

# Sexual Assault Protocol

Rhodes University seeks to provide a consistent, caring, and timely response when sexual assaults occur within the University community. The University prohibits any non-consensual physical contact of a sexual nature, including sexual assault and sexual harassment.

## **The Protocol aims to:**

Facilitate the recovery of a sexual assault survivor by providing prompt and compassionate support services

- create a campus environment that both expedites and encourages the prompt reporting of sexual assaults
- facilitate the apprehension of assailants when such assaults are committed
- expedite the processing of cases through the Student Disciplinary system
- establish and cultivate a climate of community involvement in sexual assault prevention
- provide accurate and timely information to the campus community about assault on campus
- increase the safety of the campus community
- ensure accurate reporting of crime statistics

## **A IMMEDIATE RESPONSE**

**Students** are encouraged to report all instances of sexual assault and sexual harassment. Survivors / complainants who were under the influence of alcohol or other drugs at the time of the assault will not be subject to disciplinary action for such use. The personal safety of the victim of an assault is most important, and the victim is advised to:

- Go to a safe place. Contact the Campus Protection Unit (046 603 8146) if there is immediate physical danger.
- Seek medical assistance.
- **If the student does not wish to press charges they will NOT be given Post Exposure Prophylaxis (PEP) at the hospital. They must report to the Rhodes Sanatorium immediately. A doctor will be called at Rhodes' expense to examine them and administer PEP.**
- Tell someone what has occurred, in as much detail as possible, since this account could corroborate evidence if a formal report is made later.
- Call the Rhodes Psychological Emergency Number at 082-803-0177 or contact your Warden.
- Contact the Dean of Students' Office (Room 241, Main Admin Building; Tel 046-603-8181) who can provide support and information related to rights, resources, reporting options, and the university Student Disciplinary process. They can also assist with referrals to the Rhodes Counselling Centre, and with expediting University disciplinary proceedings

**Wardens and other staff** who witness or are informed of any sexual assaults reported by students are required to inform the Campus Protection Unit of such incidents. Staff are encouraged to consult with the Dean of Students' Office about accessing campus resources and supporting student survivors.

## **B PRESERVE EVIDENCE**

*The survivor should take care to preserve any evidence, even if uncertain about whether to file a report with the police or the university.*

- Preserving evidence will give options to report later.
- It is best for any physical evidence to be collected within the first 24 hours.
- It preferable to avoid washing the face or hands, showering, brushing teeth, drinking or eating, or changing clothes.
- If clothes are changed, each garment should be wrapped in a separate paper bag or newspaper (not plastic)

## **C SUPPORT FOR THE SURVIVOR**

### **1. MEDICAL**

Medical attention is essential, and the survivor must understand that there is a limited time to preserve medical evidence that may be needed later if s/he decides to lay a charge later. The following steps are recommended:

- talk to a rape crisis counsellor through the Rhodes Counselling Centre at 046-603-7070 or 082-803-0177 in order to reach a decision. The Counselling Centre is not required to report incidents of rape
- the safest decision is to undergo an “evidence” examination by a doctor as soon as possible (in order to ensure that evidence is preserved.)
- if the survivor plans to lay a charge with the *Police*, go to the SAPS station in Beaufort Street and report the rape. Once a statement has been taken from the survivor, proceed to the casualty room at *Settlers Hospital* where the survivor will be examined by a District Surgeon and given PEP. Campus Protection Unit at 046-603-8146 can arrange for transportation at no cost.
- if the survivor plans to lay a charge through the *University Disciplinary Code*, a private doctor may perform the examination at the *Sanatorium*.
- The survivor can have a medical treatment for cuts, infections, and internal injuries at the Sanatorium, but in so doing, will lose the opportunity to collect evidence that is admissible in court.
- ***Regardless of what the choice is, it is crucial that the survivor receive Post Exposure Prophylaxis.***

The Sanatorium, under the orders of a GP, can offer pregnancy testing, STI testing, or baseline HIV testing, as well as Post Exposure Prophylaxis (PEP) at **NO COST** to the student. **Rhodes University will cover the medical costs incurred.**

### **2. ADVOCACY AND CRISIS COUNSELLING**

- Seek out the support of family, friends, and / or a counsellor
- The student should indicate the level of disclosure with which they feel comfortable. These various levels include:
  - a. anonymous reporting to the Dean of Students (required);
  - b. (a) plus non-anonymous reporting to Warden by crisis counsellor in order to ensure suitable support;
  - c. (a) and (b) plus non-anonymous reporting to Sub-Warden by crisis counsellor in order to ensure suitable support;
  - d. (a) plus any range of disclosures to parents, friends, the general public by the survivor – in which the counsellor offers support.

### **3. FORMAL REPORTING OPTIONS**

Reporting an assault of this nature requires that the survivor give a detailed account of what has occurred. This can be a difficult process and the survivor is encouraged to bring a friend or counsellor for support.

#### **Filing a Police Report**

- If the assault occurred off-campus, call the Grahamstown SAPS on 10111
- If the assault occurred on campus, contact the Campus Protection Unit 046-603-8146 (located between Hobson House and the Rhodes Psychology Clinic). An officer will then meet the survivor at a convenient place and the CPU will contact the SAPS.
- Female students are entitled to a female detective. If the matter has been reported to the police, the survivor must go to the hospital, since an examination by a district surgeon is needed for purposes of gathering evidence
- Reporting to the police does not necessarily mean prosecution will occur.

#### **Filing a University Report**

*Any of the following options are available*

- If you do not want to call the police, call a friend to take you to the hospital or the Sanatorium for referral.
- Call Campus Protection Unit at 046-603-8146 to file a report involving another student, even if the assault occurred off campus. CPU can also connect you to the police to file a report.
- Regardless of whether the assailant is a student or a staff member, report the matter to the Dean of Students' Office in Room 241, Main Admin Building, or schedule an appointment about "student harassment" by calling 046-603-8181 or 082-803-0177.
- The Dean of Students' Office will facilitate support from the Counselling Centre, who can offer support through the process.
- If the assault was committed by another student, the Dean of Students' Office can schedule an interview with the University Prosecutor in order to begin University disciplinary proceedings.
- If the assault was committed by a staff member, the Dean of Students' Office can arrange for the Human Resources Division to institute a disciplinary enquiry.
- Staff-on-staff assaults should be reported to the Campus Protection Unit, not the Dean of Students' Office.

### **4 UNIVERSITY RESPONSE TO REPORTS OF SEXUAL ASSAULT AND SEXUAL HARASSMENT**

The Rhodes University Proctors will adjudicate a charge of sexual harassment or assault under the *Student Disciplinary Code 15.1: Common Law Crime*, which includes all Common Law crimes, including non-consensual physical contact of a sexual nature, such as sexual harassment, sexual assault, and rape.

- The University's definitions of sexual assault and sexual harassment are explained in this section and are the standards by which the University holds its students accountable.

- The University reserves the right to review all student conduct which occurs on and off campus when such behaviour is inconsistent with the Student Disciplinary Code.
- Violations of the Student Disciplinary Code do not necessarily constitute violations of the law and *vice versa*.
- A report of sexual assault or sexual harassment filed with the university is evaluated according to university standards through a university process and is separate from a criminal investigation.
- Disciplinary sanctions for findings of sexual harassment or assault will be imposed regardless of whether the non-consensual sexual activity was preceded or followed by consensual sexual activity.
- The use of alcohol or other drugs can blur the distinction between consensual and non-consensual sexual activity. If the accused person knew or reasonably should have known that the survivor was incapable of providing consent due to the use alcohol or another drug, the accused person is in violation. The accused person's use of alcohol or other drugs does not diminish his or her responsibility for committing the sexual misbehaviour.

## 5 DEFINITIONS

**Consent** means mutually understandable words or actions that demonstrate a voluntary agreement to engage in mutually agreed-upon sexual activity. Consent must be informed, active and freely given. Consent is invalidated when it is forced, coerced, or nullified by a person's incapacitation. Non-action as a response does not constitute active or affirmative consent. In reviewing a report of sexual harassment or assault, consent is a critical factor in determining whether there is a violation of the Student Disciplinary Code. It is the responsibility of individuals to engage only in mutually agreed upon sexual activity and it is the responsibility of the person initiating sexual activity to obtain consent.

**Submission** means passive acquiescence to an act without active consent. Submission occurs when power relations are such that it would be impossible to resist. Such situations could include the presence of overwhelming force, the threat, either stated or implied, of physical violence or retribution or other consequences that could be perceived a damaging to the survivor i.e. lost of reputation or course failure in the case of faculty. *Submission does not equal consent.*

**Act** referenced in the terms below, includes but is not limited to sexual intercourse, sodomy or sexual penetration with an inanimate object, the touching of a person's intimate parts (defined as genitalia, groin, breast or buttocks, or clothing covering them), or compelling a person to touch his or her own, or another person's intimate parts without consent.

**Coercion** means compelling another person to do something through emotional or physical pressure, threats, or other forms of intimidation. Real or perceived power differentials between individuals also may create an atmosphere of coercion that can significantly impair the ability to consent.

**Sexual assault** occurs when the act is intentional and is committed by

- a) physical force, violence, threat, or intimidation;

- b) ignoring the objections of another person;
- c) causing another's intoxication or impairment through the use of drugs or alcohol; or
- d) taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

***Sexual harassment*** occurs when the act is committed without intent to harm another and where, by failing to correctly assess the circumstances, a person believes unreasonably that consent was given without having met his/her responsibility to gain consent. Situations involving physical force, violence, threat or intimidation fall under the definition of sexual assault, not sexual harassment, and will be treated as such. Sexual harassment or assault can occur between people of different genders or of the same gender. In some cases, consensual sexual activity occurs before an assault or after an assault.