Penn State Student Affairs
Policy for Reporting Incidents of Child Abuse and Sexual Assault

For more detailed information, refer to the “Student Affairs Protocol to assist victims of relationship, domestic and sexual violence”: http://studentaffairs.psu.edu/womenscenter/pdf/protocol.pdf
Student Affairs medical personnel should also refer to Pennsylvania Attorney General Office guidance from October 10, 2007: http://www.pamedsoc.org/DocumentVault/VaultPDFs/GovernmentPDFs/LawsAffectingPhysiciansPDFs/ReportingletterPDF.pdf

Student Affairs staff at Penn State work with University students, faculty and staff, visitors and youth attending campus programs and camps. Many of our staff have specialized training and education in working with sexual assault victims. It is important, however, for every staff member to report incidents of child abuse or sexual assault as soon as possible whether they are directly observed or reported by others.

Incidents of Child Abuse

Pennsylvania law mandates child abuse reporting requirements for all employees at a public university like Penn State. There are four categories of child abuse covered under the law:

- A non-accidental serious physical injury to a child under 18;
- Mental injury, sexual abuse or sexual exploitation of a child under 18;
- An act that creates imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18;
- Neglect which endangers a child’s life or development.

Though the law requires incidents to be reported to the person ‘in charge of the institution,’ Student Affairs staff are expected to report all incidents of child abuse as soon as possible to their supervisor, to University or local police and to Pennsylvania Department of Public Welfare Child Line at (800) 932-0313. This phone line is staffed 24 hours daily.

Incidents of Rape and Sexual Assault

According to Pennsylvania law, rape is a first-degree felony and is defined as sexual intercourse obtained:

- through "forcible compulsion or threat of forcible compulsion,"
- when a person is unconscious or unaware that intercourse is occurring even though conscious,
- when a mental disability renders a person incapable of consent,
- when a person is less than 13 years of age even though consent is given,
• or when the offender gets his victim drunk or high for the purpose of preventing resistance without the knowledge of the victim.

**Sexual assault**, which is a second-degree felony, consists of non-consensual sexual intercourse. Sexual intercourse includes vaginal, anal, or oral sex. There must be some penetration, however slight, but ejaculation is not necessary.

**Aggravated indecent assault**, also a second-degree felony, consists of penetration of the genitals or anus by a part of the offender’s body without consent.

**Indecent assault** is unwanted touching of intimate parts of the body and is a second-degree misdemeanor.

**Providing Victim Assistance and Support**

**For victims who are college-age students or other adults:** (Health care for victims can be provided through Mount Nittany Medical Center and/or University Health Services.)

- Assist the victim with getting to a safe place as soon as possible.

- Encourage the victim to preserve all physical evidence. Offer to contact the police on the victim’s behalf. The victim should not bathe, shower, douche (for female victims), use the toilet, or change clothing until a medical exam has been conducted.

- Encourage and help the victim to contact the police or offer to contact the police on the victim’s behalf. The emergency telephone number 911 is used in the local community. For University Police **dial 3-1111** from any on-campus phone. Also a blue light emergency telephone will connect you directly with University Police. Rape and sexual assault are crimes, and it is important to report them. However, reporting a crime is not the same as prosecuting. The decision to prosecute can be made by a victim at a later time. Reporting the incident to University Police will also permit a timely warning to be issued to the campus or local community.

- Notify your supervisor about the incident. Because victims often share with someone they trust, any staff member, regardless of training or comfort level, can be the first person a victim talks with. It is important for you to let your supervisor know that you have received information about a sexual assault or rape, so you can receive support, so the victim can be provided with whatever resources the victim might need, and so Penn State can ensure that campus safety matters have been addressed. In reporting to your supervisor, you do not need to divulge the victim’s identity.

- Offer to assist the victim to get medical attention as soon as possible. An exam will determine the presence of physical injury, sexually transmissible diseases, or pregnancy (for female victims); it is important for the victim’s well-being. The exam, if done within 72 hours following the rape or sexual assault, can obtain evidence to assist in criminal prosecution. If a
female victim is worried about pregnancy, Emergency Contraception Pills (available through UHS) can be administered within 72 hours of the sexual assault to help prevent pregnancy.

- Contact a close friend who can be with the victim for support. The friend can accompany the victim to the medical exam and/or police department.

- Encourage the victim to meet with a counselor. The victim may be feeling a variety of strong emotions: fear, anxiety, depression, guilt, powerlessness, shame, shock, disbelief, embarrassment, denial, anger. The victim may also have some physical problems, such as sleep disturbances and nausea. Therefore, seeing a counselor may be important in helping the victim to understand personal feelings and begin the process of recovery.

**Federal Laws related to Crime Reporting and Victims’ Rights:**

**Student Right to Know and Campus Security Act of 1990 (the “Clery Act”) (20 U.S.C. § 1092).** This law, Title II of Public Law 101–542, requires that schools annually disclose information about crime, including specific sexual crime categories, in and around campus.

Under this law, many Student Affairs staff are considered ‘Campus Security Authorities.’ Campus Security Authorities are those employees who have responsibility for the activities of students and they must report serious crimes (including rapes and sexual assaults) to the University Police.

A Campus Security Authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel. A Campus Security Authority should not try to apprehend the alleged perpetrator of the crime. That too is the responsibility of law enforcement. It’s also not a CSA’s responsibility to try to convince a victim to contact law enforcement if the victim chooses not to do so.

**Campus Sexual Assault Victims’ Bill of Rights of 1992.**
This amendment to the 1990 act requires that schools develop prevention policies and provide certain assurances to victims. The law was amended again in 1998 to expand requirements, including the crime categories that must be reported.