

Sexual violence and college students

What can I do about it?

What behavior is considered sexual assault?

How can I protect myself and my friends?

What should I do if I am assaulted?

What are my rights?

Office of Student Life
Division of Student Affairs
UW - Whitewater

What is Sexual Assault?

Sexual assault is any kind of sex without consent.
Specifically Wisconsin law states –

Consent is defined as words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual contact or intercourse. A person who is unconscious or sufficiently drunk or drugged to be unable to communicate unwillingness is not competent to give consent.

A person can be sentenced up to 60 years for committing **first degree sexual assault**. (class B felony). This includes:

- sexual intercourse or sexual contact without consent that inflicts great bodily harm or pregnancy.
- sexual intercourse or sexual contact without consent accomplished by using or threatening to use a dangerous weapon.
- sexual intercourse or sexual contact without consent while aided by one or more persons by use or threat of force or violence.
- sexual intercourse or sexual contact with or without consent with a person under the age of 13.

A person can be sentenced up to 40 years and/or fined up to \$100,000 for committing **second degree sexual assault** (class C felony). This includes:

- sexual intercourse or sexual contact without consent through the use or threat of force or violence.
- sexual intercourse or sexual contact without consent which causes injury, including illness, disease or impairment of a sexual or reproductive organ, or mental anguish requiring psychiatric care.
- sexual intercourse or sexual contact with a person known by the perpetrator to be unconscious or mentally ill or mentally deficient or under the influence of an intoxicant, including alcohol, to a degree which renders the person incapable of appraising another person's conduct.

Second degree continued.

- sexual contact or sexual intercourse by a staff member with a person in a correctional institution, on probation, or on parole.
- sexual intercourse or sexual contact, with or without consent, with a person 13, 14, or 15 years old.

A person can be sentenced up to 10 years and/or fined up to \$25,000 for committing **third degree sexual assault** (class G felony). This includes:

- Sexual intercourse or sexual contact involving ejaculation, without consent.

A person can be imprisoned up to nine months and/or fined up to \$10,000 for committing **fourth degree sexual assault** (class A misdemeanor). This includes:

- Sexual contact with another person without consent.
- Sexual intercourse, with or without consent, with a person 16 or 17 years old.

A person can be imprisoned up to 6 years and/or fined \$1000 to \$10,000 for **harassing or intimidating** another person (class B forfeiture or class H felony).

A person can be sentenced from 3 ½ to 12 ½ years and fined \$10,000 – 25,000 for **stalking** another person (class H to F felony).

Any therapist can be imprisoned up to 12 years and 6 months and/or fined up to \$25,000 (class F felony) for having **sexual contact with or without consent with a patient or client** during any ongoing therapist-patient or therapist-client relationship.

UWW disciplinary sanctions for sexual assault, stalking, or harassment can include a reprimand, denial of university privileges, restitution, removal from a course, disciplinary probation, suspension or expulsion from all UW system institutions.

How often does it happen?

Each academic year, for every 5000 female college students in the U.S., there are:

- 146 sexual contacts by force or threat of force
- 121 rapes by coercion
- 97 rapes by force or threat of force
- 80 attempted rapes by force or threat of force

Dept. of Justice, 2000

24% of UWW students have been sexually assaulted at least once before college and **12% of UWW students** have been sexually assaulted at least once during their college years.

| <i>Experience during college years</i> | Female | Male |
|--|--------|------|
| Sexual contact without consent | 12% | 2% |
| Sexual intercourse without consent | 4% | <1% |
| Sexual intercourse without consent while drinking or using drugs | 5% | 1% |
| Sexual intercourse or contact while unconscious | 3% | 2% |
| Sexual intercourse/contact with force or threats | 3% | 2% |
| Stalking | 15% | 6% |
| Intimate partner violence | 21% | 14% |

Interpersonal Violence Survey, Kile 2006

59% of students who experienced sexual assault did not think they had ever been sexually assaulted.

At UWW in 2008, twelve sexual assaults were reported to the Office of Student Life. Ten involved acquaintances.

What can I do about it?

1) Know the facts. A study of sexual assault of college students found:

1. 90% knew the offender
2. More occurred off campus than on campus
3. The majority occurred in living quarters
4. 88% took place between 6pm – 6am
5. 46.5% of those who experienced a completed rape defined it as rape
6. < 5% were reported to the police
7. 2/3 told someone, usually a friend

Dept. of Justice, 2000

2) Make sure you have consent for sexual activity

Always ask to be sure. Remember that:

- Consent is active not passive. It is a matter of whether or not someone **said yes**, not whether or not someone said no or put up resistance.
- Consent is **invalid** when given by a person too **drunk** or **drugged** to be able to communicate unwillingness.
- Consent to one form of sexual activity does not automatically imply consent to **other forms** of sexual activity.
- It's not your partner's job to resist, but yours to **respect his/her boundaries**, and to find out what they are if they are unclear.
- Making someone **touch you** in a sexual way without their permission is sex without consent.
- If someone says no and you keep **pressuring**, that is considered coercion.
- Consent **can be withdrawn** at any time, as long as that withdrawal is clearly communicated by the person withdrawing it.

3) Choose to make a difference in campus culture.

Watch out for your friends. If you go to a party with a group of students, make sure you all go home together.

Intervene when you see a problem. At least one other person is usually present prior to a sexual assault. That other person may be you. You may witness a friend being taken advantage of because she is drunk or watch a guy not so subtly trying to get a woman alone, etc. Speaking up could save someone from sexual assault.

Why should you get involved? Think of someone you love in a sexually violent situation. What if someone watched or knew it was happening and did nothing to stop it? How would you feel? Getting involved doesn't have to be a big production. A little thing you do to check in with someone else could be the big thing that saved them a lot of trauma.

You always have more than one option as a bystander. You can:

- Distract the couple in order to stop the momentum and give the potential victim a chance to get away.
- Call the potential victim aside and ask if everything is all right.
- Offer to walk or drive one of the people home.
- Track down a friend of one of the people and have them check on their friend.
- Say something so everybody hears, like "Hey, what are you doing?"
- Say something if you see someone put anything in another person's drink.
- Knock on the door.
- Open the door and ask if everything's cool. Interrupting an okay scene is better than standing around while a rape takes place.
- Pair up with your friends at parties to keep an eye on each other.
- Set up a signal in advance if one of you needs to be rescued from a bad situation.

Of course it can be awkward to intervene. You might tell yourself that you're overreacting, or that it's not your business. Maybe you think that you are the only one who will speak up. Chances are that there are more people out there than you know who feel the same. You might also fear that you'll end up in a fight. In a potentially violent situation, don't try to handle it yourself. Call the police.

On the other hand, who wouldn't be willing to be a little embarrassed, knowing that someone cared enough to check on them? At least you've showed you care and that you want sexual violence to end. ***It takes some character, and some guts to be the kind of person who will intervene.*** All it takes is one person to start change.

Getting involved helps prevent sexual assault in a culture that too often inadvertently supports it. Through interventions like asking what's going on, bystanders can help prevent sexual assault. Every time they do so, they help to create a climate in which dangerous, sexist, disrespectful and/or rape supportive behaviors will be seen as uncool, stupid, and completely socially unacceptable. As a member of this community preventing sexual assault and the resulting trauma is everyone's responsibility (that means both women and men).

Sexual violence occurs on a spectrum, from seemingly harmless catcalls directed at women on the street, to date and acquaintance rape, to gang rape at gunpoint. To the degree that we "let" the little things happen without saying anything, we tacitly support a sexually violent culture

When we don't speak up, we contribute to an environment that allows perpetrators to get away with it.

Adapted with permission from Stimulate Conversation by the Colorado Coalition Against Sexual Assault


How can I protect myself?


1. Be aware of what is happening around you. Stay alert. Don't become drunk or drugged.
2. Decide what you do and do not want to do before getting together with a potential sexual partner. Be ready to communicate this to your date. Don't be afraid of not being liked by someone who won't respect your feelings.
3. Communicate your limits firmly and directly. Don't assume that your date will automatically know how you feel, or will eventually "get the message" without you having to tell him/her. If you say "NO", say it like you mean it and move away.
4. Do not allow yourself to be taken into secluded settings. Always prearrange transportation home with people you know and trust. Always let others know where you are going.
5. Act in a way that shows you are strong, confident and value yourself.
6. Respond assertively to any acts of sexual harassment or disrespect.
7. Do not allow others to violate your personal space.
8. Trust your instincts and get out of any situation that feels wrong.
9. Watch your drink at all times or get a fresh one.
10. Use a buddy system to watch out for each other. Have prearranged codes to indicate trouble. One person in a group needs to stay sober to be alert to potential problems. Friends don't let friends get raped.

Self Defense courses are offered each semester by the UWW's HPERC Department.


What should I do if I'm assaulted?

If you think you have been sexually assaulted:


 Find a safe place. If you think the perpetrator will return to the site of the assault or where you live, then leave the area. If you have life threatening injuries, call 911.

 Call someone for support. Help is available 24 hours per day at 262-472-1060. A Sexual Assault Advocate can provide emotional support, advocacy and information either over the phone or in person. She can also accompany you to the police or hospital if you wish.

✚ Seek medical attention for injuries, sexually transmitted disease and pregnancy prevention. Have a forensic exam done at the hospital (free) to preserve forensic evidence, even if you are not sure you want to report it.

 Contact the police, if you want to report the crime. For an assault that occurred on campus, call the University Police. If the assault occurred somewhere else, call the local police of the community where the assault occurred.

☛ Contact the Office of Student Life if the perpetrator is a UW student, and you want to file a student misconduct complaint or want to change classes.

 You may contact your RA or Hall Director for a room change, if you live in a residence hall.

✳ Seek professional counseling (free at UHCS).

If you think you have been sexually harassed by a faculty or staff member, call Human Resources and Diversity.

What are my rights?

Students have the right to:



- ✓ Notify law enforcement;
- ✓ Seek confidential support, information and advocacy from the Sexual Assault Response Team;
- ✓ Be notified of counseling services;
- ✓ Options for changing their academic situations;
- ✓ Options for changing their living situation in the residence halls;
- ✓ Have others present at campus disciplinary hearings;
- ✓ Be informed of the outcome of the hearing.

82% of UWW students surveyed thought UWW worked to help students stay safe from sexual violence.

The majority of UWW students surveyed thought UWW treated victims and alleged perpetrators fairly and were aware that support and advocacy services are available 24 hours per day.

Interpersonal Violence Survey, Kile, 2006

A message from the Chancellor

UW-Whitewater is committed to providing academic and co-curricular programs within a safe and secure environment. Please read through this booklet and keep it for future reference.

Chancellor Richard Telfer

All Wisconsin crime victims have the right to:

- ✓ Be notified of a decision not to prosecute if an arrest has been made or if charges are dismissed;
- ✓ Have their interests considered in the decision to grant a continuance or to exclude people from the preliminary hearing;
- ✓ A speedy disposition of the case;
- ✓ Be notified of an attend court proceedings and be accompanied by an advocate;
- ✓ Be provided a waiting area separate from the perpetrator during court proceedings;
- ✓ Request an order for and to be given the results of testing the offender had for sexually transmitted infections/ diseases or HIV;
- ✓ Be provided sentencing or dispositional information;
- ✓ Receive assistance to ensure their employer will cooperate with the criminal justice process and minimize loss of pay from attending court appearances;
- ✓ Make an oral or written statement to the judge before sentencing describing how the crime affected him or her.
- ✓ Be notified of the perpetrator's application for parole or any changes in confinement and to have input on the parole decision making process by attending parole hearings and making a statement.
- ✓ Be compensated for medical expenses and lost wages, if you report to the police within five days after the crime, apply for the compensation within one year of the crime and cooperate with the investigation and prosecution of the crime.

| 24 Hour Assistance | |
|---|--------------|
| Sexual Assault Response Team | 472-1060 |
| Emergency (police, medical or fire) | 911 |
| Crisis Line | 800-365-1587 |
| Aurora Lakeland Emergency Dept. | 262-741-2000 |
| Association for the Prevention of Family Violence | 262-723-4653 |
| University Police (non emergency) | 262-472-4660 |
| Monday – Friday 8 AM – 4:30 PM | |
| University Health & Counseling Services | 262-472-1305 |
| Student Discipline | 262-472-1533 |
| Human Resources & Diversity | 262-472-1024 |

For more information:

UWW Sexual Assault Response Team

www.uww.edu/SART

University Health & Counseling Services

www.uww.edu/uwcs

Campus Security Report

www.uww.edu/stdrscs/focus/report.html

Student Disciplinary Procedures

<http://www.uww.edu/slfye/students/chapter17.html>

University Police www.uww.edu/Adminaff/police.htm

Wisconsin Coalition Against Sexual Assault

www.wcasa.org

Division of Student Affairs www.uww.edu/staffair

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