



NEW YORK INSTITUTE OF TECHNOLOGY

# **A GUIDE FOR SURVIVING SEXUAL ASSAULT**

## **Male and Female Victims**



NEW YORK INSTITUTE OF TECHNOLOGY  
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## What is Rape/Sexual Assault?

If any of the following acts are perpetrated against a victim "without his or her consent," as defined, it is a crime under New York State Law:

*Sexual Intercourse*: the penetration of the penis into the vagina, however slight—in other words, if the penis goes into the vagina just a little, not in its entirety, that is considered completed "sexual intercourse." (There is no requirement of physical injury and usually there is no requirement that ejaculation or orgasm have occurred.)

AND/OR

*Criminal Sexual Act (Oral or Anal Sexual Conduct)*: does not require any penetration and occurs upon contact between penis and mouth, penis and anus (rectum), mouth and anus, or mouth and vaginal area.

AND/OR

*Sexual Contact*: any touching of the sexual or intimate parts of the body whether over or under clothing:

- done for the purpose of gratifying the sexual desire of either party;
- includes the touching of the victim's sexual or intimate parts by the perpetrator AND the touching of the perpetrator's sexual or intimate parts by the victim.

AND/OR

*Forcible Touching*: the intentional and forcible touching of another

- done for the purpose of degrading or abusing another person or done for the purpose of gratifying the defendant's sexual desire;
- includes squeezing, grabbing, or pinching.

AND/OR

*Aggravated Sexual Contact*: insertion of a foreign object (e.g. coke bottle, broom handle, etc.) into the vagina, urethra, penis or rectum.

- Insertion of a finger into vagina, urethra, penis or rectum causing injury, constitutes second degree sexual offense;
- If the insertion of the object causes physical injury, this constitutes a first degree sexual offense.

If no injury occurs, this constitutes a third degree sexual offense.

## How common is rape/sexual assault?

Research suggests that somewhere in America, a woman is raped every two minutes. Approximately 12 percent of adolescent girls and 20 percent of adult women have been the victims of rape. Approximately 15 percent of female college students have been raped, and among college women, 9 in 10 victims of rape and sexual assault knew their offender. It is estimated that 93,000 men are forcibly raped each year in the United States. Three out of five sexual assaults occur in the victim's home or the home of an acquaintance.

## Sexual assault and lesbian, gay, bisexual, and transgender (LGBT) communities:

Sexual assault can happen to anyone regardless of their race, class, age, appearance, or sexual orientation. Lesbians, gay men, bisexuals, and transgender people are subject to the same spectrum of sexual assault as the general population. In fact, according to many statistics, they are subject to more. According to FBI Uniform Crime Reports, 16.7 percent of hate crimes reported in 2002 were incidents of sexual orientation hate crimes. This percentage may be higher, since it is sometimes difficult for individuals to discern whether they were attacked because of being identified as a member of a LGBT community or as an individual. Sexual assault is not defined by the gender of the offender or the victim: Anyone is capable of assaulting a person of any gender.

## Some Frequently Asked Questions

### Is same.sex assault motivated by homosexual attraction?

Heterosexual attraction and/or homosexual attraction are not the key issues when trying to understand what motivates offenders. Sexual assault is predominantly an act of violence, and is committed for similar reasons as other types of assault. Offenders may be acting out of the desire to control, humiliate, or harm the victim. Victims are often chosen because of their perceived vulnerability rather than how sexually appealing they are to the offender. If someone is a victim of same sex sexual violence, it does not necessarily mean they are LGBT.

### Are LGBT people more likely to be perpetrators of sexual violence than heterosexuals?

No. As part of the oppression that LGBT people have faced for their sexual orientation and/or gender identification, their sexual activities have sometimes been criminalized. In some areas of the U.S., they still are. Legally speaking, this may put sexually active LGBT people in violation of the sex codes, but it does not make them perpetrators of sexual violence. (*Groth, AN, Men Who Rape. Plenum Press, NY, 1979.*)

## How and why are LGBT people more likely to be victims/survivors of sexual assault?

Homophobia in our culture puts LGBT people at greater risk for sexual assault. It is common for perpetrators to use sexual violence as a way to punish and humiliate someone for being LGBT, and/or for sexual assault to be one type of violence that occurs during an anti.LGBT battering. A common example of this, is when individuals who think they can change a person's sexual orientation, specifically target lesbians and bisexual women for sexual assault.

## Do LGBT people face the same danger from acquaintance, date and partner rape as heterosexuals?

Yes. According to research, LGBT people are at approximately the same risk as heterosexuals of being sexually assaulted by someone they know. Fifty. two percent of participants in a study of sexual coercion in gay/lesbian relationships reported at least one incident of sexual assault/coercion. Gay men reported 1.6 incidents on average; in comparison the 1.2 incidents reported by lesbians. (*Waldner. Haugrud, Lisa K., and Vaden Gratch, Linda. (1997). Sexual Coercion in Gay/Lesbian Relationships Descriptives and Gender Differences. Violence and Victims, 12 (1), 87.98.*) LGBT people are more likely to be victims of domestic violence (including sexual assault) than of anti.LGBT violence. (*National Coalition of Anti.Violence Programs, 1992.*)

For more information, contact the New York State Coalition Against Sexual Assault, 63 Colvin Ave., Albany, NY 12206. Phone: 518.482.4222. Web site: [www.nyscasa.org](http://www.nyscasa.org)

## What should you do if you have been raped or assaulted?

- Get to a safe place.
- Contact someone who can help you: a friend, family member, campus security, and residential services personnel, the Counseling and Wellness Center, the Dean of Campus Life, or Campus Security.
- Do not shower, eat, drink, douche, or change your clothes. These activities destroy important physical evidence in the event that you decide to prosecute the assailant.
- Get medical attention. You may have injuries that may not be obvious to you and you may want to explore options for preventing pregnancy and sexually transmitted diseases.
- Ask for an advocate or rape counselor to accompany you to the medical examination
- Ask that a rape examination kit be performed so that evidence can be stored should you decide to report the crime
- Write down everything you remember in as much detail as possible. This can help with your own healing and in any legal action you may decide to take.

- Remember you are not to blame even if your attacker was an acquaintance, date, friend, or spouse.

### **The aftermath ... How am I going to feel?**

- Emotional Shock: I feel numb. Why am I so calm? Why can't I cry?
- Disbelief: Why me? How did this happen?
- Embarrassment: What will people think?
- Shame: I feel so dirty. I want to wash or shower all the time.
- Guilt: I feel it is my fault.
- Depression: How am I going to get through this semester? I feel helpless. Maybe I would be better off dead. I want to be alone.
- Powerlessness: Will I ever be in control again?
- Flashbacks.
- Denial: It wasn't really rape.
- Fear: I am afraid to sleep, go out, and be alone.
- Anxiety: I can't stop shaking. I am having panic attacks.
- Anger: I want to kill the person who did this to me. I hate everyone.
- Stress: I always have headaches, stomach aches, and backaches.

## **Immediate Medical Treatment**

Within the first 72 hours after an assault, a special exam (rape kit) should be conducted that includes the collection of evidence that may be used in a criminal prosecution. The exam is necessary to evaluate your physical condition as well as maintain your legal options. New York state has established Sexual Assault Forensic Examiner (SAFE) programs in hospitals that are designated as 24-hour centers of excellence. Safe programs have specially trained health professionals, Sexual Assault Nurse Examiners (SANE), that will ensure that a victim of sexual assault is provided with compassionate, competent, and prompt care, while providing the most advanced technology associated with forensic evidence collection and preservation.

### **What is S.A.N.E.?**

SANE is the Sexual Assault Nurse Examiner Program, which provides victims of rape and sexual assault with expert, confidential medical care and emotional support.

### **What is a S.A.N.E. Center?**

The center is a separate unit in the emergency department of a participating hospital, specifically designed for interviewing, examining, treating, counseling, and comforting adult victims of sexual assault. It consists of a private entrance, sitting room, examination room, and bathroom, including shower.

### **Who can use a S.A.N.E. Center?**

Females and males, at least 17 years of age, who do not require immediate medical attention, but have recently been sexually victimized.

### **How does someone get to a S.A.N.E. Center?**

A person may go directly to a center, ask a member of the NYIT Student Services staff to accompany them, or request the assistance of the Nassau County Police or New York City Police.

### **When does the center operate?**

SANE Centers are available 24 hours, 7 days a week.

### **How much does the exam cost?**

The exam will be done at NO COST to the victim.

### **Do I have to go to the exam alone?**

You may go alone or have someone you trust accompany you. You may also request a sexual assault advocate to meet you at the hospital.

#### **Manhattan campus**

##### *Victims of Violent Assault Assistance Program*

- 212.562.3755
- 212.562.3435
- 212.562.4730

##### *New York Police Department Rape Hotline*

- 212.267.RAPE

#### **Old Westbury campus**

##### *Coalition Against Domestic Violence*

- 516.542.0404

##### *Nassau County Rape Hotline*

- 516.222.2293

### **Where is a S.A.N.E. hospital located?**

#### **Manhattan**

Bellevue Hospital Emergency Room  
27th Street and First Avenue  
Phone: 212.562.3019

**Crime Victims Treatment Center**

411 W. 114th St., Suite 2C  
Phone: 212.523.5659

**Mount Sinai Medical Center**

1 Gustave L. Levy Pl., 1190 5th Ave.  
Phone: 212.423.2140

**Beth Israel Medical Center**

3201 Kings Hwy.  
Phone: 212.420.2832

**Harlem Hospital Center**

506 Lenox Ave.  
Phone: 212.939.2250

**St. Lukes.Roosevelt Hospital Emergency Room**

1111Amersterdam Ave.  
Phone: 212.523.3335

**Columbia Presbyterian Hospital Emergency Room**

622 W. 168th St.  
Phone: 212.305.2255

**Brooklyn****Kings County Medical Center**

1269 E. 53rd St.  
Brooklyn, NY 11234  
Phone: 718.444.9249

**Kings County Medical Center**

451 Clarkson Ave., room 1  
Brooklyn, NY 1120  
Phone: 718.631.8113

**Woodhull Hospital**

760 Broadway  
Brooklyn, NY 11206  
Phone: 718.963.6860

**Coney Island Hospital**

2601 Ocean Pkwy.  
Brooklyn, NY 11235  
Phone: 718.616.4349

**Old Westbury/Long Island****North Shore University Hospital Emergency Room**

300 Community Drive  
Manhasset, New York  
Phone: 516.562.4125

**Suffolk County****Victims Information Bureau of Suffolk**

P.O. Box 5483  
Hauppauge, NY 11788  
Phone: 631.360.3730

**Rape Trauma Syndrome and What Therapy Entails:**

In order for any event to be experienced as traumatic, three experiences must occur almost simultaneously. Trauma occurs when an event is sudden, dangerous (either physically or psychologically or both) and overwhelming. Rape, be it stranger, acquaintance or date rape is traumatic. The term Rape Trauma Syndrome was coined as a function of the similar reactions of rape victims. Today the term is considered outdated as these reactions are consistent with the criteria that make up the diagnosis known as Post Traumatic Stress Disorder. Below you will find the specific criteria.

- A. The person has been exposed to a traumatic event in which both of the following were present.
1. The person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.
  2. The person's response involved intense fear, helplessness, or horror.  
Note: In children, this may be expressed instead by disorganized or agitated behavior
- B. The traumatic event is persistently experienced in one (or more) of the following ways:
1. Recurrent and intrusive distressing recollections of the event, including images, thoughts, or perceptions.
  2. Recurrent distressing dreams of the event.
  3. Acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and dissociate flashback episodes, including those that occur on awakening or when intoxicated).
  4. Intense psychological distress at exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event
  5. Physiological reactivity on exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event

- C. Persistent avoidance of stimuli associated with the trauma and numbing of general responsiveness (not present before the trauma), as indicated by three (or more) of the following:
1. Efforts to avoid thoughts, feelings, or conversations associated with trauma
  2. Efforts to avoid activities, places, or people that arouse recollections of the trauma
  3. Inability to recall an important aspect of the trauma
  4. Markedly diminished interest or participation in significant activities
  5. Feeling of detachment or estrangement from others
  6. Restricted range of affect (e.g., unable to have loving feelings)
  7. Sense of a foreshortened future (e.g., does not expect to have a career, marriage, children, or a normal life span)
- D. Persistent symptoms of increased arousal (not present before the trauma), as indicated by two (or more) of the following:
1. Difficulty falling or staying asleep
  2. Irritability or outbursts of anger
  3. Difficulty concentrating
  4. Hyper.vigilance
  5. Exaggerated startle response
- E. Duration of the disturbance (symptoms in Criteria B, C, and D) is more than 1 month.
- F. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- Therapy to treat PTSD victims aims at ameliorating the painful symptoms as well as assisting the victim in the transition from victim to survivor to a thriving person. Making sense of the trauma and its wake is an important part of the recovery process.

### Men as Victims

Men get raped too. Most often, they are raped by other men. However, there have been numerous recorded incidents where a man has been raped by a woman. Because of the socialization of what it means to be "a man," men raped by men are reluctant to disclose having been raped for fear of being labeled homosexual. Men raped by women fear being treated as less than a real man for allowing themselves to be overpowered by a woman. One survey found that 7 percent of men have experienced at least one episode of forced sexual contact. Among college students, the incidence of sexual assaults of men by acquaintances is much higher.

## ON-CAMPUS COUNSELING SERVICES

Free confidential counseling is available through the Counseling and Wellness Center at the following locations:

### Manhattan:

26 W. 61st St., room 510. Phone: 212.261.1770

Doreen Drack Thomas, LMHC  
26 W. 61st St., room 509  
Phone: 212.261.1755

Michael Schneider, LMSW  
26 W. 61st St., room 511  
Phone: 212.261.1773

### Old Westbury/Central Islip:

Harry Schure Hall, room 208. Phone: 516.686.7976

Alice Heron Burke, LMHC  
Harry Schure Hall, room 208A  
Phone: 516.686.7683

Joan O'Connor, CSAC, LMHC  
Harry Schure Hall, room 208B  
Phone: 516.686.7703

## OFF-CAMPUS COUNSELING SERVICES

### Manhattan:

- St. Vincent Hospital and Medical Center Rape Crisis Program, Seventh Avenue and West 11th Street, 212.604.8068
- Safe Horizon Rape Crisis Hotline, 212.227. 3000
- NYC Gay and Lesbian Anti-Violence Project, 212.714. 1141
- Victims Of Violent Assault Assistance Program, 212.562.3755
- Brooklyn Community Program, 718.928.6950
- DOVE Domestic and Other Violence Emergencies, New York Presbyterian Hospital, 212.305.3569
- SAVI Sexual Assault and Violence Intervention Program. Mt. Sinai Hospital: Manhattan, 212.423.2140. Queens: 718.736.1288

### Old Westbury:

- Nassau County Rape Hotline, 516.222.2293
- Coalition Against Domestic Violence, 516.542.0404
- Long Island Gay and Lesbian Youth, 631.665.2300

## LEGAL SERVICES

### Manhattan:

- Campus Security, 212.261.1536
- New York City Police Department Rape Hotline, 212.267.RAPE
- Victim Services 24 hour Hotline, 212.577.7777
- New York City District Attorney's Special Victim's Bureau, 212.335. 9373
- Brooklyn (Sex Crimes Bureau) 718.250.3170
- Brooklyn (counseling) 718.250.3820
- Bronx 718.590.2115
- Queens 718.286.6505
- Staten Island 718.556.7125

**Old Westbury:**

- Campus Security, 516.686.7789
- Nassau County Special Victim's Squad, 516.573.8055
- Nassau County District Attorney's Sex Crimes Unit, 516.571.1266

**Additional Help:**

New York State Crime Victim's Board, 1 800.247.8035

**Summary of New York State Penal Code 130  
Sex Offenses as of July 2003**

*In general, a sex offense occurs when a person does not consent to sexual conduct; a weapon, physical force or threats are used; a person is mentally disabled, mentally incapacitated or physically helpless; is committed to the care and custody of the state correctional system or hospital; or is under the age of seventeen.*

*Definition of conduct terms*

- *Sexual intercourse is defined as its ordinary meaning and occurs upon "any penetration however slight".*
- *Oral sexual conduct consists of contact between the mouth and penis, anus, vulva or vagina.*
- *Anal sexual conduct is defined as contact between the penis and anus.*
- *Sexual abuse through sexual contact is the touching of the sexual or other intimate parts of a person for the purpose of gratifying the sexual desire of either party. It includes the touching of the defendant by the victim as well as the touching of the victim by the defendant, whether directly or through clothing.*

*Lack of consent, along with forcible compulsion, includes circumstances when the victim clearly expressed they did not consent to the act of intercourse or by means of age, mental disability, mental incapacitation or being physically helpless and a reasonable person in the defendant's situation would have understood the victim's words, actions or condition.*

<u>Offense</u>	<u>Conduct</u>	<u>Lack of Consent</u> D = defendant V = victim	<u>Category/Maximum Sentence Range</u>
First Degree Rape 130.35	Sexual intercourse	Forcible compulsion <b>OR</b> V physically helpless <b>OR</b> D18+ and V under 13 <b>OR</b> V under 11	Class B * Violent Felony Max 12 1/2 - 25 years
Second Degree Rape 130.30	Sexual intercourse	Incapable of consent by reason of being mentally disabled or mentally incapacitated D over 18 V under 15	Class D Felony Max 2 1/3 – 7 years
Third Degree Rape 130.25	Sexual intercourse	Incapable of consent by reason D over 21 <b>AND</b> V under 17 <b>OR</b> V lack of consent <b>OR</b> D health care or mental health provider	Class E Felony Max 1 1/3 – 4 years
First Degree Criminal Sexual Act 130.50	Oral or anal sexual conduct	Forcible compulsion <b>OR</b> V physically helpless <b>OR</b> V under 11 <b>OR</b> D 18+ <b>AND</b> V under 13	Class B * Violent Felony Max 12 1/2 – 25 years
Second Degree Criminal Sexual Act 130.45	Oral or anal sexual conduct	Incapable of consent by reason of being mentally disabled or mentally incapacitated D 18 <b>AND</b> V under 15	Class D Felony Max 2 1/3 – 7 years
Third Degree Criminal Sexual Act 130.40	Oral or anal sexual conduct	Incapable of consent by reason D over 21 <b>AND</b> V under 17 <b>OR</b> V lack of consent <b>OR</b> D health care or mental health provider	Class E Felony Max 1 1/3 – 4 years
Forcible Touching 130.52	Forcible touching	Intentionally for no legitimate purpose, D grabs, squeezes, or pinches the sexual or other intimate parts of V for the purpose of degrading/abusing or gratifying own desire	Class A misdemeanor Max 1 year
First Degree Sexual Abuse 130.65	Sexual contact	Forcible compulsion <b>OR</b> physically helpless <b>OR</b> V under 11	Class D * Violent Felony Max 2 1/3 – 7 years
Second Degree Sexual Abuse, 130.60	Sexual contact	V incapable of consent other than age <b>OR</b> V under 14	Class A misdemeanor Max 1 year

<u>Offense</u>	<u>Conduct</u>	<u>Lack of Consent</u> D=Defendant V=Victim	<u>Category/Maximum Sentence Range</u>
Third Degree Sexual Abuse, 130.55	Sexual contact	Any circumstances where V does not consent excepting D is not 5 years older than V	Class B misdemeanor Max 3 month
First Degree Course of Sexual Conduct Against a Child, 130.75	Sexual intercourse, oral or anal sexual conduct or aggravated contact	V under 11 D engages in two or more acts over a period of not less than three months <b>OR</b> D 18+ and V under 13	Class B *Violent Felony Max 12 ½ - 25 years
Second Degree Course of Conduct Against a Child 130.80	Sexual contact	V under 11 D engages in two or more acts over a period of not less than three months <b>OR</b> D 18+ <b>AND</b> V under 13	Class D *Violent Felony Max 3 ½ - 7 years
First Degree Aggravated Sexual Abuse, 130.70	Insertion of foreign object causing physical injury	Forcible compulsion <b>OR</b> V physically helpless <b>OR</b> V under 11	Class B *Violent Felony Max 12 ½ - 25 years
Second Degree Aggravated Sexual Abuse 130.67	Insertion of finger causing physical injury	Forcible compulsion <b>OR</b> V physically helpless <b>OR</b> V under 11	Class C *Violent Felony Max 7 ½ - 15 years
Third Degree Aggravated Sexual Abuse, 130.66	Insertion of foreign object	Forcible compulsion <b>OR</b> V physically helpless <b>OR</b> V under 11	Class D Violent Felony Max 2 1/3 - 7 years
Fourth Degree Aggravated Sexual Abuse, 130.65-a	Insertion of foreign object or finger	V incapable of consent other than age	Class E Felony Max 1 1/3 - 4 years

**\*Violent Felonies require determinate terms, which eliminate parole and add a period of post release supervision. Minimum sentences exist for first and second violent offenses as stated but persistent violent felonies retain the indeterminate terms of sentencing.**

Other offenses that may occur along with the above include:

Incest  
 Unlawful imprisonment  
 Kidnapping  
 Sexual performance by a child  
 Endangering the welfare of a child  
 Coercion  
 Assault  
 Harassment  
 Offenses against public sensibilities

and are covered under other penal codes and carry similar penalties.

New York State Coalition Against Sexual Assault, 63 Colvin Ave. Albany, NY 12206,  
 Phone: 518.482.4222. Web site: [www.nyscasa.org](http://www.nyscasa.org)