



SAN DIEGO STATE
UNIVERSITY

Title IX

Notice of Non-Discrimination

Sexual Violence Prevention &
Education Statement FAQ's



NOTICE OF NON-DISCRIMINATION

San Diego State University does not discriminate on the basis of sex, gender, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), and protect all people regardless of their gender or gender identity from sex discrimination, which includes sexual harassment and sexual violence.

Sex Discrimination means an adverse action taken against an individual because of gender or sex (including sexual harassment, sexual violence, domestic violence, dating violence, and stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code section 66250 et seq.; and California Government Code section 11135. Both men and women can be victims of Sex Discrimination. For definitions of sexual harassment, sexual violence, domestic violence, dating violence, and stalking, see page 20.

Important Contacts

SDSU Counseling & Psychological Services

5500 Campanile Drive
San Diego, CA 92182-4730
619-594-5220 (non-emergency)
Counseling Access & Crisis Line:
888-724-7240

Student Health Services

Calpulli Center
5500 Campanile Drive
San Diego, CA 92182-4701
619-594-5281

SDSU Police

Department of Public Safety
5500 Campanile Drive
San Diego, CA 92182-4701
619-594-1991

Title IX Coordinator and Deputy Coordinators

Gail Mendez

Title IX Coordinator
619-594-6464
gmmendez@sdsu.edu

Lee Mintz

Director
Center for Student Rights and Responsibilities
619-594-3069
lmintz@sdsu.edu

Jenny Bramer

Associate Athletic Director/SWA
Department of Intercollegiate Athletics
619-594-0394
jbramer@sdsu.edu

What Should I Do If I Experience Sexual Violence?

Call 9-1-1 if you are in the midst of any kind of emergency, immediate harm or threat of harm.

If you have experienced sexual violence (e.g., rape, acquaintance rape, dating violence, domestic violence, or stalking), you are encouraged to seek immediate assistance from police and healthcare providers for your physical safety, emotional support and medical care.

University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential sexual assault advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights and remedies, and/or a sexual assault counselor or advocate. The campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The sexual assault counselors and advocates listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

You have the right to decide who and when to tell about sexual violence. However, it is very important that you get confidential medical attention after being assaulted. Following the incident, you may be physically injured, there may be a chance you contracted a sexually transmitted disease, or that you may become pregnant.

The Importance of Preserving Evidence

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the university's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the campus Title IX Coordinator or a local sexual assault victim resource center (see contact information on page 2) for assistance as well.

Confidentiality – Know Your Options

We encourage victims of sexual harassment and sexual violence to talk to someone about what happened – so you can get the support you need and so SDSU can respond appropriately. Whether and the extent to which a university employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee's position and responsibilities at SDSU.

Before talking to a university employee, it is important to understand university policy relating to confidentiality and their obligation, if any, to report the incident to the Title IX Coordinator.

Privileged and Confidential Communications

Some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Psychotherapists, professional counselors, sexual assault and domestic violence counselors and advocates will not report any information about an incident of sexual violence to anyone else at SDSU, including the Title IX Coordinator, without your consent. Contact information for confidential resources on campus:

SDSU Counseling & Psychological Services

5500 Campanile Drive
San Diego, CA 92182-4730
619-594-5220 (non-emergency)
Counseling Access & Crisis Line:
888-724-7240

Student Health Services

Calpulli Center
5500 Campanile Drive
San Diego, CA 92182-4701
619-594-5281

Limited Confidential Communications

If you report to local or University Police about Sexual Violence, the police are required to notify you that your name will become a matter of public record unless confidentiality is requested. If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone at the university, including the Title IX Coordinator.

SDSU Police

Department of Public Safety
5500 Campanile Drive
San Diego, CA 92182-4701
619-594-1991

Communications with Other SDSU Employees

All other employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the university to investigate the incident and take appropriate steps to address the situation. To the extent possible, information reported to the Title IX Coordinator or other university employee will be shared only with individuals responsible for handling the university’s response to the incident.

Reporting Options

You have several reporting options, and you may pursue one or all of these options at any time. It is your right to have a friend, family member, sexual assault advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor and support person of your choice present with you during a rape examination.

Reporting options include:

- **Criminal**

Reporting to University Police and/or local police is an option at any time. If you choose not to report to the police immediately following a sexual violence incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf.

- **Administrative**

You may report to the campus Title IX Coordinator, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide you with information regarding resources available to you, as well as information regarding your rights and options. Contact information for the Title IX Coordinator is listed on page 2.

The Title IX Coordinator will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an

investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: adjustment to work assignments, course schedules or supervisory reporting relationship; requiring the accused to move from University-owned or affiliated housing; immediately prohibiting the accused from coming to the University; or prohibiting the accused from contacting the parties involved in the reported incident. These options may be available to you whether or not you choose to report the sexual violence to campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.

If it is determined that University policy prohibiting sexual violence was violated, the accused will be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by an advisor of your choice. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so.

Links to Important SDSU Policies and Procedures:

[CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#)

- **Health/Counseling/
Clergy**

You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

- **Civil Lawsuit**

You may choose to file a civil lawsuit against the perpetrator, whether or not criminal charges have been filed. A civil lawsuit provides you the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress.

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

- **Non-Reporting**

You are strongly encouraged to report any incident of sexual violence to the police and/or campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

Who to Contact If You Have Complaints, Questions or Concerns

The University has designated a Title IX Coordinator and Deputy Title IX Coordinators to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual violence. The Title IX Coordinator and Deputy Coordinators are available to explain and discuss your right to file a criminal complaint; the University's relevant complaint process, and your right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

Title IX Coordinator:

Gail Mendez

Title IX Coordinator
Director, Center for the Prevention of
Harassment and Discrimination
Division of Business and Financial
Affairs
5500 Campanile Drive
San Diego, CA 92182-1620
619-594-6464
gmmendez@sdsu.edu

Duties and Responsibilities: Monitoring and oversight of overall implementation of Title IX

Compliance at the University, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students and other members of the University community.

Title IX Deputy Coordinator:

For students:

Lee Mintz

Director
Center for Student Rights and
Responsibilities
5500 Campanile Drive
San Diego, CA 92182-7443
619-594-3069
lmintz@sdsu.edu

If you have a complaint against an SDSU student for sexual harassment, sex discrimination, or sexual assault, you should contact the Center for Student Rights and Responsibilities. The Center for Student Rights and Responsibilities Director is responsible for Title IX compliance for matters involving students, including training, education, communication, and administration of grievance procedure for all complaints against SDSU students.

For faculty, staff and visitors:

Gail Mendez

Title IX Coordinator
Director, Center for the Prevention of
Harassment and Discrimination
Division of Business and Financial Affairs
5500 Campanile Drive
San Diego, CA 92182-1620
619-594-6464
gmmendez@sdsu.edu

If you have a complaint against an SDSU faculty or staff member, or visitor for sexual harassment, sex discrimination, or sexual assault, you should contact the Center for the Prevention of Harassment and Discrimination. The Office of Employee Relations and Compliance Director is responsible for Title IX compliance for matters involving faculty and staff, including training, education, communication, and administration of grievance procedure for all complaints against faculty, staff and visitors, including those complaints filed by students.

For Athletics:

Jenny Bramer

Associate Athletic Director/SWA
Department of Intercollegiate Athletics
5500 Campanile Drive
San Diego, CA 92182-4313
619-594-0394
jbramer@sdsu.edu

Complaints against SDSU Students and Employees in Athletics

If you have a complaint against an SDSU student, coach or administrator for sexual harassment, sex discrimination, or sexual assault, you should contact the Executive Associate Athletic Director/Senior Woman Administrator, Jenny Bramer, who will facilitate the handling of the complaint with the appropriate office.

Gender Equity in Athletics

If you have a complaint about gender equity in SDSU athletics programs, you should contact the Associate Athletic Director/Senior Woman Administrator, Jenny Bramer, who is responsible for Title IX Compliance matters related to gender equity in SDSU athletics programs.

Resources

Sexual Misconduct

To file a complaint of sexual misconduct, you may contact one of the above, depending on who the complaint is against (faculty/staff, visitor or student) and you may also contact:

SDSU Counseling & Psychological Services

5500 Campanile Drive
San Diego, CA 92182-4730
619-594-5220 (non-emergency)
Counseling Access & Crisis Line:
888-724-7240

Student Health Services

Calpulli Center
5500 Campanile Drive
San Diego, CA 92182-4701
619-594-5281

SDSU Police

Department of Public Safety
5500 Campanile Drive
San Diego, CA 92182-4701
619-594-1991

San Diego Police Department

1401 Broadway
San Diego, CA 92101
619-531-2000 (non-emergency) 911
(emergency)

Center for Community Solutions

Sexual Assault Victim Advocacy
Manager: (858) 272-5777

U.S. Department of Education, Office for Civil Rights:

- 800-421-3481 or ocr@ed.gov
- If you wish to fill out a complaint form online with the OCR, you may do so [here](#).

White House Task Force to Protect Students from Sexual Assault

Title IX requires that the CSU adopt and publish complaint procedures that provide for prompt and equitable resolution of sex discrimination complaints, including sexual harassment and violence. Important SDSU Policies and Procedures can be found here:

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (Nondiscrimination Policy)

CSU Student Conduct Procedures

Except in the case of a privilege recognized under California law (examples of which include Evidence Code §§1014 (psychotherapist-patient); 1035.8 (sexual assault counselor-victim); and 1037.5 (domestic violence counselor- victim)), any member of the University community who knows of or has reason to know of sexual discrimination allegations shall promptly inform the SDSU Title IX Coordinator.

Regardless of whether an alleged victim of sexual discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any sex discrimination/harassment, prevent its recurrence, and remedy its effects.

Safety of the Campus Community is Primary

SDSU's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for sexual discrimination, harassment or violence; therefore, victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

Information Regarding Campus, Criminal and Civil Consequences of Committing Acts of Sexual Violence

Individuals alleged to have committed sexual assault may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline/sanctions at the university. Employees may face sanctions up to and including dismissal from employment, per established CSU policies and provisions of applicable collective bargaining unit agreements.

Students charged with sexual discrimination, harassment or violence will be subject to discipline, pursuant to the California State University [Student Conduct Procedures](#), and will be subject to appropriate sanctions. In addition, during any investigation, the university may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include immediate interim suspension from the university, required move from university-owned or affiliated housing, adjustment to course schedule, or prohibition from contact with parties involved in the alleged incident.

Resources

- Sexual Assault Response Team (SART)
- U.S. Department of Education, regional office
Office for Civil Rights
- U.S. Department of Education, national office
Office for Civil Rights
- Know Your Rights about Title IX
- California Coalition Against Sexual Offending
- National Institute of Justice: Intimate Partner Violence
- National Domestic Violence Hotline: 800-799-SAFE (7233)
- Office of Violence against Women
- Center for Disease Control and Prevention: Intimate Partner Violence
- Defending Childhood
- Human Trafficking

Local Community Resource(s) Information:

- Center for Community Solutions
- San Diego County Sheriff - Same Sex Violence
- The San Diego LGBT Community Center
- U.S. Department of Veterans Affairs - Military Sexual Trauma
- Sexual Assault Prevention and Response - U.S. Marine Corps
- Sexual Harassment Assault Response and Prevention - U.S. Army
- Sexual Assault Prevention and Response - U.S. Navy
- Sexual Assault Prevention Response & Recovery - U.S. Coast Guard
- Native/Tribal National Center on Domestic Violence & Sexual Assault

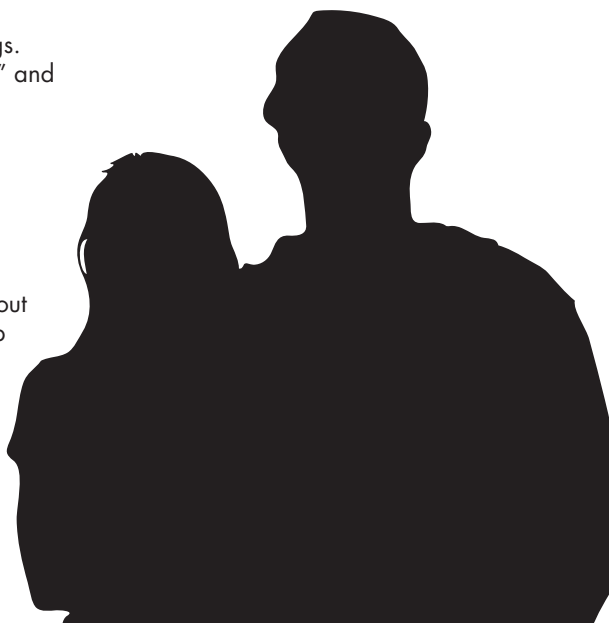
SEXUAL VIOLENCE PREVENTION AND EDUCATION STATEMENT (INCLUDING FACTS AND MYTHS)

What You Can Do To Help Stop Sexual Violence

- If you see a situation that might lead to sexual violence, attempt to safely intervene.
- Sexual contact requires mutual, affirmative consent. An incapacitated person (for example, a person who is intoxicated by drugs or alcohol) is incapable of giving consent.
- No one deserves to be sexually assaulted, stalked or victimized in any way.
- Don't engage in any behavior that may be considered dating/domestic violence, sexual assault, stalking or any other form of violence.
- Never use force, coercion, threats, alcohol or other drugs to engage in sexual activity.
- Take responsibility for your actions.
- Avoid alcohol and other drugs.
- Remember "no" means "No!" and "stop" means "Stop!"
- Report incidents of violence (including coercion) to law enforcement and campus authorities.
- Discuss dating/domestic violence, sexual assault and stalking with friends—speak out against violence and clear up misconceptions.
- Don't mistake submission or silence for consent.

What You Can Do To Help Minimize Your Risk of Becoming a Victim

- Be aware. Does your partner: Threaten to hurt you or your children? Say it's your fault if he or she hits you and then promises it won't happen again (but it does)? Put you down in public? Force you to have sex when you don't want to? Follow you? Send you unwanted messages and gifts?
- Be assertive. Speak up.
- Stay sober and watch out for dates and/or anyone who tries to get you drunk or high.
- Clearly communicate limits to partners, friends, and acquaintances.
- Never leave a party with someone you don't know well and trust.



- Trust your feelings; if it feels wrong, it probably is.
- Learn all you can and talk with your friends. Help them stay safe.
- Report incidents of violence to law enforcement and campus authorities.

What You Can Do If You Are a Victim, in General

- Go to a safe place as soon as possible.
- Preserve evidence.
- Report the incident to University Police or local law enforcement.
- Report the incident to your campus Title IX Coordinator.
- Call a domestic violence, sexual assault or stalking hotline.
- Call a friend or family member for help.
- Know that you are not at fault. You did not cause the abuse to occur and you are not responsible for someone else's violent behavior.

Bystander Intervention Tips

Bystander intervention is a sexual assault prevention strategy that encourages witnesses to take safe action when they see a situation that might lead to sexual assault, and to support victims after an incident. There are a variety of ways to intervene. Some of them are direct, and some of them are less obvious. For example:

- Make up an excuse to get the person out of a potentially dangerous situation
- Let a friend or co-worker know that the person's actions may lead to serious consequences
- Never leave a vulnerable person's side, despite the efforts of someone to get the person alone or away from you

- Use a group of friends to remind someone behaving inappropriately that their behavior should be respectful
- Take steps to curb someone's use of alcohol before problems occur
- Call the authorities when the situation warrants

Understand how to safely intervene. Safety is paramount in bystander intervention. Usually, intervening in a group is safer than intervening individually. Also, choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. However, there is no single rule that can account for every situation. Individuals must use good judgment and always put safety first.

Common Myths and Facts about the Causes of Sexual Violence

1. **Myth:** Victims provoke sexual assaults when they dress provocatively or act in a promiscuous manner.
Fact: Rape and sexual assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behaviors are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is sexual assault, regardless of the way that person dresses or acts.

2. **Myth:** If a person goes to someone's room or house or goes to a bar, s/he assumes the risk of sexual assault. If something happens later, s/he can't claim that s/he was raped or sexually assaulted because s/he should have known not to go to those places.
Fact: This "assumption of risk" wrongfully places the responsibility of the offender's action with the victim. Even if a person went voluntarily to someone's home or room and consented to engage in some sexual activity, it does not serve as blanket consent for all sexual activity. When in doubt if the person is comfortable with an elevated level of sexual activity, stop and ask. When someone says "no" or "stop," that means "STOP!" Sexual activity forced upon another without valid consent is sexual assault.
3. **Myth:** It is not sexual assault if it happens after drinking or taking drugs.
Fact: Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault her/him; others choose to take advantage of the situation and sexually assault her/him because s/he is in a vulnerable position. A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.
4. **Myth:** Most sexual assaults are committed by strangers. It's not rape if the people involved know each other.
Fact: Most sexual assaults and rape are committed by someone the victim knows. A study of sexual victimization of college women showed that about 90% of victims knew the person who sexually victimized them. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance or co-worker sexually victimized the person. It is important to remember that sexual assault can occur in both heterosexual and same-gender relationships.
5. **Myth:** Rape can be avoided if women avoid dark alleys or other "dangerous" places where strangers might be hiding or lurking.
Fact: Rape and sexual assault can occur at any time, in many places, to anyone.
6. **Myth:** A person who has really been sexually assaulted will be hysterical.
Fact: Victims of sexual violence exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no "right way" to react to being sexually assaulted. Assumptions about the way a victim "should act" may be detrimental to the victim because each victim copes in different ways.

7. **Myth:** All sexual assault victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge or didn't want to look like they were sexually active.
Fact: There are many reasons why a sexual assault victim may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not being believed and being required to go through judicial proceedings. Just because a person does not report the sexual assault does not mean it did not happen.
8. **Myth:** Only young, pretty women are assaulted.
Fact: The belief that only young, pretty women are sexually assaulted stems from the myth that sexual assault is based on sex and physical attraction. Sexual assault is a crime of power and control. Offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Men and boys are also sexually assaulted, as well as persons with disabilities. Assumptions about the "typical" victim might lead others not to report the assault because they do not fit the stereotypical victim.
9. **Myth:** It's only rape if the victim puts up a fight and resists.
Fact: Many states do not require the victim to resist in order to charge the offender with rape or sexual assault. Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.
10. **Myth:** Someone can only be sexually assaulted if a weapon was involved.
Fact: In many cases of sexual assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats or a combination of these tactics to overpower the victim. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a sexual assault.

What is Dating Violence or Domestic Violence?

Dating/Domestic violence is a pattern of abusive behaviors used to exert power and control over a partner. Dating/Domestic violence can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone. Dating/Domestic violence can happen to anyone regardless of race, sexual orientation, social economics, education, age, religion, etc. Dating/Domestic violence can also affect family, friends, co-workers and members in the community, in addition to the victim and abuser. Domestic violence can occur regardless of the relationship status, including individuals who are dating, cohabitating, or married.

Types of Dating/Domestic Violence That Includes Sexual Misconduct

There usually is a pattern or a repeated cycle of dating violence, starting with the first instance of abuse.

General Pattern of Behavior:

- **Tension Building:** Relationship begins to get strained or tense between partners.
- **Explosion:** Outburst that includes verbal, emotional, or physical abuse.
- **Honeymoon:** Apologies where the abuser tries to re-connect with his/her partner by shifting the blame onto someone or something else.

Definitions of What Dating/Domestic Violence Looks Like

Any actions used for the intent of gaining power and control over a person:

- **Physical Abuse:** any intentional use of physical force with the intent to cause injury (i.e. grabbing in a way to inflict pain, hitting, shoving, strangling, kicking)
- **Emotional Abuse:** non-physical behaviors such as threats, insults, constant monitoring, humiliation, intimidation, isolation, silent treatment, or stalking
- **Sexual Abuse:** any action that impacts the partner's ability to control their sexual activity or the circumstance which sexual activity occurs, including rape, coercion or restricting access to birth control

Warnings or Signs of Potential Dating/Domestic Violence

Ask yourself if your partner engages in one or any of the following activities:

- Checks my cell phone or email without my permission.
- Monitors where I'm going, who I'm going with, what I'm doing.
- Repeatedly says or does things to make me feel inadequate or inferior to him/her.
- Extreme jealousy or insecurity.
- Isolates me from my friends and family.
- Explosive temper.
- Mood swings.
- Assumes financial control over my access to financial resources.
- Tells me what to do.
- Possessiveness.
- Physically hurts me in any way.

Sexual Violence - Risk Reduction Tips

“What can I do in order to help reduce my risk of being a victim of sexual violence?”

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- In an emergency, call 9-1-1

“What can I do in order to help reduce my risk of being an initiator of sexual violence?”

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON'T MAKE ASSUMPTIONS** about consent, about someone's sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves. **Incapacitation means a person is unable to give valid consent.**
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.

- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Rape and Sexual Assault

Crimes of a sexual nature may be reported to campus or local law enforcement in addition to being reported administratively on campus.

Both men and women can be victims of rape or sexual assault. For purposes of this notice, Rape and Sexual Assault are defined below:

- **Rape** is non-consensual intercourse that involves the threat of force, violence, immediate and unlawful bodily injury or threats of future retaliation and duress.
- **Sexual assault** is broader in definition than rape. Any non-consensual sexual act may be considered sexual assault. Examples of sexual assault include unwanted oral, anal or vaginal intercourse, penetration of the anus or vagina with a foreign object, or unwanted touching on an intimate area of a person's body. Sexual assault can include unwanted kissing or bodily contact that is sexual in nature.

In order for a sexual act to be considered rape or sexual assault, the act must be non-consensual. What is consent?

- **Consent** for sexual contact means that an individual is a willing participant in the sexual act. **Individuals are unable to give consent if incapacitated by the influence of drugs or alcohol or they suffer from a physical or mental disorder that makes them incapable of giving consent. Likewise, a minor is unable to give legal consent for sexual intercourse.**

Stalking

Stalking is a pattern of behavior that makes you feel afraid, nervous, harassed or in danger. It is when someone repeatedly contacts you, follows you, sends you things, talks to you when you don't want them to or threatens you. Stalking behaviors can include:

- Damaging your property.
- Knowing your schedule.
- Showing up at places you go.
- Sending mail, e-mail, texts and pictures.
- Creating a website about you.
- Sending gifts.
- Stealing things that belong to you.
- Calling you repeatedly.
- Any other actions that the stalker takes to contact, harass, track or frighten you.

You can be stalked by someone you know casually, a current boyfriend or girlfriend, someone you dated in the past or a stranger. Getting notes and gifts at your home, on your car or other places might seem sweet and harmless to other people. But if you don't want the gifts, phone calls, messages, letters or e-mails, it doesn't feel sweet or harmless. It can be scary and frustrating.

Sometimes people stalk their boyfriends or girlfriends while they're dating. They check up on them, text or call them all the time, expect instant responses, follow them, use GPS to secretly monitor them and generally keep track of them, even when they haven't made plans to be together. These stalking behaviors can be part of an abusive relationship. If this is happening to you or someone you know, you should talk to a trusted person.

Stalking is a crime and can be dangerous. California Penal Code section 646.9, in part, states, "Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking....."

How You Can Help Yourself

Think about ways you can be safer. This means thinking about what to do, where to go for help and who to call ahead of time:

- Where can you go for help?
- Who can you call?
- Who will help you?
- How will you escape a violent situation?

Other Things You Can Do

- Let friends or family members know when you are afraid or need help.
- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Avoid isolated areas.
- Avoid putting headphones in both ears so you can be more aware of your surroundings.



- Trust your instincts. If a situation or location feels unsafe or uncomfortable, remove yourself.
- Vary your routine, your driving routes and where you park your car.
- When you go out, tell someone where you are going and when you'll be back.
- **In an emergency, call 911** or your local police department.
- Memorize the phone numbers of people to contact or places to go in an emergency.
- Don't load yourself down with packages or bags restricting your movement.
- Keep your cell phone handy; check to see that you have reception and that your cell phone is charged.
- Have money for a cab or other transportation.
- Save notes, letters or other items that the stalker sends to you. Keep a record of all contact that the stalker has with you; these items will be very useful in an investigation.

How You Can Help Someone Else

If you know someone who is being stalked, you can:

- Encourage your friend to seek help.
- Be a good listener.
- Offer your support.
- Ask how you can help.
- Educate yourself about stalking.
- Avoid any confrontations with the stalker; this could be dangerous for you and your friend.

Important Definitions

- **Sexual Harassment**, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual violence, sexual advances, requests for sexual favors, and indecent exposure, where:
 - Submission to, or rejection of, the conduct is explicitly or implicitly used as a basis for any decision affecting a student's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
 - Such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the student, and is in fact considered by the student, as limiting the student's ability to participate in or benefit from the services, activities, or opportunities offered by the University; or
 - Submission to, or rejection of, the conduct by a University employee is explicitly or implicitly used as a basis for any decision affecting a term of condition of employment, or an employment decision or action; or
 - Such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the University employee or third party, and is in fact considered by the University employee or third party, as intimidating, hostile or offensive.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex stereo-typing, even if those acts do not involve conduct of a sexual nature.

- **Sexual Violence** is a form of Sexual Harassment and means physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, domestic violence, dating violence, and stalking (when based on gender or sex), perpetrated against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, status as a minor, or disability. Sexual Violence may include physical force, violence, threat, or intimidation, ignoring the objection of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication). Men as well as women can be victims of these forms of Sexual Violence. Unlawful sexual intercourse with a minor (statutory rape) occurs even if the the intercourse is consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

- **Sexual Assault** is an attempt, coupled with the ability, to commit a violent injury on a person because of that person's gender or sex.
- **Sexual Battery** is any willful and unlawful use of force or violence on a person because of that person's gender or sex.
- **Rape** is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress.
- **Acquaintance Rape** is a rape committed by an individual known to the victim. This includes a person the victim may have just met, i.e. at a party, introduced through a friend, or on a social networking website. (See definition of Rape.)
- **Consent** means an informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity.
 - Consent must be voluntary, and given without coercion, force, threats, or intimidation. Consent requires positive cooperation in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will.
 - Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity. There must always be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The victim's request for the perpetrator to use a condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
 - Consent cannot be given by a person who is incapacitated. For example, a person cannot give consent if s/he is unconscious or coming in and out of consciousness. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational judgments. Examples of incapacitation include unconsciousness, sleep and blackouts. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. A person with a medical or mental disability may also lack the capacity to give consent.
 - Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused's

position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.

- o Sexual intercourse with a minor is never consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.
- **Domestic Violence** is a form of Sexual Violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law.
- **Dating Violence** is a form of Sexual Violence, and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.
- **Stalking** means a repeated course of conduct directed at a specific person (when based on gender or sex) that places that person in reasonable fear for his/her or others' safety, or to suffer substantial emotional distress.

