

MAINE COMMUNITY COLLEGE SYSTEM

**HEALTH AND SAFETY
Section 501.2**

SUBJECT: GUIDELINES FOR SEXUAL ASSAULT FIRST RESPONDERS

PURPOSE: To guide colleges in responding to allegations of sexual misconduct or sexual assault

A. Introduction

The purpose of these Guidelines is to assist those person(s) who first respond to a person who alleges a sexual assault.

B. Definitions

For purposes of these Guidelines, “sexual assault” means:

1. Forced sexual intercourse (generally known in the law as “rape”);
2. Other forced sexual acts (generally known in the law as “gross sexual misconduct”); or
3. Intentional and un-welcomed touching of intimate or sexual parts, either directly or through clothing (generally known in the law as “unlawful sexual contact”).

C. Immediate First Steps:

The first responder(s) must:

1. Determine whether the victim is in immediate physical danger. If yes, call College Security and/or the local police;
2. Determine whether the victim needs emergency medical assistance. If yes, arrange for victim to be transported to nearest medical facility; and
3. Report the incident to a supervisor, and inform the victim that this is required.

D. Prompt Next Steps:

Next, the first responder(s):

1. Should:
 - a. Ask how you can help;

- b. Listen to the victim; allow the victim to talk or to be silent - whichever the victim chooses;
- c. Offer to contact a friend or relative of the victim's choosing;
- d. Provide the victim with the phone number of the nearest sexual assault support organization, and explain the services that it can provide to the victim. A sexual assault advocate can explain the options available to the victim;
- e. Encourage the victim to seek medical attention at the nearest medical facility:
 - 1) Explain that the hospital has specially trained nursing personnel to help victims of sexual assault;
 - 2) Explain that seeking medical treatment does not obligate the victim to press charges, but it can help the victim do so at a later time because the medical facility can collect pertinent evidence;
 - 3) If the victim elects to seek medical attention, stress that it is important not to shower or wash prior to an examination. If the victim has already changed clothes, encourage the victim to put the clothing worn during the assault in a paper bag and bring it with him or her. If the victim is still wearing the clothing, explain that a change of clothes should be brought along in the event the clothing is kept as evidence.
- f. Help the victim obtain transportation by ambulance or college vehicle to a medical facility or safe location; and
- g. Offer to accompany the victim in seeking medical attention or in making a police report.

2. Should Not:

- a. Hug or touch the victim;
- b. Blame the victim for the assault;
- c. Ask questions that imply that the victim did or did not do something that resulted in the assault, or otherwise question the validity of the victim's claim of sexual assault;
- d. Disclose information about the assault to any persons other than pertinent medical, college, legal or law enforcement personnel; and/or

- e. Attempt to investigate the allegation of assault. Do not seek out the assailant for his or her explanation of the event; leave that task to other college officials and/or local police.

E. Investigation by the College and/or Police

The first responder(s) should also explain to the victim that:

1. The College will investigate the events surrounding the sexual assault.
 - a. The College has a responsibility not only to help the victim, but to protect all other students and employees on campus;
 - b. The College must investigate the event to understand the identity of the alleged assailant and the essential facts of the allegation to determine if there is an ongoing threat to the campus community;
 - c. The College may inform local police to seek their expertise and assistance; and
 - d. The College's investigation will also help determine if the assailant, if he or she is a student or employee, should be disciplined by the College.
2. The local police may also investigate if called by either the victim or the College to do so.
 - a. The victim may report the assault to the local police. This may initially be a "blind" report if the victim so chooses, meaning that the report includes the details of the assault but not the name of the victim;
 - b. The police may not be able to bring criminal charges against the assailant unless the victim chooses to cooperate with the police; and.
 - c. The purpose of a police investigation will be to determine if the assailant should be criminally prosecuted in a court of law.

REFERENCES: 20 U.S.C. §1092(f)(8); MCCS Procedure 501.1

DATE ADOPTED: February 23, 2010

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