

SEXUAL ASSAULT INFORMATION

What is Assault?

Webster defines assault as: a violent physical or verbal attack; a threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact- compare BATTERY; RAPE.

College of the Redwoods Policies and Procedures is found in the catalog under the **Student Code of Conduct** which states:

Assault, sexual assault or threat of violence:

- Assault, battery, physical abuse, violence or threat of violence, or behavior that threatens the health or safety of persons or College property.
- Willful misconduct which results in injury or death to any person on College property or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
- Sexual assault, acquaintance/date rape, or sexual activity without mutual and expressed consent.
- Any physical act that is sexual in nature and intentionally performed in view of one or more uninvolved persons without the effective consent of all parties. This includes, but is not limited to, the surreptitious recording and /or broadcasting of sexual acts.
- Abusive behavior directed toward, or hazing of, a member of the College community.

CR SEXUAL ASSAULT PROGRAMS AND PROCEDURES

College of the Redwoods offers a variety of sexual assault prevention programs through the Student Health Center, Counseling, and Housing that address assaults including rape, acquaintance rape, forcible, and non-forcible sex offenses. Additionally, the North Coast Rape Crisis Team can be contacted at (707) 445-2881, if the individual prefers counseling from an off campus source.

In the event that a sexual assault takes place, Campus Public Services/Security recommends that the following procedures be followed:

- Campus Security at extension **4111** should be contacted immediately. All campus Public Safety Officers are Emergency Medical Technicians (EMT's), and as such will provide advice on procedures and notifications.
- Those assaulted should not bathe or shower until after they are seen at an emergency room or by a physician. This is critical to preserving DNA evidence.
- Those assaulted may decide to have the assault investigated by the local law enforcement agency (the Humboldt County Sheriff, if the assault takes place on campus). The Public Safety Officer on duty, or any other college employee involved at the time the report is made, will assist the student in contacting the appropriate agencies for law enforcement response and/or counseling.
- To facilitate the assailant's arrest and prosecution, it is important to provide all known information regarding the assault to the law enforcement officer or Public Safety Officer responding, including the name or description of the person responsible, the location of the assault, the circumstances involved and any other details requested.

- Students involved in a sexual assault case may request a change in their classroom and/or living situations on campus; the college will accommodate such requests when it is determined that it is feasible and reasonable to do so.
- Be aware that all parties involved in sexual assault cases are entitled to have others present during a disciplinary proceeding. The parties will be kept informed of the college's final determination with respect to the sex offense, including any sanction that is imposed against the accused.

CR administrative sanctions:

In all situations, a student shall be informed of the nature of the charges against him or her and shall be given a fair opportunity to refute them. Arbitrary actions shall not be taken by the College, and there are conditions under which decisions may be appealed. Disciplinary action may result in the application of the following sanctions:

- Warning
- Suspension
- Reprimand
- Disciplinary Probation
- Summary Suspension
- Expulsion

California Law

Assault and Battery (PC Sections 220-222; PC Sections 240-248)

Under California law, assault and battery are separate crimes, although often they are charged together. Assault is defined as an unlawful attempt to violently injure another person. Battery means unlawfully and willfully using force or violence against another person. Other laws make both assault and battery more serious crimes if the offender uses a firearm or other deadly weapon, commits the crime with the intent to commit mayhem or rape, or if the assault or battery is against a government officer or an elderly person. Under California law, transmission of HUV may constitute an aggravated battery.

Rape (PC Sections 261-266)

Criminal sexual assault, also known as rape, is a felony that carries with it severe penalties. Rape is sexual intercourse against a person under one of the following circumstances:

- The victim is unable to give legal consent due to a mental disorder, developmental disability, or physical disability
- The victim is unable to resist because the person is unconscious, intoxicated, or anesthetized, and the assailant knew or should have known of the victim's condition
- The action is against the person's will by using force, violence, menace, duress, or fear of immediate injury, or by a threat to retaliate in the future
- The defendant is a public official who acts against the victim's will by a threat to arrest or deport the victim

California law specifically makes it unlawful for a man to rape his wife.

Aggravated criminal sexual assault if criminal sexual assault against a child under the age of 14, and who is ten or more years younger than the defendant. Acting in concert with others is another form of aggravated rape.

Sexual battery is a crime similar to rape, and is defined as touching the intimate part of another person who is restrained and without the person's consent. For example, sexually touching a person who is institutionalized and seriously disabled is sexual battery.

CIVIL SANCTIONS

- Persons charged with committing sexual assault have to register as a sex offender according to Megan's Law. A new California law, Assembly Bill 488 (Nicole Parra), sponsored by the Attorney General now provides the public with Internet access to detailed information on registered sex offenders. This expanded access allows the public for the first time to use their personal computers to view information on sex offenders required to register with local law enforcement under California's Megan's Law. Previously, the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll-number. The new law was given final passage by the Legislature on August 24, 2004 and signed by the Governor on September 24, 2004.
- Monetary awards may also be required by offenders to pay to victims of sexual assault.

COMMUNITY SERVICES:

North Coast Rape Crisis Team
PO Box 543
Eureka, CA 955502
Telephone: 707-443-2737
Fax: 707-443-2755

North Coast Rape Crisis Services
PO Box 6202
Santa Maria, CA 93456
Telephone: 805-922-2994
Fax: 805-928-2840

COMMON MYTHS VERSUS FACTS ABOUT ASSAULT:

Myth: Sexual assault is a crime of passion and lust.

Fact: Sexual assault is a crime of violence. Assaultants seek to dominate, humiliate, and punish their victims.

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

Fact: Survivors exhibit a spectrum of emotional responses to assault: calm, hysteria, laughter, anger, apathy, shock. Each survivor copes with the trauma of the assault in a different way.

Myth: Sexual assault is an impulsive act.

Fact: Seventy-five percent of all assaults are planned in advance.

Myth: Assaultants are usually crazed psychopaths who do not know their victims.

Fact: As many as 80% of all assaults involve acquaintances. An assailant might be someone you know intimately. He may be a coworker, a friend or a family member.

Myth: Persons who dress or acts in a "sexy" way are asking to be sexually assaulted.

Fact: Many convicted sexual assaultants are unable to remember what their victims looked like or were wearing. Nothing a person does or does not do causes a brutal crime like sexual assault.

Myth: It is impossible to sexually assault a man.

Fact: Men fall victim for the same reasons as women" they are overwhelmed by threats or acts of physical and emotional violence. Also, most sexual assaults that involve an adult male victim are gang assaults.

Myth: As long as children remember to stay away from strangers, they are in no danger of being assaulted.

Fact: Sadly, children are usually assaulted by acquaintances; a family member or other caretaking adult. Children are usually coerced into sexual activity by their assailant, and are manipulated into silence by the assailant's threats and/or promises, as well as their own feelings of guilt.

Myth: A lot of times a rape could be prevented if the person had only fought harder.

Fact: The only person who can prevent a rape is the person who commits it. Sometimes, fighting can increase the chances of getting seriously hurt.

More information can be found at the following websites:

<http://www.promotetruth.org/mythsandfacts/default.htm>

http://www.therapeccrisiscenter.org/myths_versus_facts.htm

REMEMBER: IT IS NOT THE VICTIM'S FAULT