

# SEXUAL MISCONDUCT AND SEXUAL ASSAULT

## Sexual Misconduct and Sexual Assault

The University's Policy on Sexual Misconduct and Sexual Assault is published in complete form in the Administrative Guide Memo 2.2.4 Sexual Harassment and Consensual Sexual or Romantic Relationships (<https://adminguide.stanford.edu/chapter-2/subchapter-2/policy-2-2-4>).

### Summary

The following summarizes the policy on Sexual Assault and provides information on resources available to members of the Stanford community.

### Policy

Under Title IX, sexual violence (sexual misconduct and sexual assault) is a severe form of sexual harassment. Sexual misconduct and sexual assault are unacceptable and is not tolerated at Stanford University. All University employees (including student residence staff employees) have a duty to report claims of sexual misconduct or sexual assault to Jill Thomas, Title IX Coordinator at (650) 497-4955 (voice), [titleix@stanford.edu](mailto:titleix@stanford.edu), <https://titleix.stanford.edu/>. For students, report claims to the Title IX Coordinator or the Office of Sexual Assault and Relationship Abuse (SARA) at (650) 725-1056 or [saraoffice@stanford.edu](mailto:saraoffice@stanford.edu).

The University urges an individual who has been subjected to sexual misconduct or sexual assault to make an official report. A report of the matter will be dealt with promptly. Confidentiality will be maintained to the extent possible.

The University is committed to providing information regarding on- and off-campus services and resources to all parties involved.

Students, faculty and staff found to be in violation of this policy will be subject to discipline up to and including termination, expulsion or other appropriate institutional sanctions; affiliates and program participants may be removed from University programs and/or prevented from returning to campus.

A comprehensive web site dedicated to sexual violence awareness, prevention and support can be found at Office of Sexual Assault & Relationship Abuse Education & Response (SARA) (<http://studentaffairs.stanford.edu/sara>). The site contains a list of resources and describes reporting options.

### Definitions

#### **What is Sexual Misconduct?**

Sexual misconduct is the commission of an unwanted sexual act, whether by an acquaintance or by a stranger, that occurs without indication of consent.

#### **What is Sexual Assault?**

Sexual assault is the actual, attempted or threatened unwanted sexual act, whether by an acquaintance or by a stranger, accomplished (1) against a person's will by means of force (express or implied), violence, duress, menace, fear or fraud, or (2) when a person is incapacitated or unaware of the nature of the act, due to unconsciousness, sleep and/or intoxicating substances.

#### **What is Consent?**

Consent is informed, freely given, and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and/or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that

the person cannot understand the fact, nature or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

### Notification

With the consent of the victim, allegations of sexual assault received by University offices or personnel shall be communicated promptly to the Department of Public Safety, 711 Serra Street, telephone 9-911 for emergency response or (650) 723-9633 during normal business hours.

### Emergency Services Available to Victims

Victims of sexual assault are urged to seek immediate attention from emergency police, medical, and counseling services. On the Stanford campus and in the immediate vicinity, the following provide 24-hour response and will arrange for police assistance, medical assistance, emotional support services, and advocacy and support:

- "911" Emergency Network: dial 9-911 from University phones or 911 from outside phones
- Santa Clara Valley Medical Center, 751 South Bascom Avenue, San Jose, telephone (408) 885-5000
- YWCA Stanford Hotline, for students, telephone (650) 725-9955
- Stanford Hospital and Clinics, 300 Pasteur Drive, Stanford, telephone (650) 723-5111
- Residence and Graduate Life Deans, page through 723-8222, extension 25085

### Non-Emergency Resources

Office of Sexual Assault & Relationship Abuse Education & Response (SARA) (725-1056) provides comprehensive and consistent response to incidents of sexual and relationship violence to the campus community. SARA provides case consultation to students and staff, case management for reported assaults and information and referrals to services on and off campus. The office also assists with educational outreach and training to increase awareness, sensitivity, and community accountability in the prevention of these acts. Online information is available at the Sexual Assault & Relationship Abuse Education & Response (SARA) (<http://studentaffairs.stanford.edu/sara.html>) web site.

Additional resources for students are available at Vaden Health Service at (650) 723-3785, including short-term counseling, referral to long-term therapy, follow-up pregnancy testing, and testing and treatment for sexually transmitted diseases. Additional services for faculty and staff are available at the University's HELP Center, Galvez House (723-4577), including general counseling, information, support, and referral. The University ombuds (723-3682) is available to all in the Stanford community for general counseling, advice, and advocacy. Jill Thomas, Title IX Coordinator, Kingscote Gardens (2nd floor), 419 Lagunita Drive, Stanford, CA 94305, (650) 497-4955 (voice), (650) 497-9257 (fax), [titleix@stanford.edu](mailto:titleix@stanford.edu), <https://titleix.stanford.edu/>, is available to assist students to address the effects of sexual harassment and sexual violence.

### Confidentiality of Information

The University will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality to those who report incidents of sexual violence except where those reports are privileged communications with those in legally protected roles (set forth below). The professional being consulted should, if possible, make these limits clear before any disclosure of facts.

An individual can speak confidentially with certain individuals in legally protected roles. They include sexual assault counselors such as those at the YWCA Sexual Assault Center at Stanford, the Help Center, Counseling and Psychological Services (CAPS) and clergy. Exceptions to maintaining confidentiality are set by law; for example, physicians and nurses who treat any physical injury sustained during a sexual assault are required to report it to law enforcement. In addition, physicians, nurses, psychologists, psychiatrists, teachers and social workers must report a sexual assault committed against a person under age 18.

Information shared with other individuals is not legally protected from being disclosed. Considerations with respect to a complainant's request for confidentiality include factors such as the University's ability to respond effectively, to prevent further harassment or to ensure the safety of the University community. For example, an advisor, the Dean of Student Life, a Residence Dean or a Resident Assistant may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. As required by law, all disclosures to any University employee of an on-campus sexual assault must be reported for statistical purposes only (without personal identifiers) to the Stanford University Department of Public Safety, which has the responsibility for tabulating and annually publishing sexual assault and other crime statistics. Such reports are for statistical purposes and do not include individual identities.

State law permits law enforcement authorities to keep confidential the identity of a person officially reporting a sexual assault. The Stanford University Department of Public Safety policy is to maintain such confidentiality. However, if the District Attorney files a criminal charge, confidentiality might not be maintained.

If a complaint is filed with the Office of Judicial Affairs then the accused student must be provided with the name of the alleged victim and witnesses, if applicable. However, accommodations can be made to protect the victim's privacy, as described on the website for the Office of Judicial Affairs.

## **Information about Options**

The University offices responding to allegations of sexual misconduct or sexual assault will inform affected individuals, at a minimum, of the options of: criminal prosecution, civil prosecution, the disciplinary process, the appropriate Title IX grievance procedure, alternative housing assignments, and academic assistance alternatives.