1.7.3 PROHIBITED SEXUAL CONDUCT: SEXUAL MISCONDUCT, SEXUAL ASSAULT, STALKING, RELATIONSHIP VIOLENCE, VIOLATION OF UNIVERSITY OR COURT DIRECTIVES, STUDENT-ON-STUDENT SEXUAL HARASSMENT AND RETALIATION

Formerly Known As Policy Number:
2.2.5; 23.3

This Guide Memo outlines Stanford University’s definitions and policies relating to sexual misconduct, sexual assault, stalking and relationship violence for all members of the Stanford community. This Guide Memo also defines student-on-student sexual harassment (see also Guide Memo 1.7.1, Sexual Harassment in the Workplace). Finally, this policy applies to violations of University directives or court orders and acts of intimidation/retaliation relating to the aforementioned conduct or allegations of conduct. This conduct is prohibited by Title IX of the Education Amendments of 1972 relating to sexual harassment (including sexual violence, stalking, and domestic and dating violence), the Violence Against Women Reauthorization Act of 2013 (VAWA) and its implementing regulations, and California Education Code sections 67380, 67383 and 67386; Stanford University refers to this collective group of misconduct as Prohibited Sexual Conduct. In conjunction with this Guide Memo, Stanford has disciplinary and administrative procedures for making formal determinations of whether Prohibited Sexual Conduct has occurred, which are described in Section 11 of this Guide Memo. Prohibited Sexual Conduct is a severe form of sexual harassment.

Authority:
Approved by the President.

Enforced under the authority of the Vice Provost for Student Affairs, the Vice President 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, staff, affiliates and others participating in University programs and activities are subject to this policy. This policy also applies to reports of incidents of Prohibited Sexual Conduct as required by Title IX, VAWA and California Education Code sections 67380, 67383 and 67386.

1. Policy Statement

Acts of Prohibited Sexual Conduct are not tolerated at Stanford University. The University investigates or responds to reports of Prohibited Sexual Conduct under circumstances in which the accused person(s) (Responding Party) is subject to this policy and (i) the individual(s) who believe he/she/they have experienced the Prohibited Sexual Conduct (Complainant) are students, faculty, staff members or program participants and there is a connection between the allegations and University programs or activities; or (ii) investigation and response are necessary for the proper functioning of the University, including the safety of the University
community or preservation of a respectful and safe climate at the University. 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 University web page dedicated to sexual violence awareness, prevention, response and
support for those who have experienced sexual violence can be found at
https://sexualviolencesupport.stanford.edu [1]. The web page contains a list of resources and describes
reporting options. Resources are also provided at the end of this policy in Section 18 and at and at

2. What is Prohibited Sexual Conduct?

Prohibited Sexual Conduct is the umbrella term that Stanford uses to collectively define different types of
misconduct relating to assault, violence or exploitation of a sexual nature, or connected to an intimate
relationship. Prohibited Sexual Conduct includes (a) Student-on-Student Sexual Harassment, (b) Sexual
Misconduct, (c) Sexual Assault, (d) Stalking, (e) Relationship (dating or domestic) Violence, (f) Violation of
University Directive or Court Order relating to Prohibited Sexual Conduct or allegations of Prohibited Sexual
Conduct and (g) Retaliation relating to Prohibited Sexual Conduct or Allegations of Prohibited Sexual
Conduct. Under federal law, Prohibited Sexual Conduct is a severe form of sexual harassment. (See
Administrative Guide Memo 1.7.1 [3] for more information regarding Sexual Harassment in the workplace and
Administrative Guide Memo 1.7.2 [4] for information about Consensual Sexual or Romantic Relationships in
the Workplace and Educational Setting.)

3. What Is Student-on-Student Sexual Harassment?

Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a
sexual nature constitute sexual harassment when the conduct has the purpose or effect of unreasonably
interfering with an individual's academic performance or creating an intimidating or hostile academic or
student living environment.

Determining what constitutes sexual harassment depends on the specific facts and context in which the
conduct occurs. Sexual harassment may take many forms: subtle and indirect or blatant and overt. For
depends on the specific facts and context in which the
example, it may:

- Be conduct toward an individual of the opposite sex or the same sex
- Occur between peers or between individuals in a hierarchical relationship
- Be aimed at coercing an individual to participate in an unwanted sexual relationship or have the effect of
  causing an individual to change behavior
- Consist of repeated actions or may even arise from a single incident if sufficiently egregious

Whether the unwanted sexual conduct rises to the level of creating an intimidating or hostile environment is
determined using both a subjective standard and an objective standard.
4. What Are Sexual Misconduct and Sexual Assault?

a. What is Sexual Misconduct?
Sexual misconduct is the commission of a sexual act, whether by a stranger or nonstranger and regardless of the gender of any party, which occurs without indication of consent.

1. The following acts or attempted acts can be the subject of a Sexual Misconduct or Sexual Assault charge:
   a) vaginal or anal intercourse;
   b) digital penetration;
   c) oral copulation; or
   d) penetration with a foreign object

2. Additional Acts of Sexual Misconduct
The following completed acts can be the subject of a Sexual Misconduct charge:
   a) unwanted touching or kissing of an intimate body part (whether directly or through clothing); or
   b) recording, photographing, transmitting, viewing or distributing intimate or sexual images without the knowledge and consent of all parties involved.

b. What is Sexual Assault?
Sexual Assault is an act described in Section 4.a.1 accomplished by use of (a) force, violence, duress or menace; or (b) inducement of incapacitation or knowingly taking advantage of an incapacitated person.

Definitions of force, violence, duress or menace
The following definitions (drawn from California law) inform whether an act was accomplished by force, violence, duress or menace:

- An act is accomplished by force if a person overcomes the other person's will by use of physical force or induces reasonable fear of immediate bodily injury.
- Violence means the use of physical force to cause harm or injury.
- Duress means a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity to do or submit to something that he or she would not otherwise do or submit to. When deciding whether the act was accomplished by duress, all the circumstances, including the age of the impacted party and his or her relationship to the responding party, are relevant factors.
- Menace means a threat, statement, or act showing intent to injure someone.

c. What is Consent?
Consent is an affirmative nonverbal act or verbal statement expressing consent to sexual activity by a person that is informed, freely given and mutually understood. It is the responsibility of person(s) involved in sexual activity to ensure that he/she/they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent to one act by itself does not constitute consent to another act. The existence of a dating relationship between the persons involved, or the fact of past sexual relations, should never by itself be assumed to be an indicator of consent. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

d. What is Incapacitation?
Incapacitation means that a person lacks the ability to voluntarily agree to sexual activity because the person
is asleep, unconscious, under the influence of an anesthetizing or intoxicating substance such that the person does not have control over his/her body, is otherwise unaware that sexual activity is occurring, or is unable to appreciate the nature and quality of the act. Incapacitation is not the same as legal intoxication.

A party who engages in sexual conduct with a person who is incapacitated under circumstances in which a reasonable sober person in similar circumstances would have known the person to be incapacitated is responsible for sexual misconduct. It is not a defense that the Responding Party’s belief in affirmative consent arose from his or her intoxication.

d. Stranger Assault and Nonstranger Assault
For the purposes of this policy, a nonstranger is someone known to the Complainant, whether through a casual meeting or through a longstanding relationship, including a dating or domestic relationship. A stranger is someone unknown to the Complainant at the time of the assault. California law requires universities to describe how a school will respond to instances of stranger and nonstranger assaults: Stanford applies the same policies for both stranger and nonstranger assaults.

5. What is Stalking?
Stalking is the repeated following, watching or harassing of a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others, or (b) suffer substantial emotional distress.

6. What is Relationship Violence?
Violence is Stanford’s umbrella term that includes dating and domestic violence. Relationship violence is physical violence relating 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, including conduct that would cause a reasonable person to be fearful for his or her safety.

7. What is a Violation of a University Directive or Court Order?
A violation of a University Directive is the failure to comply with a directive issued by the University that restricts the activities of an individual in connection with an allegation or finding of Prohibited Sexual Conduct. A violation of a court order is the failure to comply with any formal order issued by a state or federal court or authorized police officer that restricts a student’s access to another Stanford community member, such as an emergency, temporary or permanent restraining order.

8. What is Retaliation?
It is a violation of this policy to retaliate against any person making a complaint of Prohibited Sexual Conduct or against any person participating in the investigation of (including testifying as a witness to) any such allegation of Prohibited Sexual Conduct. Retaliation should be reported promptly to the Title IX Coordinator. Individuals engaging in retaliation are subject to discipline (for students and faculty), employment action (for employees) and/or removal from responsibilities or campus. Retaliation includes direct or indirect intimidation, threats, coercion, harassment or other forms of discrimination against any individual who has brought forward a concern or participated in the University’s Title IX process. Both parties are prohibited from engaging in intimidating actions directly or through support persons that reasonably could deter either a party or a witness from participating in a Title IX investigation or hearing.

9. Getting Immediate Help

If you or someone you know has experienced Prohibited Sexual Conduct, here are some steps to consider:

a. If you are in immediate danger, or if you believe there could be an ongoing threat to you or the community, please call 911 or 9-911 from a campus phone.

b. Get to a safe place and speak to a confidential resource. Confidential resources have special legal protection and will not share your name or personal information with anyone. They are able to provide for your immediate mental well-being and to discuss your options with you. A list of confidential resources is provided in Section 18.

1. For students, the Stanford University Confidential Support Team is available 24 hours a day. Office: (650) 736-6933. After Hours Hotline: (650) 725-9955.
2. Counseling and Psychological Services (CAPS) at (650) 723-3785.
3. For all University community members, the YWCA Rape Crisis Hotline is available 24 hours a day at (650) 493-7273 or (408) 287-3000.

c. You are encouraged to seek medical attention and a medical-legal examination for evidence collection purposes. Please see Section 13 for information about medical resources.

d. You are encouraged to contact the police, although you are not required to make a report to the police. Stanford has its own Department of Public Safety, which you can reach at (650) 723-9633, for assistance and support. University officials also will assist you in contacting local law enforcement authorities, if you request assistance. If you believe that there is an ongoing threat to your safety from a particular individual, you may request an Emergency Protective Restraining Order from a California police officer. Please see Section 15 for more information about restraining order options.

e. If you are able, you are encouraged to write down what you remember about the incident. (You might also ask a friend to help you.) If possible, record information in a chronological order including details, such as names of the accused and witnesses, time-estimates and locations. This record will assist you in recalling the event later and might assist you in any further process, such as speaking to the police, doctors or University staff.

f. Students in need of immediate University assistance or interim accommodations should contact the resources listed here; Stanford provides 24-hour assistance. Please note that requesting interim safety measures or accommodations (e.g., housing or academic) will result in a formal notification to the University. For an immediate No Contact Order, a temporary housing accommodation or similar urgent assistance,
10. Reporting Acts of Prohibited Sexual Conduct to the University

a. Where to Report
Reports of Prohibited Sexual Conduct relating to students, either as the Complainant or as the Responding Party, should be reported to:

" Jill Thomas, Title IX Coordinator, at Kingscote Gardens, Suite 240, 419 Lagunita Drive, Stanford, CA 94305, titleix@stanford.edu [5], (650) 497-4955

All other reports should be made to the Sexual Harassment Policy Office:

" Sexual Harassment Policy Office, at Kingscote Gardens, Suite 230, 419 Lagunita Drive, Stanford, CA 94305, harass@stanford.edu [6], (650) 724-2120

b. What to Report
For University staff members who are required to report Prohibited Sexual Conduct, the following information (if known) should be provided:

• Name of person who may have experienced Prohibited Sexual Conduct
• Name of Responding Party (accused party) (if known)
• Date of the incident
• Date of report
• To whom report was made
• Location of the incident (be specific: not "Responding Party’s room" but “RP’s room in Stern Hall” or "off-campus in downtown Palo Alto")
• Time of the incident
• Nature of the conduct (be as specific as possible, identify the category(ies) of Prohibited Sexual Conduct

Employees in need of University assistance relating to employment responsibilities or interim accommodations should contact the Sexual Harassment Policy Office at (650) 724-2120, harass@stanford.edu [6], a Human Resources Representative or a Sexual Harassment Adviser at harass.stanford.edu/help/advisers [7]. Please note that requesting interim measures or accommodations will result in a formal notification to the University.
Conduct—sexual misconduct, sexual assault, stalking, relationship violence; and also specific allegations: e.g., sexual misconduct, IP awoke to RP touching her breasts without permission.}

c. Who Must Report
Except for University-recognized confidential resources, the following University staff members (including student staff members) with knowledge of unreported concerns relating to Prohibited Sexual Conduct are required to report such allegations to the Title IX Coordinator (for students) or the Sexual Harassment Policy Office (for all other reports): (i) supervisors; (ii) staff within: (a) Residential Education; (b) Vice Provost for Student Affairs; (c) Vice Provost for Undergraduate Education; and (d) Vice Provost for Graduate Education; and (iii) faculty and staff who have responsibility for working with students in the following capacities: teaching; advising; coaching or mentoring. Reporting by these individuals is required regardless of whether the subject of the Prohibited Sexual Conduct has or has not indicated they will contact the appropriate office.

The University urges individuals who have been subjected to Prohibited Sexual Conduct to make an official report, whether or not they intend at that time to seek criminal or civil redress or pursue internal disciplinary measures. A report of the matter will be dealt with promptly and equitably. The University will not discipline reporting parties or witnesses for drug and alcohol violations (relating to voluntary ingestion) or similar Fundamental Standard (not Honor Code) offenses related to the reported incident that do not place the health or safety of any other person at risk.

11. University Response to Allegations of Prohibited Sexual Conduct

a. Immediate Response
Upon notice of any concern regarding Prohibited Sexual Conduct, the University will promptly assess the situation and respond, including instituting any immediate safety measures or accommodations necessary to ensure the safety of the Complainant and the Stanford Community.

b. Investigation Process for Matters involving a Student as the Alleged Wrongdoer
For matters in which a concern has been brought against a student in a degree-granting program as the alleged wrongdoer, the University will follow the Student Title IX Process, which is managed by the Title IX Coordinator.

c. Investigation Process for Matters involving Faculty or Staff as the Alleged Wrongdoer
The University will first assess whether an investigation will be conducted; that is, whether the allegation(s), if true, would rise to the level of Prohibited Sexual Conduct and, if so, whether a formal investigation is appropriate under the circumstances, taking into account the Complainant's request for confidentiality. The decision-makers to assess whether to move forward to an investigation are: for all matters in which a student is a Complainant, the Title IX Coordinator; for matters in which no student is involved and the respondent is faculty, the cognizant dean or program director; for matters in which no student is involved and the respondent is staff, Human Resources; faculty and staff decision-makers should confer with the Sexual Harassment Policy Office.

In instances in which the University decides to move forward to an investigation, each party will have the same opportunities within the process including: written notice of the concern, an opportunity to respond and be interviewed, and an opportunity to identify relevant witnesses and evidence. Investigations of Prohibited Sexual Conduct will be timely and equitable. The University will review relevant information. While corroborating evidence of accounts is helpful, it is not always available and the credible account of one party can be sufficient to establish a fact. The University makes good faith efforts to complete investigations under
Title IX in a 60 day timeframe, although extensions may be appropriate in some matters. Investigations of allegations of Prohibited Sexual Conduct may be conducted by the Title IX Coordinator or her trained designee, by a Human Resources or trained Sexual Harassment Adviser in consultation with the Sexual Harassment Policy Office and the Title IX Office, or by outside resources, depending upon who the parties are and the nature of the conduct alleged. All cases involving students will be investigated in consultation with the Title IX Office. The standard of proof for all determinations of Prohibited Sexual Conduct during an administrative review process is preponderance of the evidence, that is, the conduct more likely than not occurred. Appeal rights are as provided in specifically applicable policies:

- **Staff Investigations.** Following an investigation, a staff member may file a grievance under Guide Memo 2.1.11: Grievance Policy [9].
- **Senior Staff.** Following an investigation, a staff member may seek administrative review as provided in Guide Memo 2.1.14: Senior Staff [10].
- **Employees covered by collective bargaining agreements.** Please refer to Labor Relations & Collective Bargaining.
- **Trial period, casual or temporary employees.** Following an investigation, an employee may seek administrative review under Guide Memo 2.1.19: Administrative Review Policy [11].
- **Academic Staff–Librarians and Academic Staff–Research Associates.** Following an investigation, please refer to the Research Policy Handbook at Grievance Procedure: Academic Staff [12].
- **Faculty.** Please refer to the Faculty Handbook [13].

d. Support Resources, Interim Measures & Remedies:

The University will take steps to prevent the recurrence of Prohibited Sexual Conduct through safety measures and will redress its effects through appropriate accommodations. The University in implementing such measures and accommodations will seek to minimize the impact and burden on the involved parties consistent with protecting the well-being of the involved parties and the community. To the extent reasonable and feasible, the University will consult with the Complainant and the Responding Party in determining accommodations and safety measures. (Students are directed to Appendix C of the Student Title IX Process [8] for additional information.) Appropriate support resources, interim measures and remedies may include:

- Housing accommodations
- Counseling services
- Academic accommodations
- No contact directives, stay-away letters, or campus bans
- Escorts
- Limitation on extracurricular or athletic activities
- Removal from University community
- Referral to University disciplinary process
- Review or revision of University policies or practices
- Training
- Climate surveys
1. Obtaining Interim Measures
When the University has notice of an allegation of Prohibited Sexual Conduct, involving a student, the Title IX Coordinator is authorized to implement interim measures as appropriate, which will generally remain in effect throughout the duration of the University investigation. When the University has notice of an allegation of Prohibited Sexual Conduct that does not involve a student, the Sexual Harassment Policy Office is authorized to implement interim measures as appropriate, which will generally remain in effect throughout the duration of the University investigation. Interim Measures may include the same safety measures or accommodations provided above.

2. Potential Accommodations in the Event of No Investigation
Even if the University decides not to confront the Responding Party because of the Complainant's request for confidentiality, the University may pursue other reasonable steps to limit the effects of the Prohibited Sexual Conduct as feasible and reasonable in light of the Complainant's request for confidentiality. The University’s response may be limited, however, by a request for confidentiality.

e. Disciplinary & Corrective Action Processes
The University has processes that focus on the imposition of discipline (students and faculty) or corrective action (staff) for individuals found responsible for violating the Fundamental Standard or a University Policy.

1. Student Discipline
Student discipline is implemented through the Student Title IX Process [8].

The Title IX Office investigates all formal disciplinary complaints of Prohibited Sexual Conduct, and files formal charges if the evidence supports the allegation. Specially trained panelists consider allegations of Prohibited Sexual Conduct after the matter has been investigated and charged. Parties to the process are invited to work with support persons. Sanctions for students found responsible for such a violation range from a formal written warning to suspension for a period of time or expulsion from the University. Expulsion is the expected sanction following a finding of sexual assault and expulsion must be considered for all findings of Prohibited Sexual Conduct. Mediation between parties is not available for cases of sexual assault or misconduct.

2. Faculty & Staff Discipline/Corrective 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. When violations are found, possible sanctions range from censure to dismissal from the University. For more specific information, please see the following resources:

administrative guide 2.1.16: addressing conduct and performance issues (staff) [14], and the policies described above in section 11.c. [15] above.
faculty handbook: statement on faculty discipline (faculty) [16].

12. Confidentiality of Information
The University will make reasonable and appropriate efforts to preserve an individual's privacy and to protect the confidentiality of information. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee confidentiality relating to incidents of Prohibited Sexual Conduct except where those reports are privileged communications to Confidential Resources. (See below.) 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. Also, physicians, nurses,
psychologists, psychiatrists, teachers and social workers must report a sexual assault committed against a person under age 18.

Except for Confidential Resources, information shared with other individuals is not legally protected from being disclosed. If the individual requests confidentiality or requests that there be no investigation, the University’s ability to respond may be limited, including pursuing discipline or administrative remedies against the accused, although, where feasible, the University will take reasonable steps to prevent Prohibited Sexual Conduct and limit its effects. It is not always possible to provide confidentiality depending on the seriousness of the allegation and other factors, which will be weighed by the Title IX Coordinator in conjunction with an individual’s request for confidentiality or a request not to pursue an investigation. These factors include circumstances that suggest an increased risk of the accused committing additional acts of Prohibited Sexual Conduct or other violence, whether the Prohibited Sexual Conduct was perpetrated with a weapon, the age of the student, and the ability of the University to obtain evidence by other means. The University takes requests for confidentiality seriously while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students and the University community. The University in such circumstances will make sure the Complainant is aware he/she/they are protected from retaliation.

As required by the Clery Act, all disclosures to any University employee of an on-campus or “non-campus property” 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 or other personally identifiable information.

In California, a police officer is required to ask a victim of sexual assault and domestic violence (specifically section 273.5 Penal Code) if he or she wants his or her name to remain confidential (Penal Code 293(a)). If a victim elects to have his or her name remain confidential, the police will not list the victim's name in a crime log or release it to university officials without permission (Penal Code 293(d)). If the District Attorney elects to prosecute a sexual assault, the name of an adult victim may be subject to disclosure.

If a formal complaint against a student is filed with the Title IX Coordinator then the process provided for in the Student Title IX Process will be followed.

13. Medical-Legal Evidence Preservation & Collection

Individuals who have experienced a sexual assault are encouraged but not required to have a medical-legal exam performed by a trained medical professional as soon as possible (i.e., within 72 hours) after the assault. The medical professional will address an individual’s medical needs related to the assault as well as collect evidence in accordance with established protocols for evidence collection.

In order to preserve evidence, individuals are advised not to shower, wash, urinate, wipe, change clothes, eat, drink or brush their teeth prior to the exam, if possible.

Even if an individual is uncertain about whether to pursue criminal or other remedies, participating in the exam allows for the collection and preservation of evidence that might be useful should the individual decide to pursue some type of action at a later date.

In Santa Clara County, medical-legal exams are performed at the Santa Clara Valley Medical Center (SCVMC) in San Jose. Medical-legal exams will be performed at no cost to a victim of sexual assault. A victim
does not need to file a report in order to obtain a medical-legal exam; however, hospitals are required to notify the police if a physical injury has been sustained, so the hospital will notify the police agency that has jurisdictional responsibility where the assault took place. Victims have the option to speak with the police or not. The ability to have a medical-legal exam performed is not dependent upon speaking with the police or filing a police report.

If a victim needs assistance traveling to the SCVMC, a University staff person or a member of DPS will provide assistance.

For assistance in receiving a medical-legal exam, contact:

YWCA Rape Crisis Hotline:  (650) 493-7273 or (408) 287-3000
Department of Public Safety:  9-1-1 or  (650) 723-9633
SCVMC Emergency Department:  (408) 885-5000

To collect and preserve evidence of Prohibited Sexual Conduct, individuals experiencing unwanted sexual conduct are encouraged to photograph injuries; retain emails, text messages, phone records and other similar evidence; and maintain a journal or other means to document incidents.

**14. Reporting to the Police**

For a sexual assault that occurs on the Stanford campus, contact the Stanford Department of Public Safety at (650) 723-9633 or, in case of an emergency, 9-1-1 or 9-911 from a campus phone.

For an off-campus incident, call the local police jurisdiction:
   - **Palo Alto**, call 911 or (650) 329-2307
   - **Menlo Park**, call 911 or (650) 325-4424

**15. University Action in Conjunction with Civil & Criminal Processes**

In addition to University disciplinary actions, a person who engages in Prohibited Sexual Conduct may be the subject of criminal prosecution and/or civil litigation.

Individuals experiencing Prohibited Sexual Conduct have the option to notify law enforcement or not to notify law enforcement. These individuals do not need to report matters to the police to be eligible to receive accommodations from the University under Section 11.d. University officials will assist individuals wishing to report a matter to the police. 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 Section 13, above, Medical Legal Evidence Collection). Victims have the right to request that law enforcement implement an Emergency Protective Restraining Order. Victims who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the University's Title IX Coordinator, titleix@stanford.edu [5]. The University will work with the victim and the person who is the subject of the restraining order to manage compliance with the order on Stanford’s campus.

Because the requirements and standards for finding a violation of criminal law are different from the standards
for finding a violation of this Policy, criminal investigations or reports are not determinative of whether Prohibited Sexual Conduct, for purposes of this Policy, has occurred. In other words, conduct may constitute a violation under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. Moreover, the filing of a complaint of Prohibited Sexual Conduct with the University is independent of any criminal investigation or proceeding. The University will not wait for the conclusion of any criminal investigation proceeding to commence its own investigation and/or to take interim measures to protect the Complainant and University community. Both a criminal investigation and a University investigation involving the same incident(s) may occur simultaneously.

A person who wishes specific information about legal options should consult a private attorney or advocacy organization. Please see Section 18, Resources, at the end of this policy.

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16. Education and Prevention

a. Bystander Intervention
Stanford University expects all members of the Stanford Community to be Active Bystanders against sexual violence. The following information is based on Bystander Intervention research being done at the University of New Hampshire and the guidelines developed by UNH. (“Bringing in the Bystander®” is a registered trademark of the University of New Hampshire on behalf of Prevention Innovations [17]. Learn to recognize the signs of danger and learn how to intervene safely. Commit to being an Active Bystander.

1. Some simple steps to becoming an Active Bystander:
   - **Notice the situation:** Be aware of your surroundings.
   - **Interpret it as a problem:** Do I recognize that someone needs help?
   - **Feel responsible to act:** See yourself as being part of the solution to help.
   - **Know what to do:** Educate yourself on what to do.
   - **Intervene safely:** Take action but be sure to keep yourself safe (see next step).

2. How to Intervene Safely:
   - **Tell another person.** Being with others is a good idea when a situation looks dangerous.
   - **Ask person(s) you are worried about if they are okay.** Provide options and a listening ear.
   - **Distract or redirect individuals in unsafe situations.**
   - **Ask the person(s) if they want to leave.** Make sure that they get home safely.
   - **Call the police (911) or someone else in authority or yell for help.**

3. What can my friends and I do to be safe?
   - **Take care of each other. Remember these tips when you are out.**
   - **Have a plan.**
     Talk with your friends about your plans BEFORE you go out. Do you feel like drinking? Are you interested in hooking up? Where do you want to go? Having a clear plan ahead of time helps friends look after one another.
   - **Go out together.**
     Go out as a group and come home as a group; never separate and never leave your friend(s) behind.
   - **Watch out for others.**
     If you are walking at night with friends and notice a student walking alone in the same direction, ask
the person to join you so no one is alone.

**Diffuse situations.**
If you see a friend coming on too strong to someone who may be too drunk to make a consensual decision, interrupt, distract, or redirect the situation. If you are too embarrassed or shy to speak out, get someone else to step in.

**Trust your instincts.**
If a situation or person doesn’t seem “right” to you, trust your gut and remove yourself, if possible, from the situation.

### b. Education Resources
Stanford University provides resources for education about and prevention of Prohibited Sexual Conduct. Incoming students participate in online training before arriving at Stanford and undergraduates participate in a series of educational events during New Student Orientation. Throughout the year both undergraduates and graduates are invited to participate in programming on the prevention of Prohibited Sexual Conduct. 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.

- **Office of Sexual Assault & Relationship Abuse Education & Response (SARA)** (650-725-1056) 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 SARA Office [18].

- **Sexual Harassment Policy Office** (650-724-2120) provides training programs regarding sexual harassment for the campus community. Some programs are required for faculty, staff supervisors, instructors and newly hired staff. Information is available at [http://harass.stanford.edu](http://harass.stanford.edu) [19].

- **Stanford University Department of Public Safety** (650-723-9633) conducts educational programs and distributes educational literature to students, faculty and staff.

- **Students United for Risk Elimination (SURE)** (650-725-SURE) is an evening golf cart escort service for students, faculty and staff designed to enhance safety for the campus community.

### 17. Public Release of Information

#### a. Public Information
Requests for information concerning an incident of Prohibited Sexual Conduct should be directed to the Stanford University News Service (650-723-2558) or the Stanford University Department of Public Safety (650-723-9633).

#### 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.
18. Resources

The University is committed to providing information regarding on- and off-campus services and resources to all parties involved. A comprehensive website dedicated to Prohibited Sexual Conduct awareness, prevention and support can be found at https://sexualviolencesupport.stanford.edu [1].

Confidential Campus Resources
The following resources have the ability to keep a victim’s name confidential and anonymous. Reporting an incident of Prohibited Sexual Conduct to one of these resources will not lead to a university or police investigation.1

| Stanford University Confidential Support Team: | (650) 725-9955 or (650) 736-6933 |
| YWCA Rape Crisis Hotline: | (650) 493-7273 or (408) 287-3000 |
| Counseling and Psychological Services (CAPS)--students only: | (650) 723-3785 |
| Faculty Staff Help Center (faculty and staff only): | (650) 723-4577 |
| Office for Religious Life: | (650) 723-1762 |
| University Ombuds: | (650) 723-3682 |
| School of Medicine Ombuds: | (650) 498-5744 |

1 Individuals who meet the definition of a mandated reporter under California Penal Code 11165.7, 11166 and 11167 must report those incidents of child abuse and neglect. A person under the age of 18 years of age is considered to be a child.

Medical Resources2

| Vaden Health Center: | (650) 498-2336, ext. 1 |
| Stanford Health Care Emergency Department: | (650) 723-5111 |
| Santa Clara Valley Medical Center (medical-legal exam): | (408) 885-5000 |
| Planned Parenthood Mountain View: | (650) 948-0807 |

2 Pursuant to California Penal Code 11160, medical clinicians are required to notify the police if they observe physical injuries they believe were caused by assaultive conduct, including sexual assault.

Campus Resources3

<table>
<thead>
<tr>
<th>Jill Thomas, Title IX Office/Title IX Coordinator [2]:</th>
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<tbody>
<tr>
<td><a href="mailto:titleix@stanford.edu">titleix@stanford.edu</a> [5]</td>
</tr>
<tr>
<td>Kingscote Gardens</td>
</tr>
<tr>
<td>419 Lagunita Drive</td>
</tr>
<tr>
<td>Stanford, CA 94305</td>
</tr>
<tr>
<td>SARA Office [18]:</td>
</tr>
<tr>
<td><a href="mailto:saraoffice@stanford.edu">saraoffice@stanford.edu</a> [20]</td>
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</tbody>
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<tr>
<th>Residential Education/House Staff:</th>
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<tr>
<td>(Residence Deans, Resident Assistants, Peer Health Educators, Resident Fellows). If there is no answer or if you have an urgent, after-hours issue, contact the campus operator at (650) 723-2300 and ask to be connected to the Undergraduate Residence Dean on call.</td>
</tr>
</tbody>
</table>
• Graduate Life Office Deans:
If there is no answer or if you have an urgent, after-hours issue, call the 24-hour pager: (650) 723-8222, pager ID 25085.

• Office of Community Standards [21]:
• Office of the General Counsel:
• Sexual Harassment and Policy Office:

• Human Resources:
  General: (650) 725-8356
  School of Medicine: (650) 497-2750
  SLAC: (650) 926-2358

3 These resources are obligated to report Prohibited Sexual Conduct to the Title IX Office when the Complainant or the Responding Party is a student.

Legal and Advocacy Resources

• YWCA Rape Crisis Hotline: (650) 493-7273 or (408) 287-3000
• YWCA Silicon Valley Domestic Violence: (800) 572-2782
• Next Door Solutions to Domestic Violence: (408) 279-2962
• Community Solutions: (877) 363-7238

• Santa Clara County District Attorney's Office
  Sexual Assault Investigations Team: (408) 792-2516
  Domestic Violence Investigations Team: (408) 792-2551

• National Domestic Violence Hotline: (800) 799-SAFE
• Rape, Abuse & Incest National Network Hotline: (800) 656-HOPE
• Bay Area Legal Aid: (650) 358-0745

• Restraining Order Information for San Mateo County [22], including additional referrals
• Restraining Order Information for Santa Clara County [23], including additional referrals

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Links
[1] https://sexualviolencesupport.stanford.edu
[5] mailto:titleix@stanford.edu
[6] mailto:harass@stanford.edu