with new social situations
- Emotionally vulnerable

IF A SEXUAL ASSAULT OCCURS...

- Go to a safe place and contact the proper authorities immediately. (See Reporting Sexual Assault section.)
- Be mindful of preserving all possible evidence. Do not change clothes, shower, douche, comb hair, brush teeth, eat or drink. And, if possible, do not urinate.
- Get a medical examination to ensure treatment. There may be hidden physical injuries.
- Ask an advocate or rape counselor to accompany you to the medical examination. (See Campus Support Services and Community Support Services sections.)
- A rape kit can be completed if the medical examination occurs within 96 hours of the assault. The rape kit preserves evidence from all areas of contact. At the hospital, the medical staff will discuss testing for sexually transmitted diseases, pregnancy and HIV.
- You have the right to receive assistance and resources from the University, including counseling.
- You have the right to report the incident to Public Safety (**516.877.3511**), local law enforcement and/or the state police, or choose not to make this report.

- You have the right to report the incident to the University and be protected by the University from retaliation for reporting the incident. You have the right to speak with the Title IX coordinator or designee, who can provide you with more information and answer your questions.

REPORTING SEXUAL ASSAULT

To report to the police: Dial **911**.

On-Campus Incidents:

Garden City campus

Public Safety can be reached by dialing **516.877.3511**, or by dialing **5** on emergency campus phones located inside and outside the buildings.

Hauppauge Education and Conference Center Security Desk

Dial **516.237.8605**.

Manhattan Center

Contact the security officer at the front desk at **212.965.8340**—press **1**.

Hudson Valley Center

Dial **845.471.3348**.

Title IX Coordinator

Contact Leah Saxtein located in Levermore Hall, Room 207, at **516.877.4819** or titleix@adelphi.edu.

Online Reporting

To file an online report, visit adelphi.edu/title-ix or email titleix@adelphi.edu. For an immediate emergency response, follow the instructions and report to Public Safety at **516.877.3511**, or dial **911**.

CAMPUS SUPPORT SERVICES

The Student Counseling Center offers confidential individual and group counseling and crisis intervention for survivors of sexual assault incidents. Counseling services are available on-site at the Garden City campus and Manhattan Center. Day and evening hours are available by calling **516.877.3646**. Counseling services are also available for Hudson Valley Center students through The WorkPlace EAP by calling **845.431.8740**.

Crisis intervention and rape counseling services are also provided free of charge both on and off the **Garden City campus** by **The Safe Center LI**. Call the 24-hour rape hotline at **516.542.0404** or the Student Counseling Center at **516.877.3646** or scc@adelphi.edu for additional information and assistance. Confidential support services are also available at the **Interfaith Center 516.877.3113**.

Confidential Resources: If you do not wish to make a report, you can speak to the following offices confidentially: (1) Student Counseling Center, **516.877.3646**, (2) Health Services Center, **516.877.6000**, (3) Interfaith Center, **516.877.3113**.

WORRIED ABOUT REPORTING AN ASSAULT?

“I’m afraid to report because everyone on campus will find out what happened to me.”

Protecting your privacy is of utmost importance in cases involving sexual assault. University officials will treat your case with sensitivity and respect.

“I don’t want to have my lifestyle put under a microscope.”

Only issues relevant to the process will be considered.

“I was drinking alcohol in my residence hall at the time of the assault and I am afraid that I will get in trouble.”

Your well-being is our greatest concern. There is amnesty for alcohol and drug infractions for students who report sexual misconduct.

“I was sexually assaulted and I do not wish to speak with anyone of the opposite sex about what happened to me.”

A diverse staff is available to assist you upon request.

COMMUNITY SUPPORT SERVICES

In addition to the Student Counseling Center, Adelphi partners with experts who will provide support services to survivors of sexual assault. Community support services near Adelphi locations include:

In the Garden City area:

The Safe Center LI 24-hour hotline: **516.542.0404**

Long Island Crisis Center Online/Mobile Chat Counseling:
longislandcrisiscenter.org/get-help-now/#mobile

In the Suffolk County hubs area:

Victims Information Bureau of Suffolk:

631.360.3606 (24-hour crisis line)

Long Island Crisis Center Online/Mobile Chat Counseling:
longislandcrisiscenter.org/get-help-now/#mobile

In the Manhattan Center area:

Safe Horizon hotlines:

Domestic violence hotline: **800.621.4673**

Crime victims hotline: **866.689.4357**

Rape, sexual assault and incest hotline: **212.227.3000**

TTY phone number for all hotlines: **866.604.5350**

safehorizon.org

In the Hudson Valley Center area:

Rape crisis/Crime victim hotline:

845.452.7272 (24-hour hotline)

845.452.1110

familyservicesny.org

ADDITIONAL RESOURCES

New York State Domestic and Sexual Violence Hotline

800.942.6906 (English and Spanish bilingual accessibility)

Deaf or hard of hearing: **711**

SUNY SAVR — suny.edu/violence-response

UNIVERSITY DISCIPLINARY OPTIONS

Once the University has notice of an allegation of sexual assault, we are required by law to conduct a prompt and equitable investigation of the incident. The investigation is independent of a criminal investigation and will generally be concluded within 60 days of the report.

Sexual assault is a serious offense and can result in severe University sanctions, including suspension and expulsion. If there are sufficient grounds, the matter will be adjudicated consistent with the *Code of Conduct*. Both the complainant and the respondent have the opportunity to call witnesses, present evidence and be accompanied by an adviser of their choice. Both parties will be apprised of the outcome of the proceedings in writing as well as their right to appeal. Both parties are entitled to the assistance of a faculty advocate.

Complainants of sexual assault are entitled to reasonable interim measures for academic, transportation, living and work schedule concerns, as well as no-contact orders. Contact the Title IX coordinator at **516.877.4819** or **titleix@adelphi.edu** for assistance with this.

Student complaints of sexual misconduct by employees of the University can be filed with the Title IX coordinator.

RETALIATION

Retaliation is intentional action taken by an accused individual or allied third party, absent legitimate nondiscriminatory purposes, that harms or attempts to harm an individual as reprisal for filing a complaint, supporting a complainant or otherwise participating in a proceeding pursuant to Title IX. Under no circumstances will Adelphi University tolerate any form of the above retaliation.

TITLE IX AND NY ARTICLE 129-B

Title IX is a federal law that prohibits discrimination on the basis of sex in education programs and activities. Sexual harassment, sexual assault and sexual violence are considered forms of sexual discrimination. Title IX protects both students and employees from the above discrimination by any University employee, student or non-employee third party.

N.Y. Article 129-B mirrors Title IX and applies to conduct that has a reasonable connection to the University, whether it is on campus, off campus or on study abroad. All such incidents can be reported to Adelphi University Title IX coordinator, Leah Saxtein, Levermore Hall, Room 207, **516.877.4819** or **titleix@adelphi.edu**.

LEGAL OPTIONS

Sexual assault complainants have the following options:

Criminal Prosecution

Report the incident to the local or state police for possible arrest and prosecution. Criminal investigations are independent of campus disciplinary proceedings. Complainants can be assisted by University personnel in reporting these cases to the police.

Civil Remedies

Pursue civil remedies. Civil proceedings are independent of any criminal or campus disciplinary proceedings.

APPLICABLE LAWS AND PENALTIES

CRIME	CLASS	MAXIMUM PENALTY
Sexual Misconduct	A Misdemeanor	1 year
Rape, 3rd degree	E Felony	4 years
Rape, 2nd degree	D Felony	7 years
Rape, 1st degree	B Felony	25 years
Criminal Sexual Act, 3rd degree	E Felony	4 years
Criminal Sexual Act, 2nd degree	D Felony	7 years
Criminal Sexual Act, 1st degree	B Felony	25 years
Forcible Touching	A Misdemeanor	1 year
Persistent Sexual Abuse	E Felony	4 years
Sexual Abuse, 3rd degree	B Misdemeanor	3 months
Sexual Abuse, 2nd degree	A Misdemeanor	1 year
Sexual Abuse, 1st degree	D Felony	7 years
Aggravated Sexual Abuse, 4th degree	E Felony	4 years
Aggravated Sexual Abuse, 3rd degree	D Felony	7 years
Aggravated Sexual Abuse, 2nd degree	C Felony	15 years
Aggravated Sexual Abuse, 1st degree	B Felony	25 years
Facilitating Sex Offense With a Controlled Substance	D Felony	7 years

Adelphi University
Division of Student Affairs

Sexual Assault

WHAT EVERY ADELPHI
STUDENT NEEDS TO KNOW

STUDENT BILL OF RIGHTS

For sexual assault, dating violence, domestic violence and stalking, all students have the right to:

1. Make a report to local law enforcement and/or the state police;
2. Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the University;
4. Participate in a process that is fair, impartial and provides adequate notice and meaningful opportunity to be heard;
5. Be treated with dignity and receive from the University courteous, fair and respectful healthcare and counseling services where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the University;
9. Have access to at least one level of appeal of a determination;
10. Be accompanied by an adviser of choice who may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process, including during all meetings and hearings related to such process;
11. Exercise civil rights and the practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the University.

ADELPHI
UNIVERSITY
NEW YORK