

Sexual Assault

ADELPHI'S COMMITMENT TO SAFETY

Adelphi University is committed to maintaining a safe environment for students, faculty and staff and 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.
- **Alcohol and drug use increase the likelihood of cognitive impairment and the ability to perceive risk.**
- **Handle your own drinks.**
- **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

Contact Allison Vernace located in Levermore Hall, Room 106, at 516.877.6808 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

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 email scc@adelphi.edu for additional information and assistance.

Confidential support services are also available at the Interfaith Center.



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

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.

The complaint is investigated and adjudicated by impartial individuals who do not have a conflict of interest and who have been trained annually in conducting investigations involving sexual assault, dating violence, domestic violence and stalking, the effects of trauma, the need for impartiality, the rights of the accused and the presumption of “not responsible”.

Employee complaints of sexual misconduct by other employees or students 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 and Article 129-B is a NYS law that prohibits discrimination on the basis of sex in all education programs and activities, and in employment. Domestic violence, dating violence and stalking are considered forms of discrimination prohibited under these statutes. Title IX and Article 129-B protects both students and employees from the above discrimination by any University employee, student or non-employee third party.

All such incidents can be reported to University Title IX Office, Allison Vernace, Levermore Hall, Room 106, at 516.877.6808 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

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WHAT EVERY ADELPHI

EMPLOYEE NEEDS TO KNOW

Rights for Reporting Individuals and Complainants in Sexual Assault, Dating Violence, Domestic Violence, and Stalking cases:

1. A reporting individual or complainant’s identity shall remain private at all times if the reporting individual or complainant wishes to maintain privacy.
2. If the accused is an employee of the University, the complainant has the right to disclose the incident to Human Resources and the right to request a confidential or private employee to assist in the reporting.
3. The right to receive assistance from an appropriate University representative on how to initiate legal proceedings in family or civil court.
4. The right to withdraw a complaint or involvement from the University process at any time.
5. All parties have the right to be provided with information about available resources, including intervention, mental health counseling and medical services, including costs.
6. To be assisted by Public Safety in obtaining an Order of Protection or an equivalent protective or restraining order. To receive a copy of the Order of Protection or equivalent when received by the University and be provided with the opportunity to speak with a Public Safety Officer to answer questions and explain the provisions of the order. To receive assistance from Public Safety in effecting an arrest when an Order of Protection is violated.
7. When the accused is a not a student, but is a member of the University Community and presents a continuing threat to the health and safety of the community, to subject the accused to interim measures in accordance with applicable collective bargaining agreements and the policies of the University.
8. To receive reasonable interim accommodations regarding academics, housing, employment, transportation or other applicable arrangements to help ensure safety, prevent retaliation and a hostile environment consistent with the University policies.
9. To receive a prompt response to the complaint and have it investigated and adjudicated by impartial individuals who have been trained annually in conducting investigations.
10. Both parties have the right to exclude their own prior sexual history with persons other than the other party to the proceedings or their own mental health diagnosis and/or treatment from admittance into the disciplinary stages that determines responsibility. Past findings of dating violence, domestic violence, stalking or sexual assault may be admissible in the sanction stage.
11. Both parties have the right to choose whether to disclose or discuss the outcome of the University proceeding and have information obtained during the proceedings protected from public release until the appeals panel makes final determination, unless required by law.

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