

The University of Maine Protocol Responding to Reported Incidents of Sexual Assault, Relationship Abuse, and Stalking

I. Introduction

A. When a person reports that s/he has experienced victimization, whether the reported incident is recent or occurred in the past, s/he will be taken seriously. The purpose of this document is to outline a protocol for students that provides a compassionate, comprehensive and confidential response to reported incidents of sexual assault, relationship abuse, and stalking. Because the specific course of action taken will depend upon the situation, the protocol should be followed according to what each incident warrants.

II. Advocate Protocol

A. Instituting a protocol that identifies an advocate (UMaine Safe Campus Project) as the first point of contact is part of a campus-wide initiative to create a coordinated University response to reported incidents of sexual assault, relationship abuse, and stalking. The goal is for the advocate to be the first point of contact for those individuals reporting victimization so that they will have confidential access to both campus and community resources, information and referrals. To the extent possible, an advocate with UMaine Safe Campus Project should be contacted for intervention, consultation, and referrals.

B. For the purpose of this document, the University of Maine sets forth the following definition for the term *advocate*.

Broadly, an advocate is a person who helps individuals act on their own behalf and make their own decisions, and can act or speak on behalf of another party when requested to do so. An advocate is a professional who has undergone a program of training (at least 30 hours with a rape crisis center or domestic violence agency) which shall include, but not be limited to: legal and medical systems, societal attitudes, crisis intervention, counseling techniques, and referral services. Advocates can assist with filing protection orders and police reports, getting financial and legal assistance, and finding safe shelter. They are adept at mobilizing all available resources. Talking with an advocate does not require a person to pursue a specific course of action. Advocates maintain information as confidential¹ unless:

- Individual signs a release of information form allowing disclosure of information; or
- Individual indicates threat of harm to self or others; or
- Individual indicates abuse of minor or elder; or
- There is a valid court order that requires disclosure of information.

¹ See the following sites for more information on privileged communication with victim advocate or sexual assault counselor: <http://janus.state.me.us/legis/statutes/16/title16sec53-B.html>, and <http://janus.state.me.us/legis/statutes/16/title16sec53-A.html>. (Retrieved on June 28, 2004)

III. UMaine Safe Campus Project

A. If a UMaine student says s/he has experienced sexual assault, relationship abuse, or stalking, an advocate will:

1. Hear the person's story and explore options.

A. Does the individual need immediate medical attention? If yes:

a. Contact Cutler Student Health Services if appropriate (STDs, pregnancy).

b. Arrange transport to Emergency Department (ED) if necessary/requested for rape kit, drug screening, etc.

B. Is the individual safe from risk of self harm? If yes, proceed to next step.

C. If no, contact Counseling Center (581-1392, during business hours), North East Crisis Services (945-5625 or 1-800-245-8889), or arrange transport to an ED for assessment. If contact is made after business hours, inquire if the individual wants to talk with an on-call counselor. If yes, contact Counseling Center, North East Crisis Services, Rape Response Services, and/or Spruce Run.

D. Discuss safety planning

a. Identify what services the individual has already utilized.

b. Review services available. Does the individual need to make any changes in her/his current circumstances (housing, finances, classes, etc.)?

c. Provide assistance with filing (if requested) for a Protection from Abuse/Protection from Harassment (PFA/PFH) order.

E. Does the individual want to officially report? If yes, explore reporting options with intent to pursue to highest action possible. Methods of reporting include: informational report, anonymous report, Campus Eyes: www.umaine.edu/publicsafety/txt/campuseyes.htm.

Reporting agents include:

- UMaine Police (and/or other Police Department, if appropriate)
- Office of Community Standards
- Residence Life

2. Develop comprehensive plan including referrals to appropriate resources. Resources could include but are not limited to: UMaine Police, Office of Community Standards, Deans of Students, Residence Life, Counseling Center, Student Health Services, Rape Response Services, Spruce Run, Athletics, OMBUDS, Equal Opportunity, Legal Assistance (Student Legal Services/Penquis Law Project), and continued use of an advocate (UMaine Safe Campus Project). The advocate or his/her designee will make the necessary and appropriate report(s) for statistical purposes.

3. Follow up:

- With the individual's permission, follow up as determined in the individual's plan and with involved services/resources.
- Consult, as necessary and appropriate, depending upon situation.

- Report the incident (without providing identifiable information), in compliance with all mandatory reporting requirements, e.g. to UMaine Police for statistical purposes.
- “Track” individual cases for any length of time necessary, with ongoing and established follow-up.
- Accompany individuals to any meetings related to their case.

4. Timely advise the Deans of Students, Public Safety, Counseling Center, and/or other campus office(s) as appropriate of any evolving areas of concern, trends, or issues.

IV. **Protocol for University Offices Receiving a Report**

A. **Confidentiality:** It is expected that unless bound by confidentiality, the following university departments will notify an advocate (UMaine Safe Campus Project) when a student says they have experienced or have knowledge of an incident of sexual assault, relationship abuse, or stalking.

B. **Notification:** Sexual assault is the most egregious form of sexual harassment. Incidents of sexual assault, relationship abuse, and stalking pose a threat to the individuals involved and may pose a threat to the safety of other members of the community. For this reason certain authorities/personnel (e.g., UMaine Police, Dean of Students) will be notified that an incident has been reported. It is understood, however, that the name of the person reporting victimization and other identifying information will not be shared with other agencies or individuals without consent to the individual making the report. If extenuating circumstances require disclosure without consent, the individual will be informed as to who receives what information and the purpose for sharing the information. Title IX requires UMaine to take reasonable steps to respond to incidents of sexual harassment even where the complainant does not wish to be identified or file a formal complaint. Under the Clery Act, an institution must report certain crimes to the campus community in a timely manner that will aid in prevention of similar crimes that represent a threat to students and employees. To that end, a community alert will be issued whenever appropriate. Additionally, departments will comply with all mandatory reporting requirements.

C. **University Departments**

1. Counseling Services

If a student says s/he has experienced, or someone s/he knows has experienced an incident of sexual assault or relationship abuse, counseling staff will:

Maintain all contacts as confidential unless,

- a. There is reason to believe the individual might be in imminent danger of seriously harming one’s self or others;
- b. There is reason to believe that a child or vulnerable adult has been, or is likely to be, abused or neglected;
- c. There is a valid court order that requires disclosure of information; or
- d. The individual signs a release of information form allowing disclosure of information.

Provide counseling services and referrals as appropriate.

Inform the individual of the confidential advocacy services available and provide contact information for the UMaine Safe Campus Project.

Inform UMaine Safe Campus Project that a referral has been made and, with informed consent, share as much information as the individual allows. Additionally, staff may consult with UMaine Safe Campus Project without providing identifiable information.

2. Student Health Services

If a student says s/he has experienced, or someone s/he knows has experienced an incident of sexual assault or relationship abuse:

- a. The practitioner will obtain and document a complete medical history, conduct a physical and emotional assessment, and an assessment of present danger.
- b. The practitioner will: treat any injuries; administer, as requested, prophylactic treatment for pregnancy (within 72 hours of intercourse) and for certain STDs (or treat conditions that may be asymptomatic, even months later); and conduct drug screen test at student's request and/or with student's approval to see if student was drugged.
- c. The practitioner will inform the party of the confidential advocacy services available and provide contact information for the UMaine Safe Campus Project.
- d. The practitioner will: inform the individual that an advocate can be called to meet the student at the Health Center and/or accompany the student for the rape kit exam; inform UMaine Safe Campus Project that a referral has been made and, with informed consent, share as much information as the person allows; and may consult with UMaine Safe Campus Project without providing identifiable information. The student will be advised that an incident report form (with non-identifiable information) will be filed for statistical purposes.
- e. Health records are confidential and will not be released without the written consent of the student except as otherwise permitted or required by applicable laws.

3. UMaine Police

When the dispatcher receives a report² of an incident of sexual assault, relationship abuse or stalking, some clarifying questions will be asked.

- a. Are you safe right now?
- b. Do you need medical assistance? [medical assistance will be dispatched as necessary]
- c. Where are you? [an officer will be dispatched to the scene]
- d. Is the suspect in the area? [Incidents will be prioritized differently depending upon whether the crime is in progress, suspect is still at location, crime just

² The Department of Public Safety maintains a Daily Crime Log of reported crimes. This report includes nature of the crime, date and time, and general location, along with the status of the complaint. Entries or updates are made within two business days. This log is available at Public Safety upon request.

occurred but suspect has left scene, if it is a late report, or if it is a request for documentation only.]

- e. When and where did the crime occur? [If the incident occurred off-campus, the person will be assisted in filing a report with the appropriate police department.]

The responding officer will:

- a. Assess potential danger for all involved.
- b. Inform the individual of the confidential advocacy services available and provide contact information for the UMaine Safe Campus Project. With the individual's permission, the officer will request an advocate (UMaine Safe Campus Project) to be present during the meeting. If the incident is reported after business hours, the officer will contact one of the local off-campus agencies: Rape Response Services or Spruce Run. If services of an advocate (or any other personnel or friend) are requested, the officer will strive to delay the interview until the advocate has arrived. [If advocacy services are declined, the officer will inform UMaine Safe Campus Project that a referral has been made and, with informed consent, share as much information as the person allows.]
- c. The officer will initiate the investigation, ask questions to determine what happened (what, who, where, when, why, how), and collect evidence, preserve crime scene, write report, and refer the case to the detective.
- d. The officer will inform the individual reporting victimization of his/her obligation to notify supervisor(s), the Director of Residence Life (if person is a resident), the Dean of Students (who will advise VPSA and determine if the President, Public Relations and/or University Counsel should be notified). Additionally, the officer may consult with UMaine Safe Campus Project without providing identifiable information.

Other police involvement may include:

- a. Contact the person making the report to obtain additional information. Again, the presence and services of an advocate will be made available.
- b. Interview (and arrest, if warranted) any suspect(s), witnesses, file the case with the District Attorney's Office, and refer a report to the University Office of Community Standards.
- c. A "community alert" will be prepared and distributed by UMaine Police, if appropriate. The person making the report will be advised prior to its distribution.

4. Office of Community Standards

If a student says s/he has experienced, or someone s/he knows has experienced an incident of sexual assault, relationship abuse, or stalking, staff will:

- a. Inform the individual of the confidential advocacy services available (UMaine Safe Campus Project) and provide contact information.
- b. With the individual's permission, the judicial officer will request an advocate (UMaine Safe Campus Project) to be present during the meeting. If the

individual requests an advocate (or any other personnel or friend), the Conduct Officer will not start an interview until the advocate has arrived. [If advocacy services are declined, the Conduct Officer will inform UMaine Safe Campus Project that a referral has been made and, with informed consent, share as much information as the individual allows.] Additionally, judicial personnel may consult with UMaine Safe Campus Project without providing identifiable information.

- c. Encourage the individual to report the incident to the police, and assist in making the report if requested to do so. Office of Community Standards may be obligated to report to the police the fact that an assault was reported, but the name of the complainant will only be provided with her/his consent.
- d. Permit the individual to determine if s/he wants to pursue the matter judicially. In extenuating circumstances the incident may be pursued judicially without the individual's consent, but the person will be informed of any such decisions.
- e. Determine if interim sanctions (e.g., removal from campus pending hearing) are warranted. Advise the accused individual (respondent) that there will be no contact with the person reporting the incident (complainant).
- f. If the accused individual is a resident, determine if housing reassignment is necessary. If the accused individual is an athlete, the Dean of Students will notify the Assistant Athletic Director for Compliance and the Director of Athletics.
- g. Permit the reporting individual to have an advocate (or other support person or advisor) present at any interview or hearing, in a manner consistent with student conduct procedures.
- h. Proceed independently of any action taken in the criminal or civil courts, as determined on a case by case basis. University procedures are not a substitute for criminal court proceedings.
- i. Not require the person filing the complaint to participate in mediation directly with the person accused.
- j. Act promptly and appropriately in cases where the University conduct process has found the accused party or parties in violation of University policy.
- k. In accordance with and if permitted by the Family Education Rights and Privacy Act, inform both the complainant and the respondent of the outcome. Maintain non-identifiable statistical data for reporting purposes only.

5. Residence Life

If a student says s/he has experienced, or someone s/he knows has experienced an incident of sexual assault, relationship abuse, or stalking, the staff person will:

- a. Assess the level of danger for all involved, contact police if the crime is in progress, and call for immediate medical assistance, if necessary.
- b. Inform the individual of the confidential advocacy services available and provide contact information for the UMaine Safe Campus Project. An advocate may be called to meet with the individual, if requested.
- c. Encourage the individual to report the incident to the police, and assist in making the report if requested to do so. Residence Life (RL) staff may be obligated to report to the police that an assault was reported, but the name of

the individual reporting the incident will only be provided with his/her consent, except in extenuating circumstance.

- d. If the accused person is a student, the incident will be reported to, and may be investigated by the Office of Community Standards.
- e. Inform the person of RL's obligation to notify supervisor, meaning RA will notify RD, who will notify AC, who will inform the Director of Residence Life, who advises the Dean of Students, and ensure the incident has been reported to UMaine Police for statistical purposes.

Incident follow-up:

The RD will consult with individual(s) involved to determine if housing reassignment is warranted. An alternate housing assignment can be arranged for temporary relocation if requested/necessary. The individual will also be informed of his/her right to withhold/mask directory information should such a move take place.

Inform UMaine Safe Campus Project that a referral has been made and, with informed consent, share as much information as the individual allows. Additionally, RL staff may consult with the UMaine Safe Campus Project without providing identifiable information.

Some deviations from this protocol may occur depending upon when the incident is reported and if reported by a third-party.

6. Other offices (e.g., ALANA, Athletics, International Programs, GLBT Services)

If an individual says s/he has experienced, or someone s/he knows has experienced an incident of sexual assault, relationship abuse or stalking:

- a. University personnel will inform the individual of the confidential advocacy services available and provide contact information for the UMaine Safe Campus Project. An advocate may be called to meet with the person if desired.
- b. Inform UMaine Safe Campus Project that a referral has been made and, with informed consent, share as much information as the individual allows. Additionally, staff may consult with UMaine Safe Campus Project without providing identifiable information.

June 25, 2007

Portions of this protocol were adapted from similar protocols utilized by Bucknell University, Cal Poly Pomona, University of Minnesota, and University of Vermont, and a sample protocol prepared by the National Resource Center on Domestic Violence.