

Sexual Assault

- Authority** This policy was authorized and approved by the President of Stanford University and is enforced under the authority of the Vice Provost for Student Affairs, the Executive Director of Human Resources, and the Provost. In addition, an individual who violates this policy may be subject to criminal prosecution and civil litigation.
- Applicability** All students, faculty and staff are subject to this policy.
- Summary** This Guide Memo outlines Stanford University's policies and procedures regarding sexual assault. Section headings are:
1. POLICY STATEMENT
 2. WHAT IS SEXUAL ASSAULT?
 3. CONFIDENTIALITY OF INFORMATION
 4. EDUCATION AND PREVENTION
 5. RESOURCES FOLLOWING A SEXUAL ASSAULT
 6. POLICY ENFORCEMENT
 7. INSTITUTIONAL RESPONSES

1. POLICY STATEMENT

Sexual assault is unacceptable and will not be tolerated at Stanford University.

The University urges an individual who has been sexually assaulted to make an official report. A report of a sexual assault will be dealt with promptly. Confidentiality will be maintained to the greatest extent possible.

The University is committed to providing information regarding on- and off-campus services and resources. Any of the resources listed in this policy can assist a person to access the full range of services available.

All students, faculty and staff are subject to this policy. Violators will be subject to discipline up to and including termination, expulsion, or other appropriate institutional sanctions. Prosecution by external authorities may also occur. For a student, off-campus conduct may be subject to campus disciplinary proceedings.

A comprehensive website dedicated to sexual violence awareness, prevention and support can be found at: <http://www.stanford.edu/group/svab/>. The site contains a list of resources, describes reporting options and has an anonymous notification form.

2. WHAT IS SEXUAL ASSAULT?

Sexual assault is the commission of an unwanted sexual act, whether by an acquaintance or by a stranger, that occurs without indication of consent of both individuals, or that occurs under threat or coercion. Sexual assault can occur either forcibly and/or against a person's will, or when a person is incapable of giving consent. A person is legally incapable of giving consent if under 18 years of age; if intoxicated by drugs and/or alcohol; if developmentally disabled; or if temporarily or permanently mentally or physically unable to do so.

Under federal and state law, sexual assault includes, but is not limited to, rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, forcible fondling (e.g., unwanted touching or kissing for purposes of sexual gratification), and threat of sexual assault.

3. CONFIDENTIALITY OF INFORMATION

The University will make every effort reasonably possible to preserve an individual's privacy and protect the confidentiality of information. The degree to which confidentiality can be protected, however, depends upon the professional role of the person being consulted. The professional being consulted should 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, and Counseling and Psychological Services (CAPS); medical clinicians; and clergy. Exceptions to maintaining confidentiality are set by law; for example, physicians and nurses who treat a physical injury sustained during sexual assault are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, and social workers must report a sexual assault committed against a person under 18 years of age to a child protective agency.

Information shared with other individuals is not legally protected from being disclosed. For example, the Dean of Students, 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. In addition, the Dean of Students, as the designated campus security authority, is required by law to report to police specified factual details about incidents occurring on campus. 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 may 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 complainant and victim. However, accommodations can be made to protect the victim's privacy, such as removing their name or other personal identifiers from all hearing documents.

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.

4. EDUCATION AND PREVENTION

Resources – Stanford University provides resources for education about and prevention of sexual assault. Students, faculty and staff are urged to take advantage of on-campus prevention and education resources (both University-supported and student-led) and are encouraged to participate actively in prevention and risk reduction efforts.

- The Sexual Assault Prevention Program Manager (phone 725-4211) is based at Vaden Health Center. The Program Manager conducts educational outreach programs, maintains an information resource center at Vaden, supervises sexual assault peer educators, and provides referral information about self-defense classes. In addition, the program manager oversees a mandatory student-led theater production for all new Stanford students, sponsored by New Student Orientation and Health Promotion Services. This production focuses on acquaintance rape and related issues and is followed by small group discussions in the student residences. Online information is available at http://vaden.stanford.edu/health_promotion/hps_sexassault.html.
- The Special Services Unit of the Stanford University Department of Public Safety (723-9633) conducts educational programs and distributes educational literature to students, faculty, and staff.

- Stanford United for Rape Elimination (SURE, 725-SURE) is an evening golf cart escort service for students, faculty, and staff designed to enhance safety for the campus community.

5. RESOURCES FOLLOWING A SEXUAL ASSAULT

The most up-to-date list of resources is available at: <http://www.stanford.edu/group/svab/> .

An individual who has been sexually assaulted, whether by rape or another unwanted sexual contact, is urged to make an official report to the police, the Office of Judicial Affairs and/or the Dean of Students.

Whether or not a victim of sexual assault chooses to make an official report, he or she is urged to seek appropriate help. There are numerous resources for faculty, staff, student and visitors to campus (see list below). The YWCA Sexual Assault Center at Stanford is the central resource and can provide easy access to and information about other resources. The YWCA Sexual Assault Center at Stanford is located on the first floor of Vaden Health Center, it is open by appointment or during drop-in hours, and has a Stanford-dedicated 24-hour telephone line at (650) 725-9955.

Specific resources, either on or off campus, for medical treatment, legal evidence collection, obtaining information, support and counseling, and officially reporting a sexual assault are listed below. Each resource can assist a person to access the full range of services available.

- a. **Medical Treatment** – An individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible.
 - For life-threatening conditions, call 911 (or from a campus phone, call 9-911) or go to the Emergency Department at Stanford Hospital & Clinics or to the nearest hospital emergency department.
 - For treatment of less serious injuries, students and/or their spouses/domestic partners can use Vaden Health Center (723-4841) or, if Vaden is closed, Stanford Hospital & Clinics Emergency Department (723-5111). Faculty and staff should consult their primary care physician.
 - For evaluation and prevention of sexually transmitted diseases and pregnancy, as well as consultation for other health issues, students and/or their spouses/domestic partners can use Vaden Health Center (723-4841). Faculty and staff should consult their primary care physician.
- b. **Medical - Legal Evidence Collection** – An individual who has been sexually assaulted (particularly rape, forcible oral copulation, or sodomy) is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action (see 6.c., Legal Options).

In order to obtain a free medical-legal exam the individual will need to contact either the police or the YWCA. Stanford community members are strongly urged to contact the YWCA as early as possible because it provides immediate support and advocacy and will coordinate services with other agencies if requested. The YWCA Sexual Assault Center at Stanford 24-hour telephone line is 725-9955. In addition, an individual must file a police report (see 5.d., Officially Reporting a Sexual Assault, please note that a report can be filed without naming the perpetrator) in order to have the costs of a medical-legal examination covered as a victim of a violent crime. The person is encouraged to request police escort to Santa Clara Valley Medical Center (SCVMC).

- The SCVMC Emergency Department (408-885-5000) is the dedicated facility in the County of Santa Clara for providing the evidence collection/ medical-legal examination, and has staff who are specially trained and prepared to collect such evidence in a sensitive manner.

- c. **Obtaining Information, Support and Counseling**— Whether or not one chooses to make an official report, an individual who has been sexually assaulted is encouraged to obtain information, support and counseling. Counselors at a variety of agencies, both on and off campus, can help that person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling, or reporting to authorities.

Information, support and advice are available (see resources below) for anyone in the Stanford community who wishes to discuss issues related to sexual assault, whether or not a sexual assault has actually occurred, and whether or not the person seeking information has been assaulted, has been accused of a sexual assault, or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed (see Section 3., Confidentiality of Information).

- Students may consult:
 - YWCA Sexual Assault Center at Stanford (725-9955),
<http://www.stanford.edu/group/svab/ywca.shtml>
 - Counseling and Psychological Services (CAPS, 723-3785),
<http://CAPS.stanford.edu>
 - Medical clinicians at Vaden Health Center (723-4841),
http://vaden.stanford.edu/medical_services/index.html
 - Office for Religious Life (723-1762),
<http://religiouslife.stanford.edu/>
 - University Ombuds (723-3682),
<http://www.stanford.edu/dept/ombuds/>
 - Medical Center Ombuds (498-5744),
<http://www.med.stanford.edu/ombuds/>

Residence Deans and the Graduate Life Office can provide assistance with academic, housing, and similar issues (725-2800 and 723-9929).

- Faculty and staff may consult:
 - YWCA Sexual Assault Center at Stanford (725-9955),
<http://www.stanford.edu/group/svab/ywca.shtml>
 - Help Center (723-4577),
<http://www.stanford.edu/dept/helpcenter/>
 - Office for Religious Life (723-1762),
<http://religiouslife.stanford.edu/>
 - University Ombuds (723-3682),
<http://www.stanford.edu/dept/ombuds/>
 - Medical Center Ombuds (498-5744),
<http://www.med.stanford.edu/ombuds/>

Personal physicians

- The following Human Resource Offices can provide additional assistance to faculty and staff.

Campus (723-1743)
 School of Medicine (725-8607)
 SLAC (926-2358)

- University visitors and partners and dependents of faculty, staff and students may consult:
 YWCA Sexual Assault Center at Stanford (725-9955)
<http://www.stanford.edu/group/svab/ywca.shtml>.
 Personal physicians

- d. Officially Reporting a Sexual Assault** – A member of the Stanford community who has been sexually assaulted is encouraged to make an official report as soon as possible, whether or not he or she intends at that time to seek criminal civil redress, or pursue internal disciplinary measures by contacting the Dean of Students or by completing an anonymous University notification Form at:
<http://www.stanford.edu/group/svab/reporting.shtml>.

For a legal or disciplinary response an individual who has been sexually assaulted is encouraged to make an official report.

- For a sexual assault that occurs on the Stanford campus, contact the Stanford Department of Public Safety (723-9633 or 9-911).
- For an off-campus incident, call the local police jurisdiction:
 - Palo Alto, call 911 or 329-2307
 - Menlo Park, call 911 or 325-4424.
- The Office of Judicial Affairs (if the assailant is a Stanford student) 724-2485
- The Human Resources Offices listed above (for staff).

Whether or not the person elects to report a sexual assault to the police, he or she is urged to make an official report directly to the Dean of Students (723-2733) who can assist in obtaining medical attention and/or counseling, contacting police, and obtaining other support services, such as help with academic problems caused by the incident.

For a complete list of reporting options go to: <http://www.stanford.edu/group/svab/reporting.shtml>.

6. POLICY ENFORCEMENT

This policy was authorized and approved by the President of Stanford University and is enforced under the authority of the Vice Provost and Dean for Student Affairs, the Vice President for Faculty and Staff Services, and the Provost. In addition to institutional consequences, an individual who violates this policy may be subject to criminal prosecution and/or civil litigation.

- a. Disciplinary and Other Administrative Actions for Students** – Sexual assault is a violation of the Fundamental Standard governing student behavior. The process and procedures governing student disciplinary cases are contained in the *Student Judicial Charter of 1997*, <http://www.stanford.edu/dept/vpsa/judicialaffairs/judicialprocess/sjc1997.htm>. The Judicial Affairs Office (725-2485) investigates all formal complaints of student misconduct, including allegations of sexual assault, and files formal charges if the evidence supports the allegation. Sanctions, for students found responsible for such a violation, range from probation to expulsion from the University.

The *Charter* guarantees that the rights of students, including those of the accused, are protected. The University will maintain the confidentiality of students involved in disciplinary cases; in situations involving the allegation of sexual assault, however, the reporting individual and the accused student may each choose to be accompanied by a person of his or her choice at all stages of the disciplinary process. Each student will be kept informed of the status of an investigation and its outcome. Accommodations are available for comfort and privacy. For more information see: <http://www.stanford.edu/dept/vpsa/judicialaffairs/judicialprocess/hearings.accommodations.htm>.

- b. **Disciplinary Action for Faculty And Staff** – Violations of this policy are addressed according to applicable faculty and staff personnel policies. Employees in a collective bargaining unit are covered by policies in the applicable agreement. For proved violations, possible sanctions range from censure to dismissal from the University.

- c. **Legal Options** – In addition to University disciplinary actions, a person who engages in a sexual assault may be the subject of criminal prosecution and/or civil litigation.

A police report must be made before a criminal prosecution can be considered by the local District Attorney's Office. The chances of successful prosecution are greater if the report to the police is timely and is supported by the collection of medical-legal evidence (see 5.b., Medical Legal Evidence Collection).

A person who wishes specific information about legal options should consult a private attorney or the YWCA Sexual Assault Center at Stanford (725-9955).

- d. **Sexual Harassment** – In some cases, sexual assault also may constitute sexual harassment. See Guide Memo 23.2, http://adminguide.stanford.edu/23_2.pdf, for the procedures to follow to make a complaint of sexual harassment.

The Sexual Harassment Policy Office may be contacted at 723-1583 or at harass@stanford.edu. See <http://www.stanford.edu/dept/shpo/index.html>.

7. INSTITUTIONAL RESPONSES

- a. **Public Information** – Requests for information concerning an incident of sexual assault should be directed to the Stanford University News Service (723-2558) or the Stanford University Department of Public Safety (723-9633).
- b. **Public Notification of Incidents** – As required by state and federal law, the Stanford Department of Public Safety must collect and report annually statistical information concerning sexual assaults occurring in its jurisdiction. To promote public safety, the Department also alerts the campus community to incidents and trends of immediate concern.