

SEXUAL ASSAULT POLICY

Cal State Fullerton does not tolerate sexual assault against females or males. The university attempts to protect members of the campus community, including visitors, from sexual assaults and offers any student, faculty or staff member who survives a sexual assault that occurs within the context of the university community support to enable them to continue to pursue their academic or career goals.

Sex crimes including but not limited to sexual assaults and rapes represent violations of criminal and civil law, and constitute serious breaches of student or employee conduct as well. All parties should explicitly agree to any sexual activity. Verbal communications of non-consent, non-verbal acts of resistance or rejection, or mental impairment of the victim due to any cause including the victim's use of alcohol or drugs may constitute lack of consent. The use of alcohol or drugs will not be accepted as an explanation for the actions of any individual charged with a violation of this Policy.

Any individual who has been sexually assaulted within the context of the university community is strongly encouraged to file a complaint with university officials, as well as with any civil authorities that individual deems appropriate.

Definitions

For the purposes of this Policy, "sexual assault" is defined as any sexual act perpetrated upon a person without their consent, where the assailant uses physical force, threat, coercion or intimidation to overpower or control the victim; where the victim fears that they or another person will be injured or otherwise harmed if they do not submit; where the victim is prevented from resisting due to the influence of alcohol or other drugs; or where consent is otherwise not freely given. A sexual act includes but is not limited to actual or attempted intercourse, sexual touching, fondling and groping.

Sexual assault is classified as "rape" when vaginal, anal or oral intercourse takes place without consent. This includes penetration by a foreign object.

Any individual who survives a sexual assault is appropriately referred to as a "survivor" and is so identified throughout this Policy.

A "professional counselor" is an individual whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of their license or certification.

Response to Reports of Sexual Assault

The university is committed to creating a campus environment that both promotes and assists in prompt reporting of sexual assault, and to providing compassionate support services for survivors.

Survivors of a campus-related sexual assault have certain rights that include the following:

1. The survivor has the right to have their claims treated seriously and to be treated with dignity. The survivor has the right to be informed of their options with regard to notifying law enforcement authorities and to be assisted in notifying such authorities if they so choose. Because the university recognizes that a sexual assault is more than an assault on an individual's body, but is also an attack on the individual's dignity and sense of self, the university is committed to insuring that the decision to take action against the accused rests solely with the survivor. There may be circumstances, however, when the university must take action to protect the survivor or the campus community. Federal law requires that the university provide the campus community with timely notice of certain reported crimes and/or acts the institution believes represent a threat to members of the campus community.
2. The survivor has, irrespective of the beliefs or desires of others, the right to report or not to report a sexual assault.
3. Student survivors may choose to change university housing and academic arrangements, if such changes are reasonably available, without financial or academic penalty. For assistance in exploring options for a change in academic situations, contact should be made with the Assistant Dean for Student Affairs in their College. For assistance in exploring options for a change in on-campus living environments, contact should be made with the Director of Housing and Residential Life.

A. *What to do After an Assault*

1. Individuals who have been raped or sexually assaulted should try to preserve all physical evidence. They should not wash, use the toilet or change clothing if doing so can be avoided. If oral contact took place, one should not smoke, eat, drink or brush one's teeth. If one changes clothes, all clothing worn at the time of the attack should be placed in a paper bag, not plastic. Medical attention should be sought as soon as possible to assess any physical injuries, prevent sexually transmitted diseases or pregnancy, and collect important evidence in the event legal action is taken.
2. The nature of sexual assault, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the Women's Center has been designed as the primary place where individuals may seek assistance.
3. Students who believe that they are victims of a sexual assault should contact at least one of the following university offices:
 - a. Women's Center
 - b. University Police Department
 - c. Counseling and Psychological Services
 - d. Student Health and Counseling Center
 - e. Dean of Students Office

4. University faculty, staff members or campus visitors who believe they are victims of a sexual assault should contact at least one of the following university offices or officials:
 - a. Women's Center
 - b. University Police Department
 - c. Human Resources Department
 - d. Supervisor or Department Head
 - e. Student Health and Counseling Center
5. Survivors may receive confidential assistance from any professional counselor located on or associated with the university, or staff within the Student Health and Counseling Center, with whom conversations are privileged.
6. Not all conversations with professional counselors located on or associated with the university, or staff within the Student Health and Counseling Center, are privileged. Prior to assisting a survivor, staff and professional counselors shall inform the survivor whether or not a conversation is privileged.

B. University Disciplinary Procedures

1. The university is committed to providing disciplinary processes that are sensitive, supportive, expedient and respectful of the individual rights of all involved. Both the survivor and the accused are entitled to have others present during the campus disciplinary proceeding, and both will be informed of the outcome of the proceedings.
2. The university will proceed with a disciplinary action when it appears that the university's prohibition against any form of sexual abuse may have been violated. Individuals charged with sexual assault may be disciplined by the university as well as prosecuted under California's criminal statutes. Whether or not a criminal prosecution occurs, the university retains the right to proceed with a disciplinary action at any time, and the university need not await the disposition of any such criminal prosecution. Disciplinary actions will be handled in accordance with established California State University policies or provisions of applicable collective bargaining agreements.
3. Students may choose to pursue the allegation through the university's disciplinary process. During an initial consultation with the survivor, the Associate Dean of Students, Judicial Affairs, will clarify the disciplinary process, explain the options available to the survivor and review the incident. Crisis counselors or other support persons are welcome and encouraged to accompany the survivor.
4. Any of the sanctions listed below may be applied by the university against students found responsible for sexual assault or complicity in sexual assault. The type and number of sanctions applied will depend on the severity of the offense. Possible sanctions include but are not limited to:

- a. Expulsion from the university.
 - b. Suspension from the university for a specified time.
 - c. Disciplinary Probation for a specified time.
 - d. Psychological counseling and/or assessment.
 - e. Performance of community service.
 - f. Revocation of residence hall contract.
 - g. Prohibition against contacting the survivor.
 - h. Withdrawal from participation in campus organizations or activities.
5. A student may be suspended immediately for an interim period pending an investigation and hearing whenever the university president determines that such action is required.
 6. Student organizations found to condone, promote, or be involved in activities that lead to sexual assault may have their university recognition withdrawn. Other possible sanctions include but are not limited to:
 - a. Informing the organization's national or regional office about the activity.
 - b. Disbanding of the local chapter by the national organization.
 - c. Prohibiting participation in campus activities, events, and programs.
 - d. Requiring some or all members to conduct relevant community service and/or participate in sexual assault awareness programs.
 - e. Loss of all university privileges (use of equipment, meeting rooms, advertising space, on-campus fundraising). The Dean of Students will make a recommendation concerning sanctions to the Vice President for Student Affairs. The Vice President will then inform the student organization, in writing, of the sanction(s) imposed. The Vice President may suspend any student organization's charter, pending a full review.
 7. Sanctions up to and including dismissal from employment may be imposed on employees, following the utilization of established CSU policies and provisions of applicable collective bargaining agreements.

C. Legal Options

1. Reporting a sexual assault or attempted sexual assault to the university's Police Department does not mean that the survivor must press charges. However, it does begin the legal process should the decision to prosecute be made at a later date. The sooner an assault is reported, the more likely valuable evidence can be collected.
2. Survivors can consult an attorney about initiating a suit in civil court for damages against the assailant. The purpose of a civil suit is to compensate the survivor for the wrong done to them. A civil action may be brought against the assailant regardless of whether criminal charges are pursued.

D. University Counseling and Educational Resources

1. Programs to promote the awareness of and prevention of rape, acquaintance rape and other sex offenses are conducted by the university's Police Department, Women's Center staff, Housing and Residential Life staff, and the Dean of Students Office for the Greek system and other student clubs and organizations.
2. Staff members of Counseling and Psychological Services, Student Health and Counseling Center, Woman's Center and Dean of Students Office are trained to assist and support victims of sexual offenses in notifying appropriate law enforcement authorities regarding such assaults, if requested by the survivor.
3. All university residence hall students receive information on safety and security. Included in that information is a list of campus and off campus community resources, including the Orange County Sexual Assault Hotline. The counselors of the Counseling and Psychological Services office and the medical, nursing and psychiatric staff of the Student Health and Counseling Center also have information regarding off-campus counseling resources for survivors of sexual offenses.

E. Statistical Reporting

1. The university's Police Department will collect and provide statistics on reported sexual assaults as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. All personally identifying information will be removed from statistical reports.
2. Professional counselors located on or associated with the university, and staff within the Student Health and Counseling Center, with whom conversations are privileged will inform survivors of the ability to report crimes on a confidential basis for statistical purposes. Any such reporting is voluntary. All other university personnel are required to notify the university's Police Department upon receipt of a report of sexual assault for Clery Act reporting purposes.

F. Survivor Confidentiality

1. University officials will make every effort to ensure the confidentiality of survivors, and all members of the university community are urged to treat knowledge of an individual's status as a survivor of sexual assault/abuse in a confidential manner.

Vice President for Student Affairs

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