

SEXUAL **A**SSAULT **P**OLICY

California State University, Stanislaus is strongly committed to the establishment of an educational environment in which students, faculty, and staff can work together in an atmosphere free of sexual assault. While historically acts of sexual assault have been considered unique in terms of society's responses to the survivors involved, this University will view any act identified as sexual assault as a serious matter. Every member of the University community should be aware that sexual assault is prohibited by state law and University protocol. **This institution will vigorously discipline and/or prosecute persons identified as responsible for assaults as described in this policy.**

This policy is a part of the University's Policy Against Sexual Harassment, and establishes a coordinated, commonly agreed upon set of procedures to be followed by California State University staff who may receive a report of the sexual assault of a member of our community.

Definition and Legal Background

California Penal Code Sections 220, 243.4, 261, 264.1, 286, 228a and 289, and Assembly Concurrent Resolution No. 46 (Resolution Chapter 105 - passed into law on September 14, 1987) define sexual assault in the following manner:

Sexual Assault is any sexual act or attempted sexual act in which a person is threatened, coerced, or forced to comply against his or her will, or he or she is incapable of giving consent or unconscious of the nature of the act;

Sexual Battery is any unwanted touching of intimate body parts;

Rape is forced sexual intercourse that is perpetrated against the will of the victim or when he or she is unable to or incapable of giving consent (i.e., unconscious, asleep or under the influence of alcohol or drugs) and may involve physical violence, coercion, or the threat of harm of the victim;

Acquaintance Rape involves rape by a non-stranger who could be a friend,

acquaintance, family member, neighbor or co-worker;

Date Rape involves rape by someone with whom the survivor has been or is a voluntary companion;

Acquaintance Gang Rape is a rape by more than one person, at least one of whom is known to the survivor,

California Administrative Code Title 5, Education Part 5 Section 41301(e), Code of Student Conduct specifically prohibits

"physical abuse on or off campus property of the person or property of any member of the campus community or members of his or her family or the threat of such physical abuse."

Assembly Concurrent Resolution 46 as described in Resolution Chapter 105 directs "..... stranger or acquaintance rape, or any attempted sexual act or forced sexual contact....." be added to the California Administrative Code Title % Education Part 5 Section 41301(e). Any violation of this section of the Code of Student Conduct by an individual or recognized student organization will be investigated for possible disciplinary and legal action regardless whether the incident occurs on or off campus.

Furthermore, any violation of faculty or other employee codes of conduct with regard to sexual assault will be investigated for possible disciplinary action. The procedures to be followed in handling complaints and disciplinary actions that will be taken against individuals or groups are outlined in this policy.

Complaint Procedure

The administration and staff of California State University, Stanislaus recognizes the need to address all reports of sexual assault with sensitivity and objectivity. The University must be concerned with the rights of all members of its community, and acknowledge that all parties identified in a reported sexual assault are entitled to "due process" during a complaint investigation.

Individuals in the campus community are strongly encouraged to report

any incident of sexual assault to University faculty or staff members, the Victim's Advocate, a designated Sexual Harassment Advisor or the Sexual Harassment Officer. The University encourages persons reporting to seek the support and assistance of friends or significant others when needed, in presenting their concerns.

Informal Inquiry

The President of the University will designate a **Victim's Advocate** to speak confidentially with any person seeking information or advice regarding sexual assault or rape. The **Advocate** will assist in clarifying definitions of sexual assault, stranger and acquaintance rape, and to explain the administrative mechanisms for dealing with complaints. Additionally, the **Advocate** will provide assistance and information relative to immediate crisis intervention services, and inform the victim of other options for further assistance and reporting, including: rights of confidentiality, medical and emotional support, academic intervention, financial intervention, contact with law enforcement authorities, criminal prosecutions, civil prosecutions, the court system, and/or the University's Conduct System; physical protection and relocation assistance; and support with/for the survivor's, significant others or friends.

The **Victim's Advocate** will be attached to the Department of Public Safety and assigned by the Director of Public Safety on an individual case basis. The functions of the **Advocate** are informal and advisory, aimed solely at aiding the person seeking assistance, information or advice. **The Advocate will not investigate nor adjudicate complaints of sexual assault or rape.** The **Advocate** will, at the survivor's request, provide assistance and support throughout the investigatory process should a complaint be filed.

The person initiating the inquiry may be accompanied by a friend and/or advisor when discussing alleged incidents.

Discussions at the informal inquiry level are completely confidential.* No record will be made or retained concerning these discussions without permission of the persons making the inquiry.

*** Should the information provided during the informal inquiry identify a clear and immediate danger to the community, the Advocate will notify the Director of Public Safety immediately. A**

clear and present danger is defined as a threat as the result of a cluster or pattern of sexual assaults and/or a stranger or sadistic sexual assault, or a gang rape involving University students or staff either on campus or its surrounding environs.

Formal Reporting of Incident

As soon as convenient, the survivor should report incidents of sexual assault, including date or acquaintance rape and gang rape to the Department of Public Safety/University Police. The University Police will review the survivor's complaint and upon probable cause, immediately initiate a criminal investigation into on-campus sexual assaults. A Department of Public Safety Victim's Advocate will be assigned to provide non-investigatory survivor's assistance, and as soon as practical will make the following notifications:

In cases where the accused is believed to be a student or the involvement of a student organization is suspected, the Vice President of Student Affairs/Dean of Students, the Senior Director of Student Life/Director of Health Center, the Assistant to the President for Equal Opportunity and Internal Relations, the Senior Director of Retention Services/Director of Counseling, Career Development, Student Support Services, and the Vice President of Development and University Relations will be notified. The Director of Student Relations and Judicial Affairs will investigate the complaint and initiate separate appropriate actions under student disciplinary procedures and/or student organizations disciplinary procedures.

Incidents in which the accused is an employee of the University and the victim is a student, will be reported to the Vice President of Student Affairs/Dean of Students, the Associate Vice President for Academic and Human Resources, the Senior Director of Student Life/Director of Health Center, the Assistant to the President for Equal Opportunity and Internal Relations, the Senior Director of Retention Services/Director of Counseling, Career Development, Student Support Services, and the Vice President of Development and University Relations. The complaint will be investigated with the assistance of the University Police/Public Safety department and all information will be forwarded for a separate disciplinary action to the appropriate Vice President and/or President.

In incidents where the accused is an employee of the University and the victim is also an employee, it will be reported to the Associate Vice President for Academic and Human Resources and the Assistant to the President for Equal Opportunity and Internal Relations.

In instances where the accused is not a member of the California State University community and the assault did not occur on campus, the Victim's Advocate will provide outside jurisdiction coordination assistance for the campus community survivor upon request.

In all cases of sexual assault where a formal complaint has been filed, it will be the responsibility of the Victim's Advocate to keep the survivor informed of the status of any student or employee disciplinary proceedings in connection with the sexual assault and the results of those actions or subsequent appeals. Additionally, the Victim's Advocate will monitor criminal proceedings connected with the sexual assault, and provide the survivor with assistance related to court appearances and the criminal/civil justice process.

The Vice President of Student Affairs/Dean of Students, the Senior Director of Student Life/Director of Health Center, the Assistant to the President for Equal Opportunity and Internal Relations, and the Associate Vice President for Academic and Human Resources are charged with conducting administrative investigations related to sexual assaults, will maintain a full and complete written record of the investigation and subsequent disciplinary recommendations and proceedings.

Administrative Hearing Procedures

Judicial hearings within the University will provide due process, including the right to be represented by legal counsel. The hearing will take place within a reasonable time.

In the case of an accused student or student organization, the disciplinary hearing will be conducted by the Senior Director of Student Life or designee in accordance with procedures set forth in the Chancellor's Executive Order No. 148. Any disciplinary action shall be imposed in accordance with guidelines and sanctions outlined by the Trustees in Sections 41301 and 41302 of Title 5 Education, California Administrative Code and the Chancellor's Executive Order 148.

In the case of an accused faculty member or other employee of the University, the disciplinary hearing will be conducted in accordance with established California State University procedures and those procedures identified in appropriate bargaining unit agreements. Any disciplinary action shall be administered in accordance with guidelines and sanctions outlined in these procedures and agreements.

Conduct that violates Sections 41301 and 41302 to Title 5 Education, California Administrative Code or other codes of conduct may also violate specific criminal and civil codes of the state. In such instances, the University may proceed with disciplinary action, despite the fact that criminal and/or civil action may be pending in court. The imposition of University disciplinary action will be independent of, and additional to, the criminal prosecution sought for acts of sexual assault and may occur prior to criminal or civil disposition.

The President may order the immediate suspension of any student and/or employee for an interim period pending a hearing whenever the President determines such action is required to protect lives and/or property, and/or insure the maintenance of order. Individuals suspended shall be afforded an opportunity for a hearing with respect to the immediate suspension no later than ten working days after the suspension occurs.

Administrative Disciplinary Sanctions

The following sanctions may be imposed on individual students found guilty of complicity in sexual assaults. The severity and number of sanctions applied will be determined by the nature and degree of the individual act. Possible sanctions include: expulsion from the University; suspension for a specific time period; probation for a specific time period; psychological counseling or assessment; performance of community service; and/or revocation of residence license. Sanction recommendations will be made to the President by the Senior Director of Student Life or designee. The President will then inform the student in writing of the sanctions imposed.

The following sanctions may be imposed on recognized student organizations found to condone, promote or be involved in incidents of sexual assault: withdrawal of University recognition; informing the

organization's national or regional offices of the activity; disbanding of the local chapter by the national organization; prohibiting participation in campus activities, events and programs; requiring relevant community service and/or participation in sexual assault awareness programs by all group members; loss of all University privileges, including equipment use, room permits, advertising space and on-going campus fund-raising. Sanction recommendations will be made to the President by the Senior Director of Student Life or designee. The President will then inform the organization in writing of sanctions imposed.

Sanctions up to and including dismissal from employment may be imposed on University faculty and staff members found guilty of sexual assault, following the utilization of established California State University procedures, and guidelines set forth in appropriate collective bargaining agreements.

On-Campus Organizations Providing Support and Assistance for Survivors of Sexual Assault

Student Health Services 667-3396

The Student Health Center provides post-incident treatment for student survivors of sexual assault. Staff physicians and nurse practitioners maintain an aggressive interest in the psychological and medical impact of sexual assault in the University setting. The center provides a wide variety of services to the survivor, including diagnosis and treatment of illness and injury; minor surgery; lab tests; prescriptions; and information about sexually transmitted diseases. In most cases treatment at the Student Health Center is without cost. Lab tests and medication may have a nominal charge.

Counseling and Career Development Center 667-3381

The Counseling Center provides professional crisis intervention and post incident counseling services to student survivors of sexual assault. In addition to individual counseling services, the center offers a wide variety of programs designed to speak wholly or in part to issues related to sexual assault in the University environment. A partial program list includes: self-assertiveness training workshops; sexual assault/acquaintance rape workshops; workshops focusing on self-esteem; women's support groups;

and student orientation programs which include introduction of campus resources available on the dynamics of sexual assault and personal protection.

Survivors of sexual assault reluctant to discuss their victimization with University or law enforcement officials are strongly encouraged to seek post incident counseling for assistance in dealing with emotional trauma resulting from sexual assault.

Housing and Residential Life 667-3675

The Director of Housing and Residential Life and Resident Advisors of our campus residence hall (The Village) under the direction of the Senior Director of Student Life work closely with all departments on campus to ensure the safety and well-being of students living in the dormitory. Survivors of sexual assault living in on-campus housing are encouraged to seek the immediate assistance of the on-duty resident advisor. Resident advisors are on-duty 24 hours a day, including weekends and holidays.

Human Resources 667-3351

The personnel department facilitates several programs that will provide assistance to University employee survivors of sexual assault. These employee benefits include: Employee injury/illness reporting and/or treatment; sick leave; workers compensation; disability leave; and participation in an Employee Assistance Program which provides crisis counseling.

Office of Equal Opportunity and Internal Relations 667-3011

The Assistant to the President for Equal Opportunity and Internal Relations investigates all reported on-campus incidents of Sexual Harassment and Sexual Assault. This office facilitates sexual harassment advisors, who will provide referrals and assistance to survivors with questions related to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. This seven person team of advisors consists of selected members of the University's faculty, staff, and administration. Designated advisors may be contacted through the Officer for Equal Opportunity and Internal Relation

Department of Public Safety/University Police 667-3911/667-3114

The Department of Public Safety employs trained, full-time peace officers and support staff for the 24 hour protection of the campus, its students, faculty, and staff. Officers will respond immediately to reports of sexual assault. Upon securing the immediate safety and well-being of the sexual assault survivor, the department, with survivor consent, will initiate a full and complete criminal investigation of the incident. The department through its investigation's division will actively conduct the investigation, and vigorously pursue the prosecution of all identified responsible parties. In those cases where the survivor declines complaint, officers of this department will make arrangements to insure the survivor's safety and well-being through identifying a safe environment, and encouraging immediate medical follow-up and crisis intervention. Non-reporting survivors will also be encouraged to seek the assistance of the department's Victim's Advocate on an informal basis. All survivors seeking a formal complaint will be assigned a Victim's Advocate by the Director of Public Safety.

The Department of Public Safety/University Police reports all sexual assaults occurring on campus in accordance with criterion established by the State of California Bureau of Crime Statistics, and The Federal Bureau of Investigation. Additionally, the department publishes a monthly crime analysis report for University administrative review, and an annual, two-year detailed comparative crime statistics report for general distribution in the campus community.

Victim's Advocate 667-3035

The Victim's Advocate speaks confidentially with any person seeking information or advice regarding sexual assault or rape. The Advocate will assist in clarifying definitions of sexual assault, stranger and acquaintance rape, and to explain the administrative mechanisms for dealing with complaints. Additionally, the Advocate will provide assistance and information relative to immediate crisis intervention services, and inform the victim of other options for further assistance and reporting, including: rights of confidentiality, medical and emotional support, academic intervention, financial intervention, contact with law enforcement authorities, criminal prosecutions, civil prosecutions, the court system, and/or the University's Conduct System; physical protection and

relocation assistance; and support with/for the survivor's, significant others or friends. The functions of the Advocate are informal and advisory, aimed solely at aiding the person seeking assistance, information or advice. The Advocate will not investigate nor adjudicate complaints of sexual assault or rape. The Advocate will, at the survivor's request, provide assistance and support throughout the investigatory process should a complaint be filed.

Off-Campus Organizations and Agencies Providing Support and Assistance for Survivors of Sexual Assault

**Haven's Women Center (24 hr.) (209) 527-5558
(Stanislaus Rape Crisis Center)**

This agency operates a 24 hour crisis line in addition to crisis and follow-up counseling available to survivors of sexual assault and their families. The Stanislaus Rape Crisis Center acts as a liaison between other agencies including medical, judicial, and law enforcement groups. Rape crisis personnel will respond immediately to assist sexual assault survivors at the request of, and in the presence of, law enforcement officers. The center may be reached 24 hours a day and there are no fees involved.

San Joaquin Women's Center (24 hr.) (209) 465-4997

A Women's Place Center (24 hr.) (209) 722-4357

(Merced County)

Mountain Women's Resource Center (24 hr.) (209) 588-9305

(Tuolumne County)

Calaveras County Women's Center (24 hr.) (209) 736-4011

Family Service Agency (209) 524-6371

Emanuel Hospital (209) 667-4200

Doctor's Medical Center (209) 576-3609

Memorial Medical Center (Ask for Emergency Dept.) (209) 526-4500

Stanislaus County District Attorney's Office (209) 525-5550

Child Protective Services (24 hr.) 1-800-558-3665

Turlock Police Department 911

Stanislaus County Sheriff's Department 911

Ambulance 911

Press Releases and Confidentiality

Survivors of sexual assault who file formal complaints must be aware of the necessity to identify victims, assailants, and witnesses for purposes of reporting, investigation, University discipline, and criminal prosecution. Similarly, accused assailants must be aware that survivors will be informed of the disposition of University disciplinary actions, and criminal prosecution of the complaint. Requests for incident status of information from the press, concerned students and parents will be directed to the office of the Director of Public Affairs, or the Director of Public Safety. **It is the policy of this institution to protect the sexual assault survivor as much as possible from additional harm or public embarrassment. Accordingly, the name, address, or other personally specific identifying information of the survivor will not be released to the public.**