

San Francisco State University - Office of the President

Date: June 1, 2007

From: Robert A. Corrigan, President

Subject: Sexual Assault Policy

University Executive Directive 07-34

Supersedes Sexual Assault Policy dated May 9, 1991

Chancellors Office Executive Order No. 993

1. Policy

San Francisco State University as an institution recognizes that sexual assault is a serious issue. The university will not tolerate acts of sexual assault. All reported instances of sexual assault will be investigated and appropriate disciplinary, criminal, and/or legal action will be taken. Appropriate support services will be made available to students, faculty, or staff who are victims of sexual assault.

The university strongly encourages all members of the campus community to provide a written or verbal report to the university police regarding any incident of sexual assault.

Any violation to the California Code of Regulations, Title 5, Section 41301 by a student or a recognized student organization, and any violation of faculty or other employee codes of conduct concerning sexual assault will be investigated for possible disciplinary and/or legal action. Procedures to be followed in handling complaints and disciplinary actions that may be taken against individuals or organizations are attached to this policy.

II. Definitions

For the purposes of this document, the term sexual assault will include the following definitions found in California Penal Code Sections 243.4 and 261, and Assembly Concurrent Resolution No.46 (passed 9-14-87):

- A. Sexual assault is any involuntary sexual act in which a person is threatened, coerced, or forced to comply against his/her will.
- B. Date Rape is forced sexual intercourse that is perpetrated against the will of a person or when the person is unable to give consent (i.e., unconscious, asleep, or 'under the influence of alcohol or drugs) and may involve physical violence, coercion, or the threat of harm to the individual.
- C. Acquaintance Date Rape involves rape by a non-stranger which could include a friend, acquaintance, family member, neighbor, or co-worker.

- D. Gang rape is a rape by more than one person.  
E. Sexual battery is any unwanted touching of intimate body parts.

### III. Procedures

This policy is to be implemented in accordance with provisions of AS 3098 and other relevant regulations. This policy applies to sexual assault that occurs on or near campus or at an event sponsored by the university or in university related facilities. Legally mandated procedures for gathering data, record keeping, providing information, reporting, and investigating incidents of sexual assault will become part of this policy. Information about how to report incidents and the options available to victims of sexual assault will be disseminated on campus.

'A. Victims of sexual assault are encouraged to report the incident to any of the following:'

University Police  
The SAFE Place  
Student Health Services  
Counseling and Psychological Services  
Housing and Residential Services Sexual  
Harassment of Officer(s)  
Sexual Harassment Advisers  
Other Administrators or Employees

### S. Responsibilities and Services

University Police, Student Health Services, Housing and Residential Services, Counseling and Psychological Services, Campus Assistance Program, and The SAFE Place will cooperate to provide effective protection of health and safety for the victim, assure strict confidentiality, investigate the incident, initiate sanctions if appropriate and maintain records.

### C. Case Managers;

The law (AS3098) requires "procedures for ongoing case management, including procedures for keeping the victim informed of the status of any student disciplinary proceedings, the result of any disciplinary action or appeal, and helping the victim deal with academic difficulties that may arise because of the victimization and its Impact."

Victims of sexual assault who wish to be provided with case management services will be immediately referred to the appropriate person who will provide the mandated services, support, and referrals as needed.

#### D. University Police

A member of the university police heads the Sexual Assault Response Team (S.A.R.T.). The S.A.R.T. is a campus-wide community based team appointed by the Chief of Police. The team consists of experienced professionals who have been trained to respond to the needs of an assault or rape victim.

The Sexual Assault Investigation Team (S.A.I.T.) is a specialized Investigation\$ team, headed by the SFSU Police Investigations Unit. The S.A.I.T. receives special training in sexual assault investigation.

If a victim reports a sexual assault to university police, a crime report will be taken and there will be a criminal investigation. The S.A.R.T. Team Coordinator will notify the members of the S.A.R.T. Team. The Coordinator of The SAFE Place will notify the Director of Counseling and Psychological Services or designee. The Director of Housing and Residential Services will be notified by the Chief of Police if the assault occurred in the residential community. The Chief of Police will notify the President, Dean of Students or designee, and the Director of Public Affairs of any reported sexual assault.

University police will refer or transport victims as appropriate to the San Francisco Trauma Recovery/ Rape Treatment Center if the victim is over 18 or to the Child and Adolescent Sexual Abuse Resource Center (CASARC) if the victim is under 18; Student Health Services, Counseling and Psychological Services. Center, Campus Assistance Program, and The SAFE Place.

University police will provide information about the county victim/witness program and will inform victims of progress in criminal prosecution. University police will provide timely notification of a rape on campus to the campus community. University police will work closely with the San Francisco District Attorney's Office to prosecute sexual assault cases.

#### E. Housing and Residential Services

Incidents of sexual assault or rape occurring in or involving members of the campus residential community must be reported immediately to the university police and the residence director on duty. Written incident reports are required, and the Associate Director of Residence Life, Coordinator of Residence Life, and Director of Housing must be contacted immediately.

The Director of Housing will notify the Dean of Students or designee, and the Chief of Police that an assault has been reported.

Employees of Housing and Residential Services have a legal duty to provide a safe environment and warn persons using their premises of known dangerous . conditions. Therefore, all sexual assaults are reported to the university police. The manager of Resident Services will initiate referrals to the case manager,

Counseling and Psychological Services, Student Health Services, The SAFE Place, and the Dean of Students Office, as appropriate, to provide comprehensive, legal, counseling, medical, and administrative services.

If the perpetrator is known to the victim and is an on-campus resident, a Residence Community Administrative Hearing will be scheduled immediately with each party to obtain all facts relevant to the incident. At the discretion of the Director of Housing and Residential Services, the victim and the accused may be provided alternative housing assignments. Pending the outcome of the Residence Community Hearing, the perpetrator's Student Housing License Agreement may be terminated pursuant to Sections 1.02 and 1.10 of the Student Housing License Agreement Facility Regulation and Title 5 of the California Code of Regulations (Student Code of Conduct), Section 41301.

#### F. Student Health Service

In compliance with California Penal Code 11160-11161, if a person seeks medical treatment from Student Health Service for a sexual assault, Student Health Service staff are required to notify the Director, of the sexual assault. Health professionals who have provided health services to a victim will prepare OCJP #923 Medical Report and forward it to the University Police.

Students may receive immediate medical care but will be referred to the San Francisco Trauma Recovery/Rape Treatment Center or CASARC which is the only designated site for the collection of forensic specimens. These specimens strengthen the student's case for prosecution of the rape. Students will be strongly advised to seek services from the San Francisco Trauma Recovery/Rape Treatment Center or CASARC, but those students who elect to receive preliminary care at the Student Health Service will be offered testing and treatment for sexually transmitted disease and/or pregnancy. Students will also be referred to Counseling and Psychological Services and The SAFE Place as well as to the appropriate case manager.

#### G. Counseling and Psychological Services Center

Students who are victims of sexual assault will be encouraged to contact Counseling and Psychological Services. If the student indicates that *s/he* has been sexually assaulted, an immediate appointment will be arranged with a staff counselor who is sensitive to these issues and knowledgeable about psychological, medical, and legal issues. Counseling and support will be provided. Referrals to the San Francisco Trauma Recovery/Rape Treatment Center, CASARC, Student Health Service, University Police, The SAFE Place, and the appropriate case manager may be made as appropriate.

## H. Dean of Students: Discipline Officer

Consistent with the requirements of ACR 46, victims of sexual assault must have the following rights: equal rights with the accused in determining if a disciplinary hearing shall be open or closed; the right to have a person of the victim's choice accompany the victim throughout the disciplinary hearing; the right to be present during the entire hearing; the right not to have past sexual history introduced as part of the testimony except for specific purposes described in law; and the right to prompt relocation of one of the parties. Procedures described below will be carried out in a manner consistent with the law.

The University Discipline Officer is responsible for investigating Instances of sexual assault when the alleged perpetrator is a student. The officer will keep the victim informed of the status of the disciplinary process and maintain contact with the case manager responsible for coordinating services to the victim. As appropriate, the university Discipline Officer will work with the Chief of Police when criminal proceedings are involved.

A student may be suspended from the university by the university President prior to any hearing processes when there is clear evidence of a crime and it is deemed unsafe to the university community to permit the student to remain on campus.

A student may be expelled, suspended, placed on probation, or any combination of other sanctions, if found guilty of sexual assault or complicity in sexual assault. The university will withdraw its recognition of student organizations which are in violation of this policy.

## I. Campus Assistance Program

The Campus Assistance Program will provide professional counseling, emotional support, and referral information to any San Francisco State University employee who is the victim of sexual assault. All information regarding an employee's participation in CAP is confidential and will not be released without the employee's written consent. CAP staff will provide information about campus and community resources who provide medical, legal, and other assistance as needed.

## J. Human Resources

Human Resources will provide information about health benefits and workers compensation to faculty and staff.

Human Resources will also provide electronic training on sexual assault prevention and education to faculty and staff through the University Police via the internet.

## K The SAFE Place (Sexual Abuse Free Environment)

The Coordinator of The SAFE Place will notify the Director of Counseling and Psychological Services or designee when notified by university police of a rape occurring on campus. In the coordinator's absence, university police will notify the Director of Counseling and Psychological Services or designee.

The SAFE Place will provide information about sexual assault and rape prevention. The SAFE Place is an informal and comfortable setting for students who seek crisis intervention. The SAFE Place also assists staff, faculty, and administrators who are working with students in crisis because of sexual violence, or who request such assistance themselves.

### IV. Release of Information

#### A. University Police

All Incidents reported to the university police are public information. The victim shall be informed that his or her name and address will become a matter of public record unless he or she requests that it not become a matter of public record. This information will then not be released to the public by university police, but will be released to the prosecutor. The report of the incident will not be released to the public if the disclosure would endanger the successful completion of the investigation or a related investigation.

Victims will be informed of the need to identify the assailant if a student disciplinary and criminal hearing is to take place. Alleged assailants will also be made aware that victims will be informed of the outcome of student disciplinary actions. Statistical reports will be collected and published annually in accordance with Federal Law.

#### B. Counseling and Psychological Services

In order to maintain confidentiality, no information will be forwarded from the Counseling Center unless the victim signs a release of information requesting that the center does so. The Director of Counseling and Psychological Services will maintain a confidential Record of Sexual Assaults that will be provided by counselors who work with the victims. This record will include the approximate date of the assault, and whether the assault took place off- or on-campus.

Annually, the Director of Counseling and Psychological Services or designee will compare the data reported to the center counselors with dates of assaults reported to university police. The director will compare the dates and inform the Chief of Police of the number of incidents that were unreported to the university police and how many of these were on campus. In this way, reports of incidents will not be duplicated, while the confidentiality of the individual victim is maintained.

Annually, the Director of Counseling and Psychological Services will also provide information about the type of assault; i.e., stranger, acquaintance, individual, or gang assault to university police.

### C. Public Affairs

Representatives from the press who request sexual assault information shall be referred to the Director of Public Affairs who will determine the appropriate methods for dissemination of the facts. Concerned students and parents or guardians should be referred to the Chief of University Police, the Dean of Students, or to the Director of Housing (if the assault occurred in the Residence Halls.)

### V. Information about On-Campus and Off-Campus Resources

A description of on-campus and off-campus resources available to victims will be provided in a brochure to the campus community. Victims of recent sexual assault covered by this policy will be asked to sign a form indicating that they have been informed of their options.

#### A. Sexual Assault Prevention Programs

The staffs of The SAFE Place, Counseling and Psychological Services, University Police, Housing and Residential Services, and Student Health Services will provide ongoing sexual assault education and prevention programs to:

- Residence hall students
- Residence hall advisers
- Athletic teams
- Fraternities and sororities
- Incoming students
- Other groups as appropriate; e.g., international students
- Disciplinary Sanctions
- Student(s) or Student Organization(s)
- Faculty Staff

B. The University Police will also have available on-line sexual assault education and prevention information.

### VI. University Employee(s)

Employees may be warned, reprimanded, and/or disciplined. A disciplinary action of suspension without pay, demotion, or dismissal from employment may be imposed on an employee. Any disciplinary action will occur according to established California State University procedures and the appropriate collective bargaining agreement.

## VI. Others

In instances where student(s) and/or a student organization is involved, university police may request restricting a suspect(s) from the residence halls or campus if there is a danger to the victim or campus community. University police will furnish documentation for this recommendation to the Dean of Students or designee. In instances where the accused is not a student, staff, or faculty member, the university lacks the authority to take disciplinary action. The victim is encouraged to report the incident to the police agency of jurisdiction.

## VII. Statistical Data

Statistical Data Pursuant to the Student Right to Know Act (Public Law 101-542) Higher Education Amendments of 1992, colleges and universities are required to publish annual campus security reports. Statistics on forcible and "non-forcible" sex offenses occurring on campus for the period prior to 1 August of each year are to be reported. Housing and Residential Services, The SAFE, Counseling and Psychological Services, and Student Health Service shall provide summary data to the Chief of Police prior to 1 September of every year for publication in the Annual Report.

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San Francisco  
State University

Office of the Vice President for  
Student Affairs/Dean of Students

MEMORANDUM

May 9, 2007

TO: Robert Corrigan  
President

FROM: J.E. (Penny) Saffold  
Vice President for Student Affairs/Dean of Students



SUBJECT: Sexual Assault Policy, University Executive Directive 07-34

I have received this revised policy and am therefore, submitting it for your signature.

Please note the policy has been reviewed by our Sexual Assault Task Force, and is in compliance with Chancellor's Office Executive Order 993, issued in October 2006.



Approved

Disapproved