



Sexual Assault Guidelines

These Guidelines are a supplement to the Sonoma State University Non-Discrimination Policy and Discrimination Complaint Procedures. They apply only to those instances involving sexual assault and provide information both to the reporting party and to the alleged violator, as well as to those members of the campus community who may be contacted.

Introduction

Sonoma State University recognizes that sexual assault is a form of sexual harassment and sex discrimination. The University will not tolerate sexual assault in any form, including acquaintance rape. Where there is probable cause to believe that a student, faculty, or staff member has violated the University's regulations prohibiting sexual assault, and with the consent of the victim, the University will actively pursue disciplinary action through its own channels following an investigation under the University's Discrimination Complaint Procedures, as well as appropriate legal channels. Even if criminal justice authorities choose not to prosecute, the University can pursue disciplinary action.

If the incident involves someone under 18, the appropriate legal guidelines will be followed. Incidents involving non-members of the University community will be processed according to local and state laws.

Definition and Legal Background

- A. The California Penal Code Sections 261 and 243.4, and Assembly Concurrent Resolution No. 46 (Resolution Chapter 105, passed into law on September 14, 1987) define sexual assault in the following manner:
1. "Sexual assault" is any involuntary sexual act in which a person is threatened, coerced, or forced to comply against her/his will.
 2. "Rape" is forced sexual intercourse that is either perpetrated against the will of the victim or occurs when she/he is unable to give consent (for example, unconscious, asleep, or under the influence of alcohol or drugs) and may involve physical violence, coercion, or the threat of harm to the victim.
 3. "Acquaintance rape" involves rape by a non-stranger, which could include a friend, acquaintance, family member, neighbor, or co-worker.
 4. "Date rape" involves rape by someone the victim has been or is dating.
 5. "Acquaintance gang rape" is a rape by more than one person, at least one of whom is known to the victim.
 6. "Sexual battery" is any unwanted touching of intimate body parts.
- B. For the purposes of these guidelines the term "sexual assault" shall be used to include any involuntary sexual act defined above.
- C. The California Code of Regulations, Title 5, Section 41301(e), Code of Student Conduct, specifically prohibits "...physical abuse on or off campus of the person or property of any member of the campus community or members of his or her family or the threat of such physical abuse." This section of Title 5 applies only to students; other persons are covered, for the most part, in University-related settings only.
- D. As directed in Assembly Concurrent Resolution 46 (Resolution Chapter 105), the wording "stranger or acquaintance rape, or any attempted sexual act or forced sexual contact" has been added to California Administrative Code, Title 5, Section 41301(e). Any violation of this section of the Code of Student Conduct by a student or recognized student organization will be investigated for possible disciplinary and legal action regardless of whether the incident occurs on or off campus. Furthermore, any violation of faculty or other employee codes of conduct with regard to sexual assault will be investigated for possible disciplinary action.
- E. Sonoma State University encourages all members of the campus community who believe they are victims of sexual assault to immediately report the incident to the police agency of jurisdiction. Timely reporting to the police is an important factor in successful investigation and prosecution of sexual assault cases. Victims are not required to

pursue prosecution just because they report a crime to a police agency. The reporting of sexual assault to the police agency may prevent others from being victims.

- F. Sonoma State University also encourages all members of the campus community who believe they are victims of sexual assault by another member of the campus community or victims of an assault that occurred on campus or a campus-related activity to initiate an investigation utilizing the University's Discrimination Complaint Procedures, so that disciplinary action, as appropriate, can be taken against the alleged violator.

Support Options

Sonoma State University recognizes that sexual assault is a difficult subject to address with sensitivity and objectivity. The institution is concerned with the rights of all members of its community. All parties to a complaint are entitled to due process in the handling of the complaint. Individuals are encouraged to formally report any incidents of sexual assault to Police Services immediately, and to obtain the support and assistance of friends and staff in presenting their concerns.

A. Where to Get Help

1. Students who believe that they are victims of sexual assault may want to discuss the matter with at least one of the following University staff members:
 - a. the University Women's Resource Center Coordinator (who serves as the Sexual Violence Prevention Educator);
 - b. a counselor in Counseling and Psychological Services;
 - c. Student Health Center professional staff (a doctor or nurse);
 - d. the designated University Police Officer;
 - e. the Manager of Employee Relations and Diversity and/or;
 - f. other Representative of the Employee Relations and Compliance Services Office.
2. University faculty or staff who believe that they are victims of sexual assault may want to discuss the matter with at least one of the following University staff members:
 - a. the University Women's Resource Center Coordinator;
 - b. a counselor in Counseling and Psychological Services;
 - c. the designated University Police Officer; and/or
 - d. the Manager of Employee Relations and Diversity and/or
 - e. other Representative of the Employee Relations and Compliance Services Office.
3. The role of the staff member initially contacted for informal advice (as listed above) is:
 - a. Encourage victims to report the occurrence to Police Services for investigation and/or prosecution. Victims have the option of providing the name of the alleged assailant. However, once a name is given to a sworn police officer, that officer is obligated to take criminal action.
 - b. If victims choose not to report the occurrence to Police Services, refer victims who are students to the SSU Student Health Center and/or Sutter Medical Center of Santa Rosa for medical care and/or to preserve evidence.

B. How to File a Complaint

Incidents of sexual assault should be reported to the following individuals and offices:

1. Report to Police Services immediately. (When reporting to Police Services, a victim may request that Police Services notify the University of the complaint for purposes of initiating a discrimination complaint.) The discrimination investigation will be conducted independent of any criminal investigation; and/or
2. Use the "Sonoma State University Non-discrimination Policy and Discrimination Complaint Procedures" in order to initiate a sex discrimination complaint.
3. If the accused is not a member of the Sonoma State University community and the assault did not take place in a University-related setting, SSU has no authority to take disciplinary action. Police Services will assist the victim in contacting the appropriate police agency of jurisdiction.

Role of University Women's Resource Center Coordinator

- A. The role of the University Women's Resource Center Coordinator (who serves as the Sexual Violence Prevention Educator) is:
1. To ensure that appropriate medical referral has been provided.
 2. To ensure that appropriate University staff are notified promptly, including the Manager of Employee Relations and Diversity, the Director of the Student Health Center (if the victim is a student), the Director of Residential Life (if either the victim or the accused is living in the Residential Community), the designated University Police Officer, and the Director of Counseling and Psychological Services (if the victim is a student).
 3. To advise on the University's discrimination complaint procedures, disciplinary action against the accused, civil prosecutions, criminal prosecutions, alternative means for dispute resolution, alternative housing assignments, and academic assistance alternatives.
 4. To serve as a resource to the victim during any formal or informal discrimination complaint process or criminal investigation, if either process is initiated.
- B. In addition to duties involving a specific incident, the Coordinator:
1. Coordinates the process of reporting incidents of sexual assault.
 2. Coordinates resources and campus prevention and educational efforts.
 3. Maintains a comprehensive data collection system to provide campus and community members with information on the incidence of campus-related sexual assault. To the extent data are available, they shall include, but not be limited to: the number of reported assaults, whether the assailant was a stranger or an acquaintance, whether the rape was a gang rape, and whether the crime occurred on campus or at a campus-related event. Statistical reports shall be forwarded to the Vice President for Student Affairs and the Manager of Employee Relations and Diversity on an annual basis.
- C. The Coordinator will neither investigate nor adjudicate complaints of sexual assault.
- D. Discussions at the informal-advice level are confidential, with the exception of the mandated statistical summaries outlined above.

University Disciplinary Procedures and Disciplinary Sanctions

Please refer to the Sonoma State University Non-Discrimination Policy and Discrimination Complaint Procedures.

Confidentiality

- A. Alleged incidents of sexual assault generate a high degree of concern from the campus community, the local press, parents, and others. All University disciplinary procedures are confidential; every effort will be made by the University officials to maintain confidentiality in responding to inquiries regarding the investigation, the disciplinary process, and the final outcome of the proceedings.
- B. The victim will be made aware of the need to identify both the victim and the assailant in the discrimination complaint investigation, disciplinary hearing (if any), and criminal prosecution.
- C. Victims who are under age 18 will be made aware of mandatory reporting requirements (Section 11166 of the Penal Code).
- D. Accused students or employees will also be made aware that the victim will be informed of any disciplinary sanctions invoked as result of the disciplinary proceedings and apprised of the confidential nature of this information.
- E. The victim should also be assured of the confidentiality of campus medical communications and resultant records, which may be released only upon the patient's written consent or in response to a valid subpoena.