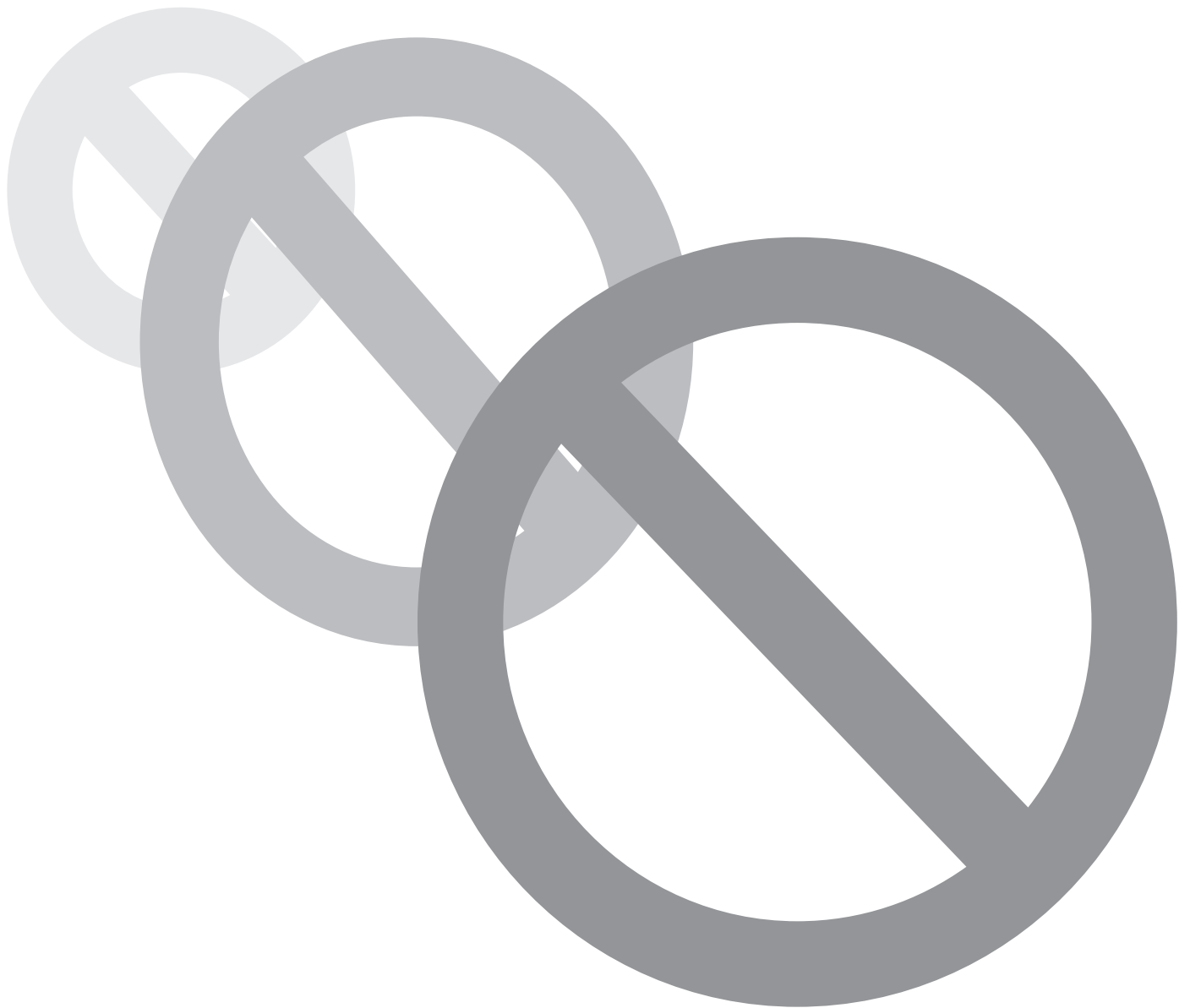




Protocol to assist victims of relationship, domestic and sexual violence



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THE PENNSYLVANIA STATE UNIVERSITY
Protocol to assist victims of relationship, domestic and sexual violence

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THE PENNSYLVANIA STATE UNIVERSITY

Protocol to assist victims of relationship, domestic and sexual violence

I. Introduction

The University can do a great deal to support victims of relationship, domestic and sexual violence and to encourage an environment that is intolerant of acts of violence. Victims have been traumatized and, as a result, require sensitive care for their medical, psychological, and legal needs following victimization. Within the University community, it is imperative to support victims in their recovery from the trauma of relationship, domestic and sexual violence and to do so with an attitude of concern and non-judgmental regard.

This document describes procedures and services for victims of domestic, relationship, and sexual violence. For the purposes of the document, *domestic violence* is defined as the use of or attempted use of physical force, or the threatened use of a deadly weapon by a current or former spouse, parent, guardian, or a person who is currently or has cohabited with the victim. *Relationship violence* is defined similarly to domestic violence, but applies to individuals who are dating and are not living together. It is important to recognize that emotional, verbal, and economic abuse are part of the web of domestic and relationship violence and can exist without the presence of physical abuse; however, these non-physical forms of abuse generally have few or no legal implications. *Sexual assault* refers to sexual offenses specified in the Pennsylvania Crimes Code and are summarized on page 2. Sexual assault can be committed by strangers, acquaintances and spouses, as well as casual and long-term dating partners.

Victims may come forward at various entry points in the system, with differing emotional states and at varying lengths of time following the violence. The victim may first make contact with a staff assistant, resident assistant, nurse, counselor, clinician, faculty member, or administrator. It is the responsibility of the staff person contacted to describe the available options for assistance that may apply to each victim's unique situation. It is important that all staff involved offer support and explain the rationale for procedures which may seem impersonal or frightening to the victim. Medical, legal, and psychological services provided for the victim of domestic, relationship and sexual violence need to include more than performing technical procedures and providing information. Initial reactions often play a key role in the victim's perceptions of the incident. As someone contacted by the victim, it is essential to give supportive, nonjudgmental reactions. Some victims may be in obvious distress, while others may appear calm. It is not unusual for victims to be upset and to act angrily in response to interventions. These feelings should not be taken personally by staff but should be understood in the context of the victim's reaction to the violence and as an attempt to regain control. It is important for victims to feel a sense of control in the process of recovery. Therefore, it is important to respect the decisions of the victim; regardless of what the staff member thinks may be best. When certain protocols require that the incident be reported, the victim must be informed of the mandated notification.

Due to the extremely sensitive nature of relationship, domestic and sexual crimes, it is important to provide confidential services to victims. There is a reluctance on the part of most victims to seek services and to report; thus, it is especially important to provide those who come forward with a protected environment.

Non-students may be victims while on campus. These victims are entitled to receive the same kind of sensitive treatment and emergency care options as student victims, with the exception of the payment provision of the sexual assault medical policy.

2. Pennsylvania Crimes Code

The Pennsylvania Crimes Code specifies several criminal offenses that apply to relationship, domestic and sexual violence. The following definitions are based on state law:

Physical (non-sexual) offenses

Simple assault - Bodily injury to another person, including causing or attempting to cause injury with a weapon.

Aggravated assault - Serious bodily injury, including causing or attempting to cause injury with a weapon.

Harassment - To harass or annoy by striking, shoving, kicking or subjecting to other physical contact; following a person; and repeatedly committing acts that alarm or threaten or seriously annoy and serve no legitimate purpose.

Stalking - Repeatedly committing acts with an intent to place the person in reasonable fear of bodily injury or with an intent to cause substantial emotional distress.

Sexual offenses

Rape - Sexual intercourse obtained through force or threat of force without the victim's consent. Sexual intercourse includes vaginal, anal, or oral sex. Ejaculation is not necessary, but there must be some penetration, however slight.

Involuntary deviate sexual intercourse - Oral or anal sexual intercourse obtained through force or threat of force without the victim's consent.

Sexual assault - Sexual intercourse or deviate sexual intercourse without the victim's consent.

Aggravated indecent assault - The penetration, however slight, of the genitals or anus by a part of the offender's body for any purpose other than good faith medical, hygienic or law enforcement procedures without consent.

Indecent assault - Any touching of the intimate parts of a person without consent.

If the victim is unconscious due to alcohol and/or other drug consumption, she/he cannot give consent to any of the above acts according to Pennsylvania law.

3. Initial Victim Contact

All University staff should be familiar with this protocol and with the University's "Guide for Sexual Assault Victims" and "Relationship Violence: What you Need to Know." (These guides can be found at www.sa.psu.edu/cws.) If an individual confides in you that she/he has been the victim of relationship, domestic or sexual violence, follow these guidelines.

- Find a private space where you can talk with the victim.
- Maximize the victim's comfort and confidentiality. Be compassionate and caring. Keep in mind that while a natural reaction on your part might include a desire to physically comfort the victim, such a response may cause the victim distress. Some victims, particularly victims of sexual violence, may develop an aversion to being touched by others, even those to whom they have turned for help. Be cautious with touching in your demonstration of compassion.
- Listen to the victim and ascertain why she/he has come to you and what she/he needs or wants you to do.
- Give the victim the appropriate PSU brochure ("Guide for Sexual Assault Victims" or "Relationship Violence: What you Need to Know") and help her or him access the resources identified in the guide or listed on the yellow insert.
- If the victim is in crisis, call appropriate professional staff for assistance.
- Offer to accompany the victim if she/he needs to go to another location on campus for assistance.
- If a victim telephones and identifies her/himself as a relationship, domestic or sexual violence victim, respond in a warm and supportive manner. Ask if the victim feels she/he is in imminent danger. Try to connect her/him with a staff member who can present information about options and/or arrange a mutually convenient appointment.
- In order to preserve physical evidence of sexual assault, advise any victims of assault within the past 24 hours not to urinate, shower/bathe, douche, brush teeth, or change clothing (unless they are certain they do not intend to report the incident to police).

4. General Information for Victims

If the assault just occurred, crisis intervention will take precedence. In all situations, staff should provide a basic overview of **medical** and **psychological** service options and **law enforcement** and **reporting** concerns so that informed decisions can be made quickly.

The following issues should be addressed with all victims:

- Encourage all victims of sexual assault or physical abuse to seek medical care regardless of how long it's been since the assault.
- Help arrange transportation for victims (to medical facility, police or women's shelter).
- Offer a support person to accompany victim to health care facility (check on availability of advocate from women's shelter).

5. Medical Care for Sexual Assault Victims

While most victims of sexual assault are women, some men are also victims. It is important for men to know that male victims at Penn State are accorded the same services as women, including transportation and payment provisions.

A physical exam should be done in all cases of sexual assault, regardless of the length of time which may have elapsed since the assault. Medically related concerns may include pregnancy risks, sexually transmitted infections (including HIV) and physical injuries.

If the assault occurred within the past 72 hours, the victim should be given the option of having an evidence collection exam vs. non-evidence collection exam.

Certain circumstances may infrequently prompt a health care provider to perform

an evidence collection exam beyond 72 hours. Therefore, in cases where the sexual assault has occurred beyond 72 hours but within the past 3-5 days, it is most appropriate to consult with the health care personnel doing the evidence collection exam.

The purpose of an evidence collection exam is to recover and/or document evidence of the sexual assault which could potentially assist the police investigation of the assault. If the victim does not want to report the assault to police, an evidence collection exam is unwarranted in most circumstances.

A. “Evidence Collection” exam

- This examination and collection of evidence procedure is usually done within 72 hours of sexual assault to assist in recovering and documenting all evidence of the sexual assault by way of completing a “rape kit.”
- Sexually transmitted infections (STIs) are a concern so testing and/or preventive antibiotics may be recommended for certain STIs.
- Emergency Contraception Pills (ECPs): All victims of sexual assault should be offered Emergency Contraception Pills if the assault involved intercourse and occurred within the past 72 hours. Evidence suggests ECPs may be effective for several days beyond the 72 hours. Therefore, their use should be considered in the case of a sexual assault victim presenting for care beyond 72 hours.
- Hepatitis B immunization status should be considered. If victim has not been immunized, consideration should be given to giving the victim the first Hepatitis B immunization injection.

- A follow-up exam and testing is recommended 2 weeks after the first exam.
- If involuntary drugging is suspected (GHB, Rohypnol, etc.), drug testing will be done as a part of evidence collection exam but may be done (if victim prefers) even without 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 victims up to 96 hours.

B. “Non-Evidence” collection exam

This exam does not include collection of evidence (by way of a “rape kit”) to specifically assist in the investigation of a sexual assault or the identification of the perpetrator. It is an important medical care option for recent sexual assault victims who do not want to report to police, or evidence collection, as well as for victims of sexual assault that occurred less recently (usually >72 hours). Refer to “Evidence Collection” exam above with regards to providing ECPs, preventive antibiotics, Hepatitis B immunizations and drug testing (if involuntary drugging is suspected).

C. Costs for medical care of sexual assault victim

- Penn State pays for the first exam and transportation cost (taxi/ambulance) and one follow-up exam for all PSU students, at all campus locations.
- If a student withdraws following a sexual assault, the fees for a follow-up visit/treatment during the same semester will be covered.

- If additional medical care beyond initial exam and first follow-up exam is required, certain expenses may be covered by the PA Crime Victim Compensation Fund (if the assault was reported to police).
- If a non-student who is visiting campus is sexually assaulted she/he can receive services without a fee at the campus health service. The scope of services available varies by campus location. Call your campus health service for specific information.
- Non-student victims may be billed for services received at a community hospital emergency room. However, the victim can seek compensation through their insurance or through the PA Crime Victim Compensation fund if the sexual assault is reported to police.

6. Medical Care for Relationship or Domestic Violence

Since the physical well being of the victim is always of the greatest concern, it is recommended that all injured victims seek medical attention.

If there are visible injuries (bruises, lacerations, abrasions, etc.), or suspected musculoskeletal injuries, clinical documentation and photographic documentation should be done by the health care provider. This should be done at the time of the initial evaluation. In the case of bruises, it may be appropriate to re-photograph 2-3 days following the assault.

7. Counseling Services

Due to the traumatic nature of relationship, domestic and sexual violence, 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. Students may be able to receive services on-campus depending on the scope of services available (see resources on the yellow insert). In addition, community-based victim services organizations can often provide direct counseling services and/or referrals to appropriate counseling resources.

8. Administrative Services

Due to the complex nature of this problem, the student victim may need additional assistance in one or more of the following areas:

- (1) *Residence hall housing:* If a victim wants to move from her/his present room, residence life staff will do everything possible to accommodate her/his needs, including a room switch or reassignment.
- (2) *Withdrawal from the University:* A victim may choose to drop courses or withdraw for medical or personal reasons. Students can withdraw from the University on their own initiative or can receive assistance from University personnel.

(3) *Retroactive withdrawal from the semester when violence has occurred:* A highly confidential procedure (the trauma drop) has been developed to assist victims of violence to retroactively late drop courses or withdraw from an entire semester. Counseling and/or Student Affairs staff can assist the student who needs a trauma drop. Contact the crisis coordinator at Counseling and Psychological Services at University Park for further information.

9. General Reporting Information

The University encourages victims of relationship, domestic or sexual violence to report to law enforcement authorities. Whether or not to report to the police is a decision the victim needs to make, except in certain circumstances when reporting is required by the University. If staff are uncertain about whether they need to report an incident, they should consult with their supervisor and, if necessary, with the director of University Health Services.

- Offer to call the police (in the jurisdiction where the incident occurred) for the victim or let the victim use a private telephone. Read the information below in order to be able to provide complete and accurate information to the victim.
- Offer to connect the victim with Penn State's Victim/Witness Advocate at University Park or Student Affairs staff and community resources at other locations who will ensure that she or he has accurate information about reporting and the steps involved.
- If the victim needs a Protection from Abuse Order (described on page 7), refer to the appropriate community resource.
- If the victim chooses not to notify the

police and circumstances do not warrant reporting, encourage the victim to do safety planning if there is a potential safety risk.

A. Sexual Assault Reporting and Policy

In most cases, reporting to the police does not obligate the victim to prosecute, nor does it mean that prosecution will automatically occur. The district attorney's office ultimately will make that decision based on the evidence in the case. The incident will most likely be reported to the newspaper. In Pennsylvania, University police are prohibited by law from releasing the name of any victim to the public. Although other police are not prohibited from releasing the names of victims, as a matter of practice, the media do not publish the names of victims of sex offenses.

• PSU Policy on Sexual Assault Reporting by Staff

In certain circumstances it will be necessary to report incidents of sexual assault to law enforcement authorities and to the chief student affairs officer. Incidents involving the following circumstances will be reported, however, the identity of the victim should not be revealed without written permission:

- (1) The presence of any sexual assault-related injuries, visible or reported and would include, but not be limited to, all but the most minor of bruises, contusions, or scratches;
- (2) The use of a weapon during the sexual assault;
- (3) A sexual assault by a person unknown to a victim;
- (4) An incident that warrants the undertaking of additional safety and security measures for the protection of the community.

It should be explained to the victim that the report is necessary for her/his safety and the safety of the community. The information reported should include the date and time of the incident, the location, a description of the perpetrator(s) and any weapons used, and any other details that are necessary in order to determine the kind of safety and security measures that should be undertaken. As soon as you have the information, a report should be made to the police, at any hour, and to the office of the Vice President for Student Affairs (at University Park) or chief student affairs officer (at campus/college locations). At University Park, the Director of University Health Services (865-6555) will receive all reports for the Vice President. If you are uncertain whether a report is required you should consult through appropriate supervisory channels.

B. Relationship or Domestic Violence Reporting and Policy

Victims of relationship or domestic violence and/or domestic abuse may seek assistance from the police and the courts. Assistance can take the form of enforcement of criminal laws and/or the issuance of civil court orders known as Protection from Abuse orders. Any person who has been the victim of a physical assault or other criminal act is encouraged to report the matter to the police.

Domestic or relationship violence is taken very seriously by the criminal justice system. Police officers have special arrest authority in cases of domestic violence. Many police agencies have a mandatory arrest policy relating to domestic violence incidents which requires police officers to immediately arrest the suspected perpetrator when the conditions of the law are met. A police officer in Pennsylvania may arrest a

suspect without a warrant whenever the officer has probable cause to believe the suspect has committed certain specified crimes against his/her spouse or other person with whom he/she resides or has formerly resided although the offense did not take place in the presence of the police officer. These crimes include involuntary manslaughter, simple assault, aggravated assault and recklessly endangering another person. A police officer may not arrest a person pursuant to this provision without first observing recent physical injury to the victim or other corroborative evidence.

Police officers acting pursuant to mandatory arrest policies will effect an arrest in these circumstances regardless of the wishes of the victim toward prosecution. The victim may be required to appear in court in response to a subpoena to testify in such a prosecution.

Upon responding to a domestic violence case as defined above, the police officer will, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. The notice will include notice of the right to go to court and file a petition requesting a Protection from Abuse or PFA order which could include the following:

- (1) An order restraining the abuser from further acts of abuse
- (2) An order directing the abuser to leave the victim's household
- (3) An order preventing the abuser from entering the victim's residence, school, business or place of employment
- (4) An order awarding the victim or the other parent temporary custody of or temporary visitation with a child or children

- (5) An order directing the abuser to pay support to the victim and the minor children if the abuser has a legal obligation to do so

Separate from criminal procedure, a Protection from Abuse or PFA order may be obtained without contacting the police. Individuals may petition the court directly to obtain a PFA. Community-based victim services organizations can provide assistance to individuals in this process.

- **PSU Policy on Relationship or Domestic Violence Reporting by Staff**

In rare circumstances, staff will need to report an incident to law enforcement authorities. This would be the case if the incident warrants the undertaking of additional safety and security measures for the protection of the victim and the community. These are situations in which there is a clear and imminent danger and a weapon may be involved. However, it is crucial in these circumstances to consult with supervisory staff and/or the Chair of the Coalition Against Relationship and Sexual Violence, since the safety of the victim may be compromised by reporting.

10. University Disciplinary Procedures

The Office of Judicial Affairs at Penn State encourages victims of sexual assault and domestic/relationship violence to utilize the following support services: informal consultation and decision-making, administrative directives for no contact orders, referral resources and/or formal disciplinary proceedings.

- If the alleged perpetrator is a student, the victim can choose to initiate disciplinary procedures through the Office of Judicial Affairs.

- Judicial Affairs will apply administrative practices that balance the victim's privacy rights and any legal obligations the University may be required to fulfill.

- Typically, the Office of Judicial Affairs will only initiate disciplinary proceedings with the consent and cooperation of the victim.

- Victims can contact the Office of Judicial Affairs by calling 814-863-0342 or visiting the office in 135 Boucke Building, University Park, or by contacting the chief student affairs officer at any campus/college location.

11. Public Information

Certain incidents of sexual assault and/or violent relationships may warrant taking the additional measure of informing the community (regardless of whether police reporting occurred). An example would be an unidentified assailant perpetrating sexual assault in a residence hall area. Informing the community is a responsibility if there is a risk to additional members of the residence hall. Staff is therefore advised to inform the appropriate residence hall coordinator when any such occurrence takes place.

If there is a concern that a sexual assault or relationship violence incident has the potential to receive an unusual amount of media attention, inform the chief student affairs officer of the incident. It is appropriate to respond to media inquiries with statements about University policy, not with specific information about any incident. If a statement is required from the University about a

particular situation, the media should be referred to the Department of Public Information. In such cases, be sure that Public Information has been notified and is in a position to respond.

12. Relationship, Domestic Violence and Sexual Assault Data Form

All relationship or domestic violence and sexual assault incidents should be recorded on the data form(pp 10-11) which permits the transmission of important information to the Coalition to Address Relationship and Sexual Violence, c/o Director, University Health Services, 216 Ritenour Building. At the end of each semester, the coalition will submit a report to the Vice President for Student Affairs. The coalition, or its designee, will compile the information in order to maintain a statistical record and for the detection of trends and patterns. This aggregate data will be used in educational and public information activities, including the University's annual report on crime statistics. The victim's name will not be included on the form and the incident-specific information will be confidential within the confines of the coalition. A copy of the form is attached.

Relationship/Domestic Violence and Sexual Assault Data Collection Form

The pertinent sections of this form should be completed by any Penn State staff member who has contact with a victim of sexual assault or domestic/relationship violence. Return to Director, University Health Services, 216 Ritenour Building. The purpose of this form is to collect aggregate statistical data, monitor service usage, and detect trends. **The victim's name should not be recorded. Please complete the form after discussion with victim. Leave sections blank if necessary. Fill out this side of the form below the double line for victims of sexual assault or rape and the reverse side for victims of relationship/domestic violence.**

Demographic data: complete this section, up to double line, for every victim.

Reporter's name: _____
Date of report: _____ Date of discussion with the victim: _____ Victim's age: _____
Victim's status: Student Staff Other (specify) _____ Sex: M ___ F _____
Victim's Race/Ethnicity: _____ Date of Incident: _____ Time of Incident: _____
Occurred on campus? _____ Yes _____ No If so, which campus? _____
Describe specific location; where incident occurred (name of building, street, town, campus, etc.) _____

Sexual Assault/Rape/Indecent Assault

Complete section below for victims of sexual assault or rape and reverse side for relationship/domestic violence. Check all appropriate boxes:

Description of incident (s):

May be more than one:

- Indecent touching of breasts
- Indecent touching of genitals
- Oral penetration
- Vaginal intercourse
- Anal intercourse
- Attempted intercourse but no penetration
- Other (specify) _____
- Unknown

Did alcohol play a role in the assault?

Used by victim:

- Yes No Unknown Other drugs _____

Used by assailant:

- Yes No Unknown Other drugs _____

Did victim lose consciousness from alcohol/other drugs?

- No Yes (specify) _____

Is involuntary drugging of victim suspected?

- Yes No Unknown

If yes, was drug testing done? Yes No

Results (if known) _____

Assailant was:

- Male Female
- Multiple assailants: Male # _____ Female # _____
- Acquaintance
- Stranger
- Partner
- Spontaneous date (i.e., met at a bar or party)
- Other (specify) _____
- Unknown

Assailant's status:

- Student Staff Faculty
- Other (specify) _____
- No campus affiliation
- Unknown

Force or threat of force without victim's consent?

- Yes No Unknown

Weapon involved?

- Yes (specify) _____ No Unknown

Initial post-assault medical exam was done at:

- No exam done
- University Health Services
 - Evidence collection exam done
 - Non-evidence collection exam done
- Other (specify) _____
- Hospital (specify) _____
- Unknown

Reported to law enforcement:

- Yes No Unknown
- by victim
 - by staff

Incident was reported to the following authorities:

- Campus police
- Local police (specify jurisdiction)
- Judicial Affairs
- Other (specify) _____

Victim has acquired assistance from:

- University Health Services
- Victim/Witness Advocate
- Center for Women Students
- Counseling and Psychological Services
- Residence Life
- Multicultural Resource Center
- Women's Resource Center (State College)
- Other (specify) _____
- Unknown

Significant consequences for victim:

- Withdrawal from University
- Pregnancy
- Sexually transmitted disease(s)
- Severe emotional stress
- Diminished academic performance
- Other (specify) _____

Relationship/Domestic Violence

Complete the section below for victims of relationship/domestic violence and reverse side for sexual assault.
Check all appropriate boxes:

Description of incident(s):

- Hitting/kicking
- Pushing
- Strangling
- Rape/sexual assault* (also, fill out reverse side)
- On-going physical violence
- Other (specify) _____
- Unknown

Did alcohol play a role in the assault?

Used by victim:

- Yes No Unknown Other drugs _____

Used by assailant:

- Yes No Unknown Other drugs _____

Did victim lose consciousness from alcohol/other drugs or strangling?

- No Yes (specify) _____

Assailant was:

- Male Female

- Dating partner
- Spouse
- Former partner
- Long term partner/significant other
- Other (specify) _____

Assailant's status:

- Student Staff Faculty
- Other (specify) _____
- No campus affiliation
- Unknown

Weapon involved?

- Yes (specify) _____ No Unknown

Visit to health care provider has occurred since incident:

- No Yes (if yes, check location)
- University Health Services (check all that apply)
 - Injuries noted (specify) _____
 - Visible injuries photographed
- Hospital (specify) _____
- Other (specify) _____
- Unknown

Reported to law enforcement:

- Yes No
 - by victim
 - by staff

Incident was reported to the following authorities:

- Campus police
- Local police (specify jurisdiction) _____
- Judicial Affairs

Legal proceedings:

- PFA (protection from abuse) order issued
- Administrative directive issued
- Legal/court proceedings

Victim has acquired assistance from:

- University Health Services
- Victim/Witness Advocate
- Center for Women Students
- Counseling and Psychological Services
- Residence Life
- Multicultural Resource Center
- Women's Resource Center (State College)
- Other (specify) _____
- Unknown

Significant consequences for victim:

- Withdrawal from University
- Severe emotional stress
- Diminished academic performance
- Other (specify)