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

January 4, 2012
Presenters:

Dr. Peggy Lorah
Director
Center for Women Students

Audra Hixson
Assistant Director
Center for Women Students

Dr. Philip Burlingame
Associate Vice President for Student Affairs
Introduction
Session Outline:

• Pennsylvania child abuse laws
• Reporting child abuse
• Pennsylvania sexual offenses
• Reporting sexual assaults
• Providing victim assistance
• The federal Clery Act
Additional training and education

- This session is intended to provide information about the protocols for reporting crimes and supporting sexual assault victims.
- Student Affairs staff in specialized offices have additional legal and policy guidance.
- Student Affairs units also provide additional training on these topics.
Pennsylvania Crimes Code
child abuse laws
Pennsylvania Crimes Code
child abuse laws

• A non-accidental serious physical injury to a child under 18;
• Mental injury, sexual abuse or sexual exploitation of 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.

Source: Child Protective Services Law
23 Pa.C.S. § 6383(b)(2)
Reporting Child Abuse
Reporting Child Abuse (including sexual assault against a child)

“Required reporters who work in an institution, school, facility or agency shall immediately notify the person in charge of the institution, school, facility or agency or the person in charge’s designee of suspected abuse.”
Reporting Child Abuse (including sexual assault against a child)

“The person in charge, or the designee, shall be responsible and have the obligation to make a report of the suspected child abuse to ChildLine immediately. Nothing in this chapter requires more than one report from any institution, school, facility or agency.”
Reporting Child Abuse (including Sexual Assault against a child)

“(b) The person in charge may not make an independent determination of whether to report. The person in charge shall notify the employee when the report was made to ChildLine.
Reporting Child Abuse (including Sexual Assault against a child)

“(c) Notwithstanding subsection (a), nothing in this chapter prohibits an employee who is a required reporter from making a report directly to ChildLine.”
Reporting Child Abuse
Pennsylvania Child Line

800-932-0313

(Connects 24 hours daily to an intake specialist for referral to county child welfare, law enforcement or counseling)
Reporting Child Abuse (including Sexual Assault against a child)

- “A person may make a report of suspected child abuse to ChildLine or a county agency if the person has reasonable cause to suspect that a child has been abused.”
- “Reports shall be accepted by ChildLine or the county agency regardless of whether the person identifies himself.”

- [http://www.pacode.com/secure/data/055/chapter3490/chap3490toc.html#3490.11](http://www.pacode.com/secure/data/055/chapter3490/chap3490toc.html#3490.11).
Legal definitions for Rape and Sexual Assaults
Rape
(felony 1\textsuperscript{st} degree) 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 incapacitates the victim with drugs/alcohol without the victim’s knowledge
Sexual Assault

- **Sexual assault** (felony 2nd) 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** (felony 2nd) consists of penetration of the genitals or anus by a part of the offender's body without consent

- **Indecent assault** (misdemeanor 2nd) is unwanted touching of intimate parts of the body
Providing Victim Assistance and Support

(For victims who are adults)
Providing Victim Assistance and Support
(For victims who are adults)

- Assist the victim with getting to a safe place as soon as possible
- Encourage the victim to preserve all physical evidence
Providing Victim Assistance and Support
(For victims who are adults)

- Encourage and help the victim to contact the police or offer to contact the police on the victim’s behalf
- Reporting a crime is not the same as prosecuting. Decision to prosecute can be made by a victim later
- Reporting to police will permit a timely warning to campus
Providing Victim Assistance and Support
(For victims who are adults)

• Notify your supervisor about the incident
  – you can receive support
  – the victim can be provided with resources
  – campus safety matters have been addressed
  – 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 (if within 72 hours) can obtain evidence to assist in criminal prosecution

• An exam will assure the victim’s medical needs are met
Providing Victim Assistance and Support
(For victims who are adults)

- Contact a friend to accompany victim for support at the medical exam and/or police department
- Encourage the victim to meet with a counselor
- Seeing a counselor can help the victim to understand emotions and begin recovery
New Penn State Hotline for Sexual Assault and Relationship Violence

800-550-7575

(Answered 24 hours daily by a counselor from Protocall who will connect victim to local rape crisis/domestic violence center, law enforcement or PA ChildLine)
Clery Act Reporting: Are you a Campus Security Authority?
The Clery Act

(Student Right to Know and Campus Security Act of 1990 (the “Clery Act”)

Requires colleges and universities to annually disclose information about crime, including specific sexual crime categories, in and around campus.

The law also requires the issuance of timely warnings for threats to safety.
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
They must report serious crimes (including rapes and sexual assaults) to the University Police
The Clery Act

- A Campus Security Authority is not responsible for determining if a crime took place
- A Campus Security Authority should not try to apprehend the alleged perpetrator of the crime
Summary of the Clery Act
Summary of the Clery Act

1) Annual Security Report

- Universities must publish an annual report every year by October 1st
  - 3 years of campus crime statistics
  - security policy statements including sexual assault policies
  - assurance of basic victims' rights law enforcement authority of campus police
  - where students should go to report crimes
Summary of the Clery Act

2) Reporting Annual Crime Statistics

- Statistics must be gathered from:
- campus police and local law enforcement
- school officials who have "significant responsibility for student and campus activities"
- Professional mental health and religious counselors are exempt from reporting obligations
Summary of the Clery Act

2) Reporting Annual Crime Statistics

Seven Crime Categories

- Criminal Homicide
- Sex Offenses (forcible and non-forcible)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
Summary of the Clery Act

2) Reporting Annual Crime Statistics

Also, if there is an arrest or disciplinary referral:

– Liquor Law Violations
– Drug Law Violations
– Illegal Weapons Possession
Summary of the Clery Act

3) Timely Warning

Timely warning requirement is triggered when the University considers a crime to pose an ongoing "threat to students and employees"
Clery Act Handbook – a useful resource

“The Handbook for Campus Safety and Security Reporting”

US Dept of Education
February 2011

Questions