

The Ohio State University  
Office of Student Affairs

## **Resource Guide**

# **Sexual Assaults Involving Students**

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The Ohio State University Sexual Assault Committee, 2006

# **SEXUAL ASSAULTS INVOLVING STUDENTS:**

## **Introduction**

The Ohio State University is committed to creating a community free from sexual assault<sup>1</sup>. The university strives to achieve this goal through prevention, survivor support, the student judicial process, and referrals to the criminal justice system.

It is understood that any person may be affected by sexual assault. The university therefore implements relevant policies in such a manner that all students and groups have full and equal access to the information and services related to sexual assault, regardless of factors such as gender, race, sexual orientation, nation of origin, religion, age, disability, or living arrangement. Applicable services are available to any student, whether the assault occurred on or near campus or elsewhere.

Survivors of sexual assault have the right to be treated with dignity and to have any and all sexual assaults treated seriously. (See in particular the Ohio State University Police Survivors' Rights Guarantee. [Link 6])

### **Note: Regional Campuses**

Students attending at regional campuses and the Agricultural Technical Institute should consult their local campus publications for additional policies pertaining to those campuses and for information on resources available to students.

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<sup>1</sup>The term *sexual assault* refers to physical conduct that could give rise to a charge of sexual misconduct and/or sexual harassment as defined in university policy and addressed through the offices of Student Judicial Affairs, University Housing, and Human Resources, as well as physical conduct that could give rise to a range of criminal charges, including rape, sexual battery, and gross sexual imposition as defined in the Ohio Revised Code and addressed through the criminal justice system. [Link 4] Certain stalking behaviors may also give rise to a charge of sexual misconduct as defined in university policy and/or a range of criminal charges as defined in the Ohio Revised Code. [Link 5]

## Policies

Policies governing student behavior are contained in the *Code of Student Conduct*, [http://studentaffairs.osu.edu/resource\\_csc.asp](http://studentaffairs.osu.edu/resource_csc.asp) . Provisions relevant to sexual assault include but are not limited to:

### 3335-23-04 Prohibited conduct

Any student found to have engaged in the following conduct while within the university's jurisdiction, as set forth in section 3335-23-02<sup>2</sup>, will be subject to disciplinary action by the university.

#### **B. Endangering health or safety**

Taking or threatening action that threatens or endangers the safety, physical or mental health, or life of any person, whether intentionally or as a result of recklessness or gross negligence.

#### **C. Sexual misconduct**

Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent. For the purposes of this rule, consent shall be defined as the act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously incapacitated by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.

#### **O. Violation of rules**

Violation of other published university regulations, policies, or rules, or violations of federal, state, or local law. These university regulations, policies, or rules include, but are not limited to, those which prohibit the misuse of computing resources, sexual harassment<sup>3</sup>, rules for student groups or organizations<sup>4</sup>, and residence hall rules and regulations<sup>5</sup>.

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<sup>2</sup>3335-23-02 Jurisdiction. The code applies to the on-campus conduct of all students and registered student organizations. The code also applies to the off-campus conduct of students and registered student organizations in direct connection with: A. A professional practice assignment; B. Academic course requirements, such as internships, field trips, or student teaching; C. Any activity supporting pursuit of a degree, such as research at another institution; D. Any activity sponsored, conducted, or authorized by the university or by registered student organizations; E. Any activity that causes substantial destruction of property belonging to the university or members of the university community or causes serious harm to the health or safety of members of the university community; or F. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.

<sup>3</sup>Students employed at the university, are subject to the policies of the Ohio State University Office of Human Resources, <http://hr.osu.edu/policy/policyhome.htm>, including but not limited to the Sexual Harassment Policy: <http://hr.osu.edu/policy/policy115.pdf> .

<sup>4</sup>Student organization rules may be found at [http://ohiounion.osu.edu/studentorgs/orgs\\_resources.asp](http://ohiounion.osu.edu/studentorgs/orgs_resources.asp) .

<sup>5</sup>Residence Hall policies may be found at [http://housing.osu.edu/current\\_policies\\_handbook.asp](http://housing.osu.edu/current_policies_handbook.asp) .

Note: **Sexual harassment involving students in the employment setting** is defined in the Office of Human Resources sexual harassment policy (policy 1.15) <http://hr.osu.edu/policy/policy115.pdf> .

# Resources and Links

*The following resource documents (links) are not part of official Ohio State University policies related to sexual assaults involving students. The documents are intended only to provide general background information and/or resources pertaining to sexual assault, and are not necessarily applicable for purposes of interpreting or applying any university policy.*

## **I. Introduction to Resource Documents (Links)**

The university provides a variety of services to survivors of sexual assault, including emotional and physical support, medical care, safe housing, and academic assistance. As appropriate, assistance can be given to modify on-campus housing arrangements of the survivor or the accused to minimize casual contact between the individuals and/or to modify current academic requirements as necessary for the survivor or the accused to cope with the situation. Sexual assault advocates are available at any time of the day or night to meet with survivors either at a local treatment facility or at a campus location.

The university also understands that the emotional impact of past sexual assault may remain traumatic for student survivors, and may interfere with academic pursuits and life generally. Many university support services may be helpful to students who experienced sexual assault before coming to Ohio State, in particular the Counseling and Consultation Service, Sexual Violence Education and Support within the Student Wellness Center, and the Student Advocacy Center.

## **II. Confidentiality**

To the extent feasible, the university will protect the confidentiality of the survivor and the accused. However, the university may have a compelling obligation to address allegations and suspected instances of sexual assault, and it may not be possible to protect confidentiality in all circumstances. Certain health care providers and mental health counselors may offer confidentiality to a survivor who discloses a sexual assault. Survivors who have concerns about confidentiality should ask about it before disclosing personal information.

## **III. Resources/Links**

- Link 1: Options for Reporting and Redress
- Link 2: Education and Advocacy Programs
- Link 3: Glossary
- Link 4: Sexual Assault and Related Crimes
- Link 5: Stalking / Menacing By Stalking
- Link 6: OSU Police Survivor's Rights Guarantee
- Link 7: Mental and Physical Health
- Link 8: Medical Exams

## Link 1

# Procedures and Options for Reporting and Redress

When the alleged offender is a student, sexual assault survivors have access to two systems of redress: through the university and through the criminal justice system. The university maintains community standards of conduct through the Office of Student Judicial Affairs (292-0748) and the Office of University Housing (formerly Residence Life) (292-3930). Students may file a complaint of sexual misconduct for consideration with either or both university offices as appropriate. In addition, survivors have access to the criminal justice system through reporting to law enforcement in the jurisdiction where the assault is alleged to have occurred. A student may use one or both systems. Students who do not pursue redress through the student judicial or criminal justice process are still eligible for full access to university support services.

If they choose to report and/or seek redress, survivors of sexual assault have certain responsibilities; for example, timely and accurate reporting of the sexual assault assists the university in helping the student to the fullest extent possible.

There are a number of choices about where to make the initial report: the police, the OSU Office of Student Judicial Affairs, other university offices, at a hospital or to another health care provider. The following section outlines the procedures associated with each choice.

### A. Law Enforcement

Any student who is a survivor of sexual assault is strongly encouraged to report the incident to the appropriate law enforcement agency.

- **If the assault occurred on university property, contact the OSU Police Department at (614) 292-2121**

See also: OSU Police Department Survivor's Rights Guarantee [Link 6]

- If the assault occurred in the city of Columbus, contact the Columbus Police Sexual Abuse Squad at (614) 645-4701

Note: A survivor who chooses to speak with a police officer and have an incident report taken maintains the option of pursuing charges and participating in a criminal investigation and/or prosecution. However, circumstances may exist, such as a stranger serial rape investigation, where the police agency will continue to pursue information pertaining to the incident.

- If the assault occurred elsewhere, contact the appropriate law enforcement agency or call OSU Police for assistance in finding the correct contact.

When reporting to the police, survivors should know and consider the following:

1. In order to obtain physical evidence of the assault, it is important to report the assault as soon as possible.
2. A report is an account or description of a specific incident. Making a report to the police is not the same as filing or "pressing" charges against the accused.

Survivors can provide police with relevant information, including forensic evidence, and decide at a later time whether or not to participate in any criminal investigation or prosecution. In most circumstances, if a survivor chooses to speak with a police officer, this does not mean that the survivor must participate in a criminal investigation or prosecution. Similarly, speaking with a campus judicial officer does not mean that the survivor must participate in a campus judicial proceeding. However, under certain special circumstances a criminal investigation and prosecution and/or campus judicial hearing may proceed without the assistance of the survivor.

3. A survivor can make a report by speaking directly to the police. Such reports can be made at the hospital, at the police department, or at another location designated by the survivor.

Someone other than the survivor may also contact the police department and report the assault. Indirect reporting may be possible without using the survivor's name.

4. Police can assist the survivor with transportation to a hospital with trained Sexual Assault Nurse Examiners (SANE) and sexual assault advocate services.
5. Hospitals have certain legal obligations to report to police when a sexual assault survivor comes to the emergency department. The survivor can choose to speak with the police at that time, agree to meet with the police at a later time, or decline to speak with the police entirely.

## **B. Student Judicial Affairs**

**292-0748**

If the accused is an Ohio State University student, he/she may be subject to disciplinary action under the Code of Student Conduct. Whether or not a survivor decides to make a police report, she/he can contact the Office of Student Judicial Affairs to file a complaint under the Code of Student Conduct or to simply speak with a judicial officer regarding the incident. If it appears that a felony has been or is being committed, the Judicial Affairs staff may be obligated by law to report such information to the police.

These are some things survivors and students accused of a Code violation should know about working with the Office of Student Judicial Affairs:

1. A student who has been victimized sexually by another student has the right to file a written complaint of sexual misconduct with Student Judicial Affairs.
2. A student should call the director of Student Judicial Affairs at 292-0748 to schedule an interview or to discuss options.
3. The Code of Student Conduct addresses sexual misconduct by students, both on and off campus.
4. The Code of Student Conduct, which fully describes the procedures involved in filing a complaint, is available at [http://studentaffairs.osu.edu/resource\\_csc.asp](http://studentaffairs.osu.edu/resource_csc.asp)
5. Both the accuser and the accused have the right to have a support person present during any disciplinary hearing.

6. Both the accuser and the accused will be informed of the outcome of any disciplinary proceeding involving sexual misconduct, including the final determination and any sanction against the accused.
7. Sanctions available to be imposed through university judicial proceedings range from formal reprimands to suspension or permanent dismissal.
8. A student alleging a violation of the Code of Student Conduct must file a written complaint with the university within six months of the identification by a university official of the student allegedly committing the violation.
9. Absent extraordinary circumstances, the university must initiate charges, if any, within one year of the filing of the complaint.
10. Survivors have a right to have a sexual assault advocate present through every phase of the student judicial process. The university official taking a report may assist in contacting sexual assault advocate services on behalf of the survivor.
11. To the extent feasible, the university will protect the confidentiality of the survivor and the accused. However, the university may have a compelling obligation to address allegations and suspected instances of sexual assault, and it may not be possible to protect confidentiality in all circumstances.

### **C. University Housing (formerly Residence Life)**

**292-3930**

Survivors may file a report of sexual misconduct with either the Office of Student Judicial Affairs or the Office of University Housing (formerly Residence Life), or both, as appropriate.

If the survivor is a residence hall student, he/she can contact a hall director, an assistant hall director, or a resident advisor to discuss options and resources. As appropriate, assistance can be given to modify on-campus housing arrangements of the survivor or the accused.

If an incident is reported to University Housing staff, a survivor can expect:

1. Assistance in contacting local victim/survivor service offices and in obtaining medical care, if desired.
2. Encouragement to report the incident to police. If it appears that a felony has been or is being committed, University Housing staff may be obligated by law to report such information to police.
3. For incidents that occur in a residence hall and which do not carry the possibility of suspension or dismissal, a hearing may occur before a hall director or a Residence Hall Living Unit Commission. The Residence Hall Living Unit Commissions may only hear cases referred by a residence hall hearing officer that involve Code of Student Conduct violations that occur within the residence halls, whether committed by residents or nonresidents. The commissions are composed of students from each living unit, and may initiate any sanction with the exception of suspension or dismissal. If it appears during the hearing, to the

commission or to the commission advisor, that the alleged violation may be serious enough to warrant suspension or dismissal, the commission will adjourn and refer the case back to the hearing officer for referral to the Office of Student Judicial Affairs.

**D. Other offices that may be of assistance to a survivor of sexual assault are:**

**1. Student Health Services 292-4321**

The Student Health Services can provide confidential information and services concerning sexually transmitted infections and pregnancy and can assist in referring survivors for medical collection exams.

**2. Counseling & Consultation Services 292-5766**

Confidential counseling services are available to any student at any time in the recovery process. If a survivor chooses to pursue these services he/she can expect:

- Confidential treatment and counseling
- Encouragement, assistance (as needed) and support in reporting the incident to the police

**3. Sexual Violence Education and Support 292-4527**

Information and programs addressing sexual violence, its nature and its prevention are available from Sexual Violence Education and Support (formerly the Rape Education and Prevention Program) in the Student Wellness Center at RPAC. Through education, training and intervention, Sexual Violence Education and Support (SVES) addresses sexual violence from a multicultural perspective that informs students about these crimes and the ways in which their lives can be affected by such violence. SVES offers programs that teach students effective strategies to reduce their susceptibility to sexual violence and provides crisis intervention and advocacy services to survivors of sexual assault, domestic/dating violence, and stalking, as well as referrals to appropriate medical, legal, and crisis services. For more information call 292-4527 and ask for SVES, visit <http://swc.osu.edu/> or email [sves@osu.edu](mailto:sves@osu.edu) .

**4. Student Advocacy Center 292-1111**

This office can assist survivors with academic, housing, and financial concerns, offer support, and direct survivors to the appropriate staff/departments. It helps students resolve problems and provides general guidance on university policies and procedures. As appropriate, the Student Advocacy Center can intervene to modify current academic requirements as necessary for the survivor or the accused to cope with the situation.

**5. OSU Greek Life 292-8763**

This office can assist survivors in identifying support resources.

**6. The Office of International Education [Link] 292-6101**

This office can assist with incidents involving international students and scholars.

**7. 24-Hour Rape Helpline**

**267-7020**

Provided by the Sexual Assault Response Network of Central Ohio, this hotline can provide anonymous support and information.

**8. Franklin County Prosecuting Attorney's Office –  
Victim Witness Assistance Unit**

**462-3555**

The Victim Witness Assistance Unit helps survivors who have experienced a felony sexual assault and are dealing with a court case. The Victim Witness Assistant will contact a student when a case reaches the Grand Jury stage, and will offer information and support throughout the criminal justice process. They will also act as a liaison between the victim and the Assistant Franklin County Prosecutor handling the case.

**9. See also Link 8 for Medical Resources**

**Notes: Reporting and Redress**

**1. Cases Involving Employees and Visitors**

Students who have been sexually assaulted by someone other than an Ohio State University student have the same access to applicable resources as those involved in student-on-student cases. Student survivors of sexual assault involving visitors or university employees may address complaints to the OSU Police at 292-2121. Complaints involving university employees may also be directed to the Office of Human Resources, 292-1050; such complaints will be handled in accordance with the procedures outlined in the University Sexual Harassment Policy, <http://hr.osu.edu/policy/policy115.pdf>.

**2. Immunity from Disciplinary Action for Alcohol/Drug Violations**

The university recognizes that survivors may be reluctant to disclose a sexual assault situation involving the illegal use or possession of alcohol or other drugs. The university grants immunity from university disciplinary action for alcohol/drug violations to individuals seeking help after being sexually victimized while under the influence of alcohol or other drugs. Students granted immunity from disciplinary action may be required to complete a course of evaluative counseling and, where indicated, treatment. Failure to complete the prescribed course may result in the reinstatement of disciplinary action.

**3. Minors**

Reporting and other legal requirements may differ in incidents involving minors. Contact the appropriate law enforcement agency for additional information.

## Link 2

### Education and Advocacy Programs

#### **A. Sexual Violence Education and Support**

**292-4527**

Information and programs addressing sexual violence, its nature and its prevention are available from Sexual Violence Education and Support (formerly the Rape Education and Prevention Program) in the Student Wellness Center at RPAC. Through education, training and intervention, Sexual Violence Education and Support (SVES) addresses sexual violence from a multicultural perspective that informs students about these crimes and the ways in which their lives can be affected by such violence. SVES offers programs that teach students effective strategies to reduce their susceptibility to sexual violence and provides crisis intervention and advocacy services to survivors of sexual assault, domestic/dating violence, and stalking, as well as referrals to appropriate medical, legal, and crisis services. For more information call 292-4527 and ask for SVES, visit <http://swc.osu.edu/> or email [sves@osu.edu](mailto:sves@osu.edu)

#### **B. The Sexual Assault Response Network of Central Ohio (SARNCO)/Ohio State Campus Advocacy Program**

Advocacy services are available to survivors who report a sexual assault to university officials. The university official to whom a survivor reports may assist in contacting the sexual assault advocate services on the survivor's behalf. The SARNCO advocate can meet the survivor on campus or at a local hospital in order to provide emotional support and information. The university official or the SARNCO advocate may also refer the survivor to a staff person who can provide long-term advocacy, such as support through the criminal justice and/or Student Judicial Affairs processes. Survivors may choose to have an advocate present throughout these processes. For more information call 292-4527, or e-mail [sves@osu.edu](mailto:sves@osu.edu), or visit <http://swc.osu.edu/>

#### **C. The Sexual Assault Committee**

This committee, under the auspices of the Office of Student Affairs, strives to insure a coordinated university response to sexual assaults in terms of education, prevention, survivor services, and law enforcement. In addition, the committee will participate in periodic reviews of the effectiveness of university policies and resources related to sexual assaults involving students. The committee makes recommendations to the Vice President for Student Affairs regarding necessary modifications to the policy. Members will be appointed by the Vice President for Student Affairs.

#### **D. Other Departments**

Various other entities on campus provide educational programs that address sexual assault and promote prevention efforts, including:

- University Housing, Student Affairs
- The Student Wellness Center, Student Affairs
- The Ohio State University Police Department
- The Ohio State University Office of Human Resources

## Link 3

### Glossary

The terms contained in sections A and B below are defined elsewhere in university policy. These definitions are provided here for reference only, and are not intended to alter the definition(s) contained in any other university policy.

**A. Sexual misconduct as described in the Code of Student Conduct** is addressed by the Office of Student Judicial Affairs and/or the Office of University Housing.

**Sexual Misconduct** is defined as “physical contact or other non-physical conduct of sexual nature in the absence of clear, knowing and voluntary consent.” By way of example only:

1. Physical contact of sexual nature includes, but is not limited to, acts that might constitute rape, gross sexual imposition, or sexual battery.
2. Non-physical conduct of a sexual nature includes, but is not limited to, acts that might constitute voyeurism.

**Consent** is defined as the “act of knowingly and voluntarily agreeing verbally or non-verbally to engage in sexual activity. An individual cannot consent who is obviously incapacitated by any drug or intoxicant; or who has been purposely compelled by force, threat of force, or deception; or who is unaware that the act is being committed; or whose ability to consent or resist is obviously impaired because of a mental or physical condition; or who is coerced by supervisory or disciplinary authority.”

**Sexual harassment in the employment setting** is defined in the Office of Human Resources sexual harassment policy (policy 1.15) <http://hr.osu.edu/policy/policy115.pdf> . Cases involving student-on-student sexual harassment not in the employment setting will be handled in accordance with the Code of Student Conduct and are not covered under the Sexual Harassment Policy procedures

**Sexual harassment** includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic status.
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus. Sexual

harassment can occur between any individuals associated with the university, e.g. an employee and a supervisor; coworkers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member.”

**B. Other terms.** Several other terms may be unfamiliar to some readers, so definitions are supplied. The definitions in this section (B) are applicable only for purposes of the policy and resources contained in this Resource Guide and are not intended to be used for any other purpose.

**Survivor-** “Survivor” is a term often used to refer to an individual who has been the target of an attempted or completed sexual assault. The term is associated with empowerment and the assumption of control of one’s life after a trauma.

**SARNCO Advocate-** A volunteer who has received special training through the Sexual Assault Response Network of Central Ohio (SARNCO) to provide emotional support, crisis intervention, sexual assault information and community referral information to sexual assault survivors who present to a local hospital or university official.

## LINK 4

### Sexual Assault and Related Crimes: Definitions

The following terms are defined by the Ohio Revised Code and are not necessarily applicable for purposes of any university policy. **They are summarized below for reference only in order to assist readers in understanding the criminal context of sexual assault and related crimes.**

Sexual assault, as generally described in the Ohio Revised Code (ORC) (see, e.g., sections 2907.01 through 2907.37 and section 2919.25), is addressed through the criminal justice system. Readers should refer directly to the Ohio Revised Code for more information or to obtain the complete text of any criminal statute.

- A. **Sexual Assault** – various criminal offenses, including rape, sexual battery, gross sexual imposition and voyeurism are generally categorized as sexual assaults. These crimes may include situations when the person assaulted was incapable of giving consent, including where that person was prevented from resisting due to alcohol or drugs. These crimes may be committed by a stranger, acquaintance, close friend, relative, date, or others.
- B. **Sexual Conduct** - vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- C. **Sexual Contact** - any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- D. **Rape** – includes a) sexual conduct where the offender substantially impairs the other person’s judgment or control by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; b) sexual conduct when the other person’s ability to resist or consent is substantially impaired because of a mental or physical condition; c) sexual conduct when the offender purposely compels the person to submit by force or threat of force. In all cases, a victim need not prove physical resistance to the offender.
- E. **Sexual Battery** – includes sexual conduct with another when the other person is knowingly coerced to submit, when the offender knows that the other person’s ability to control the person’s own conduct is substantially impaired, or when the offender knows that the other person submits because she or he is unaware that the act is being committed.
- F. **Gross Sexual Imposition** – includes sexual contact purposely compelled by force or threat of force; sexual contact where to prevent resistance the offender substantially impairs the judgment or control of the other by administering any drug, intoxicant, or controlled substance to the other person surreptitiously or by force, threat of force, or deception; or sexual contact where the offender knows or has reasonable cause to believe that the ability to resist or consent of the other person is substantially impaired because of a mental or physical condition.
- G. **Domestic Violence** - knowingly causing or attempting to cause physical harm to a family or household member; recklessly causing serious physical harm to a family or household member; or, by threat of force, knowingly causing a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

## **Link 5**

### **Stalking/Menacing By Stalking**

#### **What is Stalking?**

In general, stalking refers to the knowing, repeated harassment or threatening of another. Stalking is not about respect, love or romance; it is a criminal act in all 50 states. Behaviors that may constitute stalking under certain circumstances include but are not limited to:

- The following or watching of another
- Inappropriately approaching or having physical contact
- Intrusions into someone's personal, class or work life
- Unwanted gifts, mail, e-mail or telephone calls
- Threats to health, safety or threats against family or friends

Criminally, stalking behavior may constitute “menacing by stalking”. Per Ohio Revised Code section 2903.211, an offender commits “menacing by stalking” if they engage in a pattern of conduct (two or more actions or incidents closely related in time) that knowingly causes another person to believe that the offender will cause them physical harm or mental distress. Menacing by stalking can range from a misdemeanor of the first degree to a felony of the fourth degree, depending on the circumstances.

Depending on the stalking behavior, other charges could also be filed, such as “telecommunication harassment” or “aggravated menacing”. Please refer to the Ohio Revised Code or local law enforcement for more information on menacing by stalking and related crimes.

#### **What Resources are Available to Victims of Stalking?**

It is important to know that you are not alone and that support is available if you are dealing with a stalking situation.

Students are strongly encouraged to report all suspected incidents of stalking to police. It is helpful—but not necessary—to document times and incidents of unwanted contact, prior to talking with the police. As warranted, the Ohio State University Police Division [Link] will promptly investigate reports of threatening behavior and stalking. Emphasis will be placed on safety options for the victim and intervention strategies. Referrals may be made to the Office of the Columbus City Attorney Stalking Investigation Unit that deals with stalking cases and protection orders. However, students are encouraged to contact The Ohio State University Police for assistance with this process.

For strategies and safety planning in stalking situations, please refer to the Police Division section of The Ohio State University Department of Public Safety website ([www.ps.ohio-state.edu](http://www.ps.ohio-state.edu)) The Sexual Violence and Education Services program at OSU has an advocate who can help at any stage of this process [Link]. University resources, like the Sexual Violence Education and Support within the Student Wellness Center and Counseling and Consultation Services – as well as others – have staff that is able to offer support. For additional resources and support services available to victims of stalking, please refer to the Sexual Assault Resource Guide.

To contact the Office of the Columbus City Attorney Stalking Investigation Unit, students can call 614-645-6232.

Certain stalking behaviors may also constitute violations of the Code of Student Conduct [[Link](#)]. If the accused is an Ohio State University student, he/she may be subject to disciplinary action under the Code. For more information or to file a report, please contact the Office of Student Judicial Affairs.

## **LINK 6**

### **Ohio State University Police Department**

#### **Survivor's Rights Guarantee**

If you feel you are the survivor of a sexual assault on campus, the OSU Police Department will guarantee you the following:

1. We will meet with you privately, at a place of your choice in this area, to prepare a Police Report.
2. We will not release your name to the public or to the press during the course of the criminal investigation without your consent.
3. Our officers will not prejudge you, and you will not be blamed for what occurred.
4. We will treat you and your particular case with courtesy, sensitivity, dignity, understanding, and professionalism.
5. If you feel more comfortable talking with a female or male officer, we will do our best to accommodate your request.
6. We will assist you in arranging for any hospital treatment or other medical needs, including transportation to a local hospital with appropriate survivor services.
7. We will assist you in privately contacting counseling, safety, advising, and other available resources.
8. We will fully investigate your case and will help you to achieve the best outcome. This may involve the arrest and full prosecution of the person responsible. You will be kept up-to-date on the progress of the investigation and/or prosecution.
9. We will continue to be available for you to answer questions, explain the processes involved (prosecutor, courts, etc.) and to be a listening ear if you wish.
10. We will consider your case seriously regardless of your or any suspect's race, color, creed, religion, sex, sexual orientation, national origin, age, disability, or Vietnam-era veteran status.

## **LINK 7**

### **Mental Health, Physical Health**

#### **A. Mental Health**

Due to the traumatic nature of sexual assault, it is normal to experience many confusing and conflicting feelings. Immediate feelings may include fear, anxiety, depression, guilt, disorientation, powerlessness, shame, shock, disbelief, embarrassment, denial, and anger.

As time passes, a number of physical problems, such as sleep disturbances, nausea, menstrual disorders, change in eating habits, nightmares, and the inability to concentrate, may occur. Additionally, many important decisions may need to be made during a stressful time. Talking with a counselor can help sort out the available options and can also be an important step in the recovery process.

The Sexual Assault Response Network of Central Ohio (SARNCO) provides sexual assault advocates who will meet with the survivor on campus or at a local treatment facility. In addition, the SARNCO advocate or the Central Ohio 24-Hour Rape Helpline at (614) 267-7020 can provide referrals to appropriate counseling resources in the Columbus community.

Students may receive services on-campus, depending on the scope of services needed, at OSU Counseling and Consultation Services and the Adult Psychiatry Clinic at the OSU Medical Center.

#### **B. Physical Health**

A medical visit, including a physical exam, is recommended in all cases of sexual assault (female or male survivors), regardless of the length of time that may have elapsed since the assault. The examiner will be looking for signs of pregnancy (female survivors), sexually transmitted infections (including HIV), and physical injuries. If a medical exam is conducted within 72 hours, the survivor may choose to have an evidence collection exam or a non-evidence collection exam. Only in rare circumstances will an evidence collection exam be completed more than 72 hours after the assault. The following resource document explains the difference between these two types of exams.



Evidence should be collected as soon as possible, preferably within 72 hours. It is also suggested, for the best evidence collection, that attending to personal hygiene (for example, showering, bathing, douching, brushing teeth) be postponed until after the exam. If the sexual assault has occurred beyond 72 hours, talk to your health care provider about the possibility of evidence collection.

**OSU Student Health Services will assist in referring survivors for this exam whenever needed, but does not perform evidence collection exams.**

## **2. Non-Evidence Collection Exam**

This exam is not for the collection of evidence, but does give the healthcare provider an opportunity to check for medical problems that may result from an assault. The survivor should consider this examination, even if the survivor does not want to file a report, submit evidence, or if too much time has passed for evidence collection. It is important for the survivor's overall health.

## **3. Key elements of these exams**

Key medical elements related to the health of the survivor included in either type of exam:

Preventive antibiotics may be recommended for certain sexually transmitted diseases (STIs), including chlamydia, gonorrhea, and syphilis.

Emergency contraception pills (ECPs) may be offered to female sexual assault survivors if the assault involved vaginal intercourse or other penile-vaginal or penile anal contact and occurred within the past 72 hours. Evidence suggests ECPs may be effective for several days beyond the 72 hours. Therefore, their use would also be considered in the case of a sexual assault survivor presenting for care beyond 72 hours. Survivors should discuss this option with their medical provider.

Hepatitis B immunization status would be considered. If survivor has not been immunized, the survivor can get the first Hepatitis B immunization injection at the time of the initial exam. This vaccine is not expensive, but does require three shots over a six-month period.

If involuntary drugging (GHB, Rohybnol, etc.) is suspected (see <http://swc.osu.edu/>), drug testing may be indicated as a part of the evidence collection exam, but may be done (at the expense of the survivor) even without the evidence collection exam. Drug testing should ideally be done within 1-6 hours and preferably no later than 72 hours. However, some drugs may be detectable in the urine of survivors up to 96 hours. Drugs may also be detectable in vomited materials, so vomit should be retained for possible testing.

A follow-up exam is recommended two weeks after the first exam so that further counseling, evaluation, and or testing for sexually transmitted infections can occur, as appropriate.

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**Author**

This Resource Guide was prepared by the Ohio State University Sexual Assault Committee. Questions regarding this document should be directed to the Ohio State University Office of Student Affairs. 2006

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**Crime Awareness and Campus Security Act**

This document is intended to comply with relevant parts of the Crime Awareness and Campus Security Act of 1990, as amended, 20 U.S.C. 1092 (f), and the implementing federal regulations, 34 C.F.R. 668.46(a)(11).

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