SEXUAL ASSAULT, PARTNER VIOLENCE, STALKING & HATE CRIMES

WHAT EVERY STUDENT SHOULD KNOW

SUNY Plattsburgh Branch Campus
Queensbury, New York

Revised September 25, 2012
SAFETY AND SUPPORT OPTIONS

If you are a victim of a sexual assault, dating/partner violence, stalking and/or hate crimes on campus:

• Get to a safe place as soon as you can.
• In the case of a sexual assault, try to preserve all physical evidence; do not bathe, brush your teeth, douche, use the bathroom, eat, drink, or change your clothes.
• If you would like to take college or legal action, contact SUNY Adirondack Security (518) 796-1344 or the Branch Campus Dean’s Office (518) 792-5425. In an emergency immediately call 911 or use a campus Blue Light phone.

If you would like college or legal action to be taken, you are urged and encouraged to report to SUNY Adirondack Security or the Branch Campus Dean’s Office. Talking with SUNY Adirondack Security or other college officials about your options can help you to make an informed decision about what action, if any, you choose to take. Filing a police report does not necessarily mean that you have to press criminal charges. You may choose other options, including college judicial action. Without a report, the college typically cannot take action.

If you simply want to make a report for statistical purposes (for example you do not want a criminal investigation conducted or college charges filed), you would make an anonymous report through the Branch Campus Dean’s office, Regional Higher Education Center, 640 Bay Road, Queensbury, NY 12084, Phone: (518) 792-5425.

CRISIS INTERVENTION/COUNSELING/MEDICAL

• **Warren County Planned Parenthood**
  206 Glen Street, Suite 45
  Glens Falls, NY 12801
  Phone: (518) 792-4305
  Hotline: 1-866-307-4086

• **Glens Falls Hospital**
  100 Park Street
  Glens Falls NY 12801
  Phone: (518) 926-1000

OTHER OFF-CAMPUS

• **New York State Crime Victims Board**
  Phone: 1-800-247-8035

• **Poison Control**
  Phone: 1-800-222-1222

• **Suicide Prevention Lifeline**
  Phone: 1-800-273-8255 (24-hour hotline)

OTHER

• **Title IX Coordinator**
  Phone: (518)564-3310

LAW ENFORCEMENT ASSISTANCE

911 (for all emergency calls including ambulance service)

• **SUNY Adirondack Security**
  Health Center Building
  Phone: (518) 796-1344

• **City of Glens Falls Police Department**
  42 Ridge Street
  Glens Falls, NY 12801
  Phone: (518) 761-3840

• **New York State Police**
  398 Aviation Road
  Queensbury, NY 12804
  Phone: (518) 745-1033

• **Warren County District Attorney**
  1340 State Route 9
  Lake George, NY 12845
  Phone: (518) 761-6405

• **Warren County Sheriff’s Department**
  1400 State Route 9
  Lake George, NY 12845
  Phone: (518) 743-2500
**JUDICIAL PROCESS**

You are encouraged to report any sexual assault, dating/partner violence, stalking and/or hate crimes or incident to SUNY Adirondack Security or the Branch Campus Dean’s Office. They will ensure your complaint is investigated and help you move forward with criminal charges and/or the college judicial process.

When you choose to report to the Branch Campus Dean’s Office only, you will not have the benefit of a police investigation. The Branch Campus Dean’s Office can be reached at (518) 792-5425. Where there is probable cause to believe the college’s regulations prohibiting sexual assault, dating/partner violence, stalking and/or hate crimes have been violated; the college will pursue strong judicial sanctions. Sanctions include, but are not limited to, suspension or dismissal from the college.

The college will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of retaliation or continued incidents or crimes is the college’s priority.

During the judicial process, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding as outlined in the Student Code of Conduct. Both the accuser and the accused have the right to appeal disciplinary hearing outcomes.

The victim also has the right to:

- Make a "victim impact statement" and to suggest an appropriate penalty if the accused is found in violation of the regulation.
- Be informed immediately of the outcome of the hearing.
- Remain present during the entire proceeding.

If the victim has been sexually assaulted on campus:

- As established in state criminal codes, be assured that his/her irrelevant past sexual history will not be discussed during the hearing.

The rights of the accused during the judicial process are described in the Student Conduct Manual, Section IV.

**STUDENT RIGHTS WHEN CHARGED WITH A VIOLATION.**

Victims have the right to pursue adjudication of crimes that occur on the SUNY Plattsburgh Branch Campus through criminal courts and/or through the college’s internal judicial process (see Student Conduct Manual).

**EDUCATIONAL PROGRAMS**

Programs to promote awareness and prevention of sexual assault, dating/partner violence, stalking and/or hate crimes and incidents are presented to Branch Campus students and other relevant and interested individuals and groups.

Programs are designed and presented by the following offices, please contact them directly for more information:

- Adirondack Community College Student Life Office (518) 743-2251
- SUNY Plattsburgh University Police (518) 564-2022
SEXUAL ASSAULT INFORMATION

Rape and sexual assault are not just a woman's problem. Sexual assault happens everywhere, everyday and every minute to women and men of all ages. Research has found that:

- 1 in 4 women and 1 in 10 men have been the victim of rape or attempted rape.
- 90% of the victims knew their assailants.
- 1 in 12 men admitted to having fulfilled the legal definition of rape.
- 85% or more of sexual assaults involve alcohol.

Because rape is everyone’s problem, we can only solve it through the efforts of women and men working together. Take the time now to learn the facts about rape and what you can do.

Rape Drugs

Alcohol is the number one rape drug. Other drugs increase the risk of sexual assault when slipped into a drink, i.e. Royhypnol, Ketamine, and GHB. These drugs are colorless, odorless, and tasteless. The effects happen within 15 to 30 minutes and can last for hours. Effects can include dizziness, feeling intoxicated, sleepiness and amnesia like symptoms.

Some precautions that can help you reduce the risk from these drugs:

- Only drink from un-opened containers or drinks you’ve seen poured.
- Never leave your drink unattended.
- Avoid group drinks like punch bowls.

If you feel really tired or really drunk, you may be feeling the effects of a drug. Tell a friend and go to the Glens Falls Hospital Emergency Center for immediate medical assistance and drug screening. These drugs can metabolize within the body in a short period of time and may be undetectable if too much time has elapsed.

Sexual Assault Risk Reduction

What You Can Do To Reduce Your Risk:

- **Practice good personal safety habits.** To protect yourself from stranger crime, always lock your door when home or away. Don’t admit anyone into your home or apartment. Report any suspicious persons or activity to SUNY Adirondack Security.
- **Listen to your feelings.** If you feel threatened, leave the situation and go to a safe place.
- Avoid guys who are homophobic and/or don’t respect women. Don’t hang out with them, and don’t invite them into your home.
- Make sure you have friends who have your back, especially when you’re drinking.

What You Can Do To Protect Our Community:

- Make it clear to your friends that you don’t think it’s okay to force someone to have sex, no matter what.
- **Don’t ever tell men to lie or manipulate to get sex.** Tell your friends that if you have to get someone drunk, threaten them, or pester them to ‘get’ sex, they don’t really want it and neither person will enjoy it.
- Especially if you’re a guy, **don’t pressure your friends to have sex.** Sex should be a private decision, not a game or an expression of dominance.
- **Take responsibility for finding out what your partner does and doesn’t want to do sexually.** Assume that silence means no, and stop to ask if specific sexual activities are desired.
- **Watch out for your friends,** especially if they’ve been drinking or doing drugs.

Remember: No one deserves to be raped! Perpetrators are responsible for their own actions. Survivors are never to blame.
PARTNER VIOLENCE INFORMATION

Partner violence happens everywhere to women and men of all ages, income levels, and backgrounds. Research has found that:

- Partner violence is the leading cause of injury to women ages 15-44 in the United States.
- Most abusers are male, and most victims of partner violence are female. However, partner violence also occurs in same-sex relationships, and women can be abusers too.
- Women ages 16-24 are the most likely to experience partner violence.

What to Do If You Are Experiencing Partner Violence

If you are experiencing partner violence, the following actions can help make you safer:

- If you are in immediate danger and are able, call 911.
- Consider leaving the relationship. Abuse usually gets worse, and you deserve to be safe.
- Talk to someone you trust such as clergy, other family members, social workers, your doctor or good friends about what is going on. University Police can help too.
- Keep a crisis line phone number on hand in the event you have to leave in a hurry. Keep a fully charged cell phone on you at all times so you’ll be able to make emergency calls.
- Establish a secret emergency phrase or word that will tell friends and family to call the police.
- Leave an "emergency kit" with someone you trust such as a friend or another family member. The kit should include money, important telephone numbers, important papers, and other items you would need in the event you would have to leave in a hurry.

Partner Violence Red Flags

While these can be useful, each situation is different and there is no foolproof way to predict or recognize abuse. Trust your instincts.

- Quick Involvement - Abusive relationships are often intense and quick to form.
- Jealousy and Isolation - Abusive partners often begin the cycle of abuse by isolating their partner from friends, family, and anyone else who might challenge their abusive behavior.
- Anger and Violence - Abusive partners often show explosive anger or violent behavior before directing it at their partner.
- Unpredictable Behavior - Abusive partners may switch moods quickly. This is one way to establish control over a fearful partner.
- Belief in Personal Superiority/Sexist Thinking - For example, many abusive men in heterosexual relationships believe that men should control women, that women should be kept “in their place,” etc.
- Abusive Behavior - Once a relationship has been established, abusers gradually introduce a range of abusive actions, such as hitting, kicking, slapping, pushing, embarrassing their partner, intimidating their partner and forcing their partner to do things they don’t want to. These behaviors can escalate into threatening to harm family/friends/pets, isolating their partner and blaming their partner for the abuse. Abuse tends to become more extreme and violent over time.

Remember: No one deserves to be abused! Perpetrators are responsible for their own actions. Survivors are never to blame.

Helping A Friend

Someone in an abusive relationship may have a very tough time leaving. By being a good friend and offering your support, you can make it a little easier.

- Help your friend recognize the abuse. Tell your friend you are worried about them.
- Help them find counseling and other resources. See page 2 and/or page 8 of this booklet for appropriate resources- these agencies can help with safety planning.
- Don’t threaten to break off your friendship. This will only isolate your friend further, and make it harder for them to leave.
- Get professional help. Ask a counselor for the best ways to help your friend.
KNOW THAT HAVING SEXUAL CONTACT WITH SOMEONE WHO IS MENTALLY OR PHYSICALLY INCAPABLE OF GIVING CONSENT IS A CRIME (THIS INCLUDES INTOXICATED PERSONS).

SEXUAL ASSAULT & THE LAW

Sexual assault is nonconsensual physical contact of a sexual nature.
Sexual assault of others is prohibited by campus regulation and by New York State penal law. New York State Law contains the following legal provisions defining the crimes related to sexual assault:

**Section 130.20 – Sexual Misconduct.** This offense includes sexual intercourse without consent and deviate sexual intercourse without consent. The penalty for violation of this section could result in imprisonment for a period of up to 1 year.

**Section 130.25/.30/.35 – Rape.** This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to being mentally disabled, mentally incapacitated, or physically helpless. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections could result in imprisonment for a period of up to 25 years.

**Section 130.40/.45/.50 – Criminal Sexual Act.** This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to being mentally disabled, mentally incapacitated, or physically helpless. This series of offenses further includes oral or anal sexual conduct with a person under the age of consent. The penalties for violation of these sections could result in imprisonment for a period of up to 25 years.

**Section 130.52 – Forcible Touching.** This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. Forcible touching includes the squeezing, grabbing, or pinching of such other person’s sexual or other intimate parts. The penalty for violation of this section could result in imprisonment for a period of up to 1 year.

**Section 130.55/.60/.65 – Sexual Abuse.** This series of offenses includes sexual contact with a person by forcible compulsion, or with a person who is incapable of consent due being physically helpless, or due to the person being under the age of consent. The penalties for violation of these sections could result in imprisonment for a period of up to 7 years.

**Section 130.65-a/.66/.67/.70 – Aggravated Sexual Abuse.** This series of offenses occurs when a person inserts a finger or a foreign object in the vagina, urethra, penis or rectum of another person by forcible compulsion, when the other person is incapable of consent by reason of being mentally disabled, mentally incapacitated, or physically helpless, or when the other person is under the age of consent. The level of this offense is enhanced if the insertion of a finger or foreign object causes injury to the other person. The penalties for the violation of these sections could result in imprisonment for a period of up to 25 years.

**Section 130.90 – Facilitating a sex offense with a controlled substance.** This offense includes knowingly and unlawfully possessing a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance to another person without such person’s consent. The penalties for the violation of this section could result in imprisonment for a period of up to 7 years.

It is important to note that the laws of New York State and SUNY Plattsburgh's regulations operate independent of one another and that they do not substitute for each other. SUNY Plattsburgh may pursue enforcement of its own rules whether or not legal proceedings are initiated. The college makes no attempt to shield its members from the law.

If you are sexually assaulted and **would like to file a police report** you should report to the police with jurisdiction in the area that the crime occurred. **If you would like to make a report for statistical purposes** (for example you do not want a criminal investigation conducted or college charges filed), you would make an anonymous report through the Dean of Students/Judicial Affairs office.

For general information on **campus security procedures and yearly crime statistics** see website: http://web.plattsburgh.edu/branchcampus/acc/, or contact the Branch Campus Dean. Information can also be obtained from the U.S. Department of Education website at http://ope.ed.gov/security/.

Further, you can keep yourself abreast of crime trends and security alerts by reading the weekly crime blotter in the newspaper and by watching for alert posters on the entrance to buildings and via email.
PARTNER VIOLENCE, STALKING AND THE LAW

Partner Violence, also called domestic violence, dating violence, relationship violence, and intimate partner violence, is a pattern of abusive behavior (physical, sexual, emotional, and psychological) that is used by one person to gain power and control over a current or former dating partner or intimate partner or current or former spouse, including gay or lesbian relationships.

Stalking is defined as a pattern of conduct involving repeated or continuing harassment that is intended to cause or does cause a person to fear or suffer: (1) Death or death of others important to that person; (2) Assault or assault of others important to that person; (3) Bodily injury or bodily injury of others important to that person; (4) Sexual assault or sexual assault of others important to that person; (5) Involuntary restraint or involuntary restraint of others important to that person; (6) Damage to property or damage to property of others important to that person; (7) Confinement or confinement of others important to that person, (8) Threats of harassment via electronic devices (e.g. e-mail, phone, fax). Stalking can involve a range of behaviors including, but not limited to, following someone on foot or in a car, showing up at the victim’s place of work, repeatedly calling, sending flowers and gifts, contact through emails and letters, breaking into the victim’s home, and even homicide. The relationship between the perpetrator and the victim may be a current or former dating partner or spouse, married, or living together, including gay and lesbian relationships, acquaintances, or strangers.

Domestic violence and stalking is prohibited by campus regulation and by New York State penal law.

HATE CRIMES AND THE LAW

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, color, national origin, ethnicity, ancestry, religion, age, gender, sexual orientation, or disability. The federal Hate/Bias Crime Reporting Act was passed in 1990 and the New York State Hate Crimes Act was passed in 2000 (Penal Law Article 485).

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus judicial process where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, University Police also assists in addressing bias-related activities that may not rise to the level of a crime. These activities, referred to as bias incidents and defined by the university as acts of physical abuse, harassment, threats or intimidation directed at a member or group within the Plattsburgh State campus community based on race, color, national origin, ethnicity, ancestry, religion, age, gender, sexual orientation, or disability may be addressed through the SUNY Plattsburgh Affirmative Action Officer and/or the University Police. Perpetrators who are students will also be subject to the campus judicial process where sanctions including dismissal are possible.

Please note: Harassment or discrimination on the basis of sex is a violation of the law (Section 703 of Title VII of the Civil Rights Act of 1964 as amended, Title IX of the Education Amendments of 1972, and the New York State Human Rights Law) and will not be tolerated at SUNY Plattsburgh. Civil liability related to sexual harassment may include "unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature including the establishment of a hostile work or school environment.” Information and assistance regarding formal and informal complaint procedures for sexual harassment, sex discrimination and other forms of harassment/discrimination are available through the SUNY Plattsburgh Title IX Coordinator/Affirmative Action Officer at (518) 564-3310.
RESOURCES

If you are a victim of a crime, it's important to take care of yourself and know your options.

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