

Roberts Wesleyan College Campus Safety  
**Rights of Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

You have the right to make a report to Campus Safety, local law enforcement and/or the state police or choose not to report; to report the incident to the Roberts Wesleyan College Title IX officer; to be protected by the college from retaliation for reporting the incident; and to receive assistance and resources from the college.

All students and employees have a right to:

- Make a report to local law enforcement and/or state police.
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial conduct process and/or criminal justice process free from pressure by the college.
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes and violations.
- Describe the incident to as few college representatives as practical and not be required to unnecessarily repeat a description of the incident.
- Be protected from retaliation by the college, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the college.
- Access to at least one level of appeal of a determination.
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including all meetings and hearing related to such process.
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial process of the college.

**Preserving Evidence:** Victims of domestic violence, dating violence, and stalking are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators or law enforcement. Photographing injuries and keeping medical records is also important in incidents where there is injury.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or college officials at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

**Orders of Protection:** An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence, dating violence, sexual assault and stalking. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection.

An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order. It may include, but is not limited to, directing him/her to stay away from you and your children, move out of your home, follow custody orders, pay child support, not have a gun.

A **Family Court order of protection** is issued as part of a civil proceeding. Its purpose is to stop violence within a family, or within an intimate relationship, and provide protection for those individuals affected.

To obtain an order of protection in the Family Court, your relationship to the other person must fall into one of the following categories: current or former spouse, someone with whom you have a child in common, a family member to whom you are related by blood or marriage or someone with whom you have or have had an "intimate relationship." "An intimate relationship does not have to be a sexual relationship. A relationship may be considered intimate depending on factors such as how often you see each other, or how long you have known each other. After a petition is filed, the court will decide if it is an intimate relationship.

To start a proceeding in Family Court, you need to file a form called a [Family Offense petition](#). The person filing the petition is called the "*petitioner*," and the person the petition is filed against is called the "*respondent*." You can go to the Monroe County Family Court, Third Floor, Hall of Justice, Rochester, New York or call 585-428-2000 for help completing and filing the petition. You may also wish to speak with an attorney or domestic violence advocate before filing.

A **Criminal Court order of protection** is issued as a condition of a defendant's release and/or bail in a criminal case. A criminal court order of protection may only be issued against a person who has been charged with a crime. Criminal cases are prosecuted for the State of New York by the district attorney. Although the district attorney may start a criminal case before a person is arrested, a criminal case usually begins with a person's arrest. The person charged is called a "*defendant*." The victim of is called the "*complaining witness*." There does not need to be a relationship between the complaining witness and the defendant. In a criminal case, the district attorney requests an order of protection for the victim or complaining witness. The judge decides whether to issue the order of protection and what terms and conditions will be included in the order.

The College may issue an institutional no contact order if deemed appropriate. If the College receives a report that such an institutional no contact order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order.

**New York State Office of Victim Services:** The Office of Victim Services may be able to help with medical bills and counseling expenses; burial and funeral costs; lost wages; and other types of assistance. The Office of Victim Services also provides guidance and support to the network of victim service providers that it funds across New York State. These agencies and organizations provide assistance such as counseling and crisis intervention, advocacy and legal help to those in times of need. You can file a claim for compensation online, either on your own or contact a victim assistance program for help. The Office of Victim Services provides a safety net if you have no other way to pay for costs – including but not limited to medical bills, counseling expenses, burial and funeral costs, and lost wages – resulting from being the victim of a crime. Your family members also may be eligible for help.