

# **Response to Sexual Assault**

A Guide Prepared by College Feminists and Brought to You by ASG

Sexual assault, particularly acquaintance rape, is a serious health problem on college campuses. Now with this guide, compiled by Kathryn Guilfoyle (Violence Prevention and Sexual Health Education Coordinator at Northwestern) in conjunction with College Feminists, ASG is helping make available the resources and procedures for sexual assault victims.

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### **What is sexual assault?**

Northwestern University defines sexual assault as:

Any intentional or knowing touching or fondling by the accused, either directly or through the clothing, of the victim's genitals, breasts, thighs, or buttocks without the victim's consent. Sexual assault includes touching or fondling of the accused by the victim when the victim is forced to do so against his or her will. Sexual assault also includes any nonconsensual acts involving penetration of the sex organs, anus, or mouth (Northwestern University Student Handbook 2006-2007).

Illinois state law defines sexual assault as:

Sexual penetration by force or threat of force or an act of sexual penetration when the victim was unable to understand the nature of the act or was unable to give knowing consent (Cook County Sheriff's Office).

Under Illinois law, sexual penetration is defined as:

Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration (Cook County Sheriff's Office).

These definitions are gender neutral because sexual assault happens to both females and males, although the vast majority of sexual assault victims are females.

### **What is acquaintance rape?**

Contrary to popular belief, sexual assault does not occur most frequently when a woman is walking home alone at night and is attacked by a stranger. In fact, 84% of victims are raped by somebody that they know: a friend, a co-worker, a classmate, etc. In addition, sexual assaults do not occur outside in dark alleys, but in bedrooms, dorms, apartments, houses, and at parties. Acquaintance rape often occurs because of what researchers call "misperception on intent" by the perpetrator. In other words, the perpetrator believes that they are engaging in consensual and mutual sexual activity when in reality they are not. Misperception of intent can be a result of misunderstanding or miscommunication between two people. Often, sexual assault begins with some degree of consensual sexual activity such as kissing or making out, and the sexual activity escalates because the perpetrator incorrectly believes that consent has been given for other sexual activity.

### **What is consent?**

Clearly, consent or lack of consent plays a huge role in differentiating between sexual activity and sexual assault. When determining if a sexual assault occurred, the question comes down to whether or not sexual activity was consensual. Consent is defined as "words or overt actions by a person indicating a freely given and present agreement to perform a particular sexual act with the actor." Consent is an active, positive affirmation of the desire to pursue sexual activity that can be expressed in words or overt actions. **If a person is not verbally agreeing and not making any action to initiate or pursue sexual activity, then this person is not consenting.** The phrase 'freely given' means that consent cannot be coerced. If someone agrees to sexual activity because they are being threatened or believe that there is a threat to their personal safety or well-being, this person is not consenting. In addition, if a person is incapacitated by

drugs and/or alcohol, he or she is considered incapable of giving consent. How can we use this information? Most people understand and respect the adage “no’ means no,” however acquaintance rape often occurs because a person misinterprets ambiguous signals or misunderstands what constitutes consent. It is very important to make sure that sexual activity is consensual. Sometimes it can be difficult, but communicate with your partner about what they want to do and where their boundaries are. Try to actively and clearly communicate your desires and your limits, if you don’t want to engage in sexual activity, try to be as clear as possible and leave the ambiguity out of it.

### **What role does alcohol play in sexual assault?**

Studies show that alcohol is involved in the majority of sexual assaults on college campuses. Illinois law and NU policy states that if a person is incapacitated from alcohol or drugs, he or she is incapable of consenting to sexual activity. According to Northwestern’s Student Handbook, “the use of alcohol and/or other drugs by one or more of the parties involved will not be considered as a mitigating factor in cases of alleged sexual assault. In fact, such use may be considered as an aggravating factor if the effect of such use is deemed to have made the complaining party incapable of giving consent.”

Alcohol blurs the line between consensual sexual activity and sexual assault even more because alcohol impairs perceptions and affects our ability to accurately judge a situation, express ourselves, respond to risks, communicate effectively, and understand others. When using alcohol it is important to drink responsibly and to realize you are at an increased risk for sexual violence. Be aware of how much you are consuming as well as what is going on around you. Recognize how alcohol affects your ability to communicate with others and take extra care to express your desires and boundaries regarding sexual activity as well as to thoroughly understand the boundaries of your partner. And remember, waiting until later when both parties are sober is the safest and smartest option.

Do not let alcohol/drug use at the time of victimization stop you from reporting the assault to the police or seeking treatment at the hospital, even if you are underage. Both University Police and Northwestern University hold the well-being of the victim as their primary concern and will not hold an underage victim in violation of alcohol policy.

### **What if I am assaulted?**

**Avoid blaming yourself.** Remember that sexual assault is never the victim’s fault. You were not assaulted because of personal characteristics or behavior, you were assaulted because somebody made the decision to act violently and take your power over your body and your decisions away from you. A lot of victims begin to blame themselves for their assault, especially if the people around them are blaming them. But it is very important to realize that sexual assault happens because a perpetrator makes the decision to act sexually violent toward another person.

**Talk to someone you trust.** Being sexually assaulted is not something that you have to go through alone. There are people on campus and in the community who are trained to help you cope with the experience and help you examine all of your options. **Community Assistants**

and **Greek Student Counselors** have had training in responding to sexual assault survivors. If you decide to disclose your assault to your CA or your GSC you may be contacted by a staff person within the Division of Student Affairs that is trained to respond to sexual assault and wants to ensure that you have adequate support and understand all of your options.

**Counselors in the Women's Center and Counseling and Psychological Services** can talk to you confidentially about your options and can also help you heal from your experience with individual and group counseling. Advocates in the health education department can talk to you in depth about your experiences, your options and what to expect if you decide to go to the hospital, talk to the police, or take legal action against the perpetrator. It can even help to talk to a **close friend or roommate** about your experience. Recognize that a friend may not know exactly how to respond in this situation and may need some guidance from you in understanding how you would like to be supported.

**Give yourself time to heal.** Being sexually assaulted is a very traumatic experience; some survivors label their assault and it's aftermath as the most significant event in their lives. It is perfectly normal to feel a range of emotions from sadness or depression, anger, resentment, confusion, and sometimes indifference. Emotional response is different for each and every sexual assault survivor. Do not expect your emotions or other negative effects of the assault to disappear overnight. Healing from sexual assault is a process similar to the process of healing from other types of trauma. Some people start to heal soon after the assault occurs, other people feel as though they are recovering from sexual assault for decades, still others feel fine in the immediate aftermath of the assault and do not recognize that they need to recover until years later. Remember that you will heal. Being sexually assaulted will always be a significant experience in your life, but as time goes on and you begin to heal you will recover from the immediate trauma and begin to integrate your experience into who you are, ultimately becoming a stronger person.

## **What are my options for responding to sexual assault?**

### **1. Going to the hospital**

As soon as you can after the assault occurs, consider going to the emergency room at Evanston Northwestern Hospital. In the emergency room, doctors and nurses can treat any injuries, test for and treat sexually transmitted infections, test for pregnancy, and collect evidence. Upon arriving at the hospital, a private room should be provided for you. If a room is not ready, a private waiting area should be available. Your doctor or nurse will call an advocate from Evanston Victim Services that is trained to assist survivors in understanding medical and evidence collection procedures. Your nurse will also call the Evanston or University Police Department and an officer will come to the emergency room to speak with you. **If you do not feel comfortable doing so, you do not have to speak with the police or with the victim advocate.** You have the right to request that a support person such as a friend or partner stay with you in the emergency room. You also have the right to request that every procedure be explained to you.

#### ***A) Rape Evidence Collection Kit***

You also have the option of having a rape evidence collection kit taken. You must give consent for evidence to be collected. It is best to go to the hospital for evidence collection as

soon as possible after the assault. If possible, do not shower, bathe, douche, or change clothes after the assault so as not to destroy evidence. If you do change clothes, do not wash the clothes you were wearing during the assault and bring them with you to the hospital. During evidence collection, the doctors or nurses working with you will search your body and your belongings for any hairs, fibers, glass, or other materials that may help to identify the perpetrator or strengthen a court case. Evidence collection procedures include oral, genital, and rectal swabs, hair combings, and fingernail specimens. If you choose to do so, you can decline consent to some evidence collection procedures and undergo others. **If you are undecided about reporting the assault to the police or prosecuting the perpetrator, you can consent to evidence collection, but request that it is not released to law enforcement until you decide whether or not you want the police to conduct an investigation.** An evidence collection kit can be completed up to one week after the assault, and the hospital can hold the completed kit for up to two weeks after the evidence is collected.

### ***B) Date Rape***

If you suspect that you were given a date rape drug prior to your assault, medical personnel can perform a urinary drug test during your emergency room visit. Date rape drugs pass quickly through the body, so it is important to get tested as soon as possible after the assault. The urine sample can be held for up to 48 hours before testing, so if you are unsure if you want to submit to a drug test, it is a good idea to give a urine sample and ask that it is held until you make your decision. If you decide not to go through with a drug test the urine sample will be discarded.

### ***C) Emergency Contraception***

If you are concerned about pregnancy, your emergency room nurse can administer emergency contraception within 120 hours of the assault in order to reduce your risk of unwanted pregnancy. Emergency contraception is a form of birth control that is effective in preventing pregnancy after intercourse; it is not an abortifacient or abortion pill and does not terminate pregnancy. If you choose not to go to the emergency room, you can buy emergency contraception at University Health Service or at other pharmacies. For more information about emergency contraception: <http://ec.princeton.edu/>.

Victims of sexual assault are not required to pay for any examinations, procedures, or services that they receive during their visit to the emergency room or during follow-up visits. You will not receive any bill. If you have private health insurance, the hospital will attempt to collect payment from them. If you do not have health insurance or do not want the charges to appear on your insurance statement, the bill will be covered by the state.

## **2. Going to NU Health Services / Private Doctor**

If you choose not to go to the emergency room, consider seeing a private doctor or a doctor at Student Health Service in order to treat injuries, and test for sexually transmitted infection and pregnancy.

## **3. Talking to the police**

If you decide to report your sexual assault, the **University Police or the Evanston Police Department** can guide you through this process. Officers at both departments have received specialized training in responding to sexual assault reports. When speaking with the police,

you will be interviewed twice. The preliminary interview is brief and is conducted so that investigators have enough information to complete a preliminary investigation. This interview usually takes place at the hospital or at the police station and includes information about when and where the assault occurred. The second interview occurs later and is more in-depth, you may be asked to give a detailed account of the assault. You can request that the police keep you updated about the status of the investigation. If you do not want an investigation to occur, you can specify that you want to make a report but do not want any further action to be taken and the report will be held. **If you decide at a later date to move forward with prosecution, the police department will have your report on file.**

If you are working with University Police, **you also have the option of requesting that your report be handled administratively, where the police conduct the same investigation, but the results are turned over to Northwestern's Division of Student Affairs.** You have up to five years after a sexual assault to make a report to the police. If you make a report to the police, the incident will be a matter of public record, but your name will not be used in connection with this record.

#### **4. Prosecuting the perpetrator**

If you decide to proceed within the criminal justice system, the police will arrest the perpetrator upon completion of their investigation if they have enough evidence to do so. The perpetrator will either be held in jail until court proceedings or released on bond. Because sexual assault is a violent crime, the state of Illinois prosecutes the offender on your behalf and you serve as a witness in this case between the state and the offender. **Sexual assault cases are tried by the State's Attorney (SA) instead of private lawyers, so you do not have to pay a fee in order to prosecute your case.** In order to initiate court proceedings, you need to file a formal complaint with the State's Attorney's office in Chicago (see resources). Along with your written complaint, the police and medical reports are sent to the SA for review. The SA determines if there is enough evidence to proceed with the case. If the SA decides to continue with your case, an assistant State's Attorney will contact you for an interview and to explain the trial process. Criminal sexual assault is a felony charge and has no statute of limitations, so you can decide to prosecute at any time after your assault, as long as you have made a police report within five years of the assault. Criminal sexual abuse is a misdemeanor charge and can be prosecuted up to one year after the assault occurs.

#### **5. Using Northwestern's Sexual Assault Hearing and Appeals System (SAHAS)**

If you were assaulted by another Northwestern student and you would like to pursue resolution but do not want to go through the criminal justice system, you can make the decision to proceed through the University's SAHAS. SAHAS works much like the criminal justice system; you are required to fill out an official written complaint and appear before a 'jury.' In SAHAS, the jury is made up of seven trained students, staff, and faculty, and they decide if the respondent (alleged perpetrator) has acted in violation of the University Sexual Assault policy (see NU definition of sexual assault above). If the respondent is found to be in violation (if there is evidence sufficient for the hearing panel to determine that an assault occurred), then the respondent faces sanctions through the university such as exclusion or suspension.

Upon receipt of a formal complaint, the Executive Secretary of SAHAS (see resources below) presents the respondent with the complaint and promptly schedules a hearing. At a SAHAS hearing, both the complainant (victim) and the respondent are entitled to be accompanied by a support person or representative that is also a member of the Northwestern community and to call witnesses with knowledge of the event to present to the hearing panel. During the hearing, each side makes an opening statement, presents his or her case along with witnesses, and makes a closing statement. **As the complainant, you can include suggestions for sanctions**, for example, if you wish to see the respondent removed from your class or residence hall. After the hearing, the hearing board determines if there is enough evidence to hold the respondent in violation of policy and sets the sanctions. **A SAHAS hearing is private**; it includes only the panel, the Executive Secretary, the complainant (victim) and respondent and their representatives and witnesses. If a hearing member has a prior or current relationship with the respondent or complainant outside of SAHAS that member is expected to remove him or her self from the panel.

#### ***A) Mediation***

Another option for pursuing conflict resolution through the University is mediation. If mediation is the desired route, the complainant must file a formal complaint with the Executive Secretary of SAHAS. Unlike the hearing system, in order to undergo mediation the complainant and the respondent must agree to participate in this process. If the respondent refuses to participate in mediation, the complaint will go through the hearing system instead. Mediation is offered as an alternative to a hearing because it may feel less formal and more private than a SAHAS hearing. In addition, the complainant and respondent do not have to communicate directly with one another; rather they occupy separate rooms and communicate through a trained mediator. In mediation, both parties must come to an agreement regarding sanctions for the respondent. Therefore, some degree of compromise is necessary in order for mediation to be successful, so if a complainant is not willing to negotiate, mediation may not be the best option. If both the respondent and the complainant reach an agreement in mediation, both parties have three days to notify the mediator if they change their mind. **If both sides cannot agree to a set of sanctions or one party changes his or her mind within three days after the agreement is made, then the case will move to a SAHAS hearing.**

#### **General Trial/Legal Process**

##### **Arraignment**

The defendant (alleged perpetrator) appears before the judge and pleads guilty or not guilty to the charges. If the defendant pleads guilty, the case proceeds to sentencing. If the defendant pleads not guilty, the case proceeds to a preliminary or a grand jury hearing.

##### **Preliminary/Grand Jury hearing**

At this stage the evidence and the testimony are reviewed to determine if the case will go to trial. In a preliminary hearing, the defendant and defense attorney appear before a judge. If you are required to attend the preliminary hearing, you will receive a subpoena asking you to appear. In a grand jury hearing, the State's Attorney presents the testimony and evidence to a jury, which reviews the case and decides if it will proceed to trial. In a grand jury hearing, neither you, the defendant, nor the defense attorney may attend.

## **Plea Bargaining**

If the defense attorney and State's Attorney decide to plea bargain, the defendant is given a sentence without taking the case to trial.

## **Trial**

In Illinois, the trial most commonly occurs as a bench trial, where a circuit court judge hears the case and determines whether or not the defendant is guilty and sets the sentence. You will be asked to appear as a witness at the first session, but if the trial continues past this session you do not have to appear.

## **How do I support someone who comes to me after they have been sexually assaulted?**

Dealing with sexual assault is not only difficult for a survivor; it is also difficult for the people that the survivor turns to for support. Being a supporter can be stressful and confusing, remember that it's okay if you don't know exactly what to say to the survivor or how to help. It's okay to be honest with the survivor, let him or her know that you're not sure how to respond and ask for some guidance. Remember you don't have to have all of the answers, it may be that all the survivor in your life wants from you is somebody to listen and empathize. There are a few important guidelines to remember when supporting a survivor.

**Let the survivor make the decisions.** After a person is sexually assaulted, she may feel that she no longer has control over her body or her life. She has already experienced pressure, coercion, or force from the perpetrator and the last thing she needs is to feel like she is being pressured or controlled by her friends or partners. It's important to provide the survivor with her options and with different resources, but leave the choice up to her. For example, suggest that she report the assault to the police, perhaps offer to go with her to the police station, but do not insist that she take any action that she is not ready to take.

**Believe the survivor.** One reason why sexual assaults are underreported is because victims experience a tremendous amount of blame and disbelief when they tell people about their assaults. Often a large portion of this victim blame comes from friends, family, and partners that are well-meaning and generally supportive, but make victim-blaming comments unintentionally. Questioning a survivor about how she tried to resist the assault ("Did you fight back? Did you say no?") or her actions leading up to the assault ("What were you wearing? Had you been drinking?") can come off as blaming even when you are just trying to get the facts straight.

**Keep it confidential.** Who the survivor tells about the assault should be her decision. It may seem to be in the survivor's best interest for you to tell people, maybe she has a professor who is giving her a hard time for doing poorly on a test or maybe you even know the perpetrator, but talking to people about the assault violates the survivor's trust and once again leaves her powerless. It's a good idea to suggest that she talk to a professor or dean about her circumstances, but don't go ahead and do it for her.

**Know the resources.** One of the best ways you can help a survivor is by being able to give her information about options such as reporting to the police or going to the hospital as well as about various resources at Northwestern and in the community. Use the information provided here and in the resources listed to become familiar with different options for responding to sexual assault.

**Take care of yourself.** Because being a supporter can be stressful and draining, you may need to seek support yourself. Counselors and advocates trained to respond to sexual assault survivors can also assist supporters by providing counseling or responding to any questions or concerns. See below for a list of resources that you can utilize as a supporter.

### **Where can I go for help or to learn more?**

#### **Northwestern Resources**

Women's Center

2000 Sheridan Road

847-491-7360

<http://www.northwestern.edu/womencenter/>

Offers confidential counseling, resources, referrals, and information. During business hours, women's center staff can serve as advocates by accompanying a survivor to the emergency room or police department.

Counseling and Psychological Services

633 Emerson Street

847-491-2151

<http://www.northwestern.edu/counseling/>

Offers free confidential group and individual counseling.

Women's Health

University Health Service

633 Emerson Street

847-491-2204

[http://www.nuhs.northwestern.edu/womens\\_health.html](http://www.nuhs.northwestern.edu/womens_health.html)

Offers sexual health and sexual assault information, birth control (including emergency contraception) information, STI testing and treatment and general gynecological services.

Health Education Department/Sexual Violence Prevention Office

University Health Service

633 Emerson Street

847-491-4618

Offers resources, referrals, and information about sexual assault. During business hours, the coordinator of sexual violence prevention can serve as an advocate by accompanying survivors to the emergency room or police department. Offers sexual violence prevention programs and presentations for students and opportunities for further involvement and peer education.

Sexual Assault Hearing and Appeals System

Office of Judicial Affairs  
601 University Place  
847-491-4582

<http://www.northwestern.edu/judicialaffairs/UHAS-SAHAS.html>

Offers a method of filing a sexual assault complaint through the university as opposed to the police department and pursuing resolution through a hearing or mediation.

University Police  
1819 Hinman Avenue  
847-491-3254

<http://www.northwestern.edu/up/crime/sexual.html>

Offers Rape Aggression Defense training for female students and options for reporting sexual assault incidents.

### **Community Resources**

Evanston Police Department  
1454 Elmwood Ave  
Evanston, IL 60201  
(847) 866-5000

<http://www.cityofevanston.org/departments/police/index.shtml>

Offers an option for reporting sexual assault incidents that did not occur on campus.

Evanston Victim Services Program  
1454 Elmwood Ave  
Evanston, IL 60201  
847-866-5015

[http://www.cityofevanston.org/departments/police/pdf/victim\\_services.pdf](http://www.cityofevanston.org/departments/police/pdf/victim_services.pdf)

A service provided by the Evanston Police Department, trained advocates are available to assist survivors with emergency room and police procedures.

Evanston Northwestern Healthcare Hospital  
2650 Ridge Ave  
Evanston, IL 60201  
847-570-2000  
847-570-2111 (Emergency Room)

Rape Victim Advocates  
228 S. Wabash, Suite 240  
Chicago, IL 60604  
24 hour confidential hotline: 1-888-293-2080  
[www.rapevictimadvocates.org](http://www.rapevictimadvocates.org)

Offers counseling, medical and legal advocacy for victims, and a 24 hour hotline.

Anne's Home  
Evanston, IL

847-604-1911

[www.anneshome.org](http://www.anneshome.org)

Offers free counseling with private licensed counselors for college students.

Cook County State's Attorney

<http://www.statesattorney.org/>

Prosecutes sexual crimes on behalf of the victim.

Victim/Witness Assistance

2650 S. California Avenue Chicago, IL

773-869-7200

First Municipal District

555 W. Harrison Street Chicago, IL

312-325-9200