

# LOS RIOS

COMMUNITY  
COLLEGE  
DISTRICT

## Sexual Assault: Sexual Violence, Relationship Violence & Stalking

### REPORTING AND RESOURCES GUIDE



September 2018

# Los Rios Community College District

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Sexual Assault: Sexual Violence, Relationship Violence & Stalking  
Reporting and Resources Guide

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# 1. INTRODUCTION

This resource guide encompasses a broad range of materials introducing and providing advice and support to students who may have been sexually assaulted. Sexual assault includes sexual violence, relationship violence and stalking. Relationship violence includes domestic violence and dating violence. All references in this document to sexual assault include sexual assault, sexual violence, relationship violence and stalking. These behaviors are all forms of sex-based discrimination and are prohibited by both law and District policy. The four colleges of the Los Rios Community College District are committed to creating and maintaining an educational and work environment free of sex-based discrimination and will not tolerate these behaviors.

To ensure a safe environment for all members of the Los Rios community, sexual harassment, sexual assault, sexual violence, relationship violence (including domestic violence and dating violence) or stalking should be reported to the Los Rios Police Department (LRPD) or other appropriate law enforcement.

These incidents should also be reported to your college's Title IX Officer under the District's Discrimination and Harassment Complaint Procedures policy and administrative regulation (P/R-2423). All faculty, staff and administrators are required to report incidents of sexual assault to the college's Title IX Officer. You can be assured that college personnel will:

- Respond promptly and effectively to reports of this nature; and
- Take appropriate action to prevent, correct and, when necessary, discipline behavior that violates the law and/or District policy.

You may request to speak with the WEAVE<sup>1</sup> Confidential Advocate to get help if you do not wish to report the matter to the college or the police. If you are 18 or older, you will be able to talk about the matter confidentially with the WEAVE Confidential Advocate and receive information, referrals to outside support services, and assistance from the Advocate. If you are younger than 18 years old or the conduct occurred while you were younger than 18 years old, the WEAVE Confidential Advocate is mandated to report the matter to Child Protective Services. Courts may require WEAVE Confidential Advocates to testify in specific circumstances. The WEAVE Confidential Advocate is not an employee of Los Rios.

This guide identifies resources, provides definitions and educational materials, describes the rights of persons subjected to any of these behaviors and the persons accused of these behaviors, and outlines the processes for reporting these behaviors and the available procedures, services and sanctions.

## GENERAL COUNSEL WEB PAGE ON TITLE IX: SEXUAL HARASSMENT, SEXUAL VIOLENCE AND DISCRIMINATION—

[www.losrios.edu/legal/gc-titleix.htm](http://www.losrios.edu/legal/gc-titleix.htm)

**IF YOU FEAR FOR YOUR SAFETY, CALL 911.**

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<sup>1</sup> WEAVE™ is the primary provider of crisis intervention services for all survivors (of any gender) of sexual assault and relationship violence in Sacramento County. WEAVE provides 24/7 response and assistance to survivors.

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## 2. KEY POINTS AT A GLANCE

### What I Can Do After A Sexual Assault, Relationship Violence or Stalking

- If you fear for your safety, call 911.
- Get to a safe place.
- Call a friend or family member to be with you.
- Breathe deeply and remind yourself that what has happened is wrong and in no way your fault.
- Get help:
  - » If you want to report the crime to the Police, call the LRPD at (916) 558-2221, 911 or your local police department.
  - » If you want to report the crime to the college, contact your college's Title IX Officer. Contacts: [losrios.edu/titleix](https://www.losrios.edu/titleix).
  - » If you want confidential help and do not want to report the crime, contact the WEAVE Confidential Advocate at [WEAVE@losrios.edu](mailto:WEAVE@losrios.edu) or (916) 568-3011.
- You can also contact WEAVE's 24/7 Support and Information Line at (916) 920-2952 to talk through your options and obtain support, accompaniment and resources.
- Write down as much as you can remember about the assault and your assailant.
- Receive medical attention or an evidentiary exam **as soon as possible**.

### How to Report Sexual Assault, Relationship Violence or Stalking

Each of the four Los Rios Colleges—American River, Cosumnes River, Folsom Lake and Sacramento City—has procedures in place to support those who report sexual assault (which includes sexual violence, relationship violence or stalking). The reporting party may make these reports to the LRPD and the college's Title IX Officers. All other college employees—including faculty, staff or administrators—who receive reports of sexual assault are required to notify the college's Title IX Officer of the report. The college procedures include informing a reporting party about his/her right to file criminal charges as well as written notification about resources such as counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus.

The reporting party may ask for confidential help from the WEAVE Confidential Advocate. The WEAVE Confidential Advocate will assist the reporting party with information, referrals to medical and counseling resources, and provide assistance as appropriate. The WEAVE Confidential Advocate is not an employee of Los Rios. Reports to the WEAVE Confidential Advocate are not official reports to the college. No further college or police action will occur unless the reporting party files a formal complaint.

If you are assaulted and you happen to be violating a college policy or a criminal statute (such as drinking alcohol on campus), **do not let it stop you from reporting the assault**. The college will not discipline a person who reports sexual assault, unless your violation was extreme.

**MORE INFORMATION REGARDING SEXUAL ASSAULT & TITLE IX ONLINE AT:**

[www.losrios.edu/legal/gc-titleix.htm](https://www.losrios.edu/legal/gc-titleix.htm)

## Confidentiality

Reporting parties and third parties may make confidential reports to the WEAVE Confidential Advocate.

The WEAVE Confidential Advocate will keep the report confidential unless they are required to disclose it by law. Disclosure is required if the reporting party is a minor or the conduct occurred while he or she was a minor or if a court requires the WEAVE Confidential Advocate to testify.

The WEAVE Confidential Advocate will report anonymous data about the report to the college in a way that keeps names and other personal information of the reporting party confidential.

When a report of sexual assault is made to the LRPD or Title IX Officer that implicates the college's obligations to provide a safe and sexual harassment-free environment for its students, faculty, staff and administrators, the college may not be able to honor a request for confidentiality. A confidentiality request will be weighed against the following factors: the seriousness of the alleged misconduct; whether the reporting party is younger than 18; whether there have been other complaints about the same responding party; and the responding party's rights to receive information about the allegations that is maintained by the college. The college shall conduct an investigation of a report of sexual assault to the LRPD or the Title IX Officer, even if there is a request to not do so, if: (1) the person alleged to have committed the crime is alleged to have committed one or more prior acts of sexual assault or used a weapon in those act(s); or (2) acts of sexual assault have occurred repeatedly in a particular location or against a particular group.

## Legal Rights

A person reporting sexual assault (reporting party) has rights, including the right to:

- Be informed of and to be present at court proceedings of the responding party.
- Be heard at sentencing of the responding party in the manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.
- Receive restitution.
- Receive information about the crime, how the criminal justice system works, the rights of victims and the availability of services for victims.
- Receive information about the conviction or final judgment.
- Have an advisor accompany them to medical, criminal, civil and college proceedings.

A person accused of sexual assault (responding party) has rights, including the right to:

- Be informed of the charges and to be present at court proceedings and college proceedings.
- Retain an attorney of their choice to represent them in criminal and civil proceedings.
- Have an attorney paid for in criminal proceedings if they cannot afford one.
- Remain silent and not testify.
- Have an advisor accompany them to college proceedings.

## College Response

Independent of the LRPD obligation to investigate crimes, the college has an obligation to ensure it fairly investigates official reports of sexual assault reported to college Title IX Officers. Other employees (including faculty, staff or administrators) who receive these reports must report them to the college's Title IX Officer. In response to these reports, the college will:

- Assist the reporting party in contacting LRPD or local police if the reporting party requests it.
- Discuss confidentiality with the reporting party.
- Assess the need to implement interim or long-term protective measures, such as changes in class schedule or a "No Contact" directive between the parties, if deemed appropriate.
- Fairly investigate what happened, halt any misconduct found and address the effects of that misconduct.

# YOUR CHOICES FOR HELP

## SEXUAL HARASSMENT

SEXUAL ASSAULT • SEXUAL VIOLENCE • RELATIONSHIP VIOLENCE • STALKING

American River, Cosumnes River, Folsom Lake and Sacramento City stand ready to support those who have experienced sexual harassment or sexual violence.

Do you want to report to your **COLLEGE** or **LRPD**?

**YES,**  
I want to make a report.

**NO,**  
I just want  
confidential help.



**Los Rios Police  
Department  
(LRPD)**  
• sexual assault •



**Title IX Officer**  
• sexual harassment •  
• sexual assault •



**WEAVE  
Confidential  
Advocate**  
• sexual harassment •  
• sexual assault •

**(916) 558-2221 or 911**

On-campus police who provide police services at all Los Rios locations.

**losrios.edu/titleix**

The employee charged with addressing claims of sexual harassment or sexual assault.

**(916) 568-3011 or  
WEAVE@losrios.edu**

WEAVE staff member designated to receive a confidential report of sexual harassment or sexual assault and to provide access to **confidential** assistance.

- Provide support services (advocacy, resources and information)
- Peer counseling
- If you ask, connect you to police or college

*\*A report to WEAVE is not a report to the college and the college will take no further action on those reports*

Provide safety

Discuss confidentiality

Provide info about on- and off-campus resources

- Report to Title IX Officer
- May report to local law enforcement, who may take over the investigation
- Refer matter to the County District Attorney's office for prosecution

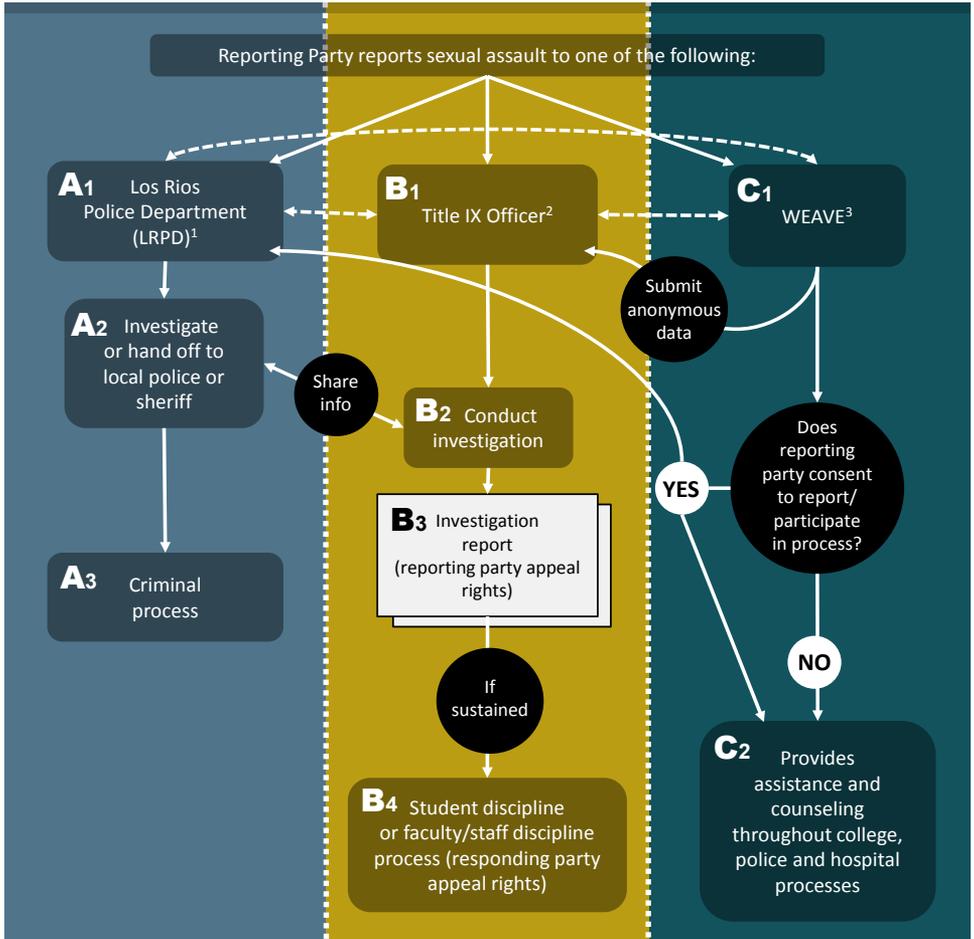
- If you ask, connect you to police
- Investigate
- Take action to end any harassment or violence
- Provide notice of outcome

# Sexual Assault: Employee Response Process Flowchart



## SEXUAL ASSAULT

### EMPLOYEE RESPONSE PROCESS



<sup>1</sup> Student/faculty discipline should be informed of report for interim remedies.

<sup>2</sup> If reported to any other employee of the District/College, they will refer the matter to the Title IX Officer.

<sup>3</sup> A report to WEAVE is not a report to the college and the college will take no further action on those reports.

# 3. WHO CAN I CALL?

## College and District

	Phone	Website or Email
Los Rios Police Department (LRPD)	(916) 558-2221 or 911 TTY-650-2972	<a href="http://www.police.losrios.edu">www.police.losrios.edu</a>
College Title IX Officers		<a href="http://losrios.edu/titleix">losrios.edu/titleix</a>
College Equity Officers		<a href="http://losrios.edu/titleix">losrios.edu/titleix</a>
WEAVE Confidential Advocate	(916) 568-3011	<a href="mailto:WEAVE@losrios.edu">WEAVE@losrios.edu</a>
ARC Counseling	(916) 484-8572	<a href="mailto:counseling@arc.losrios.edu">counseling@arc.losrios.edu</a>
CRC Counseling	(916) 691-7316	<a href="mailto:counseling@arc.losrios.edu">counseling@arc.losrios.edu</a>
FLC Counseling	(916) 608-6510	<a href="mailto:counseling@flc.losrios.edu">counseling@flc.losrios.edu</a>
SCC Counseling	(916) 558-2204	<a href="mailto:counseling@scc.losrios.edu">counseling@scc.losrios.edu</a>

## Off-Campus Law Enforcement

	Phone	Website
City of Davis Police	(530) 758-3600 or 911	<a href="http://cityofdavis.org/city-hall/police-department">cityofdavis.org/city-hall/police-department</a>
City of Folsom Police	(916) 355-7231 or 911	<a href="http://www.folsom.ca.us/government/police">www.folsom.ca.us/government/police</a>
City of Rancho Cordova Police	(916) 632-5111 or 911	<a href="http://www.ranchocordovapd.com">www.ranchocordovapd.com</a>
City of Sacramento Police	(916) 264-5471	<a href="http://www.sacpd.org">www.sacpd.org</a>
Sexual Assaults	(916) 808-0650	
City of West Sacramento	(916) 372-3375 or 911	<a href="http://cityofwestsacramento.org/government/departments/police">cityofwestsacramento.org/government/departments/police</a>
El Dorado County Sheriff	(530) 621-5655	<a href="http://www.edcgov.us/Sheriff">www.edcgov.us/Sheriff</a>
Placerville Police	(530) 642-5210 or 911	<a href="http://www.cityofplacerville.org/police">www.cityofplacerville.org/police</a>
Sacramento County Sheriff	(916) 874-5115 or 911	<a href="http://www.sacsheriff.com">www.sacsheriff.com</a>
Sexual Assault Bureau	(916) 874-5070	
UC Davis Police	(530) 752-1230 or 911	<a href="http://police.ucdavis.edu">police.ucdavis.edu</a>
Yolo County Sheriff	(530) 668-5280 or 911	<a href="http://www.yolocountysheriff.com">www.yolocountysheriff.com</a>
Sacramento County District Attorney	(916) 874-6218	<a href="http://www.da.saccounty.net">www.da.saccounty.net</a>
Victim/Witness Assistance	(916) 874-5701	
Sexual Assault and Child Abuse Prosecution Units	(916) 874-6159	
Domestic Violence	(916) 874-6171	
El Dorado County District Attorney	(530) 621-6472	<a href="http://www.edcgov.us/ELDODA">www.edcgov.us/ELDODA</a>
Victim/Witness Assistance	(530) 642-4760	
Yolo County District Attorney	(530) 666-8180	<a href="http://yoloda.org">yoloda.org</a>
Victim/Witness Assistance	(530) 666-8400	

## Other Resources

Not Anymore	An online educational and prevention program on sexual violence, relationship violence, domestic violence, dating violence, sexual assault or stalking. <a href="http://losrios.edu/campus-life/health-and-safety/sexual-violence-and-title-ix/sexual-violence-education-and-prevention/success.losrios.edu/resources.php">losrios.edu/campus-life/health-and-safety/sexual-violence-and-title-ix/sexual-violence-education-and-prevention/success.losrios.edu/resources.php</a>
Employee Assistance Program (EAP) (916) 568-3112	EAP offers assessment, short-term counseling and referrals to help resolve a range of personal, work and family problems. EAP services are available free of charge to college faculty and staff as well as their immediate family members. Contact Human Resources for further information.
General Counsel's Title IX Website	<a href="http://www.losrios.edu/legal/gc-titleix.htm">www.losrios.edu/legal/gc-titleix.htm</a>

## Counseling, Advocacy & Victim/Witness Assistance

	Phone	Website
<b>El Dorado County</b>		
The Center for Violence-Free Relationships (Business Line)	(530) 626-1450	<a href="http://thecenternow.org">thecenternow.org</a>
24/7 Crisis Lines	(530) 626-1131 or (916) 939-6616	
<b>Placer County</b>		
Standup Placer (Business Line)	(530) 885-0443	<a href="http://www.standupplacer.org">www.standupplacer.org</a>
Crisis Line	(800) 575-5352	
<b>Sacramento County</b>		
WEAVE		<a href="http://www.weaveinc.org">www.weaveinc.org</a>
Business Line	(916) 448-2321	
24/7 Crisis Line	(916) 920-2952	
Victim/Witness Assistance		<a href="http://victims.ca.gov">victims.ca.gov</a>
Counseling	(916) 448-2321	
Evidentiary Exams	(916) 874-5701	
Sutter Bear Clinic	(916) 262-9108	
<b>Yolo County</b>		
Empower Yolo Business Line	(530) 661-6336	<a href="http://empoweryolo.org">empoweryolo.org</a>
Davis & Woodland Crisis	(530) 662-1133	
West Sacramento Crisis	(530) 371-1907	

## Resources for Persons Accused of Sexual Assault

	Phone	Website
<b>Legal Services of Northern California</b>	(916) 551-2150	<a href="http://lsnc.net">lsnc.net</a>
<b>Foundation for Individual Rights in Education</b>	(215) 717-3473	<a href="http://www.thefire.org/">www.thefire.org/</a>
Guide on Due Process		<a href="http://www.thefire.org/fire-guides/">www.thefire.org/fire-guides/</a>
<b>Attorney Referral Service of Sacramento County Bar Association</b>	(916) 564-6707	<a href="http://www.sacbarlawyer.org">www.sacbarlawyer.org</a>

## 4. HOW TO REPORT SEXUAL ASSAULT, SEXUAL VIOLENCE, RELATIONSHIP VIOLENCE OR STALKING

Each college has procedures in place to support those who report sexual assault (which includes sexual violence, relationship violence or stalking), including informing individuals about their right to file criminal charges as well as written notification concerning the availability of resources such as counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus. These reports may be made to the LRPD or the college's Title IX Officer. All other college employees (faculty, staff or administrator) must report sexual assault to the college's Title IX Officer.

If the reporting party does not wish to report the crime, but just wants help, the reporting party may ask for confidential assistance from the WEAVE Confidential Advocate, who will provide them with information and assistance but will not take any official action on behalf of the LRPD or the college.

If you are assaulted and you happen to be violating a college policy or a criminal statute (such as drinking alcohol on campus), do not let it stop you from reporting the assault. Being assaulted is more serious than administrative and/or criminal infractions. The Los Rios Colleges will not discipline a person who reports sexual assault unless your violation was extreme.

### 4.1 REPORTING TO THE POLICE

Although each college strongly encourages all members of its community to report incidents of sexual assault (which includes sexual violence, relationship violence or stalking) to law enforcement, it is the reporting party's choice whether to make such a report. Reporting parties have the right to decline involvement with the police. The college will assist any reporting party with notifying police if they so desire. The LRPD may also be reached directly by dialing (916) 558-2221.

#### Police Department Response

Upon receiving reports of sexual assault, the LRPD will:

- Assess and provide for the immediate safety needs of the reporting party.
- Discuss confidentiality with the reporting party.
- Depending on the severity of the complaint, and in line with the requests for confidentiality, report the matter to local law enforcement, who may then take over the investigation.
- Depending on when and where reported, provide the reporting party with access to medical care.
- Provide the reporting party with referrals to on- and off-campus mental health providers.
- Provide information for the reporting party to apply for a protective order and work with the appropriate county district attorney's office to obtain a stay away order.
- Notify the college Student Discipline Officer as necessary.

#### Evidentiary Considerations

After an incident of sexual assault, the reporting party should consider seeking medical attention. As time passes, evidence may dissipate or become lost or unavailable, thereby making more difficult an investigation, possible prosecution, disciplinary proceedings or obtaining protection from abuse orders related to the incident. If a person chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with the LRPD or other law enforcement

to preserve evidence in the event that the reporting party changes his or her mind at a later date.

It is important that persons who have been subject to sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours. This allows evidence to be preserved so that it may aid the investigation, subsequent criminal proceedings or efforts to obtain a protective order. Evidence may be recovered from persons who have been subjected to sexual assault up to seven days after the incident. In circumstances of sexual assault, if the person against whom sexual assault has been committed does not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Persons who have been subject to sexual assault are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages and other communications, and keeping pictures, logs or other copies of documents that would be useful to law enforcement and/or college hearing boards/investigators.

## **Criminal Procedures**

At the conclusion of the LRPD's investigation (and the investigation of any other outside agency), the LRPD or other agency will write a report and submit it to the appropriate county district attorney's office. The district attorney will determine whether to file charges, whether to pursue them and on what grounds it might resolve the criminal action. The district attorney has the right to determine if the case should be dismissed and to negotiate a resolution that may include probation, a fine, or prison or jail time.

The person accused of the crimes is called the defendant and the district attorney will go through the criminal process in an attempt secure a conviction of the defendant. The first step is the filing of the complaint or information.

From there, the defendant has a right to a hearing to determine if there is probable cause that a crime has been committed. Typically, the arresting and investigating officers testify at that hearing based on the police reports and evidence they have gathered. If the court concludes that there is probable cause, then the matter is set for a trial. The defendant may request to be released from jail on bail while the case is pending. A judge will then grant or deny such requests.

The defendant has the right to a trial by jury, but can waive that right and have a judge determine whether he or she is guilty. The defendant has the right to ask to see what evidence the district attorney may present.

At the trial, which is public, the defendant has the right to be present, to call witnesses—including the reporting party—and to cross-examine witnesses, and to present evidence on his or her behalf. At the conclusion of the trial, the fact finder (either the judge or the jury) will determine whether the evidence shows beyond a reasonable doubt that the defendant committed the crimes charged and is guilty. If that is found, the court at a later hearing will then sentence the defendant.

## **Legal Rights of Persons Reporting Sexual Assault/Relationship Violence**

Regardless of whether a reporting party elects to pursue a criminal complaint or whether the offense is alleged to have occurred on- or off-campus, the college will assist persons who report sexual assault and will provide each reporting party with a written explanation of his or her rights and options. A person reporting sexual assault has the right to:

- Be informed of and to be present at court proceedings of the responding party.
- Be heard at sentencing of the responding party in the manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.

- Receive restitution.
- Receive information about the crime, how the criminal justice system works, the rights of victims and the availability of services for victims.
- Receive information about the conviction or final judgment.
- Receive notification of escape, release, proposed parole or pardon of the responding party, or notice of a reprieve or reduction of the responding party's sentence.
- Present his or her views and concerns to the governor or agency considering any action that could result in the release of the responding party, prior to such action becoming effective.
- Confer with the prosecution.
- Have an advisor of their choice accompany them to medical, criminal, civil and college proceedings.

## Legal Rights of Persons Accused of Sexual Assault/Relationship Violence

A person accused of sexual assault has rights, including the right to:

- Be informed of the charges and to be present at court proceedings and college proceedings.
- Retain an attorney of their choice to represent them in criminal and civil proceedings.
- Have an attorney paid for in criminal proceedings if they cannot afford one.
- Right to remain silent and not to testify.
- Subpoena witnesses in criminal and civil proceedings.
- Present testimony and cross-examine witnesses against them in criminal and civil proceedings.
- Have a jury trial in criminal and civil proceedings.
- Subpoena documents in criminal and civil proceedings.
- Have an advisor of their choice accompany them to college proceedings.

## Protective Orders

Further, the college complies with California law in recognizing protective orders. Any person who obtains an order of protection from California or any other state should provide a copy to the LRPD and the Title IX Officer. A reporting party may then meet with the LRPD and/or the Title IX Officer to develop a Safety Action Plan, which is a plan for the reporting party to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc.

# 4.2 REPORTING TO TITLE IX OFFICER

A person who has been subjected to sexual harassment or sexual assault (which includes sexual violence, relationship violence or stalking) may officially report that to the college's Title IX Officers. Official reports cannot be made to the WEAVE Confidential Advocate. All other Los Rios employees—including administrators, faculty, and staff—that learn of sexual assaults must report incidents of sexual assault to the college's Title IX Officer.

## College Response

Independent of the LRPD obligations to investigate crimes, the college has an obligation to ensure it fairly investigates claims of sexual harassment, sexual assault (including sexual violence), relationship violence (including domestic violence and dating violence), or stalking reported to college's Title IX Officers. The college will:

- Assist the reporting party in contacting the LRPD or local police if the reporting party requests it.

- Discuss the pros and cons of confidentiality with the reporting party.
- Assess the need to implement interim or long-term protective measures, such as changes in class schedule or “No Contact” directive between the parties, if deemed appropriate.
- Provide a “No Trespass” directive to the responding party, if deemed appropriate.
- Provide a copy of the Discrimination and Harassment Complaint Procedures administrative regulation to the reporting party and inform the reporting party regarding time frames for inquiry, investigation and resolution.
- Fairly investigate what happened, halt any sexual harassment or sexual assault confirmed and remedy the effects of that misconduct.

**IMPORTANT NOTE:** When a reporting party does not consent to the disclosure of his or her name or other identifiable information to the responding party, the college’s ability to respond to the complaint may be limited.

## **Role of the Title IX Officer**

Each college has a Title IX Officer who is responsible for the coordination and administration of the District’s non-discrimination and harassment policies based on sex. In this role, the Title IX Officers are responsible for overseeing the college’s Title IX compliance efforts and its complaint resolution procedures. The Equity Officer’s job is to conduct investigations of all discrimination complaints, including complaints of sexual harassment and sexual assault.

## **Interim Remedial Measures During Investigations**

During the course of any investigation, the college and LRPD may provide interim remedial measures if reasonably available. Interim remedial measures are steps to protect the reporting party while the investigation is ongoing. They may include an order to prevent contact between a reporting party and the responding party (such as academic and work accommodations). The college will attempt to make such accommodations if the reporting party requests them and if they are reasonably available and consistent with the reporting party’s choice to remain anonymous, regardless of whether the reporting party chooses to report the incident to the LRPD or local law enforcement.

Interim remedial measures may include arranging for course schedule changes, issuing no-contact order(s), notifying the reporting party of his or her right to avoid the responding party, assisting in obtaining counseling or law enforcement assistance, or obtaining a restraining order. The Title IX Officer shall provide written information to the reporting party about these options. For employees, interim measures can include a temporary reassignment or placing an employee on administrative leave in compliance with District policy and the relevant collective bargaining agreements.

Additionally, personal identifiable information about the reporting party will be treated as confidential and only shared with persons with a specific need to know who are investigating and/or adjudicating the complaint or delivering resources or support services to the reporting party. Further, the college will maintain as confidential any accommodations or protective measures provided to the reporting party, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

## **College Investigation and Discipline**

If the person alleged to have engaged in sexual harassment or sexual assault is a student or any other college-affiliated individual, the complaint will be adjudicated under the District’s Discrimination and Harassment Complaint Procedures policy and regulation. If the allegations are found true, the misconduct will be addressed through the college’s student or employee discipline policies.

Reports of sexual assault made to the LRPD will be referred to the Title IX Officer for investigation, regardless of whether the reporting party chooses to pursue criminal charges, consistent with the reporting party's requests for confidentiality as noted above.

The college investigatory and disciplinary process includes a prompt, fair and impartial investigation and resolution process transparent to the reporting and responding parties. Usually, the resolution of a complaint of sexual misconduct will be completed within 90 days of the report. However, the time frame may be extended for good cause with notice to the reporting and responding parties of the delay and the reason for the delay. Investigators (college Equity Officers) and hearing board members are trained annually on the issues related to sexual assault, and taught how to conduct investigations and hearings that protect the safety of the reporting party and are fair and impartial. District policy provides that:

- The fair and impartial investigation will be conducted by a trained employee of the college who shall consult with the reporting party, the responding party and relevant witnesses, review documents and provide a report of findings as to whether the conduct occurred.
- In any subsequent disciplinary proceedings, both the reporting party and the responding party students have the opportunity to attend a hearing before a properly trained hearing board of faculty and students that protects safety.
- In the disciplinary proceedings, the reporting party and the responding party will have timely notice for meetings at which the reporting party and the responding party, or both, may be present.
- In the disciplinary proceedings, the college will allow the reporting party, the responding party and appropriate officials timely access to any unprivileged information that will be used after the fact-finding investigation but during formal and informal disciplinary meetings and hearings.
- The college disciplinary proceedings will not be conducted by officials who have a conflict of interest or bias for or against the reporting party or responding party.
- The college provides the reporting party and the responding party the same opportunities to have others present during an institutional disciplinary proceeding. Both the reporting party and the responding party students have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. The advisor's role in any meeting or hearing is limited to quietly conferring with the reporting party or responding party through written correspondence or whisper, and the advisor may not address any other participant or the hearing panel.
- In the college's process, the reporting party and responding party will not be permitted to directly question each other and are not required to be present together at any point. Both have the right to identify witnesses and provide other information relevant to the investigation.
- The investigation and disciplinary hearing decision is based on the standard of a preponderance of the evidence. A preponderance of the evidence means the evidence, when weighed with the evidence opposed to it, has the more convincing force and the greater probability of truth.
- The reporting and responding parties will be notified simultaneously in writing of the result of any investigation and disciplinary proceeding, as well as any changes to those results or disciplinary proceedings prior to the time that such results become final.
- Both the reporting and responding parties have the right to appeal the results of the investigation and the disciplinary hearings. The reporting party has the right to appeal the investigatory findings as to whether the investigator determined the conduct occurred, and the responding party has the right to appeal the outcome of the disciplinary hearing.

## **Disclosure of Student Discipline**

The college will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against

the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the college will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## **Sanctions and Protective Measures**

In all cases, investigations that result in a finding of more likely than not that a violation of policy occurred will lead to the initiation of disciplinary procedures against the responding party. Student sanctions include, but are not limited to, expulsion, suspension, disciplinary probation, recommended counseling and/or other educational sanctions. Employee sanctions include, but are not limited to, termination, suspension, letters of reprimand, written warnings or oral warnings.

## **Civil Proceedings**

Sexual harassment and sexual assault are civil wrongs and the reporting party has the right to bring a civil suit against the responding party who committed those acts against him or her. In a civil action, a reporting party can obtain court orders requiring the responding party to stay away from them and, if successful, they can obtain a judgment that requires the responding party to pay them money.

In a civil action, the reporting party will either have to file and pursue the matter him or herself, or hire and pay an attorney to do so on his or her behalf. The college does not provide attorneys or legal assistance in civil proceedings. The reporting party may file a small claims action that is limited in the amount of damages that can be awarded, but it is a process designed for people to resolve their legal disputes in an economical and speedy manner.

If a regular civil action is commenced, it starts with the filing of a complaint against the responding party. In a civil action, the person filing the complaint is the plaintiff and the person against whom the complaint is filed is the defendant. After the complaint is filed, the plaintiff must provide the complaint to the defendant. The defendant may retain counsel for their defense in the civil action at their own expense. The defendant can challenge the complaint by filing a motion. If the case is not dismissed, it proceeds to the discovery phase.

In the discovery phase, both parties in the case have the right to ask the other person written questions under oath (called interrogatories), to answer oral questions under oath (called depositions), to admit or deny facts under oath (called requests for admissions) and to obtain documents. If a person does not answer the questions fully and fairly, the other party may ask the court to compel the answers.

Like criminal trials, both parties have the right to a public trial and to a jury to decide their case. At the trial, both parties have the right to call witnesses and cross-examine the other party's witnesses, to present evidence and to compel others to present evidence. At the conclusion of the case, the judge or the jury will determine whether it is more likely than not that the defendant committed the civil wrong and the amount of damages that may be awarded. A judgment may be entered on that determination and the plaintiff can use the courts to attempt to force the defendant to pay any moneys owed. It can take several years to resolve a civil action.

## **Referral to Support Services/Resources**

The college will provide information about resources available on-campus, off-campus, or both, to include medical and mental health support, to persons who have been subject to sexual assault and will apply appropriate disciplinary procedures to those found to have committed these offenses. The college will provide information about resources available on-campus, off-campus, or both

to persons who have been accused of sexual assault.

## 4.3 WEAVE CONFIDENTIAL ADVOCATE

The Los Rios Community College District has contracted with WEAVE to provide confidential advocacy services to reporting parties. WEAVE is the primary provider of crisis intervention services for survivors of sexual assault and relationship violence in Sacramento County. WEAVE provides 24/7 response and assistance to survivors. The WEAVE Confidential Advocate is not an employee of Los Rios.

### WEAVE Confidential Advocate Response

Reporting parties and third parties may make confidential reports to the WEAVE Confidential Advocate. The WEAVE Confidential Advocate will:

- Confidentially assist the reporting party or third party with information and referrals to medical and counseling services.
- Help the reporting party report the matter to the police or the college's Title IX Officer if requested to do so by the reporting party.
- Accompany those persons to any medical visits, as requested.
- Provide the reporting party with support and resources and, upon request, will accompany persons to all phases of the college investigation and discipline processes, including meetings with investigators and hearings.
- Accompany reporting parties who request the assistance to all phases of the criminal investigation and criminal proceedings, including investigation meetings and court hearings.
- Keep the report confidential unless they are required to disclose it by law. This can happen in two instances. If the reporting party is a minor or the conduct occurred while he or she was a minor, the WEAVE Confidential Advocate will be mandated to report the conduct to Child Protective Services. Further, a court has the power to compel the WEAVE Confidential Advocate to testify about the communication in specific instances.

The WEAVE Confidential Advocate is not an employee of Los Rios. Reports to the WEAVE Confidential Advocate are not official reports to the college. No further college or police action will occur unless the reporting party files a formal complaint with the LRPD or college's Title IX Officer. If asked to do so by the reporting party, the WEAVE Confidential Advocate will report the matter to the LRPD or the Title IX Officer.

The WEAVE Confidential Advocate will report anonymous data about the report to the college that keeps names and other personal information of the reporting party confidential. However, the college will be unable to assist a reporting party that insists on confidentiality, because the college will have no knowledge of what occurred, who committed the offense or against whom it was committed.

## 4.4 CONFIDENTIALITY

Reporting parties and third parties may make confidential reports to the WEAVE Confidential Advocate. The WEAVE Confidential Advocate will keep the report confidential unless they are required to disclose it by law. Disclosure can happen in two instances. If the reporting party is a minor or the conduct occurred while he or she was a minor, the WEAVE Confidential Advocate will be required

to report the conduct to the child protective services and/or the police. Further, a court has the power to compel the WEAVE Confidential Advocate to testify in specific instances.

The WEAVE Confidential Advocate is not an employee of Los Rios. Reports to the WEAVE Confidential Advocate are not official reports to the college. No further college or police action will occur unless the reporting party files a formal complaint. If asked to do so by the reporting party, the WEAVE Confidential Advocate will report the matter to the LRPD or the Title IX Officer.

The college will protect the identity of persons who make official reports to the LRPD or the Title IX Officer of having been subject to sexual assault (which includes sexual violence, relationship violence or stalking) to the fullest extent of the law, consistent with District policy. Where the official report of sexual assault implicates the college's obligations to provide a safe and sexual harassment-free environment for its students, faculty, staff and administration, the college may not be able to honor a request for confidentiality.

A confidentiality request in an official report of sexual assault will be weighed against the following factors: the seriousness of the alleged misconduct; whether the reporting party is younger than 18; whether there have been other complaints about the same responding party; and the responding party's rights to receive information about the allegations that is maintained by the college. The college shall conduct an investigation, even if there is a request to not do so, if: (1) the person alleged to have committed the crime is alleged to have committed one or more prior acts of sexual assault, or used a weapon in those act(s); or (2) other acts of sexual assault have occurred repeatedly in a particular location or against a particular group.

The college does not publish the names of crime victims nor house identifiable information regarding victims in the LRPD's Daily Crime Log or online. Victims may also request the removal of directory information on file from public sources, and may also request a block through their college's Admissions and Records Office under the federal Family Educational Rights and Privacy Act (FERPA).

## 4.5 WHAT TO DO IF YOU ARE ACCUSED OF SEXUAL ASSAULT OR SEXUAL VIOLENCE

If you are accused of sexual assault or sexual violence, you should know the college takes these matters very seriously and will act to be fair to both the person who reports the sexual assault against them (the reporting party) and the person who is claimed to have committed the sexual assault (the responding party). If the allegations are found true, the conduct can result in serious sanctions from the college (up to and including expulsion), serious sanctions from the criminal court (jails, fines, restitution), and serious sanctions from the civil courts (monetary damage awards against the responding party).

You have the right to a fair investigation into the matter pursuant to the District's policies and regulations. You have the right to receive notice and a hearing about the charges in the college investigation and disciplinary processes pursuant to the District's policies and regulations.

You may wish to contact an attorney or Legal Services of Northern California. You may wish to ask a friend, relative or fellow student to act as your advisor. You may wish to seek support through off-campus services in the community.

The reporting party may also report directly to law enforcement and may pursue both the campus process through the college's Title IX Officer and the criminal process simultaneously. The college

Title IX/Equity Officer will investigate the matter. The Title IX Officer has authority to address complaints of sexual harassment and sexual violence in a non-criminal context. This college process is completely separate from the police and courts. The Title IX Officers are responsible for overseeing the college's Title IX compliance efforts and its complaint resolution procedures. The Equity Officer's job is to conduct investigations of all discrimination complaints, including complaints of sexual harassment and sexual assault. In addition, students may file a Title IX complaint with the Office for Civil Rights of the U.S. Department of Education.

In most cases, the college will not wait until a criminal case is resolved before proceeding with the college process. In addition, if a college official has a reasonable belief that a crime has been committed, she or he may be obligated to report that to law enforcement if police have not already been notified. In cases where a police investigation has been conducted or is being conducted, law enforcement may be able to provide some information to the Title IX Officer with the reporting party's consent. The college's fact-finding investigation may be delayed for a short period of time upon a request from law enforcement, but will be resumed as soon as possible.

Most sexual violence or sexual harassment investigations conducted through the Title IX Officer take up to 90 days to be resolved, depending on the complexity of the case and the number of parties involved. The college will keep a reporting party advised as to the status of the case and will inform both parties of the outcome of the case in writing.

If you are accused, you should not contact the reporting party to discuss the matter. The college's Title IX Officer, Equity Officer or the college Discipline Officer can explain the process used for addressing complaints of sexual assault. They can provide you with copies of the relevant policies and regulations noted below.

The college prohibits retaliation in any way against an individual or group because the individual or group has reported an allegation of sexual assault or has participated in a grievance proceeding in response to such an allegation. The college recognizes retaliation can take many forms, may be committed by an individual or group against an individual or group, and that a responding party can also be the subject of retaliation. The college will take prompt and responsive action to any report of retaliation and may pursue disciplinary or other action as appropriate. Be mindful of your actions and behavior and avoid all direct and indirect contact with the reporting party until the matter is resolved.

You should review the District policies and regulations on: Sexual Assault, Domestic Violence, Dating Violence and Stalking; Discrimination and Harassment Complaint Procedures; Standards of Conduct; and Due Process.

- [losrios.edu/shared/doc/board/policies/P-2541.pdf](https://losrios.edu/shared/doc/board/policies/P-2541.pdf)
- [losrios.edu/shared/doc/board/policies/P-2423.pdf](https://losrios.edu/shared/doc/board/policies/P-2423.pdf)
- [losrios.edu/shared/doc/board/regulations/R-2423.pdf](https://losrios.edu/shared/doc/board/regulations/R-2423.pdf)
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# 5. SUPPLEMENTAL RESOURCES

## What to Do: Sexual Assault or Sexual Violence

### WHAT TO DO IF YOU ARE A SURVIVOR OF SEXUAL ASSAULT OR SEXUAL VIOLENCE:

- Get to a safe place.
- Call a friend or family member to be with you.
- Breathe deeply and remind yourself that you are of value, and that what has happened is wrong and in no way your fault.
- Get help:
  - » **If you want to report the crime to the Police**, call the LRPD at (916) 558-2221, 911 or your local police department.
  - » **If you want to report the crime to the college**, contact your college's Title IX Officer. Contacts: [losrios.edu/titleix](mailto:losrios.edu/titleix).
  - » **If you want confidential help and do not want to report the crime**, contact the WEAVE Confidential Advocate at [WEAVE@losrios.edu](mailto:WEAVE@losrios.edu) or (916) 568-3011.
- You can also contact WEAVE's 24/7 Support and Information Line at (916) 920-2952 to talk through your options and obtain support, accompaniment and resources.
- Write down as much as you can remember about the assault and your assailant.
- Receive medical attention or an evidentiary exam **as soon as possible**.

### YOUR PERSONAL RIGHTS:

- You have the right to be believed.
- You have the right to decide if you want a medical evidentiary exam.
- You have the right to determine whether to report the assault to law enforcement and to the college.
- You have the right to request that any inaccuracies in the crime report be corrected.
- You have the right to request that your name not be made a matter of public record on the crime report.
- You have the right to request that a friend or family member and/or a rape crisis counselor be present during the medical evidentiary exam.
- You have the right to have a friend or family member as well as a rape crisis counselor present during all law enforcement interviews, college proceedings and court proceedings.
- You have the right to sue the assailant in civil court.
- If the assailant is held to answer in court, you have the right in certain cases to have the assailant tested for the AIDS/HIV virus.

### WHAT TO DO IF YOU ARE ACCUSED OF SEXUAL ASSAULT OR SEXUAL VIOLENCE:

- You have the right to a fair investigation into the matter pursuant to the District's policies and administrative regulations.
- You have the right to receive notice and a hearing about the charges in the college investigation and disciplinary processes pursuant to the District's policies and administrative regulations.
- You may wish to contact an attorney or Legal Services of Northern California.
- You may wish to ask a friend, relative or fellow student to act as your advisor.
- You may wish to seek support through off-campus services in the community.
- You should **not** contact the reporting party. The college's Title IX Officer, Equity Officer or Discipline Officer can explain the process used for addressing complaints of sexual assault. They can provide you with copies of the relevant policies and regulations noted below.

- You should review the District policy on Sexual Violence, Relationship Violence, Domestic Violence, Dating Violence, Sexual Assault and Stalking.
  - » [www.losrios.edu/legal/Policies/P-2000/P-2541.pdf](http://www.losrios.edu/legal/Policies/P-2000/P-2541.pdf)
- You should review the District policy and regulation on Discrimination and Harassment Complaint Procedures.
  - » [www.losrios.edu/legal/Policies/P-2000/P-2423.pdf](http://www.losrios.edu/legal/Policies/P-2000/P-2423.pdf)
  - » [www.losrios.edu/legal/Regulations/R-2000/R-2423.pdf](http://www.losrios.edu/legal/Regulations/R-2000/R-2423.pdf)
- You should review the District policies and regulations on Standards of Conduct and Due Process.
  - » [www.losrios.edu/legal/Policies/P-2000/P-2441.pdf](http://www.losrios.edu/legal/Policies/P-2000/P-2441.pdf)
  - » [www.losrios.edu/legal/Regulations/R-2000/R-2441.pdf](http://www.losrios.edu/legal/Regulations/R-2000/R-2441.pdf)
  - » [www.losrios.edu/legal/Policies/P-2000/P-2442.pdf](http://www.losrios.edu/legal/Policies/P-2000/P-2442.pdf)
  - » [www.losrios.edu/legal/Regulations/R-2000/R-2442.pdf](http://www.losrios.edu/legal/Regulations/R-2000/R-2442.pdf)

# Myths and Facts About Rape and Sexual Assault

## MYTH #1: RAPE IS A “WOMAN’S ISSUE.”

**Fact:** Rape and sexual assault are systemic societal problems that affect both men and women. Saying that rape and sexual assault are “women’s issues” wrongfully places the responsibility of the perpetrator’s actions and the criminal acts with the victim. In addition, women can be perpetrators and men can be victims. Studies show that 1 in 3 women and 1 in 5 men will be subjected to domestic and sexual assault in their lifetime. (NIPSVS, 2012) All victims—men and women alike—should be encouraged to disclose assaults and reach out for help and resources.

## MYTH #2: MEN CANNOT BE SEXUALLY ASSAULTED BY WOMEN.

**Fact:** Although the majority of sexual assaults of men are committed by men, women do sexually assault men. Sexual assault is not always enacted through overwhelming physical force: it can involve emotional manipulation whereby a man can be coerced into a sexual act out of fear of potential repercussions for his relationships, work, etc. The number of men identifying sexual abuse by a woman as a boy or young man has increased over the past few years. Ideas that men should always want sex with women and that as a young man you should feel lucky if you have sex with an older woman also make it difficult for a man to publicly name sexual assault by a woman.

## MYTH #3: IF YOU AVOID STRANGERS, YOU CAN LIMIT YOUR CHANCE OF BEING SEXUALLY ASSAULTED.

**Fact:** Recent studies show that 75-90 percent of sexual assault victims know their assailant. More often than not, they are partners or ex-partners, friends, family members or acquaintances.

## MYTH #4: RAPE IS ABOUT SEX AND LUST.

**Fact:** Rape and sexual assault are crimes of violence, involving the exercise of power and control over another person. Rape is not about lust or passion. It is about harming another person and using violence to maintain this power and control. No matter what a person is wearing or doing at the time of an attack, there is never an excuse for one person to assault another.

## MYTH #5: ALL SEXUAL ASSAULT VICTIMS WILL REPORT THE CRIME IMMEDIATELY TO THE POLICE. IF THEY DO NOT REPORT IT OR DELAY IN REPORTING IT, THEN THEY MUST HAVE CHANGED THEIR MINDS AFTER IT HAPPENED, WANTED REVENGE OR DIDN’T WANT TO LOOK LIKE THEY WERE SEXUALLY ACTIVE.

**Fact:** Because a person does not immediately report an assault or chooses not to report it at all does not mean that the assault did not happen. There are many reasons why a sexual assault victim may not report the assault to the police. It is not easy to talk about being sexually assaulted. The experience of re-telling what happened may cause the person to relive the trauma. Other reasons for not immediately reporting the assault or not reporting it at all include fear of retaliation by the assailant, fear of not being believed, fear of being blamed for the assault, fear of being “re-victimized” if the case goes through the criminal justice system, belief that the assailant will not be held accountable, wanting to forget the assault ever happened, not recognizing that what happened was sexual assault or feeling shame and/or shock. In fact, reporting a sexual assault incident to the police is the exception and not the norm. From 1993 to 1999, studies estimate that about 70 percent of rape and sexual assault crimes were not reported to the police. If a victim chooses to have an evidentiary exam, best medical and evidentiary practice states it should be performed no more than seven days after the assault.

**MYTH #6: ONLY GAY MEN ARE SEXUALLY ASSAULTED. AND IT IS GAY MEN WHO SEXUALLY ASSAULT OTHER MEN.**

**Fact:** Any man can be raped, whether he identifies as straight, gay, bi, transgender or fluid sexuality. Rape is an act of force or coercion where someone's personal choice is ignored. Just as being robbed does not tell you anything about someone's sexuality, neither does rape. However, research does suggest that gay-identifying men are more likely to be the subject of sexual violence. Most men who sexually assault other men identify themselves as straight.

**MYTH #7: "SHE WAS DRUNK BUT SHE WAS INTO IT."**

**Fact:** If someone is intoxicated, they legally cannot consent to sex. Half of sexual assaults involve alcohol consumption by the victim, assailant or both. Consensual sex is something we do WITH each other, not TO each other.

## What To Do: Relationship Violence

Nearly one third of American women report being physically, psychologically or sexually abused by a boyfriend, husband or partner at some point in their lives. Relationship violence (also known as intimate partner violence) includes both domestic violence and dating violence. Domestic violence and dating violence cut across lines of race, nationality, language, culture, economics, sexual orientation and religion. This form of violence affects people from all walks of life.

Remember that domestic violence is a crime. Seek help from local domestic violence programs for support, options, safe housing and other resources. If you believe you are a victim of domestic violence, contact the police and/or your local domestic violence program.

### WARNING SIGNS

The following are warning signs or “red flags” for a potentially abusive partner:

- Jealousy of a partner’s time with co-workers, friends and family.
- Controlling behavior (closely monitors a person’s comings and goings and/or money, and insists on “helping” a person *make personal decisions*).
- Isolation (cuts a person off from all supportive resources such as friends, co-workers and close family members).
- Blames others for his or her problems (unemployment, quarrels—everything is “your fault”).
- “Playful” uses of force in sex (may throw a person down and hold him or her during sex, may start having sex with a person when he or she is sleeping, or demand sex when a person is ill or tired).
- Verbal abuse (says cruel and hurtful things and degrades or humiliates a person).
- Dr. Jekyll/Mr. Hyde personality: Charming in public but abusive when alone.
- Past history of battering (has abused others but has a list of excuses for his or her behavior).
- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your mobile phone).
- Being forced or pressured to do anything you don’t want to do.
- Most people who think about domestic violence think about women who are battered by men, because that is the norm. However, it is not unheard of for women to abuse men or for one partner in a same-sex relationship to physically abuse the other. The information in this section is relevant to any case of domestic violence, including same-sex abuse.

### WHAT TO DO IF YOUR SPOUSE, DATE OR INTIMATE PARTNER ABUSES YOU (OR YOUR CHILDREN)

- Call the police immediately. The police are obligated to protect you and arrest your attacker. If a police officer does not arrive within a few minutes, call again.
- When the police arrive, cooperate with filing a police report.
- Write down the police officer’s name and badge number.
- If the police arrest the batterer, he or she may be released in a short period of time. Take immediate steps to protect yourself and your children from further abuse, such as obtaining a protective restraining order from the court. Seek safe housing from a local domestic violence program.
- Save all the evidence of what happened to you. Save the clothing you were wearing when you were attacked. Take color pictures of your injuries. If you required medical attention, get a copy of the medical record. Ask for a copy of the police report.

- Be safe. Call friends, relatives, neighbors or a domestic violence program to help you. Tell the advocate what has happened to you. Emergency shelters keep the shelter address confidential so that you are safe. A person from the shelter may be able to arrange to meet you and your children at a neutral place to take you to the shelter. You will be asked to keep the address of the shelter confidential. The shelter may be able to assist you with finding a temporary shelter for any pets you may have. If the shelter is full, however, you will need to consider other resources, such as friends or family.

## **CRIMINAL PENALTIES FOR DOMESTIC VIOLENCE AND SEXUAL BATTERY**

While the penalties will vary depending on the case, they can often include:

- Three years of probation
- 52 weeks of domestic violence counseling
- A fine determined by the court
- Restitution to the victim in some cases
- Public work service
- Jail time in felony cases or cases involving severe injuries
- Criminal penalties for sexual battery, for example, include:
  - » Six months in jail for a misdemeanor
  - » Up to four years in prison for felony offenses
  - » Thousands of dollars in court fines
  - » Registration as a sex offender
  - » Restitution to the victim in some cases

## What To Do: Stalking

Stalking is a series of acts by one person that harasses another person (i.e., the person may keep calling, following or leaving unwanted notes or gifts on a car) and makes that person fear for his or her safety. Stalking can also be done online with offensive or threatening emails.

### FACTS:

- A stalker often tries to control a person by keeping him or her in a state of constant fear. Most victims are women; however, men and children can also be victims of stalking.
- The stalker may be someone with whom the victim has had a relationship. This may be a former boyfriend, girlfriend or spouse. The stalker may start stalking to keep the victim in a relationship that the victim has ended or is trying to end, or to “get even” with the victim for rejecting him or her.
- The stalker may also be someone that is a casual acquaintance or a complete stranger who becomes obsessed and wants to be in a relationship with the victim. The attention may be flattering at first, until the stalker won't take no for an answer.

### IF YOU THINK YOU ARE BEING STALKED, REMEMBER:

- Do not confront the stalker. You do not know how dangerous this person may be. It is safer to report it to the police and let them handle it.
- Report it to the police immediately. The officer working on your case can advise you about gathering evidence of the stalking.
- Keep documentation of stalking incidents.

### CRIMINAL PENALTIES FOR STALKING:

The legal implications for stalking charges can be severe. Penalties will depend on whether you have a prior criminal record and the severity of the offense.

A charge can carry the following repercussions and consequences:

- Fine of up to \$1000.
- County jail sentence of up to 1 year.
- In cases where the stalking is in violation of a restraining order, it is considered a felony offense with a state prison sentence of 2, 3 or 4 years. For aggravated stalking (when violence is involved), it is a felony offense with a prison sentence of at least 1 year.

### 10 Ways to Increase Your

# SAFETY

Whether you are on- or off-campus, there are smart things you can do to keep yourself safe.



#### 1 TRUST YOUR INSTINCTS

If you feel something isn't right, or don't feel safe, do something about it. Get out of the area or situation, ask someone to be with you.

#### 2 KNOW YOUR RESOURCES

Who should you contact if you or your friend needs help? Where should you go?



#### 3 STAY ALERT



When you're moving around on campus or in the surrounding neighborhood, be aware.

#### 4 BE SOCIAL MEDIA SAVVY

Be careful about posting your location using geo-tagging. Check your social media settings.



#### 5 BE SECURE



Lock your door and windows at home and in your car.

#### 6 SAFETY PLANS

Spend some time thinking about back-up plans for potentially sticky situations. Emergency phone number? Emergency cash? Spare car key?



#### 7 PROTECT YOUR DRINK

Don't leave your drink unattended.

#### 8 MAKE A PLAN

If you go to a party, go with people you trust. Watch out for each other and leave together.



#### 9 ACT FAST

#### 10 CALL 911

## College Education and Prevention Programs

The four colleges of the Los Rios Community College District use the “Not Anymore” program, which is a comprehensive, intentional and integrated online program with strategies intended to end sexual assault (which includes sexual violence, relationship violence or stalking) that is culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research, or assessed for value, effectiveness or outcome. Review of this program is mandatory for all new employees and for all students.

College educational campaigns consist of primary prevention and awareness programs for all incoming students and staff and ongoing awareness and prevention that:

- Identify sexual assault as prohibited conduct;
- Define, using definitions provided both by the Department of Education as well as state law, what behavior constitutes sexual assault;
- Define what behavior and actions constitute consent to sexual activity;
- Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options for an individual or individuals to prevent harm or intervene when there is a risk of sexual assault. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his or her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting EMS, campus police, etc.) or intervening when someone is being belittled, degraded or emotionally abused (helping move a person away from an abuser, contacting others for help);
- Provide information on risk reduction. Risk reduction means options designed to decrease criminal conduct and bystander inaction and to increase empowerment for people in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provide annual training to investigators and hearing officers.

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# APPENDIX A: DEFINITIONS

## AFFIRMATIVE CONSENT

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity throughout the duration of that activity. Affirmative consent means affirmative, conscious and voluntary agreement to engage in sexual activity. Without affirmative consent, sexual activity is unlawful and violates District policy.

Consent must be informed. Consent is an affirmative, unambiguous and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent must be voluntary. It must be given without coercion, force, threats or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Don't assume that previous permission for sexual contact applies to the current situation.

Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Accept the other person's decision. "No" means "no." Don't read other meanings into the answer. Don't continue after "no"—regardless of how compliant the person seems. Don't assume anything. Ask! Communicate!

Consent cannot be given when a person is incapacitated or otherwise unable or incapable of providing consent. A person cannot consent if he or she is unconscious or coming in and out of consciousness. A person cannot consent if he or she is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his or her understanding of the act is affected by a physical or mental impairment. Avoid excessive use of alcohol and drugs. Both interfere with clear thinking and effective communication.

For purposes of District policy, the age of consent is 18 years of age. (California Penal Code Section 261.5.)

## DATING VIOLENCE

Dating violence is a form of relationship violence. It means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person against whom the violence is perpetrated; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the persons involved in the relationship. This is also considered sexual harassment.

## DOMESTIC VIOLENCE

Domestic violence is a form of relationship violence. It means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant or person with whom the person who commits the act has had a child or is having or has had a dating or engagement relationship. "Cohabitant" means two unrelated adult persons living together for a substantial period of

time, resulting in some permanency of relationship. This is also considered sexual harassment.

Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the parties hold themselves out as husband and wife; (5) the continuity of the relationship; and (6) the length of the relationship. (Pen. Code, § 13700, sub. (b).)

## **EVIDENTIARY EXAM**

The primary focus of a sexual assault evidentiary exam is to assess a person's immediate health care needs, as well as to collect and preserve evidence. The exam does two things: provides sensitive and thorough medical care and collects evidence that may be helpful to the prosecution of your case.

## **HARASSMENT**

Harassment is defined as unwelcome conduct of a sexual nature that is so severe and/or pervasive, objectively offensive, and that so substantially impairs a person's access to the college's benefits, programs or activities that the person is effectively denied equal access to the college's resources and opportunities.

## **INCAPACITATION**

Incapacitation is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and black-outs. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affect a person's decision-making capacity, awareness of consequences and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the person accused (responding party) knew, or whether a reasonable person should have known, that the reporting party was incapacitated.

## **LRPD**

The LRPD is the Los Rios Police Department.

## **RELATIONSHIP VIOLENCE**

Relationship violence is a term that includes dating and domestic violence. Relationship violence is physical violence related to a current or former romantic or intimate relationship, regardless of the length of the relationship or gender/gender identity of the individuals in the relationship. Relationship violence includes conduct that would cause a reasonable person to be fearful for his or her safety. This is also considered sexual harassment.

## **REPORTING PARTY**

A reporting party is a person who alleges they have been sexual assaulted or the victim of sexual violence, relationship violence including domestic violence and dating violence, or stalking.

## **RESPONDING PARTY**

A responding party is the person alleged to have committed sexual assault including sexual violence, relationship violence including domestic violence and dating violence, or stalking.

## SEXUAL ASSAULT

Sexual assault is broader than sexual violence and includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, domestic violence, dating violence, stalking or threat of sexual assault. This is also considered sexual harassment.

## SEXUAL HARASSMENT

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions: (1) submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress; (2) submission to, or rejection of, the conduct by the individual is used as the basis of employment or an academic decision affecting the individual; (3) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or (4) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at or through the District or its colleges. Sexual harassment includes sexual assault including sexual violence, relationship violence including domestic violence and dating violence, or stalking.

Sexual harassment may include incidents between any members of the college community, including faculty and other academic appointees, staff, student employees, students, coaches, interns and non-student or non-employee participants in college programs (e.g., vendors, contractors, visitors, etc.). Sexual harassment may occur in hierarchical relationships, between peers or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

## SEXUAL VIOLENCE

Sexual violence is defined as physical sexual acts perpetrated against a person against a person's will or where a person is incapable of giving consent due to his or her use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery and sexual coercion. This is also considered sexual harassment.

## STALKING

Stalking means willfully, maliciously and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to place a person in reasonable fear for his or her safety, or the safety of his or her immediate family. This is also considered sexual harassment.

## TITLE IX OFFICER

Each college has a Title IX Officer who is responsible for the coordination and administration of the District's non-discrimination and harassment policies based on sex. In this role, the Title IX Officers are responsible for overseeing the college's Title IX compliance efforts and its complaint resolution procedures. All colleges also have an Equity Officer, the Equity Officer conducts the actual investigation into all forms of discrimination, including sexual harassment and sexual assault.

## **WEAVE**

WEAVE is the primary provider of crisis intervention services for survivors of sexual assault and relationship violence in Sacramento County. The WEAVE representative can help you talk through your options and provide support, accompaniment and resources.

## **WEAVE CONFIDENTIAL ADVOCATE**

The WEAVE Confidential Advocate is a person who will confidentially assist the reporting party or third party with information and referrals to medical and counseling resources. The WEAVE Confidential Advocate will help the reporting party report the matter to the police or the college Title IX Officer if requested to do so by the reporting party. The WEAVE Confidential Advocate will accompany the reporting party to any medical visits, court proceedings or college proceedings, as requested. The WEAVE Confidential Advocate will keep the report confidential unless they are required to disclose it by law. The WEAVE confidential Advocate will be required to disclose the report if the reporting party is a minor or the conduct occurred while he or she was a minor or if a court compels the WEAVE Confidential Advocate to testify. The WEAVE Confidential Advocate is not an employee of Los Rios. Reports to the WEAVE Confidential Advocate are not official reports to the college. No further college or police action will occur unless the reporting party files a formal complaint.

# APPENDIX B: WEAVE CONFIDENTIAL ADVOCATE FORM



## WEAVE CONFIDENTIAL ADVOCATE FORM

This form is to be filled out by WEAVE Confidential Advocates for the Los Rios Community College District. The information collected on this report will only be used by the District to gather accurate anonymous statistical data.

This confidential report may be made by the Reporting Party or a Third Party. The Reporting Party is the person who alleges they were sexually assaulted. A Third Party is someone who is reporting about or on behalf of the Reporting Party. The Responding Party is the person alleged to have committed the sexual assault.

Reporting Parties have the right to report incidents to the police and to the college administration. **This report is not an official report to the police or the college administration.** No information should be included on this form that might identify the Reporting Party without her/his consent. When officially reported, all efforts will be made to maintain a Reporting Party's anonymity if she/he so desires.

Once the WEAVE Confidential Advocate completes this form, he/she should send it (within 24 hours) via email with CONFIDENTIAL in the subject line to the appropriate District/college Title IX/Equity Officer.

<b>REPORTING PARTY'S INFORMATION</b>		Report made by: <input type="checkbox"/> Reporting Party <input type="checkbox"/> Third Party	Today's date:
Age:	Relationship to LRCCD: <input type="checkbox"/> Student <input type="checkbox"/> Employee <input type="checkbox"/> Unaffiliated <input type="checkbox"/> Unknown		
Reporting Party identified their gender as:			
At this time does the Reporting Party want any of the following actions taken?			
<input type="checkbox"/> Report to LRPD <input type="checkbox"/> Report to City Police/Sheriff <input type="checkbox"/> Report to College <input type="checkbox"/> Refer to WEAVE <input type="checkbox"/> Other: _____			

<b>RESPONDING PARTY'S INFORMATION</b>
Reporting Party identified Responding Party's gender as:

<b>DETAILS</b>	
Date of incident:	Time of incident:
Specific location of reported activity: (Note the exact place that happened. For example, room #, building name, name of field, location of off-campus, etc.)	
What happened?	

<b>ADDITIONAL INFORMATION</b>
Do you believe the reported conduct was motivated by any of the following factors?
<input type="checkbox"/> Race <input type="checkbox"/> National origin <input type="checkbox"/> Gender identity <input type="checkbox"/> Religion <input type="checkbox"/> Gender <input type="checkbox"/> Sexual orientation
<input type="checkbox"/> Ethnicity <input type="checkbox"/> Physical or developmental disability

<b>REPORT DETAILS</b>			
Location where the report was made:			
<input type="checkbox"/> American River College	<input type="checkbox"/> Cosumnes River College	<input type="checkbox"/> Folsom Lake College	<input type="checkbox"/> Sacramento City College
<input type="checkbox"/> Natoma Center	<input type="checkbox"/> Elk Grove Center	<input type="checkbox"/> El Dorado Center	<input type="checkbox"/> West Sacramento Center
<input type="checkbox"/> Sacramento Regional Public Safety Center	<input type="checkbox"/> Rancho Cordova Center	<input type="checkbox"/> Davis Center	
WEAVE Confidential Advocate:	WEAVE Confidential Advocate phone number:		

