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## COLLEGE OF THE HOLY CROSS

*Office of the President*

Dear Students,

We are now required by federal law to develop and disseminate a Policy on Sexual Assault. We have taken that as an opportunity for a broader reflection and discussion of our expectations regarding the use of one of our greatest gifts, our sexuality. Our intention was to develop a policy that would be situated within a broader context aimed at educating the whole person, rather than just a set of legal rules that define the minimum acceptable behavior, although that is itself very important and must be taken seriously.

This booklet is the product of extensive work on the part of a great many people. The documents contained herein offer a framework for beginning a life-long reflection about this most serious of topics: God's gift of human sexuality. Together, they represent the best thinking of many in the Holy Cross community and beyond. I hope that we use them widely: in classroom discussions, in the residence halls, in the Chapel. I also hope that the questions they evoke prompt us to examine more critically the moral and ethical implications of human sexuality.

In particular, I wish to thank the members of the Student Life Council and Vice President for Student Affairs and Dean of Students, Jacqueline Peterson, for their tenacious and dedicated efforts in developing the booklet. We are most grateful.

Yours in Christ,

Michael C. McFarland, S.J.

*President*





## COLLEGE OF THE HOLY CROSS

### *Office of the College Chaplain*

My dear Sisters and Brothers,

As I write to you, it is a spectacular August afternoon in New England. The campus is quiet. It is the time of year when things are slow enough to stop and think. And that is exactly what I need right now. How to write to you whose faces are both dear and unknown to me, whose tastes and joys and pains are more diverse and intense than anyone but God could know?

In Christian terms, this is a pastoral letter. Following a tradition as old as the Church itself, I am writing to you- a particular community at a specific point in time, about a particular pastoral concern for this community. My dear sisters and brothers, I write to you about sex, about sexual decision-making, about intimacy, and about those practical and ethical questions which ought to concern each of us as Christians, particularly as Catholic Christians. I write as your College Chaplain, bearing the awesome responsibility of challenging you to integrate all of your actions, your choices, with your faith. It is a task that ought to daunt the most confident of pastors or ministers. It is certainly daunting to me, not because I doubt what I want to say but rather because I feel so passionately about it.

We have a problem at Holy Cross. Many of us are, more or less, comfortable with, amused by, or at least resigned to, the sexual mores of a society oriented toward self-gratification; a culture which bristles at the hint of restraint and which is unnerved by the thought of commitment. We are used to it. So used to it, in fact, that for many of us, sexual behavior is without moral character at all. It is simply a by-product of drinking, or a "private" matter between the individuals involved, or unintended and therefore acceptable. Of course, this is not to say that our community is devoid of men and women who authentically seek to integrate their sexuality with the core Christian values which inform and guide all of the ethical decisions they make. I am deeply inspired by the many women and men whose thoughtful reflection has led them to understand sexuality as an extraordinary gift from God- one among many- which stands at the heart of what it means to be human and which touches all of our human interactions. Indeed, their commitment to developing an informed Catholic sexual ethic is a profound witness to me and to our Holy Cross community.

Nevertheless, a common and seemingly acceptable way of relating to one another sexually on most college and university campuses across the country, including here at Holy Cross, is utterly divorced from the Gospel message of love, respect, dignity, generosity, commitment, selflessness. There is a sad kind of irony, I think, that we allow ourselves to feel passion, to make responsible, thoughtful choices, and to seek connections in almost every other part of our lives. We feel delight in reading a poem by Maya Angelou or a sonnet by Shakespeare. We feel our senses soar when we look at a piece of sculpture by Rodin or a painting by Caravaggio. We feel enormous satisfaction in thinking a problem through completely and arriving at the correct answer or a well-considered conclusion. Most of us allow ourselves to be moved profoundly by music, art, nature, beauty, or the thrill of pushing our bodies to the limits in sports. We treasure friendships and frequently search for ways to give of ourselves in generous service to others. In all of these arenas, we work hard, not sparing our minds or our bodies the limits of physical endurance or even the passions aroused by true beauty or love. In all of these ways, we make connections. We ask: what does it mean to work, to know, to suffer, to love, to sacrifice, to be a friend? The place where, too often, we fail to make any connections at all, is in the area of relationships, sexuality, intimacy.

My goal in writing is not to provide you with a two page or a two-line summary of the church's teaching on sexuality. In fact, my aim is quite the opposite. As Catholic Christians, we possess a rich legacy of Catholic and Christian teaching on sexuality which we ought to understand fully and reflect upon prayerfully and soberly. To attempt a reduction of the collective inspired wisdom of the Church in an effort to provide quick and facile answers to complicated issues, is both to dishonor the development, the complexity, and the wisdom of a great body of Catholic theology and also to rob us of the context in which the Church teaches what she teaches. For example, I may state correctly that the Church teaches that the act of sex belongs within the context of a committed, loving relationship sanctified by the Sacrament of Marriage. This is true. Yet to leave it at that is a gross simplification of a much richer corpus of sexual theology which contains a great deal of wisdom, reveals an important developmental history in Catholic sexual ethics, and even now grapples with the complicated and interrelated questions of contemporary society. So often I hear students dismiss "what the Church teaches about sex" without having any real knowledge of what that teaching is. We know that committed membership in any community requires that we take seriously all that that community holds dear. My hope is to persuade you to reflect on this tremendously important topic seriously and prayerfully. Take a course in Catholic sexual ethics. Grapple with some of the sources cited in the bibliography. At the very least, consult a Chaplain or a Jesuit. Learn what the Church teaches in a thorough and informed way.

Sexuality is a gift from God. That is the absolute foundation of Catholic teaching. Like any of the gifts with which God has blessed us, then, it must be treated with reverence and care. It must be used with respect and love. Yet, often we trade it like it is the most expendable commodity we have, casually tossing it around like a Crusader card with no declining balance.

So today I write to challenge you. I beg you to consider your own behavior and your values. Are the sexual choices you make, in keeping with who God calls you to be? Are they integrated with all the other wonderful parts of you? Have you developed a responsible sexual ethic, which is informed by the Church and consistent with all of the other ethical values you hold? At the end of the day, the weekend, the night, can you go before God and your sisters and brothers and admit, frankly, that you've treated the men and women with whom you've interacted with dignity, respect, and kindness? Can you acknowledge to God that you valued them and valued your sexuality as the superb gift that it is- **from God?**

I believe that these are questions every Christian must answer and I ask you from the bottom of my heart, to reflect on them in relation to your own life. If you find that you are caught up in patterns that are unhealthy or repetitive or abusive or tied to alcohol, you can get help- from the Chaplains' Office, the Counseling Center, from all kinds of places. If you find that you know little about what the Church teaches, there are many resources available- faculty in Religious Studies, Jesuits, the Chaplains.

It is possible to make choices that are healthy and respectful and thoughtful. It is possible to develop a sexual ethic for yourself that is thoughtful, informed, and consistent with Church teaching. It is possible to experience intimacy that is integrated, life-giving and thoroughly Christian. My prayer for you, as we begin together, is that you may use all of your gifts, including sexuality, with the same spirit of love and wisdom that God has used in giving them to you. May God bless you abundantly in this academic year with every good blessing.

In the peace and love of Christ,

Katherine M. McElaney

*Director, Office of the College Chaplains*



## Sexual Decision-Making and Human Values: A Call to Discernment and Dialogue

*Authored by Rev. Brian Linnane, S.J., as commissioned and endorsed by the Student Life Council*

The Mission Statement of the College reminds members of the Holy Cross community that to participate in the life of this College is "to accept an invitation to join in dialogue about basic human questions." It is a spirit of such dialogue that prompts this call for personal and communal reflection on sexual morality and humane gender relations. As an institution of higher learning in the Jesuit tradition, Holy Cross is committed to the values of free inquiry, respect for diversity, and civility in this community's attempt to discern and articulate norms for sexual decision-making. As a Roman Catholic institution the College would surely be remiss if it did not facilitate such a reflection in light of the rich resources of the Catholic moral tradition. This document, then, offers some guidelines for ethical reflection, discernment, and dialogue on human sexuality which draw upon the moral and religious traditions that have been central to the life of the College of the Holy Cross.

These guidelines do not claim to represent Roman Catholic teaching on sexual morality in its fullness. Nonetheless, the principles enunciated here find wide acceptance among Catholics and other persons committed to humane sexual relations. It should be emphasized that these principles inform the vast literature of moral reflection including persons on both sides of the deep divisions over specific moral evaluations which exist within and beyond the Christian community. In keeping with the College Mission Statement, the Catholic moral tradition regularly finds expression in classroom discussion, preaching, and in the life of the community. Those persons who wish to explore this tradition in greater depth are encouraged to consult the Catholic theologians in the Department of Religious Studies, the College Chaplains, and the members of the Society of Jesus who help to staff the College. As a pluralistic community with strong Catholic roots, the College acknowledges its dependence upon the principles of Catholic moral theology as it attempts to articulate an ethic for this community, while affirming that any discussion of sexual morality can only be enriched by attending to the contributions of other cultural and religious traditions.

Ethical reflection in the Catholic and Jesuit traditions necessarily begins with an account of human persons. From the Catholic perspective, every human person possesses an inviolable dignity and is worthy of respect because he or she is created in the image of God. Any actions that fail to take account of the dignity of persons, that is, actions which harm persons, that allow persons to be treated as objects, or that fail to *promote* the legitimate self-direction of others, are proscribed. In this light, a criterion for moral evaluation is proposed: an action is morally acceptable insofar as it is beneficial to the person fully considered and to his or her relations (with other individuals, with communities, and with God). This criterion suggests that actions are morally problematic not because they are contrary to the wishes of an external authority, but because human experience and moral reflection suggest that such actions have the potential to undermine personal and communal well-being.

Human sexuality is a core dimension of human experience, in which we experience our deepest longing for interpersonal intimacy and union. Contemporary Christians reject any suggestion that human sexuality is sinful or shameful in itself. Human sexuality as part of God's design sustains multiple human goods, including committed love, embodied pleasure, and the potential for new life. Yet it is also true that the realm of human sexuality is susceptible to manipulation, betrayal, and violence. So then, while a sexually intimate relationship can be the most affirming and profound of life's experiences, such relationships also can create genuine harm when they fail to respect the dignity of persons and the relational meaning of human sexuality. Because of the potential for harm in even consensual sexual activity, effective consent cannot provide a full moral justification for sexual activity. In this light, the following basic values for sexual relations are affirmed: free consent, commitment, mutuality, equality, fruitfulness/respect for the procreative potential of sexuality, justice. If a sexual relationship is a relationship that truly respects the dignity *and* vulnerability of both partners as well as the demands of the common good *none* of these basic values can be ignored or dispensed with.

Free and effective consent is an absolute moral and legal minimum standard for sexual relations. All members of the Holy Cross community are encouraged to familiarize themselves with the definition of effective consent offered in the discussion of Sexual Misconduct I in the Student Guide. This is the juridical standard of the College and will serve as a central determinant in adjudicating cases of sexual misconduct. In addition to the conditions which limit the possibility of effective consent listed there, it is important to note that inequities of power or status tend to undermine the equality that effective consent presumes.

Insofar as sexual activity involves intimate interpersonal sharing at the deepest levels of human vulnerability, ethical sexual relations require a high level of commitment and trust on the part of both parties. In the Judeo-Christian tradition, concern for this value has been expressed as a requirement for a permanently committed, monogamous relationship based on mutual love, as having the greatest potential to safeguard the vulnerabilities of the persons who enter into a sexual relationship. Jewish and Christian communities have traditionally argued that only marriage provides the appropriate context for sexual intimacy. In contemporary society it is frequently claimed that the feeling of mutual love alone provides a sufficient moral justification for a sexual relationship. Human experience suggests, however, that such love—especially among young persons—can be ephemeral; thus it sometimes happens that what was thought to be an expression of profound and lasting love reflects a less intense relationship. In such cases one or both partners can feel hurt, betrayed, or even exploited.

A concern for mutuality follows from both effective consent and commitment and serves to safeguard the dignity of persons *within* their sexual relations. Sexual relations should affirm the dignity and affective commitments of both partners in a relationship. Consent to a sexual relationship does not permit sexual activity that

one partner finds demeaning or that satisfies one partner alone. Mutuality in a sexual relationship must reflect an essential equality within the relationship. The requirement of equality suggests that neither partner is dominant in the relationship; that neither partner must *necessarily* subordinate her or his needs and aspirations to those of the other.

Any adequate moral evaluation of our choices and actions must take account of their social dimension. Even our most intimate activities are not simply private. All authentically human sexual relationships should assist the partners in being more loving in all of their relationships. On the most obvious level, the Judeo-Christian tradition has expressed a fundamental concern for the birth and nurturing of offspring within heterosexual relationships. The procreative power of these relationships generates a requirement of responsibility in sexual decision-making, not only to oneself and to one's partner but also for the reproductive implications of sexual activity. But social responsibility is not limited to questions of human procreation. Committed and loving relationships which are not in themselves open to biological reproduction nonetheless share the general ethical requirement of fruitfulness and social responsibility. The Catholic tradition suggests that genuine interpersonal love is never selfishly turned in on itself, but also serves the family, the local community, and human society.

Concerns about social responsibility necessarily raise questions of justice. All human relations ought to be regulated by a general norm of the social virtue of justice. At the most basic level, justice requires that we render to each person his or her due. With regard to sexual relations, such a norm generates an absolute requirement to respect and promote the dignity and integrity of persons with whom we are in relationship. A concern for justice also raises questions about the ways in which our personal choices help to shape our community and its particular moral climate. A community ethos which legitimates random, uncommitted sexual relationships marked by consent alone may generate a community atmosphere that harms its most vulnerable members.

Many members of this community desire an enduring and committed love relationship as the basis for a fulfilling personal life. In evaluating a compelling ethic for intimate personal relationships, account should be taken of the virtues and character required to sustain such relationships. Free consent, commitment, equality, mutuality, fruitfulness and justice are not only markers for evaluating particular actions but qualities which reflect the moral maturity and generosity of spirit which almost always seem to accompany successful and lifelong love relationships.

These principles are offered to the members of the Holy Cross community to encourage personal reflection and communal discussion on matters of sexual morality. While the policy on sexual misconduct will serve as the basis for adjudicating the cases of those persons who are accused of violating community standards by violating norms of effective consent, this document calls all members of the College community to a standard of sexual morality that truly respects *and* promotes the intrinsic dignity of all persons.

## For Further Reading

### ROMAN CATHOLIC TEACHING ON SEXUAL MORALITY

#### Official Teaching

*Catechism of the Catholic Church* (1994). Part III of the Catechism deals with the moral life; Chapter 2, article 6 of this section addresses questions of human sexuality.

Congregation for the Doctrine of the Faith, "Declaration on Certain Questions Concerning Sexual Ethics," (1975). This document is available in *Origins* 5:1 (January 22, 1976).

Paul VI, "Of Human Life" [*Humanae Vitae*] (1968), especially sections 7-12.

"Pastoral Constitution on the Church in the Modern World" [*Gaudium et Spes*] (1965), especially sections 47-52. *The Documents of Vatican II* (W. Abbott, ed., New York: America Press, 1966).

#### Commentary and Theological Development

Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics* (New York: Cambridge University Press, 1996).

Vincent Genovesi, S.J., *In Pursuit of Love: Catholic Morality and Human Sexuality*, 2<sup>nd</sup> ed., (Collegeville: The Liturgical Press, 1996).

Christine Gudorf, *Reconstructing Christian Sexual Ethics: Body, Sex and Pleasure as Grace and Gift*, (Cleveland: The Pilgrim Press, 1994).

Anthony Kosnick et al, *Human Sexuality: New Directions in American Catholic Thought*, A Study Commissioned by The Catholic Theological Society of America. (New York: Paulist Press, 1977).

Ronald Lawler, O.F.M. Cap. et al, *Catholic Sexual Ethics: A Summary, Explanation, & Defense*, (Huntington, IN: Our Sunday Visitor Press, 1985)

Gareth Moore, O.P., *The Body in Context: Sex and Catholicism*, (London: SCM Press Ltd., 1992).

### THEOLOGICAL PERSPECTIVES ON SEXUAL COERCION AND VIOLENCE

Marie Marshall Fortune, *Sexual Violence: The Unmentionable Sin*, (Cleveland: The Pilgrim Press, 1983).

Karen Lebacqz, "Love Your Enemies: Sex, Power, and Christian Ethics," Presidential Address, *The Annual of the Society of Christian Ethics*, (1990).

## Summary of the official Church teaching on sexuality

Excerpted from: *Catechism of the Catholic Church*

Image Books pub. by Doubleday, New York, 1997

For complete text, please see:

Part Three: "Life in Christ", Section Two, Chapter Two,

Article 6: The Sixth Commandment"

#2331-#2400

### IN BRIEF

- 2392 "Love is the fundamental and innate vocation of every human being" (FC11)
- 2393 By creating the human being man and woman, God gives personal dignity equally to the one and the other. Each of them, man and woman, should acknowledge and accept his sexual identity.
- 2394 Christ is the model of chastity. Every baptized person is called to lead a chaste life, each according to his particular state of life.
- 2395 Chastity means the integration of sexuality within the person. It includes an apprenticeship in self-mastery.
- 2396 Among the sins gravely contrary to chastity are masturbation, fornication, pornography and homosexual practices.
- 2397 The covenant which spouses have freely entered into entails faithful love. It imposes on them the obligation to keep their marriage indissoluble.
- 2398 Fecundity is a good, a gift and an end of marriage. By giving life, spouses participate in God's fatherhood.

### Part Three

- 2399 The regulation of births represents one of the aspects of responsible fatherhood and motherhood. Legitimate intentions on the part of the spouses do not justify recourse to morally unacceptable means (for example, direct sterilization or contraception).
- 2400 Adultery, divorce, polygamy, and free union are grave offenses against the dignity of marriage.



*Sexual  
Misconduct  
Policy*

## Statement of Intent

The College of the Holy Cross is a community of trust in the Jesuit tradition whose very existence depends on strict adherence to standards of conduct set by its members. Among these are standards regarding human sexuality, any expression of which must affirm the integrity and dignity of oneself and others.

Sexual misconduct in all forms violates the sanctity of the human body and spirit and will not be tolerated within our community. Some forms of sexual misconduct, often referred to as sexual assault or rape, are punishable by both civil and criminal legal action. **Sexual misconduct is considered to be one of the most serious violations of the Community Standards of the College of the Holy Cross.**

Students at the College of the Holy Cross are responsible for being familiar with and abiding by the standards of conduct set forth herein.

## Statement of Policy

The College of the Holy Cross strictly prohibits sexual misconduct in all forms. Sexual misconduct includes the following:

### SEXUAL MISCONDUCT I

- ◆ Any sexual penetration (anal, oral or vaginal), however slight, with any object or sexual intercourse by a man or woman upon a man or woman without effective consent. *Sexual penetration* includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation by mouth to genital contact or genital to mouth contact.
- ◆ *Effective consent* is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. **Consent may never be given by minors (in Massachusetts, those not yet sixteen (16) years of age), mentally disabled persons and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.** Consent as a result of coercion, intimidation, threat of force or force is not effective consent.

### SEXUAL MISCONDUCT II

- ◆ Any intentional sexual touching, however slight, with any object by a man or woman upon a man or woman without effective consent. *Sexual touching* includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner.
- ◆ Any disrobing of another or exposure to another by a man or woman without effective consent.

- ◆ *Effective consent* is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. **Consent may never be given by minors (in Massachusetts, those not yet sixteen (16) years of age), mentally disabled persons and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.** Consent as a result of coercion, intimidation, threat of force or force is not effective consent.

## SEXUAL EXPLOITATION

- ◆ Any conduct in which a student takes advantage of another without his/her consent for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited and that behavior does not constitute Sexual Misconduct I or II or Sexual Harassment.

## SEXUAL HARASSMENT

- ◆ Any type of sexually oriented conduct, whether intentional or not, that is unwelcome and has the purpose or effect of creating an employment or academic environment that is hostile, offensive or coercive to a reasonable woman or man, as the case may be. For more information see the Sexual Harassment and Harassment Policies as published in the Student Handbook, which are available in the Office of Student Affairs, Hogan 109.

### What Effective Consent Means:

The College of the Holy Cross strongly encourages students who choose to engage in sexual behavior to verbally communicate their intentions and consent as clearly as possible.

In the absence of mutually understandable words or actions, it is the responsibility of the initiator, or the person who wants to engage in the specific sexual activity, to make sure that he/she has the consent from his/her partner(s). **Consent to some form of sexual activity does not necessarily consent to other forms of sexual activity.** Mutually understandable consent must be obtained by the initiator at every stage of sexual interaction.

Consent is mutually understandable when a reasonable person would consider the words and/or actions of the parties to have expressed a mutually understandable agreement between them to do the same thing, in the same way, at the same time, with one another.

Consent which is obtained through the use of fraud or force (actual or implied), whether that force be physical force, threats, intimidation or coercion, is not effective consent.

Consent may never be given by minors (in Massachusetts, those not yet sixteen (16) years of age), those who are mentally disabled or by one who is incapacitated as a result of alcohol or other drug consumption (voluntary and involuntary) or those who are unconscious, unaware or otherwise physically helpless. **A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person.** Incapacitation means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual, or cannot appreciate (rationally and reasonably) the nature and/or extent of the situation.

### **Additional Clarifying Rules for Sexual Misconduct:**

- ◆ A person who is the object of sexual aggression is not required to physically or otherwise resist a sexual aggressor;
- ◆ Silence, previous sexual relationships, and/or a current relationship with the initiator (or anyone else) may not, in themselves, be taken to imply consent;
- ◆ Intentional use of alcohol or other drugs does not excuse a violation of the Sexual Misconduct Policy;
- ◆ Attempts to commit sexual misconduct are also prohibited under this Policy, as is aiding the commission of sexual misconduct as an accomplice;
- ◆ Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly (because you cannot be expected to read the mind of your sexual partner(s)), and all sexual activity must cease;
- ◆ An “intent to rape” is not required under the Sexual Misconduct I policy. Unlike murder, for which there must be intent to kill, Sexual Misconduct I is not an intent-based concept. The requisite intent for Sexual Misconduct I is demonstrated by engaging in the act of intercourse intentionally.
- ◆ Consent has an expiration date. Consent lasts for a reasonable time, depending on the circumstances.

A person’s state of incapacity is a subjective determination that will be made after the incident in light of all of the facts available because people reach incapacitation at different points and as a result of different stimuli. They exhibit incapacity in different ways. The following factors bear on incapacity:

- ◆ Body weight, height and size;
- ◆ Tolerance for alcohol and other drugs;
- ◆ Amount and type of alcohol or other drugs consumed, and the mixture taken;
- ◆ Amount of food intake prior to consumption;
- ◆ Voluntariness of consumption;

- ◆ Vomiting;
- ◆ Propensity for blacking out (mentally or physically);
- ◆ Genetics.

Alcohol related incapacity results from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose, which may lead to coma or death. Evidence of incapacity may be detected from context clues, such as:

- ◆ Slurred speech;
- ◆ Bloodshot eyes;
- ◆ The smell of alcohol on their breath;
- ◆ Shaky equilibrium;
- ◆ Vomiting;
- ◆ Outrageous or unusual behavior;
- ◆ Unconsciousness.

None of these facts, except for unconsciousness, will constitute – in and of itself – incapacitation. **Indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of another person.**

### **Statement on Confidentiality**

The Holy Cross community understands that all parties involved in the report of a violation of the sexual misconduct policy experience significant distress, whether they be the victim, the accused or any other individual associated with the report. All parties involved are expected to be treated with respect and dignity and the community will provide a safe place where the individuals may receive appropriate personal support.

If any person involved in the report of sexual misconduct desires confidential support, they should speak with professional staff in the Counseling Center, Chaplain's Office or Health Services. Staff in Health Services are required by federal law to pass along nonpersonally identifiable statistical information to Public Safety. The only information that will be released is that an incident was reported, the type of incident and the general location of the incident (i.e., "on campus" or "off campus"; no address will be given). Statistics given to Public Safety will be made available through publication in the Annual Campus Security Report.

Students have the right under federal law (Title IX) to expect that reports of sexual misconduct will be taken seriously by the College of the Holy Cross. At the request of the student making the report, or when deemed necessary to protect the interests of the College community, reports will be investigated and properly resolved through administrative procedures. Officials of the College, such as the

Residence Life staff, deans or other administrators, shall be available to any student seeking information or wishing to report an incident of sexual misconduct.

### **For An Individual Reporting Sexual Misconduct**

The College of the Holy Cross recognizes that a student reporting an incident of sexual misconduct may desire confidentiality and may not want the College or Public Safety to investigate and attempt to resolve the incident. For any student who so requests, officials of the College will maintain confidentiality to the extent permitted by law. However, the College reserves the right to investigate and pursue resolution when it is deemed necessary to protect the interests of the College community.

A student who initially requests confidentiality and who requests that the College not investigate or pursue resolution may later request that the College investigate and pursue resolution. Reports filed with Public Safety will be noted in a log that is made public within two (2) business days of the date of the report. No names or other information that could reveal the identity of the individuals involved will be made public in the Public Safety log.

Students should be aware that administrators (with the exception of Chaplains and Counseling Center Staff) must fulfill separate requirements as a matter of law. All personally identifiable information shall be kept confidential, but statistical information must be passed along to Public Safety regarding the type of the incident and its general location for publication in the Annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. In addition, College administrators must issue timely warnings for incidents reported to them that continue to pose a substantial threat to bodily harm or danger to members of the campus community.

### **For An Individual Accused of Sexual Misconduct**

Confidentiality with respect to a person accused of having violated the sexual misconduct policy is governed by the Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment. FERPA provides that personally identifiable information maintained in the educational records of an institution shall not be disclosed, except as otherwise specified by law.

## **Jurisdiction**

College jurisdiction and discipline shall be limited to conduct which occurs on College premises or which occurs off College premises and adversely affects members of the College community and/or pursuit of the College's mission.

## Period of Limitation

Any member of the College community may file a complaint against a student for allegedly violating the sexual misconduct policy. The term “student” includes all persons (other than faculty, staff or administrators) taking or auditing courses at the College, either full-time or part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered students. The term “member of the College community” includes any person who is a student, faculty member, administrator/staff member or any other person employed by the College. A person’s status in a particular situation shall be determined by the Vice President for Student Affairs.

## Statement of Rights

It is the goal of the College of the Holy Cross to ensure that students have access to needed resources, services and information.

Normally, the College assures all students the following:

- ◆ To be treated with respect by College officials.
- ◆ To be notified of available spiritual and personal counseling, mental health, medical or student services, both on campus and in the community.
- ◆ To receive notification of options for and available assistance in changing academic and living situations after an alleged incident of sexual misconduct, if so requested and if such changes are reasonably available (no charges or investigation, campus or criminal, need occur before this option is available).
- ◆ To have an advisor present during a Community Standards Board hearing.
- ◆ To be informed of the outcome and sanction of any disciplinary hearing involving sexual misconduct.
- ◆ To not have irrelevant prior sexual history admitted in a Community Standards Board hearing.
- ◆ To elect not to have reports of sexual misconduct resolved through the informal resolution.
- ◆ To be free from any behavior that may be construed by the College to be intimidating or harassing.

### For an Individual Reporting Sexual Misconduct:

- ◆ To have reports of sexual misconduct responded to in accordance with Community Standards and Judicial Procedures for Students.
- ◆ To appeal the finding and sanction of the Community Standards Board in accordance with the standards for appeal established in the Addendum to the Student Handbook.

- ◆ To not have a report investigated unless the College deems it necessary to protect the interests of the College community.

**For An Individual Accused of Sexual Misconduct:**

- ◆ To be notified of a report of sexual misconduct in accordance with Community Standards and Judicial Procedures for Students.
- ◆ To be heard in accordance with the Community Standards and Judicial Procedures for Students.

*A Guide  
for  
Students*

## INTRODUCTION

This guide is intended to help you further understand the Sexual Misconduct Policy of the College of the Holy Cross. The following examples contained in the Sexual Misconduct Guide for Students are provided for informational purposes only and are neither intended nor should be construed to be an official statement of the College.

## WHAT IS SEXUAL MISCONDUCT?

### Sexual Misconduct

The College of the Holy Cross strictly prohibits sexual misconduct in all forms. Sexual misconduct includes the following:

#### Sexual Misconduct I:

- ◆ Any sexual penetration (anal, oral or vaginal), however slight, with any object or sexual intercourse by a man or woman upon a man or woman without effective consent. *Sexual penetration* includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation by mouth to genital contact or genital to mouth contact.
- ◆ *Effective consent* is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. **Consent may never be given by minors (in Massachusetts, those not yet sixteen (16) years of age), mentally disabled persons and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.** Consent as a result of coercion, intimidation, threat of force or force is not effective consent.

**Example No. 1:** Denise and Bruce met at a movie. They started to date on and off. One night, Denise and Bruce went out drinking. After the bars closed, they went to Denise's room in her hall. Bruce was very drunk, and engaged in sex with Denise, despite her protests. Bruce argues that even if he might have had nonconsensual sex with Denise, it's not his fault because of how drunk he was. He believes he was so drunk he didn't even know he was having sex with her, let alone that it was something she did not want. *Bruce has committed a violation of the Sexual Misconduct I policy. Intoxication of a party is no excuse for violation of the Sexual Misconduct Policy. If it were, drunken people could be excused for drunk driving, because they were so drunk they didn't realize they were driving. Further, Sexual Misconduct I is not an intent-based infraction. Whether or not Bruce intended to commit Sexual Misconduct I is irrelevant. The fact that he had sex with her without her consent is sufficient to satisfy the elements of the offense.*

**Example No. 2:** When Mark and Lynn first met, their relationship was tumultuous. At first, Lynn didn't want to have sex with Mark because she felt like too many people would find out. He kept trying to convince her. He implied that if Lynn didn't sleep with him, he would break up with her. Lynn finally gave in, and had sex with Mark. Several months later, after speaking with friends she realized that she had been coerced. *Lynn did not consent to Mark of her own free will. Whenever a threat is used to make someone consent, it is an invalid consent because it is forced. Consent should be given when the parties want to have sex with each other. Lynn consented not because she wanted to have sex with Mark, but because she feared that he would breakup with her. Mark has committed a violation of the Sexual Misconduct I policy.*

**Example No. 3:** John is a third-year student, Jodie is a second year student. John comes to Jodie's room in her hall with some mutual friends to watch a movie. John and Jodie, who have never met before, are attracted to each other. After the movie, everyone leaves, and John and Jodie are alone. They hit it off, and are soon becoming more intimate. They start to make out. John verbally expresses his desire to have sex with Jodie. Jodie, who was abused by a baby sitter when she was five, and has not had sexual relations, is shocked at how quickly things are progressing. As John takes her by the wrist over to the bed, lays her down, undresses her, and begins to have intercourse with her, Jodie has a severe flashback to her childhood trauma. She wants to tell John to stop, but cannot. Jodie is stiff and unresponsive during the intercourse. *John has committed a violation of the Sexual Misconduct I policy. It is the duty of the sexual initiator, John, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of consent. Here, John had no verbal or non-verbal mutually understandable indication from Jodie that she consented to sexual intercourse. Of course, wherever possible, students should attempt to be as clear as possible as to whether or not sexual contact is desired, but students must be aware that for psychological reasons, or because of alcohol or drug use, your partner may not be in a position to provide as clear an indication as the College's Policy requires.*

**Example No. 4:** Pat, a first year student, and Chris, a fourth-year student, are best friends. Pat has always been attracted to Chris, but was already in a relationship. Shortly after breaking up with Robin, Pat was very upset. Pat went to Chris's room crying and clearly intoxicated, mumbling the need to have sex. Chris was confused because Pat was not acting normally. Chris told Pat that the desire to have sex was not mutual and cited their age difference. Pat maneuvered Chris into the corner, pinning Chris to the wall. Feeling intimidated and that Pat would never leave the room, Chris had sex with Pat. *Pat has not*

*directly threatened Chris, but a case could be made that Pat coerced Chris. There is also a strong argument that Pat intimidated Chris. Although Chris might have felt coerced, Pat didn't really say anything that would have been coercive. Pat might argue that Chris consented to having sex. Physical coercion did exist, and it is correctly called intimidation. An intimidated consent is forced because it is not freely given. It is an invalid consent. Pat has committed a violation of the Sexual Misconduct I policy.*

## **Sexual Misconduct II:**

- ◆ Any intentional sexual touching, however slight, with any object by a man or woman upon a man or woman without effective consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner.
- ◆ Any disrobing of another or exposure to another by a man or woman without effective consent.

Example: Jane and John meet at a party. They spend the evening dancing and getting to know each other. John convinces Jane to come up to his room. From 11:00 PM until 3:00 AM, John uses every line he can think of to convince Jane to have sex with him, but she adamantly refuses. John tells Jane he has had feelings for her for quite a while, and that he sees her refusal to have sex as meaning that she must not like him. John then tells Jane that if she does not have sex with him he'll tell everyone they had sex anyway. In response to this threat, Jane concedes to give him a "hand job." Jane would never have done it but for John's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along, but was playing shy and hard to get. John asks himself why else would she have come up to his room alone after the party? He believes that if she really didn't want it, she could have left. *John has committed Sexual Misconduct II. John coerced Jane into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not effective when forced. Sex without effective consent is sexual misconduct.*

## **Sexual Exploitation:**

- ◆ Any conduct in which a student takes advantage of another without his/her consent for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited and that behavior does not constitute Sexual Misconduct I or II or Sexual Harassment.

Examples of Sexual Exploitation include prostituting another student, nonconsensual video or audiotaping of sexual activity, going beyond

the boundaries of consent (such as letting your friends surreptitiously watch you having consensual sex), engaging in Peeping Tommerly, knowingly transmitting an STD or HIV to another student and inducing incapacitation with the intent to rape or sexually assault another student (whether or not sexual contact actually takes place).

**Example:** Sean is a third year student. Elizabeth is a second year student. Sean comes to Elizabeth's room in the Residence Hall with some mutual friends to watch a movie. Sean and Elizabeth, who have never met before, are attracted to each other. After the movie, everyone leaves, and Sean and Elizabeth are alone. They hit it off, and are soon becoming more intimate. They start to make out. Sean verbally expresses his desire to have sex with Elizabeth. Elizabeth consents and they have sex. The next night, at a party at Sean's apartment, a group of Elizabeth's friends view a videotape of Sean and Elizabeth having sex. When the friends confront Elizabeth about her behavior, she is shocked and explains that she knew nothing about the tape. Elizabeth files a complaint alleging that Sean violated the Sexual Misconduct policy. *Sean has committed Sexual Exploitation. While Elizabeth consented to having sex with Sean, she did not consent to creating a tape and allowing it to be viewed by others.*

### **Sexual Harassment:**

- ◆ Any type of sexually oriented conduct, whether intentional or not, that is unwelcome and has the purpose or effect of creating an environment that is hostile, offensive or coercive to a reasonable woman or man, as the case may be.

For more information see the Harassment Policy in the Student Handbook.



## SAMPLE FORMS

The following pages are samples of forms that may be used in the reporting of an incident of sexual misconduct.

The first, Report of Incident of Sexual Misconduct, is an anonymous report which can be completed by any individual who receives a report of sexual misconduct. It will be used to collect information about incidents of sexual misconduct on campus. It is not an official complaint form. A student who wishes to file an official complaint of sexual misconduct should contact the Judicial Affairs Director at 793-2669, Hogan 109, or any of the college personnel listed in the resource list on pages 46 and 47 of this booklet.

The second is a statement which allows a reported survivor of an act of sexual misconduct to request that the College not pursue an investigation and resolution of the report. This is intended to be used only after the survivor has had the opportunity to consider all options and to consult those individuals they have chosen for advice and counsel. The third is the Third Party Reporting Form. The purpose of this form is to ensure that the Vice President for Student Affairs/Dean of Students has been duly notified of any and all acts of sexual misconduct reported. This reporting form is solely for the purpose of collecting data for statistical reporting required by the Jeanne Clery Act as amended by the Higher Education Amendments of 1998. The implementation of the attached reporting form allows the College of the Holy Cross to accurately account for all cases reported to College officials involving acts of sexual misconduct (sexual assault and dating violence). However, more importantly, this reporting form also serves as a guideline to assist the victim/survivor in reporting their experience as well as providing them with important information on options and possible resources to access with the understanding that the name of the victim/survivor of the incident may be anonymous in this report unless determined otherwise by the Vice President for Student Affairs/Dean of Students.



## Report of Incident of Sexual Misconduct

This form has been designed to collect relevant information about reported acts of Sexual Misconduct that affect members of our community. It is an anonymous report to be completed by any individual who receives a report of Sexual Misconduct. The location and date of the reported Sexual Misconduct are the coordinating pieces of information. A generic location description is acceptable, e.g., Residence Hall, rather than a specific hall and room number.

1. Date of Report: \_\_\_\_\_

2. Date of Reported Incident: \_\_\_\_\_

3. Location of Incident: \_\_\_\_\_

4. Gender of the Survivor: \_\_\_\_\_

Residence Hall: \_\_\_\_\_ Off-Campus: \_\_\_\_\_

Student:  Faculty:  Staff:  Other:

5. Gender of the Assailant: \_\_\_\_\_

Relationship to Survivor: Acquaintance:  Stranger:

Student:  Faculty:  Staff:  Other:

6. Type of Reported Act of Sexual Misconduct:

Sexual Misconduct I: \_\_\_\_\_ (Oral, vaginal, anal)

Sexual Misconduct II: \_\_\_\_\_

Sexual Exploitation: \_\_\_\_\_

Sexual Harassment: \_\_\_\_\_

7. Reported to Public Safety/Police: Yes: \_\_\_\_\_ No: \_\_\_\_\_

8. Report submitted by: \_\_\_\_\_

9. Title: \_\_\_\_\_

10. Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Send the completed form marked CONFIDENTIAL to: Dean of Students/  
Vice President of Student Affairs.



## College of the Holy Cross

### STATEMENT

I \_\_\_\_\_ understand that the College of the Holy Cross has offered to me as a reported survivor of an act of sexual misconduct a full investigation and resolution of my report.

Having had a full opportunity to consider the ramifications of such a request, and after consulting those of my choice for advice and counsel in this matter, I freely and voluntarily choose to request that the College of the Holy Cross NOT pursue a full investigation and resolution of my report.

Furthermore, I refuse and decline to provide sufficient information on which the College could act. I further understand that by preventing the College from acting at this time, the College may not be able to provide a remedy at such later time, if any, that I may change my mind and request a full investigation and resolution of this matter.

I understand fully the College's obligations under federal law to investigate and resolve all reported acts of sexual misconduct to the extent possible and absolve the College of any liability to me, my agents, heirs, successors and assigns.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at Worcester, MA

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Witnessed:

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_



**College of the Holy Cross**  
**Third Parting Reporting Form: Sexual Assault/Harassment**

Name of Victim/Survivor: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Victim/Survivor Wishes to Remain Anonymous

**Incident Report Profile**

Is this the first time the victim/survivor is reporting this incident to a Holy Cross employee?

Yes       No       Don't Know

Did the incident occur while the victim/survivor was affiliated with Holy Cross College?

Yes       No

Victim/Survivor's sex:     female       male

Victim/Survivor's Current Age: \_\_\_\_\_

Victim/Survivor's Age at Time of Incident: \_\_\_\_\_

Victim's current academic status:

part-time     full-time     alumni     Class of \_\_\_\_\_

Date of the Incident: \_\_\_\_\_ Location of the Incident:     on campus     off campus  
 Where: \_\_\_\_\_

Type of Assault/Incident (if not listed, describe):

- Sexual Misconduct I
- Sexual Misconduct II
- Sexual Exploitation
- Sexual Harassment
- Other: \_\_\_\_\_

*Refer to Sexual Misconduct Definition Sheet*

Type of Coercion/Force Used (check all that apply):

- Verbal
- Physical
- Weapon
- Life Threatening
- Abduction
- Other: \_\_\_\_\_

Was the victim/survivor under the influence of alcohol or other drugs at the time of incident?     Yes     No     Unknown

Was the offender under the influence of alcohol or other drugs at the time of incident?     Yes     No     Unknown

Number of offenders: \_\_\_\_\_

Sex of offenders:

- Male
- Female
- Multiple Male
- Multiple Female
- Male and Female

Offenders' affiliation to the College of the Holy Cross

- Student
- Faculty
- Staff
- Alumni
- None
- Don't Know

Reporter's Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

On Campus Extension: \_\_\_\_\_ Date: \_\_\_\_\_

## Intervention and Follow-up

---

**What counseling services has the victim/survivor already used?**

- Holy Cross Counseling Center
- Holy Cross Chaplains' Office
- Other: \_\_\_\_\_
- None

---

**Has the victim/survivor received medical treatment?**     Yes     No     Don't Know

(If yes, please note name of treatment facility.) \_\_\_\_\_

**Was sexual assault evidence collected?**

- Yes     No     Uncertain     Don't Know

**Does the victim/survivor plan to take action against the offender(s)?**

- Yes     No     Uncertain     Don't Know

**If yes, check all actions planned:**

- Anonymous Report     Office of Judicial Affairs
- Report to Legal Authorities: check one...     Public Safety     Worcester Police Department

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**Please check options provided below:**

- Referral to Counseling Center: 508.793.3363
- Referral to Health Services: 508.793.2276
- Referral to Chaplains' Office: 508.793.2448
- Referral to Office of Student Affairs: 508.793.2414
- Referral to Office of Judicial Affairs: 508.793.2669
- Referral to Public Safety: 508.793.2224
- Referral to Worcester Police Dept. and/or Sexual Assault Line: (8am-Midnight) 508.799.8661 or (Midnight-8am) 508.799.8600
- Referral to District Attorneys, *Child Abuse and Sexual Assault Unit*: 508.792.0214
- Referral to Daybreak, Resources for Women & Children Hotline
- Referral to UMASS Health Care, Memorial and/or University Campus: 508.334.1000
- Referral to Worcester Medical Center: 508.363.5000
- Worcester Pastoral Counseling Center: 508.757.0376
- Provided Phone #'s to Rape Crisis Center of Central Massachusetts / 24 hour hotline:  
508.799.5700 or 1.800.870.5905 or 1.800.223.5001 (Español) or 1.800.688.4889 (TTY)
- Provided Educational Materials
- Helped to Contact Family or Friend
- Other: \_\_\_\_\_

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**Suggested Supportive Comments (Check all that apply):**

- Told survivor it wasn't their fault
- Told survivor that you are glad they told you
- Told survivor they have a lot of courage to come forward
- Encouraged survivor to seek medical attention if they haven't yet
- Encouraged survivor to seek counseling if they haven't yet
- Encouraged survivor to seek support from friends, family and/or other agencies

---

**Rape Trauma Syndrome Assessment (Check all observed):**

- Reported guilt
- Reported sleep/eating disturbances
- Reported and/or observed depression
- Reported difficulties with relationships
- Reported difficulties in concentration
- Reported difficulties with classes and/or job
- Reported and/or observed fear
- Reported and/or observed flashbacks
- Other: \_\_\_\_\_

*Submit this document in a sealed envelope marked confidential to the Dean of Students, located in 109 Hogan Campus Center.*

*Resources  
for  
Survivors*

## Introduction

This resource guide was written for you, a College of the Holy Cross student whose life has been affected by rape, attempted rape, or any other type of sexual assault. This guide was developed to help you, female and male survivors/victims of rape or sexual assault, and your friends. Sexual assault is never the survivor's/victim's fault.

Sexual assault can cause serious trauma, even when you do not experience any physical injuries. This trauma may affect you immediately or you may experience more long-term physical and/or psychological effects.

As a college student who has been raped or sexually assaulted, this experience may be particularly difficult. The aftermath of sexual assault may interfere with your ability to study, attend class, and participate in social activities—all significant to campus life.

As a sexual assault survivor/victim, you have some important decisions, such as whether to seek medical attention, notify campus officials, file a police report, contact your parents/guardians, and/or get assistance from campus and/or community resources. Also, you probably have concerns and questions about your privacy and safety as well as communicating with your family and friends.

You will also be making decisions about whom you want to talk to. You will find that there are many people at the College who will be very helpful and supportive. At the same time, you should be aware that, depending upon a person's official status at the College, some may be required to report your incident and others may not. Those who are required by ethical considerations and the law to maintain the confidentiality of your conversation include professional staff of the Chaplain's Office, the Student Health Services, and the Counseling Center. While teaching faculty are not required to maintain the confidentiality of your conversation in the same way as the offices mentioned above, they are not required to report it either. All other employees of the college, including paraprofessionals (student employees, i.e., Residential Assistants), are required to complete a *Third Party Reporting Form* in the Office of Student Affairs, which can omit the names of assailant(s) and/or victim(s). However, the Dean of Students/Vice President for Student Affairs can require the names of those referenced. It is important to know that all members of these offices will respect your privacy to the degree they can, and provide compassionate assistance based on your needs and within the confines and expertise of their office.

The majority of the health concerns connected with rape or sexual assault can be addressed if you seek immediate medical care, counseling, and other types of emotional support. In addition, most of your questions and concerns regarding the rape or sexual assault can be resolved through talking with the appropriate people and developing a clear understanding of your rights and options.

This resource guide provides up-to-date information about what you can do and how you can find medical, legal, psychological, and spiritual help if you are a survivor/victim of rape, attempted rape, or any other type of sexual assault. The information will also help you if you are a friend of a survivor of rape or sexual assault.

## **Defining Rape or Sexual Assault**

Sexual assault, including rape, is both a violation of the Holy Cross Community Standards and a crime in the state of Massachusetts, although the definitions that apply in each setting are slightly different. The College uses the term "Sexual Misconduct," and recognizes different classes of Sexual Misconduct based upon the nature of the conduct in question. For more information about the offense of Sexual Misconduct under the College's Community Standards, refer to the College's "Sexual Misconduct Policy" document, which is also included in Appendix A in the larger Community Standards and Judicial Procedures document.

Massachusetts state law defines rape as follows: nonconsensual sexual intercourse (penis in vagina) or the insertion of other parts of the body or objects into the vagina or rectum, fellatio or cunnilingus. For rape, there must be penetration, however slight, by force and against will. Nonconsensual and intentional physical contact of sexual nature, which does not include penetration, is classified as indecent assault and battery. Physical contact of a sexual nature may include the touching of breasts, buttocks, the pubic area or genitalia.

As defined under Massachusetts law, sexual assault is a broader term than rape. For instance, It includes various types of sexual touching as well as sexual assault includes sodomy (anal intercourse), forced oral copulation (oral-genital contact), rape by a foreign object (including a finger), and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

## **Alcohol and Sexual Assault**

Many college students have experienced sexual assault in situations that involve drinking – by the victim, the assailant, or both.

It is quite common, for survivors/victims of rape/sexual assault who had been drinking and/or using drugs at the time of the assault to experience intense feelings of self-blame. They are also more likely to be unfairly judged by other people as having some fault in their assault.

A victim is never responsible for a sexual assault. The responsibility lies completely with the assailant. For example, if an assailant has sex with a person when he/she is unable to consent, it is considered rape or sexual assault if this assailant knew or reasonably should have known that the person was mentally or physically incapacitated and therefore could not give his/her consent.

## What to do if you have been Raped or Sexually Assaulted?

Some of you reading this guide may have been sexually assaulted recently whereas some of you may be thinking about or dealing with a sexual assault that occurred some time ago. If you have been sexually assaulted recently, you may or may not have apparent physical injuries from the assault; friends and family may even think that you are okay. Many people do not understand the extent of trauma endured by sexual assault survivors/victims. The following are some suggestions of how to get the support you need:

- ◆ Immediately get to a safe place.
- ◆ If you want to report the assault, notify the police or Public Safety immediately. If the incident occurred off campus, contact the appropriate police jurisdiction (usually 911). If the incident occurred on campus, call 508-793-2222. Reporting the crime may help you regain a sense of personal control and can help to secure the safety of other potential victims/survivors.
- ◆ Call a friend, a family member, the Counseling Center, the Chaplain's Office, Health Services, a Relationship Peer Educator (RPE), a faculty member, a Residential or Student Life staff member, and/ or someone else you trust and ask her or him to stay with you.
- ◆ Try to keep all physical evidence of the assault. Do not shower, bathe, douche, or brush your teeth. Save all the clothing you were wearing at the time of the rape or assault. Place each item of clothing in a separate paper (not plastic) bag. Do not disturb anything in the area where the assault occurred.
- ◆ Go to your local hospital emergency room for medical assistance. Even if you think that you do not have any physical injuries, you should have a medical exam and discuss with a health care provider the risk of exposure to sexually transmitted infections and the possibility of pregnancy resulting from the sexual assault. Public Safety or the police can transport you to the nearest hospital.
- ◆ If you suspect that you were given a rape drug (e.g., Rohypnol or GHB), ask the hospital or clinic to take a urine sample. The test results of the urine sample should be preserved as evidence.
- ◆ Write down as much as you can remember about the conditions of the assault, including a description of the perpetrator(s).
- ◆ Talk with a counselor who is trained to assist sexual assault survivors about the emotional and physical impacts of the assault. You can call a hot line, the Rape Crisis Center of Central Massachusetts, the Counseling Center, the Chaplain's Office, or the Student Health Services to find someone who understands the trauma of sexual assault and knows how to help. See resources on pages 46 & 47 of this document.

## **What to do if you were Sexually Assaulted in the Past?**

If you were sexually assaulted some time ago, you are still a survivor/victim of sexual assault and there are many resources available to you. Sexual assault, no matter when it happens, can change your life. You may feel like the assault has changed how you feel about yourself and others. You may feel irritable, angry, helpless, and/or depressed. You may have difficulty concentrating. You may experience changes in your eating and sleeping patterns. You may have nightmares and flashbacks about the sexual assault. Certain sensations such as sounds, smells, etc. may prompt memories of the trauma. For some, the emotional impact of sexual assault can be immediate and short term. For others, the effects can be long lasting. Regardless of how much time has passed since the sexual assault, consider filing an informational report with the Police or Public Safety. You may want to seek emotional and/or medical support from the Counseling Center, Chaplain's Office, and/or Student Health Services. Although time may have passed, you still have a number of options such as exploring your legal and/or college judicial options.

### **Common Reactions to Sexual Assault**

Though individuals' reactions to sexual assault are always experienced uniquely, there are common stressful, emotional reactions that can extend over a prolonged period of time.

Immediately following an assault, it is not uncommon for survivors/victims to feel shock and disbelief about what just occurred. Sometimes this is experienced as denial – a surreal sense that the incident may not have actually happened. Accompanying this sense of disbelief are often active attempts by survivors/victims to avoid people, places and circumstances that somehow remind them of the trauma. Numbness, disorientation, and social withdrawal are all possible manifestations of wanting to forget or deny the assault.

Typically following this initial phase, you might experience a flood of intrusive thoughts and feelings, and find them difficult to suppress. These can be accompanied by nightmares or flashbacks of the assault. Remembering details of the assault can elicit fear and a sense of powerlessness, similar to the feelings experienced during the actual assault.

Intense emotions and physical reactions may also occur to you in the aftermath of rape or sexual assault. These may include anxiety, anger, intense sadness and depression. Moments of extreme fear may be highly likely. Fears about your personal safety, serious bodily harm or being killed may be serious among symptoms, and tend to be universal among survivors/victims. It is also not uncommon for you to feel a number of physical symptoms including sleeplessness, headaches, stomach problems, loss of energy and loss of concentration.

Guilt and shame are also common reactions of survivors/victims and come out of a complex interaction of personal and cultural factors. Self-blame and feelings of guilt can come out of misconceptions about sexual assault, or from the sense that you were forced by the aggressor to participate in the assault. Others, because of their belief in myths about rape, may reinforce a survivor's sense of shame by holding him/her unduly at fault for the assault.

Survivors/victims can experience all or a variety of the symptoms noted above. Your own background, methods of coping with stress, the intensity of the assault, and other environmental circumstances will determine the kind, order and duration of your response to the trauma of sexual assault.

For nearly all survivors/victims of sexual assault, whether the incident just occurred or did so some time ago, speaking to someone in a confidential, therapeutic relationship almost always proves beneficial. Seeking the support of friends and family who understand can also be invaluable.

## **Medical Care**

### ***Medical services, on and off campus, are confidential.***

It is important to seek medical care and a thorough Sexual Assault Medical Examination immediately following a sexual assault. Although you may not be aware of any physical trauma, it is important to have a doctor or nurse examine you for any internal injuries, the possibility of sexually transmitted infections (STI), and pregnancy.

You may seek medical assistance through Health Services where nurses can provide you immediate care and review options for additional care. They can arrange transportation to a local hospital and see to it that a person whom you trust to be supportive accompanies you. You may also go directly to the emergency room of a local hospital or contact the Rape Crisis Center of Central Massachusetts.

The Sexual Assault Medical Examination also serves another purpose, which is to document any physical evidence of the assault. Because some physical evidence, such as bodily fluids, degrades and disappears over time, it is important to seek a medical examination as soon as possible. Even if you have no intention of seeking an examination for the purpose of evidence collection, checking for STIs, (including HIV), pregnancy and injury is crucial to your health and safety.

In addition to insuring your well-being, during a Sexual Assault Medical Examination certified doctors or nurses will collect evidence from your body which will then be held up to six (6) months in a confidential file, identified only by an assigned number and not by your name.

Fees for the Sexual Assault Medical Examination can be paid directly or through health insurance. However, the College of the Holy Cross will arrange for payment as necessary. Arrangements for payment can be made through Health Services.

If medical help is sought weeks, months or even years after a sexual assault, a physician will perform a general internal exam for signs of lasting physical damage or trauma. A physician will often prescribe prophylactic antibiotics as a preventive treatment for a number of bacterial STIs. Though risk of contracting HIV from a sexual assault is typically low, testing and/or treatment measures should be discussed with a physician.

## **Counseling**

### ***Counseling and psychological services, on and off campus, are confidential.***

Whether the sexual assault happened recently or some time ago, most survivors/victims find talking with a trained professional in a safe and confidential environment to be healing. Counseling helps you to cope with your emotional, psychological and interpersonal concerns.

Psychologists in the Holy Cross Counseling Center are experienced in working with survivors/victims of sexual assault. The course of treatment is determined by your needs, which may change over time. There can be many goals to treatment, including establishing safety, regaining a sense of control, and attending to any psychological or stress related physical symptoms that may result from the assault. The psychologist can also make you aware of your options and assist you in making important decisions.

The duration of counseling for any individual depends on many factors: circumstances of the assault, significant events in your life, how you choose to proceed, and social and familial supports available to you.

If you should choose to seek counseling off campus, the Rape Crisis Center of Central Massachusetts can provide short-term counseling by phone or in person. The Center is staffed primarily by volunteer interns, often from local colleges and graduate programs. These volunteer counselors are specifically trained to provide short-term crisis counseling for sexual assault survivors/victims. Calling the rape crisis center's 24-hour hotline will allow you to remain anonymous. Should you wish to seek counseling from a counselor or psychologist in private practice, the Holy Cross Counseling Center staff could provide you with names of practitioners from its referral list.

For additional information on what to do if you have been sexually assaulted, visit [www.rapetreatmentcenter.org](http://www.rapetreatmentcenter.org), [www.RAINN.org](http://www.RAINN.org), or the Counseling Center web site ([http://www.holycross.edu/departments/dos/website/counseling\\_center/index.htm](http://www.holycross.edu/departments/dos/website/counseling_center/index.htm)).

## **Spiritual Counseling**

### ***Spiritual or pastoral counseling, on and off campus, is confidential***

Holy Cross Chaplains provide spiritual counseling for those who have been sexually assaulted. Spiritual counseling may help you to process your emotions and

thoughts in the context of your religious faith. Your relationship to God is affirmed and supported, while thoughts and feelings about your faith are processed. The number of meetings you have may vary depending on the degree to which and ways you feel your faith has been affected.

If you choose to seek spiritual counseling off campus, the Worcester Pastoral Counseling Center offers psychotherapy incorporating attention to spiritual matters, and is staffed primarily by psychologists and psychotherapists.

## **Helping a Friend**

The support and understanding of friends can be very helpful to a sexual assault survivor/victim. It is important to let your friend know, as soon as possible, that you do care and want to help. Suggestions of specific things that you can do are:

**Believe your friend** – It takes so much courage to talk about a sexual assault. Many survivors/victims stay silent because they feel too ashamed and/or fear that no one will believe them if they tell people about what has happened to her/him.

**Listen to your friend** – Listen, but don't press for the details. Your friend needs to decide how much she/he feels comfortable telling you about the assault, and the impact it has had on them.

**Encourage your friend to make her/his own decision and choices** – Let your friend decide if she/he wants to notify the police or campus officials, contact a sexual assault treatment or crisis center, or seek medical attention. Do what you can to assist your friend in getting help. For example, you can encourage your friend to get information about these options by calling a rape crisis center and talking with a counselor.

**Provide support** – Support your friend in whatever course of action she/he decides to take and whom she/he talks too. For example, you can offer to accompany your friend if she/he decides to seek medical/counseling care or go to the police.

**Make it clear that you know your friend was not responsible in any way for the sexual assault.** For example if your friend was intoxicated, she/he is not to blame. The responsibility for a rape or a sexual assault belongs completely to the assailant.

**Be prepared to listen for as long as your friend needs your support** – Understand that the trauma generally caused by sexual assault does not go away after a short period of time. Survivors/victims often have the need to talk about what happened and its impact for a long time after the assault.

**Encourage your friend to talk to a trained counselor at the Counseling Center or a rape crisis center** – If your friend does not want to talk with a counselor, it may be a good idea if you contact the Counseling Center or crisis center yourself. A crisis counselor can give you advice about how you can help your friend.

**Encourage your friend to seek medical care** – Even if your friend does not have any apparent physical injuries, and even if the assault happened a while ago, encourage

her/him to get a medical examination. A health care provider can help your friend deal with the risks of sexually transmitted infections and pregnancy, as well as provide an examination for evidence.

Protect your friend's privacy – Don't reveal what the survivor has told you to other people. Let your friend decide whom she/he wants to confide in. Remember, the survivor is now in control of her/his situation, try not to take this control away.

## **Reporting Sexual Assault or Rape: Legal and On-Campus Options**

As a survivor/victim of rape or sexual assault you have several options. They are as follows:

1. You can report the assault to the police and pursue criminal charges against the assailant. If you file a police report, you may be eligible for victim compensation benefits through the state's crime victim compensation program (e.g., reimbursement for medical care, counseling expenses related to the assault). The rape crisis center or other victim assistance programs, or a lawyer can advise you on these benefits or resources.
2. You can report the assault to campus officials (see the College of the Holy Cross Sexual Misconduct Policy). The College may decide to hold a College Community Standards Board hearing to determine responsibility.

If you want additional information about all of your options, please refer to the resources listed below. (You may wish to review the information on page 1 regarding which individuals are required to maintain confidentiality, which individuals are required to disclose reports of sexual assault, and which individuals have the discretion to disclose or not to disclose.)

## A. College of the Holy Cross Officials and Services:

### **Holy Cross Health Services**

Martha Sullivan, *Director*

508.793.2276

Loyola Hall

(Monday – Friday 7:30am to 9:00pm weekends 10:00 to 4:00pm)

In an emergency after hours contact Public Safety (508.793.2224) and request transportation to a local hospital or to be put in touch with a physician or a health services staff member.

### **Holy Cross Public Safety**

Emergency 508.793.2222

O’Kane 5

Officers: Neil Carmody

Thomas Foley

Lisa Romano

### **Holy Cross Counseling Center**

Dr. Neal Lipsitz, *Director*

508.793.3363

Hogan 207

Monday – Friday 9:00am – 12:00pm, 1:00pm – 5:00pm

Nights and weekends contact Public Safety 508.793.2224 and request to be put in touch with the psychologist-on-call.

### **Holy Cross Chaplain’s Office**

Kim McElaney, *Director*

508.793.2448

Campion House

Monday – Friday 9:00am – 5:00pm

Nights and weekends contact Public Safety 793.2224 and request to be put in touch with a Chaplain.

### **Holy Cross Office of Student Affairs**

Jacqueline D. Peterson, *Vice President for Student Affairs/Dean of Students*

508.793.2414

Hogan 109

Monday – Friday 8:30am – 5:00pm

Nights and weekends call 508.793.2224 (Public Safety)

### **Judicial Affairs: *Assistant to the Vice President of Student Affairs/Director of Judicial Affairs***

508.793.2669

**Student Life: Kristine Cyr Goodwin, Associate Dean for Student Life**  
508.793.2669

**Residential Life: Christine Nadeau, Director of Residence Life**  
508.793.2411

### **Class Deans**

Prof. Victoria Swigert, Class of 2008  
508.793.2530

Prof. Brian Linnane, S.J., Class of 2007  
508.793.2530

Prof. Esther Levine, Class of 2006  
508.793.2532

Prof. Earl Peace, Class of 2005  
508.793.2532

### **B. Legal:**

#### **Worcester Police Department: Sexual Assault Unit**

508.799.8661 (8:00am – midnight)  
508.799.8600 (midnight – 8:00am)  
9-11 Lincoln Square (Exit 17 off I-290, turn left)  
Worcester, MA 01610

#### **District Attorney's Office, Child Abuse & Sexual Assault Unit**

508.792.0214  
2 Main Street  
Worcester, MA 01610

### **C. City of Worcester Services:**

#### **UMass Memorial Health Care**

508.333.1000  
Biotech One  
365 Plantation Street  
Worcester, MA 01605

#### **Worcester Medical Center**

508.363.5000  
20 Worcester Center Blvd.  
Worcester, MA 01605

**Rape Crisis Center of Central Massachusetts**

508.852.7600 or 1.800.870.5905  
Spanish 1.800.223.5001 TTY: 1.800.688.4889  
146 Boylston Drive  
Worcester, MA 01606  
Monday – Friday 9:00am – 5:00pm

**Worcester Pastoral Counseling Center**

508.757.0376  
4 Caroline Street  
Monday – Friday 8:00am – 8:00pm  
The Worcester Pastoral Counseling Center is staffed by psychologists and psychotherapists. Fees for the Worcester Pastoral Counseling Center are set on a sliding scale and are determined by financial need.