For Domestic Violence, Dating Violence, Stalking, and Sexual Assault, here is the First Responder Protocol:

Background information:

Sexual assault is a broad term that encompasses any sexual activity that occurs without consent. It includes, but is not limited to, unwanted kissing and fondling; forcible vaginal, oral or anal intercourse; and forcible penetration with an object or a finger. Both the reporting individual and respondent can be male or female.

SUNY Affirmative Consent:

The term “Affirmative consent’ is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.”

a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

c) Consent may be initially given but withdrawn at any time.

d) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated, and therefore unable to consent.

e) Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

f) When consent is withdrawn or can no longer be given, sexual activity must stop.
When there is a sexual assault* case, first responders assist with the following:
*or domestic violence, dating violence and stalking

1. Move to a private, safe space

2. Discuss confidential vs. private resources **BEFORE** the reporting individual shares any further details with you: Most of us are private resources (please see flow chart if you are not sure). If individuals are not sure about filing a formal report yet but would like to explore their options or decided not to report, please let them know that they can choose to disclose as much/as little as they wish. They **do not have** to provide us with the respondent’s name before we can explore options with them.
   Tool: Flow Chart
   Please download the flow chart at the following link and give it to the reporting individual: https://www.binghamton.edu/ivp/support/ivp_flowchart.pdf

3. Assess for immediate needs and physical well-being of the reporting individual:
   Please make sure they are informed about:
   a. Medical help for STIs and other injuries. Reporting individuals may fill out a victim compensation claim form either online at https://vsp.ovs.ny.gov/vsp/index.html or with the help of the Crime Victim Assistant Center (CVAC) and their medical expenses will be covered by the Crime Victim Program. There is a confidential CVAC advocate who can meet with the individuals on campus, with appointment.
   b. Sexual Assault Forensic Evidence (SAFE) kit can be done in local hospitals at no cost. Having the SAFE kit done does not mean that they have to press charges but it will keep that option open and preserves evidence. Please note that timely services are essential.
   c. Ways to help as first responders:
      ● A first responder is a source of support and referral. Remember, the reporting individual may be reporting an old or a new incident; all options should be given no matter what the time frame of the incident
      ● Listen, believe, and emotionally support
      ● Respect the individual and do what you can to make them comfortable
      ● Do not judge the individual or their lifestyle
      ● Respect the reporting individual’s choice(s)

4. Safety Planning
   Both On Campus Safety Planning and Off Campus Safety Planning forms are available on the IVP webpage. Here are the links:
   On Campus Safety Planning: https://www.binghamton.edu/ivp/buoncampussafetyplan.pdf
   Off Campus Safety Planning: https://www.binghamton.edu/ivp/buoffcampussafetyplan.pdf
   These forms can be used for dating/domestic violence and stalking victims as well as other sexual assault victims.

5. Listen in a nonjudgmental, caring way
   Please make sure that the reporting individual understands that their lifestyle will not be judged. SUNY has an Alcohol and/or Drug Use Amnesty Policy. More information can be found here: http://system.suny.edu/sexual-violence-prevention-workgroup/policies/drugs-amnesty/

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6. Explore reporting individual’s options with them
   a. Medical (see 3A)
   b. Advocacy: The Interpersonal Violence Program Advocate at the Office of Dean of Students can be their advocate to explore options further, and help to coordinate accommodations for needs, including classes, housing, no contact order, contacting professors, and discussing emergency funding options.
   c. Reporting:
      i.) University Police Department (UPD)
         This may include a “no further action” report just to have it documented. Please mention order of protection/restraining order options to them if applicable.
      ii.) Office of Student Conduct (OSC)
         Please mention no contact order option to them if applicable.
      iii.) Local Police
      iv.) Title IX Coordinator
      v.) Dean of Students
   d. Counseling and other support

*If the reporting individual is sure they would like to report, the first responder should get minimal details from them in order to discuss options with the individual. Offer to make arrangements for the individual to have one meeting so they do not have to repeatedly discuss their traumatic experience with different departments. We DO NOT want to re-traumatize them. Ask if they would like OSC and UPD to be present at the same time to avoid multiple meetings.

7. Report
   Please report to one of the following offices: the Office of Dean of Students, University Police, Residential Life (if the reporting individual lives on campus), Office of Student Conduct, or the Title IX Coordinator (Dr. Andrew Baker, 607-777-2486, AD 217D).

8. Self-Care
   It is not easy to listen to a sexual assault incident. Please take good care of yourself afterward. Please debrief with your supervisor, a case manager at Dean of Students or a counselor at University Counseling Center.

9. Check In Later
   You may choose to check in later with the reporting individual’s permission.