Policy Statement

Sexual assault is a crime of violence that is never acceptable and will not be tolerated at Tufts University. The University is dedicated to the elimination of sexual assault within the Tufts community. Accordingly, the University takes all allegations of sexual assault seriously, and is committed to providing information, resources, and clear direction to the members of the Tufts community so that together we can help prevent and respond to sexual assault. The University affirms the right of survivors to decide how they may best use university and other support systems and processes to address crimes of sexual assault. Retaliation against anyone who brings forward a complaint of sexual assault is strictly prohibited. Anyone responsible for retaliation, whether that person is the accused party or someone affiliated with the accused, will be subject to disciplinary action by the University.
Defining and Recognizing Sexual Assault

Sexual assault is the act of committing an unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion. An “acquaintance” is not necessarily a person one knows only casually, and can include a close friend, intimate partner, family member, classmate, etc. Survivors and perpetrators can be of any sex/gender.

Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery (e.g., unwanted touching of an intimate body part for purposes of sexual gratification), and threat of sexual assault.

Consent is an affirmative, conscious decision - to engage in mutually accepted sexual contact. Signals of consent must be mutual and ongoing, as well as offered freely and knowingly. Consent is required regardless of the parties' relationship, prior relationship, or sexual history. A verbal "no," even if it may sound indecisive or insincere, constitutes a lack of consent. Likewise, incapacitation constitutes a lack of consent. For example, a person is incapable of giving consent when passed out, asleep, or incapacitated by intoxication. Consumption of alcohol and/or drugs, in and of itself, does not relieve a party of responsibility to obtain ongoing consent.

Sexual Assault and Related Crimes: Definitions

The following terms are defined by Massachusetts General Laws (Mass. Gen. Laws) 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 assaults, as generally described in the Mass. Gen. Laws, are addressed through the criminal justice system. Readers should refer directly to the Mass. Gen. Laws for more information or to obtain the complete text of any criminal statute.

A. Domestic Abuse – Massachusetts defines "abuse" as one or more of the following acts between family, or household members: (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or duress. M.G.L. c. 209A § 1. "Family or household members" includes those who (a) are or were married to one another; (b) are or were residing together in the same household; (c) are or were related by blood or marriage; (d) have a child in common regardless of whether they have ever married or lived together; or (e)
are or have been in a substantive dating or engagement relationship. A court considers several factors in determining whether a "substantive dating relationship" exists, including (1) the length of time of the relationship, (2) the type of relationship, (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship. M.G.L. c. 209A § 1. The rights of the survivor of domestic abuse include the right to an order restraining the attacker from abuse, an order directing the attacker to leave the household, building or workplace, and an order directing the attacker to pay for losses suffered as a result of abuse including medical and moving expenses, and property damaged sustained. M.G.L. c. 209A § 3.

B. Rape – In Massachusetts, "whoever has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by force and against his or her will, or compels such person to submit by threat of bodily injury," is guilty of rape. See M.G.L. c. 265 § 22(b). The term "unnatural sexual intercourse" includes oral intercourse, anal intercourse, digital penetration, and object penetration. Rape occurs when the sexual act is without consent and forced by (a) force, (b) threat, or (c) when the survivor is unconscious.

C. Aggravated Rape – The crime of aggravated rape occurs (1) if the rape results in serious bodily injury, (2) there is more than one perpetrator of the rape, or (3) the rape is committed during a serious felony such as assault and battery with a dangerous weapon, robbery, kidnapping, or burglary. In Massachusetts, aggravated rape is punishable by life in prison. See M.G.L. c. 265 § 22(a).

D. Assault with Intent to Commit Rape – It is a crime punishable by prison time for anyone to assault a survivor with the intent to commit rape. If the person who assaults with intent to rape is also armed with a gun, the punishment is at least 20 years in state prison. M.G.L. c. 265 § 24.

E. Drugg for Sexual Intercourse – Whoever applies, administers, or causes to be taken by a person any drug, matter or thing with intent to stupefy or overpower such person so as to thereby enable any person to have sexual intercourse or unnatural sexual intercourse with such person shall be guilty of the crime and subject to at least 10 years to prison. M.G.L. c. 272 § 3.

F. Stalking – It is a crime to (i) willfully and maliciously engage in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress; and (ii) make a threat with the intent to place the person in imminent fear of death or serious bodily injury. This includes contact by mail, e-mail, and fax. See M.G.L. c. 265 § 43. Any individual who commits such acts is guilty of the crime of stalking.
G. Sexual Harassment – Massachusetts prohibits sexual harassment both in employment and in educational facilities. Sexual harassment in the workplace is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. M.G.L. c. 151B § 1(18). Sexual harassment in an educational facility means any sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:— (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s education by creating an intimidating, hostile, humiliating or sexually offensive educational environment. M.G.L. c. 151C § 1(e).
Reporting Sexual Assault

Reporting a sexual assault can be difficult, and survivors may experience a multitude of emotions in thinking about discussing what happened to them. For that reason, Tufts University wants survivors to know that there are many options for them when considering whether to report sexual assault. Please see the following section for a complete list of reporting resources.

Survivors of sexual assault are strongly encouraged to report the assault immediately to the police with authority over the location of the assault. If the assault occurred on campus, survivors are encouraged to report it immediately to campus police. Early reporting provides immediate access to medical support, and to information regarding available legal and judicial resources, as well as counseling and support services. *Counseling and medical services are available immediately and confidentially, whether or not an individual feels ready to make any decisions about reporting the assault to police or campus judicial resources.*

Survivors who notify the police should be aware of the importance of the immediacy of reporting the incident in terms of preserving physical evidence at the assault scene as well as on the person assaulted. The gathering of physical evidence can provide important evidence in support of criminal charges. Survivors may also choose to report an assault well after the assault occurred, even if the opportunity to collect physical evidence has passed.

Survivors who immediately report an assault will be provided with information directing them to an appropriate health care facility to allow for collection of evidence and treatment. If a sexual assault survivor chooses to report the incident days, weeks, or even months after the assault, important support systems are still available and can be arranged, but the survivor should understand that delay may make it more difficult to collect physical evidence of the sexual assault that could impact an investigation.

Reporting an assault to the Tufts Police or other law enforcement *does not require filing criminal charges*. Tufts University has police officers who have been specially trained to work with survivors of sexual assault, and they can explain your rights and options, as well as direct you to other resources.

**Office of Equal Opportunity (OEO)/Title IX**
*(617-627-3298; www.tufts.edu/oeo; oeo@tufts.edu)*

Pursuant to Title IX of the Education Amendments of 1972, Tufts University is committed to providing a campus environment free of sex discrimination. Sexual assault is a form of sex discrimination that violates Title IX. The University’s Title IX Coordinator, as part of OEO, is...
charged with the intake and investigation of reports regarding sex discrimination (including sexual assault and other forms of sexual harassment). Students, staff and faculty may contact OEO to report any type of sexual misconduct.

**Resources**

Tufts University recognizes that survivors must focus on their security, health and healing in the aftermath of a sexual assault. The following is a list of resources that can assist survivors on or off campus.

**Resources**
Survivor’s Rights

**SURVIVOR’S RIGHTS GUARANTEE**

Sexual assaults, including acquaintance rape, are a very serious concern of the University. If you are the survivor of a sexual assault or think you may have experienced sexual assault, the Tufts Police will guarantee you the following:

1. We will meet with you privately, at a local place of your choice, to take a police incident report.
2. We will not release, without your consent, your name to the public or to the press during the course of the investigation.
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 a Rape Crisis Treatment Center.
7. We will assist you in privately contacting counseling services, the development of a safety plan and advising you about other available/necessary resources.
8. We will discuss the options available to you. We will investigate your case to the fullest extent possible. With your consent, we will refer your matter to the District Attorney’s office to discuss the charging and prosecuting of the responsible individual.
9. We will continue to be available for you to answer questions, to explain the systems and processes involved (prosecutor, court, etc.) and, if you wish, to be a listening ear.
10. We will treat your case seriously regardless of your or any suspect’s sex, gender identity and expression, sexual orientation and behavior, race, ethnicity, religion, national origin, age, disability, or veteran status.

If you are a sexual assault survivor, you may call the Tufts University Police at (617) 627-3030 to indicate that you want to file (privately) a sexual assault report. You may call the division anytime (24 hours a day, 7 days a week).

If you have an emergency or would like to access a city police department, call 911.

If we fail to achieve any part of the listed guarantee, the station commander (phone number 617-627-3030) will meet with you personally to address any problems/concerns. University Police want to help you make the Tufts campuses safe for students, faculty, staff and visitors.