

# Sexual Assault Information

## What is Sexual Assault?

We do not differentiate between attempted and completed sex offenses in our statistical disclosures. For all sex offenses, we count one offense per victim.

There are a number of types of sexual assault. They are defined as follows:

**Forcible Sex Offenses** are defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. There are four types of forcible sex offenses:

- **Forcible Rape:** The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault With an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical

incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Forcible fondling includes "indecent liberties" and "child molesting."

**Non-forcible Sex Offenses** are incidents of unlawful, nonforcible sexual intercourse. Only two types of offenses are included in this definition:

- **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.

## **Sexual Assault Prevention and Response**

Campus security offers sexual assault education and information programs to university students and employees upon request. Literature on date rape education, risk reduction, and university response is available through Campus Security, the university health office and residential education.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Campus Security strongly advocates that a victim of

sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

An assault should be reported directly to the police, a Campus Security Officer and/or a Residential Advisor. Filing a police report does not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim, provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam) and assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts Campus Security the Buena Vista Police Department will be notified as well. A representative from Project Horizon will also be notified.

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the Honor Code judicial system, or only the latter. A Project Horizon representative will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the university through the student health center.

## **Sex Offender Registration**

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Campus Security is providing a link to the Virginia State Police Sex Offender Registry.

This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information

provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

In the Commonwealth of Virginia, convicted sex offenders must register with the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police. The Sex Offender and Crimes Against Minors Registry (SOR) for VIOLENT SEX OFFENDERS is available via Internet pursuant to Section 19.2-390.1 , (D), of the Code of Virginia. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular.

Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor. The **Virginia State Police** is responsible for maintaining this registry.