



# RIGHTS AND OPTIONS FOR SURVIVORS

OF SEXUAL MISCONDUCT, DATING AND  
DOMESTIC VIOLENCE, AND STALKING

# NOTICE OF NON-DISCRIMINATION ON THE BASIS OF GENDER OR SEX

California State Polytechnic University Pomona does not discriminate on the basis of gender, which includes sex, gender identity, and gender expression, or on the basis of 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 gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender and sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking. The following individuals have been designated to handle inquiries regarding non-discrimination policies:

## Campus Title IX Coordinator and Deputy Coordinator:

### CPP Title IX Coordinator

Dawnita H Franklin  
AVP, Office of Institutional Equity & Compliance  
SSB 121 West, Second Floor  
Email: [dhfranklin@cpp.edu](mailto:dhfranklin@cpp.edu)  
Phone: 909-869-4646

### CPP Sr. Deputy Title IX Coordinator

Barbara A Reguengo  
AD, Office of Institutional Equity & Compliance  
SSB 121 West, Second Floor  
Email: [bareguengo@cpp.edu](mailto:bareguengo@cpp.edu)  
Phone: 909-869-4646

## Questions May Also Be Address to:

### Office of Civil Rights – U.S. Department of Education

50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)  
Phone: 415-486-5555 | TDD: 800-877-8339

# RIGHTS AND OPTIONS FOR SURVIVORS OF SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING<sup>1</sup>

The University is committed to creating and sustaining an educational and work environment free of sexual misconduct, dating and domestic violence, and stalking. If you experience any of these forms of misconduct, you are strongly encouraged to utilize the various on- and off-campus resources described below. Your safety and well-being are the University's priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.<sup>2</sup>

## What Should I Do?

***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 misconduct (e.g., rape, acquaintance rape, or sexual battery), dating or 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 the confidential Campus Survivor 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

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<sup>1</sup> As required by the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)) (VAWA), pursuant to its Campus Sexual Violence Elimination Act provision (Campus SaVE Act) and related laws and regulations.

<sup>2</sup> Terms contained within this Notice are intended to be gender neutral.

and remedies, and/or access to the Campus Survivor Advocate. The Campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The Campus Survivor Advocate listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

You have the right to decide whom and when to tell about what happened. 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.

## **Whom Should I Contact?**

The University has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating and domestic violence, and stalking. Your Campus Title IX Coordinator is 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.

## **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 Campus Survivor Advocate (see contact information below) for assistance as well.

# RESOURCES

*If you have been sexually assaulted, you are not alone, you are not to blame, and there are many resources to help you.*

## REPORTING & ADVICE

### ON CAMPUS

#### **Title IX Coordinator**

Dawnita H Franklin  
SSB 121 West, 2<sup>nd</sup> Floor  
[dhfranklin@cpp.edu](mailto:dhfranklin@cpp.edu)

Main Line: (909) 869-4646

#### **Sr. Deputy Title IX Coordinator**

Barbara B Reguengo  
SSB 121 West, 2<sup>nd</sup> Floor  
[bareguengo@cpp.edu](mailto:bareguengo@cpp.edu)

Main Line: (909) 869-4646

#### **Survivor Advocacy Services**

Building 66, Suite 119  
[survivoradvocacy@cpp.edu](mailto:survivoradvocacy@cpp.edu)  
Consultation Line: (909) 869-3102

#### **CPP University Police Department**

Bldg. 109, Adjacent to Parking Structure, on the corner of Cypress Ln and Magnolia Ln  
[police@cpp.edu](mailto:police@cpp.edu)

Main Line: (909) 869-3070

Anonymous Tip: (909) 869-3399

#### **Bronco Wellness Center & Health Education**

Building 46, West Entrance  
[wellnessctr@cpp.edu](mailto:wellnessctr@cpp.edu)

Main Line: (909) 869-5272

#### **Counseling & Psychological Services**

Building 66, Suite 116  
[caps@cpp.edu](mailto:caps@cpp.edu)

Main line: (909) 869-3220

Crisis counseling (24/7): (909) 869-3220, then press "2"

### OFF CAMPUS

#### **Local Police**

##### **City of Pomona Police Department**

490 W. Mission Blvd.  
Pomona, CA 91766  
Main Line: (909) 620-2155

##### **Neighborhood Legal Services of LA**

Main Line: (800) 433-6251  
[www.nlsla.org](http://www.nlsla.org)

#### **Office of Civil Rights (OCR)**

U.S. Department of Education  
[ocr@ced.gov](mailto:ocr@ced.gov)

Main Line: (800) 421-3481

OCR Complaint Form:

[www2.ed.gov/about/offices/list/ocr/complai-ntintro.html](http://www2.ed.gov/about/offices/list/ocr/complai-ntintro.html)

## HEALTH SERVICES & SUPPORT SERVICES

### ON CAMPUS

#### **Student Health (Medical) Services**

Building 46, Main Entrance

[health@cpp.edu](mailto:health@cpp.edu)

Main Line: (909) 869-4000

After Hours: (855) 272-1723

#### **Bronco Wellness Center & Health Education**

Building 46, West Entrance

[wellnessctr@cpp.edu](mailto:wellnessctr@cpp.edu)

Main Line: (909) 869-5272

#### **Counseling & Psychological Services**

Building 66, Suite 116

[caps@cpp.edu](mailto:caps@cpp.edu)

Main line: (909) 869-3220

Crisis counseling (24/7): (909) 869-3220, then press "2"

#### **Pomona Valley Hospital Medical Center**

1798 N. Garey Ave., Pomona, CA 91767

Main Line: (909) 865-9500

#### **House of Ruth**

599 N Main St., Pomona, CA 91768

Main Line: (909) 623-4364

Hot Line (24/7): (877) 988-5559

#### **Veronica's Home of Mercy**

San Bernardino, CA 92411

Main Line: (909) 888-9064

#### **Cal Poly Pomona Women's Resource Center**

Building 95

Main Line: (909) 869-3112

#### **Survivor Advocacy Services**

Building 66, Suite 119

Main Line: (909) 869-2196

#### **Disability Resource Center**

Building 9, Suite 103

Main Line: (909) 869-3333

#### **Veteran's Resource Center**

SSB 121 West, 1<sup>st</sup> Floor, Suite 1940

Main line: (909) 869-6994

#### **Financial Aid**

SSB 121 East, 1<sup>st</sup> Floor

Main Line: (909) 869-3700

#### **Haven House**

Pasadena, CA 91115

Main Line: (626) 564-8880

Crisis Line (24/7): (323) 681-2626

#### **Neighborhood Legal Services of LA**

Main Line: (800) 4323-6251

[www.nls-la.org](http://www.nls-la.org)

### OFF CAMPUS

## ADVOCACY ORGANIZATIONS & HOTLINES

### **Project Sister Family Services - Sexual Assault & Rape Crisis Hotline**

Main Line: (909) 623-1619

Hotline (24/7): (909) 626-4357

*Provides immediate, confidential assistance via trained Volunteer Advocates.*

[www.projectsister.org](http://www.projectsister.org)

### **California Coalition Against Sexual Assault**

Main Line: (916) 446-2520

*Provides resources to individuals and other entities committed to ending sexual violence.*

[www.calcasa.org](http://www.calcasa.org)

### **Rape, Abuse & Incest National Network (RAINN)**

Main Line (24/7): (800) 656-4673

Online Chat (24/7): [online.rainn.org](http://online.rainn.org)

*Provides support, advice, and referrals via trained support specialists.*

[www.rainn.org](http://www.rainn.org)

### **National Center for Victims of Crimes**

Main Line: (800) 394-2255

*Advocacy organization for crime victims and those who serve them.*

[www.victimsofcrime.org](http://www.victimsofcrime.org)

### **Center for Changing Our Campus Culture**

*Supported by the Department of Justice's Office on Violence Against Women.*

<http://changingourcampus.org/>

### **Peace Over Violence**

24 Hour Crisis Lines:

SGV: (626) 793-3385

South LA: (310) 392-8381

Central LA: (213) 626-3393

*Social service agency that provides crisis intervention services to counsel, support, guide, and work to heal survivors of violence.*

<http://www.peaceoverviolence.org/>

### **National Organization for Victim Assistance (NOVA)**

Main Line: (800) 879-6682

*One of the oldest national victim assistance organizations.*

[www.trynova.org/](http://www.trynova.org/)

### **National Domestic Violence Hotline**

Hotline (24/7): (800) 799-7233

*Support, crisis intervention information, and referral services in over 200 languages.*

[www.thehotline.org](http://www.thehotline.org)

### **East LA Women's Center Rape Hotline**

Crisis Line (24/7): (800) 585-6231

*Confidential, bilingual, culturally competent services tailored to meet the unique needs of Latino families.*

[www.elawc.org](http://www.elawc.org)

# WHAT REPORTING OPTIONS DO I HAVE?

*The University's primary concern is your safety and the safety of the Campus community.* The use of alcohol or drugs never makes the victim at fault for sexual misconduct. If you have experienced sexual misconduct, dating or domestic violence, or stalking, you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol or other University policies. Except in egregious circumstances, University students or employees who are victims of sexual misconduct will not be subject to discipline.

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

The Campus Title IX Coordinator or Campus Survivor Advocate can assist you in notifying the police if you choose.

## **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 an 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.



The Campus 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(s); requiring the Respondent<sup>3</sup> to move from University-owned or affiliated housing; immediately prohibiting the Respondent from coming to the University; or prohibiting the Respondent from contacting the parties involved in the reported incident. These options may be available to you whether or not you choose to report the incident to University Police or local 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<sup>4</sup> was violated, the Respondent 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 meeting or proceeding related to an investigation by an advisor of your choice, including a Survivor Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so.

## **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.

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<sup>3</sup> Respondent means the CSU, a CSU Employee, another Student, or a Third Party who is alleged to have violated this Executive Order. See CSU Executive Order 1097.

<sup>4</sup> Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students).

## **Civil Lawsuit**

You may choose to file a civil lawsuit against the Respondent, 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 misconduct, dating or domestic violence, or stalking.

University Police and the Campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

## **Non-Reporting**

You are strongly encouraged to report any incidents 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.

# CONFIDENTIALITY – KNOW YOUR OPTIONS

The University encourages victims of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking to talk to someone about what happened - so they can get the support they need, and so the University 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 the University. The following information is intended to make persons aware of the various reporting and confidential disclosure options available so that everyone can make informed choices. The University strongly encourages victims to talk to someone identified in one or more of these groups.

Certain University Employees, described below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a "privileged communication."

University Police, the Title IX Coordinator, University-employed physicians, professional counselors, sexual assault and domestic violence counselors and advocates, and certain other University Employees are required to explain to persons reporting Sexual Misconduct, Dating or Domestic Violence, or Stalking their rights and options with respect to confidentiality.

## **Privileged and Confidential Communications**

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action if a victim chooses to: (1) speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate; and, (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a complaint with the University and a separate complaint with local or University Police.

If a victim insists on confidentiality, such professionals, counselors, and advocates may not be able to assist with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested as well as explain that University policy and the law include protections against retaliation. They should also explain that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if retaliation occurs.

### ***Physicians, Psychotherapists, Professional Counselors, Licensed Clinical Social Workers, and Clergy*<sup>5</sup> –**

Physicians, psychotherapists, professional licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off Campus, who provide medical or mental health treatment or counseling and are acting in that role as part of their employment (*and those who act under their supervision, including all individuals who work or volunteer in these centers and offices*) may not report any information about an incident of Sexual Misconduct, Dating or Domestic Violence or Stalking to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A person can seek assistance and support from physicians, psychotherapists, professional licensed counselors, licensed clinical social workers, and clergy without triggering a University investigation that could reveal the person's identity or the fact of the person's disclosure. *However, see limited exceptions below regarding when these practitioners must report to local law enforcement agencies. These practitioners should explain these limited exceptions, if applicable.*

**EXCEPTIONS:** Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a person who he or she knows or reasonably

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<sup>5</sup> Cal. Evid. Code § 990 et seq., § 1010 et seq., and § 1030 et seq

suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Rape, Sexual Assault, and Dating and Domestic Violence).<sup>6</sup> This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception, if applicable.

Additionally, under California law, *all* professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement.<sup>7</sup> These professionals will explain this limited exception, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;<sup>8</sup> or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking.<sup>9</sup> If applicable, these professionals will explain this limited exception.

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<sup>6</sup> Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including Sexual Battery, incest, Rape, spousal Rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.

<sup>7</sup> See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>8</sup> See Cal. Evid. Code § 1024.

<sup>9</sup> See Cal. Evid. Code § 1035.4.

The following is the contact information for professional counselors and physicians on campus and locally off campus:

**Student Health (Medical) Services**

Building 46, Main Entrance

[health@cpp.edu](mailto:health@cpp.edu)

Main Line: (909) 869-4000

After Hours: (855) 272-1723

**Pomona Valley Hospital Medical Center**

1798 N. Garey Ave.

Pomona, CA 91767

Main Line: (909) 865-9500

**University Counseling & Psychological Services**

Building 66, Suite 116

[caps@cpp.edu](mailto:caps@cpp.edu)

Main line: (909) 869-3220

Crisis counseling (24/7): (909) 869-3220,  
then press “2”

**Bronco Wellness Center & Health Education**

Building 46, West Entrance

[wellnessctr@cpp.edu](mailto:wellnessctr@cpp.edu)

Main Line: (909) 869-5272

**Sexual Assault and Domestic Violence Counselors and Advocates<sup>10</sup> –**

Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women’s centers, gender equity centers, and health centers and who are acting in that role (*including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision*) may talk to a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking without revealing any information about the victim and the incident to anyone else at the University, including the Title IX Coordinator and law enforcement (police), without the victim’s consent. A victim can seek assistance and support from these

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<sup>10</sup> Cal. Evid. Code § 1035 et seq. and § 1037 et seq

counselors and advocates without triggering a University investigation or a law enforcement (police) investigation that could reveal their identity or that a victim disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to victims, if applicable.*

**EXCEPTIONS:** Additionally, under California law, *all* professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement.<sup>11</sup> These professionals will explain this limited exception, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;<sup>12</sup> or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking.<sup>13</sup> If applicable, these professionals will explain this limited exception.

The following is the contact information for survivor advocates and domestic violence counselors and advocates both on campus and off campus:

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<sup>11</sup> See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>12</sup> See Cal. Evid. Code § 1024.

<sup>13</sup> See Cal. Evid. Code § 1035.4.

**Survivor Advocacy Services**

Building 66, Suite 119

[survivoradvocacy@cpp.edu](mailto:survivoradvocacy@cpp.edu)

Consultation Line:  
(909) 869-3102

**Rape, Abuse & Incest National Network (RAINN)**

Main Line (24/7):  
(800) 656-4673

Online Chat (24/7):  
[online.rainn.org](http://online.rainn.org)

**Peace Over Violence**

24-Hour Crisis Lines:

SGV: (626) 793-3385

South LA: (310) 392-8381

Central LA: (213) 626-3393

***Union Representatives –***

A CSU employee/union representative is not required to report a possible violation of Executive Orders 1095, 1096 or 1097 if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU employee/union representatives are strongly encouraged to report the information to the DHR Administrator or Title IX Coordinator.

**EXCEPTIONS:** Additionally, under California law, *all* professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement.<sup>14</sup> These professionals will explain this limited exception, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;<sup>15</sup> or (2) to the court if compelled by

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<sup>14</sup> See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>15</sup> See Cal. Evid. Code § 1024.



court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking.<sup>16</sup> If applicable, these professionals will explain this limited exception.

## **Reporting to University or Local Police**

If a victim makes a report of a sex offense as enumerated in California Government Code § 6254(f)(2) to local or University Police, the police are required to notify the victim that their name will become a matter of public record unless confidentiality is requested.<sup>17</sup> If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator the victim's name/identity, or compromise their own criminal/police investigation.

The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be disclosed. Likewise, the University is required by state law to report certain types of crimes to local law enforcement (including certain sex offenses). However, the victim's identity may not be disclosed to local law enforcement unless the victim consents after being informed of their right to have identifying information withheld. If a victim does not consent, the alleged assailant's identity may also not be disclosed to local law enforcement.<sup>18</sup>

The following is the contact information of the University and local police:

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<sup>16</sup> See Cal. Evid. Code § 1035.4.

<sup>17</sup> See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f)(2) ("The name of a victim of any crime defined by § 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.")

<sup>18</sup> See Cal. Educ. Code § 67380(a)(6)(A).

### **CPP University Police Department**

Bldg. 109, Adjacent to Parking  
Structure, on the corner of Cypress Ln  
and Magnolia Ln

[police@cpp.edu](mailto:police@cpp.edu)

Main Line: (909) 869-3070

Anonymous Tip: (909) 869-3399

### **Local Police**

City of Pomona Police  
Department

490 W. Mission Blvd.  
Pomona, CA 91766

Main Line: (909) 620-2155

## **Reporting to the Title IX Coordinator and Other University**

### **Employees**

Most University Employees have a duty to report Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking incidents when they are on notice of them. When a victim tells the Title IX Coordinator or another University Employee about a Sexual Misconduct, Dating or Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

***In all cases, the University strongly encourages victims/survivors to report Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking incidents directly to the Campus Title IX Coordinator.***

As detailed above in the Privileged and Confidential Communications section of this policy, all University Employees except physicians, licensed counselors, sexual assault counselors and advocates, and their staffs must report to the Title IX Coordinator all known details about any Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened - and will need to know the names of the person(s) involved, any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University Employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in the incident except as otherwise required by law or University policy. A Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the Campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals.

Except as detailed in the section on Privileged and Confidential Communications above, no University Employee, including the Title IX Coordinator, should disclose the victim's identity or the facts of the incident to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another University Employee that their identity remain completely confidential, the Title IX Coordinator or University Employee will explain that the University cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all Students, Employees and Third Parties, including the victim requesting confidentiality. Under those circumstances, only the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against a perpetrator may be severely limited.

The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response to the incident. The Title IX Coordinator will remain mindful of the victim's well-being, and will take ongoing steps, as warranted and appropriate, to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against persons reporting misconduct, whether by Students, Employees or Third Parties, will not be tolerated. The University and Title IX Coordinator will also:

- Provide Interim Remedies requested by the victim, if they are reasonably available, regardless of whether the victim chooses to report the incident to Campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off Campus;
- Provide security and support, which could include issuing a no-contact order, helping arrange a change of Campus-based living or working

arrangements or course schedules (including for the Respondent pending the outcome of the investigation), or adjustments for assignments, tests, or work duties; and

- Inform victims of their right to report a crime to University or local police - and provide assistance if desired.

The University will not require a victim who reports Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The University will not generally notify parents or legal guardians of a Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking report unless the victim is under 18 years old or the person provides the University with written permission to do so.<sup>19</sup>

Under California law, and pursuant to University policy, certain University Employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they may be required to report the Sexual Misconduct, Dating or Domestic Violence, or Stalking incident to the police.<sup>20</sup> However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.<sup>21</sup>

Because the University may be required to address the issue of Sex Discrimination, Sexual Harassment, Sexual Misconduct Dating or Domestic Violence, or Stalking Campus-wide, reports (including non-identifying reports) may also require the University to consider broader remedial action - such as increased monitoring, supervision or security at locations where the reported incident occurred; increased

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<sup>19</sup> If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

<sup>20</sup> See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>21</sup> See Cal. Penal Code § 11167(d).

education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

The Office of the Ombuds provides confidential, neutral, and informal dispute resolution services, provides information about University policies and procedures, and makes referrals. However, in Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking cases, the Ombuds must report incidents to the Title IX Coordinator.

**NOTE:** If the University determines that the Respondent poses a serious and immediate threat to the Campus community, a designated Campus Security Authority under the Clery Act may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

The following is the contact information of the Title IX and Deputy Title IX Coordinators:

**Title IX Coordinator**

Dawnita H Franklin

SSB 121 West, 2<sup>nd</sup> Floor

[dhfranklin@cpp.edu](mailto:dhfranklin@cpp.edu)

Main Line: (909) 869-4646

**Sr. Deputy Title IX Coordinator**

Barbara A Reguengo

SSB 121 West, 2<sup>nd</sup> Floor

[bareguengo@cpp.edu](mailto:bareguengo@cpp.edu)

Main Line: (909) 869-4646

# AS A REPORTER, AM I PROTECTED FROM RETALIATION?

Yes, University policies prohibit retaliation against a person who:

- Reports sexual misconduct, dating or domestic violence, or stalking; Assists someone with such a report; or
- Participates in any manner in any related investigation or resolution.

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. Retaliation, if proven, is a violation of University policies and may result in discipline, up to and including termination of employment or expulsion from the University.

## WHAT ELSE MIGHT HAPPEN IF I NOTIFY POLICE?

Should you choose to notify University Police, you will be escorted to a safe place if necessary and may be transported to a hospital or sexual response assault center for a medical exam. University Police can also provide access to a confidential Sexual Assault Victim's Advocate, if desired.

First and foremost, the medical exam you receive from a hospital or sexual assault response center treats any physical injury or effect. The exam may include a vaginal and/or anal examination, testing, and prophylactic treatment for sexually transmitted infections and possible pregnancy.

Second, the medical exam properly collects and preserves evidence. Seeking a medical exam for treatment and evidence collection does not commit you to any particular course of action, and your medical records are confidential.

# WHAT CSU PROCEDURES ARE AVAILABLE?

The University has formal written procedures that provide for a Campus investigation of reports of sexual misconduct, dating and domestic violence, and stalking, written findings sent to the Complainant and the Respondent, and a review of the campus investigative findings by the CSU Chancellor's Office. The procedure for CSU employees and third parties is separate from, but similar to the procedure for CSU students.<sup>22</sup> Your campus Title IX Coordinator can explain these procedures in detail.

At the conclusion of the University's complaint procedure, any employee or student found to have violated University policy will be subject to discipline. Discipline would be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans (for employees), University policies and legal requirements.

Disciplinary procedures for sexual misconduct, dating and domestic violence, and stalking will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on sexual misconduct, dating and domestic violence, and stalking, including how to conduct a process that protects the safety of victims and promotes accountability;
- Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;

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<sup>22</sup> Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Procedure for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students); Executive Order 1095 (Systemwide Sex Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy; Addendum to CSU Executive Orders 1096, 1097 & 1098 (Investigation and Hearing Process - For Students Accused of Sexual Misconduct))



- Simultaneously inform the Complainant and Respondent in writing of:
  - The outcome of the disciplinary proceeding;
  - The procedures available to appeal the results of the disciplinary proceeding;
  - Any change to the disciplinary results that occurs prior to the time such results become final; and When disciplinary results become final.

# WHAT ARE SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, STALKING, AND AFFIRMATIVE CONSENT?

## Sexual Misconduct

All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct.

Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections 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) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

## Sexual Assault

Sexual Assault is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.<sup>23</sup>

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<sup>23</sup> See Cal. Penal Code § 240.

## **Sexual Battery**

Sexual Battery is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's Gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse.<sup>24</sup>

## **Rape**

Rape is a form of Sexual Misconduct and 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. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because they are incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant (see complete definition of Affirmative Consent below).<sup>25</sup>

## **Acquaintance Rape**

Acquaintance Rape is a form of Sexual Misconduct 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 above for definition of Rape).

## **Sexual Harassment**

Sexual Harassment is a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

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<sup>24</sup> See Cal. Penal Code § 242.

<sup>25</sup> See Cal. Penal Code §§ 261-263

- Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
- The 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 Complainant, and is in fact considered by the Complainant, as limiting their ability to participate in or benefit from the services, activities or opportunities offered by the University; or
- The 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 Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

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

This policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to this policy.

## Domestic Violence

Domestic Violence is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law.

Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship.

Factors that may determine whether persons are cohabiting include, but are not limited to:

- sexual relations between the Parties while sharing the same living quarters;
- sharing of income or expenses;
- joint use or ownership of property;
- whether the Parties hold themselves out as spouses;
- the continuity of the relationship; and
- the length of the relationship

For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. <sup>26</sup> Abuse does not include non-physical, emotional distress or injury.

## Dating Violence

Dating Violence 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. <sup>27</sup> This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, “abuse” means intentionally or

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<sup>26</sup> See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.

<sup>27</sup> See Cal. Penal Code § 13700(b).

recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non- physical, emotional distress or injury.

## Stalking

Stalking refers to engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for their or others' safety or to suffer Substantial Emotional Distress.<sup>28</sup> For purposes of this definition:

- **Course of Conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
- **Substantial Emotional Distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## Affirmative Consent

Affirmative Consent means an informed, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean affirmative consent. Affirmative consent must be voluntary, and given without coercion, force, threats, or intimidation.

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<sup>28</sup> See Cal. Penal Code § 646.9.

***“Lack of protest or resistance does not mean consent nor does silence mean consent.”***

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent.
- A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
- Affirmative 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 given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must *STOP immediately*.
- Affirmative Consent cannot be given by a person who is *incapacitated*. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions. A person is unable to consent when they are asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that they could not understand the fact, nature or extent of the sexual activity.
- 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 ability, awareness of consequences, and ability to make informed judgments. Intoxication or incapacitation from drugs or alcohol does not diminish a person’s responsibility to obtain affirmative consent before engaging in sexual activity.

- A person with a medical or mental Disability may also lack the capacity to give consent.
- Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.



# COMMON MYTHS AND FACTS ABOUT THE CAUSES OF SEXUAL VIOLENCE

## Myth

Victims provoke Sexual Assaults when they dress provocatively or act in a promiscuous manner.

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*“Forcing someone to engage in non-consensual activity is Sexual Assault, regardless of the way that person dresses or acts.”*

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## Myth

If a person goes to someone’s room or house or goes to a bar, they assume the risk of Sexual Assault. If something happens later, they can’t claim that they were raped or sexually assaulted because they should have known not to go to those places.

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*“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.”*

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## 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 activity is Sexual Assault, regardless of the way that person dresses or acts.

## 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. University policy defines Sexual Misconduct to include any sexual activity that is engaged in without Affirmative Consent. Affirmative Consent means informed, affirmative, voluntary, and mutual agreement to engage in sexual activity. Each person involved is responsible to ensure that they have the Affirmative Consent of the other participant(s). 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.

## Myth

It is not Sexual Misconduct if it happens after drinking or taking drugs.

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*“A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.”*

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## Myth

Most Sexual Assaults are committed by strangers. It’s not rape if the people involved know each other.

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*“90% of victims knew the person who sexually victimized them.”*

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## Myth

Rape can be avoided if women avoid dark alleys or other “dangerous” places where strangers might be hiding or lurking.

## Myth

A person who has really been sexually assaulted will be hysterical.

## 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 them; others choose to take advantage of the situation and sexually assault them because they are in a vulnerable position. A person who is incapacitated due to the influence of drugs or alcohol is not able to consent to sexual activity.

## 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 Misconduct can occur in both heterosexual and same-gender relationships.

## Fact

Rape and other Sexual Misconduct can occur at any time, in many places, to anyone.

## Fact

Victims of Sexual Assault 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

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*“There is no “right way” to react to being sexually assaulted.”*

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## **Myth**

All 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.

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*“Just because a person does not report the incident does not mean it did not happen.”*

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## **Myth**

Only young, pretty women are assaulted.

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*“The belief that only young pretty women are sexually assaulted stems from the myth that Sexual Misconduct is based on sex and physical attraction.”*

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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.

## **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 incident does not mean it did not happen.

## **Fact**

The belief that only young pretty women are sexually assaulted stems from the myth that Sexual Misconduct 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 profile.

## **Myth**

It's only Rape if the victim puts up a fight and resists.

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*“Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury.”*

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## **Myth**

Someone can only be sexually assaulted if a weapon was involved.

## **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.

## **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.

# SEXUAL MISCONDUCT – RISK REDUCTION TIPS

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 Misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

Being part of a college campus community can give you a sense of security—a feeling that everyone knows each other and watches out for one another. There are perpetrators who take advantage of this feeling of safety and security to commit acts of sexual violence.

We can all take steps to increase safety for all. As bystanders, students can learn ways of **stepping in** to prevent crimes like sexual assault from occurring. When it comes to personal safety, there are steps you can take as well, and some of those tips are outlined below. No tips can absolutely guarantee safety—sexual violence can happen to anyone, and it's not the only crime that can occur on or off campus. It's important to remember that if you are sexually assaulted it is not your fault—help and support are available.

## What can I do to help reduce my risk of being a victim of Sexual Misconduct?

- **Make others earn your trust.** A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- **Make a plan.** If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.

- **Protect your drink.** Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- **Know your limits.** Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- **It's okay to lie.** If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- **Be a good friend.** Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.
- **Know your resources.** Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.

## What can I do to help reduce my risk of being an initiator of Sexual Misconduct?

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 an initiator 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 you feel they did it to themselves. *Incapacitation means they are unable to consent.*
- **Realize your partner or potential partner could be intimidated by you**, or even 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 is not consent.** Read your partner or potential partner carefully, paying attention to verbal and non-verbal communication and body language. Just ask.

## What can I do to help stop Sexual Misconduct?

You may have heard the term “bystander intervention” to describe a situation where someone who isn’t directly involved steps in to change the outcome. Stepping in may give the person you’re concerned about a chance to get to a safe place or leave the situation. You don’t have to be a hero or even stand out from the crowd to make a big difference in someone’s life. Take steps to protect someone who may be at risk in a way that fits your comfort level.

Whether you’re taking home a friend who has had too much to drink, explaining that a rape joke isn’t funny, or getting law enforcement involved when someone is behaving aggressively, choosing to step in can affect the way those around you think about and respond to sexual violence.

It’s not always easy to step in, even if you know it’s the right thing to do. Some common reasons bystanders remain on the sidelines include:





It's okay to have these thoughts, but it's important to realize that your actions can have a big impact. In many situations, bystanders have the opportunity to prevent crimes like sexual assault from happening in the first place.

The key to keeping your friends safe is learning how to intervene in a way that fits the situation and your comfort level. Having this knowledge on hand can give you the confidence to step in when something isn't right. Stepping in can make all the difference, but it should never put your own safety at risk.

## **Create a distraction**

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, "Let's get pizza, I'm starving," or "This party is boring. Let's try somewhere else."
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.

## **Ask directly**

Talk directly to the person who might be in trouble.

- Ask questions like "Who did you come here with?" or "Would you like me to stay with you?"

## **Refer to an authority**

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA or security guard.

- Talk to a security guard, bartender, or another employee about your concerns. It's in their best interest to ensure that their patrons are safe, and they will usually be willing to step in.
- Don't hesitate to call 911 if you are concerned for someone else's safety.

## Enlist others

It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist the friend of the person you're concerned about. "Your friend looks like they've had a lot to drink. Can you check on them?"

# TYPES OF DATING/DOMESTIC VIOLENCE THAT CONSTITUTE SEXUAL MISCONDUCT

**Physical Abuse:** any use of physical force with the intent to cause injury (i.e. grabbing in a way to inflict pain, hitting, shoving, strangling, kicking)

**Sexual Abuse:** any action that impacts the partner's ability to control their sexual activity or the circumstance in which sexual activity occurs, including Rape, coercion or restricting access to birth control

There usually is a pattern or a repeated cycle of Dating Violence, starting with the first instance of abuse. The 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 their partner by shifting the blame onto someone or something else.

The following are warning signs of potential Dating/Domestic Violence:

- Any actions used for the intent of gaining power and control over a person. Checks my cell phone or email without my permission.
- Monitors where I am going, who I am 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 control over my access to financial resources.

- Tells me what to do.
- Possessiveness.
- Physically hurts me in any way.

# TYPES OF STALKING BEHAVIORS

Stalking is a pattern of unwanted 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 their safety, or the safety of their immediate family is guilty of the crime of stalking...”

# WHAT TO DO IF YOU ARE BEING STALKED

- In an emergency, call 911 or University Police or the local police.
- 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 may help you find a way to get out of a bad situation.
- Vary your routine, your driving routes and where you park your car.
- 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.
- Avoid isolated areas.
- When you go out, tell someone where you are going and when you'll be back. Memorize the phone numbers of people to contact or places to go in an emergency.
- Have money for a cab or other transportation.
- 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, but, then pay attention to your surroundings instead of the phone.
- 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.
- Preserve evidence.

## **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.





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