

LET'S
TALK

**HOW TO TALK
TO YOUR COLLEGE STUDENT**
— *about* —
**SEXUAL
VIOLENCE**

HOW TO TALK TO YOUR COLLEGE STUDENT ABOUT SEXUAL VIOLENCE



**SAN DIEGO STATE
UNIVERSITY**

Division of Student Affairs

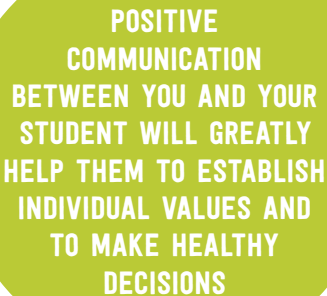
I. TALKING TO YOUR COLLEGE STUDENT ABOUT SEXUAL VIOLENCE

The California State University (CSU) system and San Diego State University (SDSU) take sexual violence very seriously, and we know that you and your incoming student do too. The transition to college is an exciting and important time. It is also a period of tremendous growth, autonomy and increased responsibility.

In an effort to assist students in understanding sexual violence and to support healthy relationship choices, all incoming students will participate in a training with administrators and staff on sexual violence during orientation. Your lifelong relationship with your student, however, means that you have a tremendous influence over the decisions they make. The information in this pamphlet is provided to assist you in talking with your student about sex and sexual violence as they begin this critical phase of life as a college student.

These are complex issues for everyone, including our students and families. Although difficult, there are serious consequences for not understanding sexual violence and how it relates to the campus community. To this end, we have developed a guide with information on how to talk with your student about sexual violence, when to talk with your student and conversation starters to help guide the discussion. We understand that these conversations can be difficult, but we hope that this guide can provide you with additional tools to utilize in your ongoing dialogues about sexual health and overall well-being. This brochure includes information that can support victims/survivors, students who may be alleged to have committed sexual violence, and students who are committed to preventing sexual violence from occurring.

II. WHY SHOULD I TALK TO MY STUDENT ABOUT SEX?



**POSITIVE
COMMUNICATION
BETWEEN YOU AND YOUR
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INDIVIDUAL VALUES AND
TO MAKE HEALTHY
DECISIONS**

The first step to talking about sexual violence with your student is talking about sex. Although most adults want youth to know about abstinence, contraception and how to prevent sexual violence, families often have difficulty communicating about sex. Nevertheless, positive communication between you and your student will greatly help them to establish individual values and to make healthy decisions. Most young adults name their parents as the biggest influence in their decisions about sex. Families really make a difference. Young adults who have frequent conversations with their families about a variety of topics related to sex are more likely to delay sex

until they are older and to use condoms and other forms of birth control when they do become sexually active.¹⁻⁴

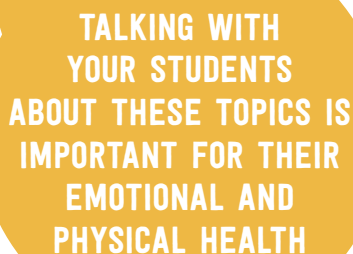
III. WHAT SHOULD I SAY?

Some parents think that talking about sex means they're giving their young adult permission to have sex as soon as possible. This isn't true. The reality is that college students already talk and think about sex. Talking with your student about these topics is important for their emotional and physical health. What you say about sex reflects your values. Think in advance about what you want to share with your student about these topics. Remember: Your student is going to make their own decisions. What you say to your young adult really matters. Saying nothing leaves students in the dark, to figure things out on their own or from their peers, which is why we hope to provide you with some tools to begin a conversation about sex with your student:

- Be intentional about setting aside time to talk with your student (as this conversation often doesn't happen organically).
- Plan to have ongoing dialogue with your student. Several talks may be needed to establish an open line of communication.
- Being open, warm and non-judgmental about sex means your student is less likely to hesitate if something's going on. They need your help to feel prepared to deal with the responsibilities of sex, whenever they're ready.
- Let your student know that you're there to answer their questions. If you don't know the answer to something, you can research the answer together.
- Assist your student in identifying other people they can talk with about what's going on – like an aunt, uncle, older sibling, doctor, nurse, or SDSU counselor or staff.
- Check back with your student regularly. Ask about their friends, what they do for fun and how they are involved on campus.
- Tell your student that no matter what happens, you love them and they can come to you in any situation.⁵

IV. WHEN SHOULD I HAVE THIS TALK?

As conversations about sex are intended to occur over time, beginning the conversation as early as possible is best. We encourage families to speak with their student about sexual violence before school starts. Packing up items for move-in or the trip to SDSU can be good times for a delicate talk. Many current events and issues related to sexual violence are in the media, which can provide an opportunity to talk with your student.



TALKING WITH
YOUR STUDENTS
ABOUT THESE TOPICS IS
IMPORTANT FOR THEIR
EMOTIONAL AND
PHYSICAL HEALTH

V. WHAT SHOULD I AVOID SAYING?

Dialogue is the most important part of preventing sexual violence. While you may have discussed sex with your student, it is important that sexual violence is a big part of the conversation. No conversation will be perfect and it is OK to make mistakes. That said, there are some assumptions that are best avoided when discussing sexual violence.

BEST PRACTICES

- Avoid reinforcing that the absence of a “no” in sexual activity constitutes consent (see the Affirmative Consent on page 4-5 for more information).
- Avoid framing sexual violence as solely penetrative rape.
- Avoid assuming that survivors of sexual violence are always women.
- Avoid assuming that perpetrators of sexual violence are always men or strangers.
- Avoid making assumptions about your student, the relationships they are in, or the activities they are participating in.
- Avoid minimizing the behavior and impact of sexual violence by suggesting that “kids will be kids.”
- Avoid talking about sex as a game or a competition.
- Avoid using your own experience, which may include a college experience, as a point of reference.
- Avoid blaming survivors, regardless of behavior, clothing, environment, or other factors associated with sexual violence.
- Avoid making assumptions about what kinds of behaviors constitute sexual misconduct. Some acts that didn’t seem inappropriate in previous times will now violate university policy and the law.
- Avoid traditional ideas about gender roles. These may or may not reflect your student’s experience.

VI. WHAT IS IMPORTANT FOR MY STUDENT TO KNOW ABOUT SEXUAL VIOLENCE?

Who experiences sexual violence

20% of students who completed SDSU’s most recent climate survey reported having experienced at least one sexual assault scenario. These numbers are consistent with eight national surveys and data from other institutions

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of higher learning. Sexual violence is not particular to SDSU. It is an important social, criminal, and public health issue, and we all need to work together to create change.⁶

There are a lot of assumptions about who experiences sexual violence and who perpetuates violence. We want incoming students to know that anyone can be a survivor or a perpetrator of sexual violence, regardless of their gender identity or sexual orientation. We know, for example, that about 10% of young men who completed our campus climate survey have experienced sexual assault. Women of color; students who identify as lesbian, gay, bisexual, or transgender; and people with disabilities all report higher levels of violence in national surveys. In fact:

- Students with disabilities are twice as likely to experience sexual violence when compared to non-disabled students.
- Women of color are also twice as likely to experience sexual assault when compared to white women.
- 64% percent of individuals who identify as transgender, 50% of bisexual women, 47% of bisexual men, and 40% of gay men report experiences of sexual violence.
- Although some populations are more vulnerable to experiencing violence, violence can reach anyone.⁷

It is also important for you and your student to aware of the “Red Zone.” This zone extends from the first day of school until Thanksgiving break. It is the time in which incoming students are at highest risk for sexual assault.

Affirmative consent

In 2015, California Senate Bill SB 967 (also known as the “Yes Means Yes” bill) was passed. This law established that on college campuses, affirmative consent is a voluntary, affirmative, and conscious agreement to engage in sexual activity. The absence of the word “no” is no longer enough. Students can no longer move forward with a sexual act and wait until they hear a “no” from their partner to stop. Consent needs to be obtained by the person

ADDITIONAL RESOURCES

- www.plannedparenthood.org/learn/parents/tips-talking
- www.advocatesforyouth.org/parents-sex-ed-center-home
- SDSU Counseling & Psychological Services : 619-594-5220
- SDSU Parent Hotline: 619-594-1653

who is initiating sexual activity in the form of a verbal question, should be on-going and obtained for each new act and can be revoked at any time. Affirmative consent can be given either verbally or nonverbally, but it does need to be in response to a verbal question. This means that students must engage in conversation with sexual partners. Consent is important because one of the biggest components to a healthy relationship is communication. While most people are familiar with the idea that “no means no,” affirmative consent is a relatively new idea. This concept is now embedded in university policy and California law.

Warm-Up Conversations

(these do not constitute asking for affirmative consent)

- » What are your expectations for the night?
- » What do you feel comfortable doing?
- » What are you into?

Examples of how a person can ask for consent

- » I would like to kiss you, is that OK?
- » Can we have sex?

Examples of how a person may give consent

- » Verbal “yes”
- » Enthusiastic high-five or thumbs-up

Alcohol & Other Drugs

Additionally, SB 967 (the “Yes Mean Yes” bill) clarified that a person who is incapacitated by drugs or alcohol is also incapable of giving consent. If someone is under the influence of alcohol or drugs, they cannot give consent, even if they do want to engage in sexual activity. There is a point when someone has had too much to drink and they can no longer give consent. There is no recipe for how many drinks someone can have before they are incapacitated to the point of not being able to formulate thoughts or make decisions. It can be challenging to identify when someone has had too much to drink or is incapacitated. We encourage students to recognize that if someone

Conversation Starters

- Who do you think experiences sexual violence on campus?
- When do you think sexual violence is most likely to occur for first-year students?
- How is race, gender identity, sexual orientation, and other salient forms of identity related to sexual violence?

Examples of how a person may not give consent

- » “No”
- » Actually, I am not really into that
- » I am not comfortable with that, but I am comfortable with

Conversation Starters

Affirmative Consent

- How can you ask for consent?
- How can you give consent?
 - What can you say if you are uncomfortable in any situation?

appears drunk, or if they know the individual has consumed a significant amount of alcohol, they should play it safe and avoid the sexual activity at this time.

There is a complicated truth involved with sexual violence, alcohol, and drugs. Many of the sexual assault cases on college campuses involve alcohol or drugs. With that said, it is never a victim's fault for experiencing violence. Drinking alcohol or using drugs does not excuse or justify instances of violence. Consumption of alcohol or use of drugs, however,

can create conditions that put students at increased risk for sexual violence. We encourage you to talk to your student about safety and responsibility as it relates to drugs, alcohol and sexual activity.

Conversation Starters

- What would you do if you wanted to hook up with someone who you met at a party and suspected had been drinking?
- What signs may you see in someone who has consumed alcohol or other drugs? At what point do you think these signs demonstrate incapacitation?

BEST PRACTICES*

- The very first thing you should do is listen to the survivor. It can be very difficult for survivors to share their story, whether the event just happened or if it was something that occurred in the past. By actively listening to what they are telling you, you can show them you care and this can assist you in the next step, which is to believe them.
- The next step to supporting a survivor is to believe what they are sharing with you. Sexual violence is never the survivor's fault. It is not your job to investigate, ask for specific details or try to figure out what happened. If they trust you enough to come to you, show them you care by believing them and not questioning what they are telling you.
- The third step is to connect them with campus resources and support their decisions. Every survivor will have a different reaction to their assault because it is a very personal crime. As a result, there is no single resource that will be the best option for every survivor. You want to give them all of their options and support whichever option they feel is best, even if it is not what you would personally choose. What they do next is their choice.

*See Section VIII, *Who is Here to Help* on page 7, for more information.

VII. WHAT SHOULD MY STUDENT DO IF THEY OR SOMEONE THEY KNOW EXPERIENCES SEXUAL VIOLENCE?

We want to make sure that everyone in the campus community is equipped with tools to respond to disclosures of sexual violence. It can be difficult to know how to support a survivor of sexual violence.

At SDSU, we take an empowerment-model approach, meaning we believe you should never tell a survivor what they "must" do or "should" do. This approach puts all of the decision-making power in the hands of the survivor. These skills can be used by anyone when responding to a disclosure of sexual violence.

Conversation Starters, if your student discloses that they have experienced sexual violence

How can I support you?

What do you need?

Conversation Starters, if your student discloses that a friend has experienced sexual violence

- » What resources are available on campus?
- » What support do you need?

VIII. WHO IS HERE TO HELP

Confidential Resources

Counseling & Psychological Services (C&PS)

C&PS is a confidential resource that provides support to SDSU students affected by sexual violence, i.e., a survivor at any stage of their healing, someone accused of sexual assault, as well friends affected by the incident. C&PS provides the following services for survivors of sexual violence:

- Exploring options for support
- Crisis intervention
- Group counseling, including Rise, a weekly support group for survivors of sexual violence based in trauma-focused therapy approaches
- Short-term individual therapy
- Assistance in connecting students to long-term therapy resources in the community

Sexual Assault Victim Advocate

SDSU has partnered with the Center for Community Solutions (CCS) to provide free and confidential advocacy services to survivors of sexual violence. The Victim Advocate can also help students explore options and rights as a survivor and get them connected to other resources within the community, both on and off campus.

Other Important Campus Resources

Title IX

SDSU has designated a Title IX Coordinator to provide students with assistance and support and to monitor and oversee overall compliance with laws and policies related to sexual violence. The SDSU Title IX Coordinator is available to explain and discuss a student's right to file a criminal complaint, the university's relevant complaint process and a student's right to receive assistance with that process, including the investigation process, how confidentiality is handled, available resources, both on and off campus, and other related matters. For more information, please visit:

<http://titleix.sdsu.edu/>

**IF
SOMEONE
IS UNDER THE
INFLUENCE OF ALCOHOL
OR DRUGS, THEY CANNOT
GIVE CONSENT, EVEN
IF THEY DO WANT TO
ENGAGE IN SEXUAL
ACTIVITY**

Faculty and Staff

Many students develop meaningful professional relationships with their faculty

members and staff on campus. While faculty and staff are not confidential sources (they are required to report instances of sexual violence to the Title IX office), they are trained to respond to sexual violence reports and can help connect students to important resources on campus.

CONTACT

SDSU Sexual
Assault Victim
Advocate SDSU
Office:
619-594-0210

Student Health Services (SHS)

Student Health Services (SHS) is staffed by fully licensed and certified health professionals, who are dedicated to the college community. SHS staff are mandated reporters to Title IX. They provide the following services for survivors:

- Evaluation and treatment of physical injuries
- STI prophylaxis testing, including PrEP
- Pregnancy testing
- Emergency Contraception

IX. WHAT SHOULD MY STUDENT DO IF THEY, OR SOMEONE THEY KNOW, IS ALLEGED TO HAVE COMMITTED SEXUAL VIOLENCE?

It is hard to imagine that someone we know and love could be responsible for harming another person. Perpetrators of sexual violence, however, are not rare anomalies. Often, they are people we interact with in our daily lives, as co-workers, friends and family members. To truly stop sexual violence, we must be willing to reflect on our own actions and beliefs and be open to providing critical feedback to members of our networks.

Any member of the SDSU community reported to have committed act(s) of sexual violence may be subject to disciplinary action and/or criminal

CONTACT

**Student Health Services
(SHS)**

619-594-4325

shs.sdsu.edu

Monday - Friday, 8:30 a.m.
to 4:30 p.m.

Calpulli Center

Secure e-messaging

through Health eConnection

charges. University disciplinary action may occur whether or not criminal charges are filed. Under Title IX, both complainants and respondents are entitled to a fair, prompt and equitable investigation. More information about the disciplinary process under Title IX can be found on the university's Title IX website: <http://titleix.sdsu.edu/>

Being affiliated with a sexual assault can be incredibly stressful and upsetting. We want to make sure that all students have emotional support as they move through the disciplinary process. And, while all SDSU faculty and staff are mandated reporters, meaning they are required to report incidents of sexual violence to campus police, Counseling & Psychological Services is a confidential place for students to get information and support. A well-established set of state laws and ethics safeguard the privacy of students seeking counseling services.

CONTACT

Counseling & Psychological Services (C&PS)
619-594-5220

Monday - Friday, 8 a.m. to 4:30 p.m.
Calpulli Center, 4th Floor, Room 4401
psycserv@sdsu.edu (checked during operating hours only)

After Hours San Diego Access & Crisis Line:
888-724-7240

ITEMS TO NOTE

- It is very important that students connected to a sexual assault complaint do not contact the other parties involved.
- It is not the responsibility of students to try to investigate or find out what happened.
- Because sexual violence is most likely to occur between people who know one another, it is not uncommon for a student to know all parties involved. In these instances, it is important that students do not pick sides or corroborate accounts associated with an incident.
- If your student knows someone who is involved in a sexual assault allegation, they can support their friend without supporting/condoning inappropriate behavior.

X. BYSTANDER INTERVENTION

The Bystander Effect is a social psychological phenomenon in which individuals are less likely to offer help to a victim when other people are present. The greater the number of bystanders, the less likely it is that any one of them will help. There may be many reasons why a bystander may fail to intervene. At SDSU we train and encourage students across the campus community to step up and do something when a problematic situation is unfolding.

First, it is important to decide if the situation is an emergency or non-emergency. An emergency unfolds quickly and requires an immediate helping response whereas a non-emergency is a slowly unfolding event that allows for more time to plan. An example of an emergency may be someone who is unresponsive. In an emergency situation, calling 9-1-1 is the best response. If a situation is determined to be a non-emergency, there is more time for someone to think about how they may want to intervene.

The next step after determining if a situation is an emergency or non-emergency is **deciding how to intervene**. There are two ways to do this, directly or indirectly. This can mean that students themselves can directly intervene or instead act by finding another person and eliciting their help to intervene in the situation. Direct intervention strategies could include distracting or removing individuals from a potentially harmful situation. If a student doesn't feel comfortable acting directly, they can utilize resources that exist in many environments to help. Resident advisers, commuter life mentors, faculty and staff are all great options for resources to turn to if a student decides to indirectly intervene in a problematic situation. It is important that students reach out and intervene wherever possible and help others in unsafe situations. It may not always be safe to intervene directly. Calling 9-1-1 or finding help nearby are other actions that can be taken to intervene.

Strategies for intervention:

- **Distraction:** asking if someone wants to leave a party; informing someone that their friends are looking for them and finding their friend group; asking someone to dance to remove them from a situation.
- **Delegating:** finding a bouncer to step in during a problematic situation; alerting a bartender to someone who is intoxicated; calling 9-1-1.
- **Direct:** cutting off someone who has had too much to drink; stopping someone from engaging in sexual activity when they have had too much alcohol; preventing individuals from leaving together if either or both of them are intoxicated; preventing an intoxicated person from entering a room alone.

Bystander intervention strategies can also be used when students witness or experience other concerning behaviors, such as hazing, alcohol or other drug emergencies; mental health concerns; violations of the Student Code of Conduct; and bias-related incidents.

Conversation Starters

- What are examples of an emergency?
- What would you do if you witnessed an emergency?

XI. WHAT IS SDSU DOING TO PREVENT SEXUAL VIOLENCE?

SDSU has a number of programs, initiatives and resources that are committed to addressing sexual violence within the campus community.

Sexual Violence Task Force

The Sexual Violence Task Force is a consortium of student representatives, faculty, staff, administrators and community partners, many of whom are subject matter experts in the area of sexual violence. The task force recognizes that sexual violence is a complex and sensitive issue and works to develop comprehensive campus campaigns relating to sexual violence, awareness and prevention for the campus community. "Let's Talk" is a campus-wide project of the Sexual Violence Task Force to engage students in dialogues about intimate partner violence.

Center for Community Solutions

The Center for Community Solutions (CCS) partners with SDSU to provide support resources to survivors of sexual violence. In addition to providing SDSU with a victim advocate, CCS has many opportunities for those who wish to support their mission to end relationship and sexual violence by being a catalyst for caring communities and social justice.

New Student Orientation

From the moment your student steps foot on campus, we want them to know that SDSU is committed to addressing the issue of sexual violence. During New Student Orientation, they will attend a presentation that introduces sexual violence definitions, Title IX policy and campus resources. Families are encouraged to begin conversations with students following orientation—before they arrive at SDSU—and during their student's SDSU experience.

Conversation Starters

- How can you intervene if you see behavior which concerns you?
- What would you say to a friend if you were worried about their behavior?

Additional Campus Programming & Education

The Brave Project: Each semester, the Women's Resource Center offers a four-part in-depth training about sexual violence through a feminist lens. Participants spend 10 hours learning about policies and procedures, rape culture and consent, identity and power, and how to support survivors. Students, faculty and staff are invited to participate.

Counseling & Psychological Services Peer Educators: This program offers students the opportunity to gain first-hand experience working in the mental health field with an emphasis on valuing and respecting diversity among individuals. The primary focus of their work is on outreach and educational activities that will provide programmatic support. Peer Educators are also given training in general counseling skills and ethical issues that are used in their interactions with student groups. This undergraduate peer class does significant outreach focused on ending sexual violence. Their work is supervised by C&PS professional staff.

FratMANers & SISSTER: FratMANers and SISSTER are two peer health education programs for members in the Greek community, focused on sexual violence prevention and education. Members are advocates on campus, educating their peers about gender-based violence and how they can be a part of the solution.

Take Back the Week: Take Back the Week is a collaborative effort of students, faculty and staff to spread awareness about issues surrounding sexual violence and to provide survivor support. Take Back the Week includes programming across campus during the month of April, which is known nationally as Sexual Assault Awareness Month.

Well-Being & Health Promotion Peer Health Educators: SDSU Peer Health Educators (PHEs) actively promote health and wellness on campus. PHEs gain training and education about health issues relevant to the SDSU population, including topics of consent and sexual violence prevention.

XII. GLOSSARY OF TERMS

AFFIRMATIVE CONSENT means an informed, affirmative, conscious, voluntary and mutual agreement is required to engage in sexual activity. It is the responsibility of each person involved in a sexual activity to ensure that affirmative consent has been obtained from the other participant(s) to engage in sexual activity. Lack of protest or resistance does not mean consent nor does silence mean that consent has been given. Affirmative consent can be withdrawn or revoked at any time. Affirmative consent cannot be given by a person who is incapacitated due to drugs or alcohol. A person with a medical or mental disability may also lack the capacity to give consent. Sexual activity with a minor (under 18 years old) is never consensual because a minor lacks the legal capacity to give consent.

DATING VIOLENCE is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend or on a social networking website. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self or another. Abuse does not include non-physical, emotional distress or injury.

DISABILITY as defined in California Education Code §66260.5, Government Code § 12926 and the federal Americans with Disabilities Act (ADA), 2008 Amendments, means: Having a physical or mental condition that limits a major life activity. “Limits” means making the achievement of a major life activity difficult. “Limits” is determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A “major life activity” is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing) and working; or

- Having a known history of a qualifying impairment; or
- Being regarded or treated as having or having had a qualifying impairment; or
- Being regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.

DOMESTIC VIOLENCE is physical abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the respondent has a child; someone with whom the respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who

XII. GLOSSARY OF TERMS (CONT.)

do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters.
- Sharing of income or expenses.
- Joint use or ownership of property
- Whether the parties hold themselves out as spouses.
- The continuity of the relationship.
- The length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another. Abuse does not include non-physical, emotional distress or injury

GENDER means sex and includes gender identity, gender expression, and transgender. It also includes sex stereotyping. Sex includes, but is not limited to, pregnancy, childbirth, breastfeeding or any related medical conditions. Gender identity means a person's identification as male, female, a gender different from the person's sex at birth or transgender. Gender expression means a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's assigned sex at birth. Sex stereotype means an assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain

kinds of work based on a myth, social expectation or generalization about the individual's sex. Transgender is a general term that refers to a person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectation of the sex assigned at birth. A transgender person may or may not identify as transsexual. Gender is a protected status.

HARASSMENT means unwelcome conduct, based on the complainant's protected status, that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person as limiting her/his ability to participate in or benefit from the services, activities or opportunities offered by the university.

RETALIATION means adverse action taken against a student because the student has or is believed to have exercised rights under Executive Order 1097. Examples of retaliation can include the following:

- Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this Executive Order;
- Assisted or participated in a policy-related investigation/proceeding regardless of whether the complaint was substantiated; or assisted someone in reporting or opposing a violation of this Executive Order or assisted someone in reporting or opposing retaliation under this Executive Order.

RETALIATION may occur whether or not there is a power or authority differential between the individuals involved.

SEXUAL HARASSMENT (a form of sex discrimination) is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors and any other conduct of a sexual nature in which:

- Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a complainant's academic status or progress or access to benefits and services, honors, programs, or activities available at or through the university; or
- The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the university; or
- The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

Sexual harassment could include being forced to engage in unwanted sexual contact as a condition

of membership in a student organization, being subjected to video exploitation or a campaign of sexually explicit graffiti, or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework. Sexual harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment addresses unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the university community may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct.

Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on gender.

SEXUAL MISCONDUCT is engaging in any sexual activity without first obtaining affirmative consent to the specific activity, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence

XII. GLOSSARY OF TERMS (CONT.)

or stalking also constitute sexual misconduct. Sexual misconduct may include using physical force, violence, threat or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

1. **Sexual assault** is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.
2. **Sexual battery** is a form of sexual misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.
3. **Rape** is a form of sexual misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress.

Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts, including intercourse, are considered non-consensual when a person is incapable of giving consent because they are incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders a person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of affirmative consent on Page 13.)

4. **Acquaintance rape** is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of rape.)

SEXUAL ORIENTATION means one's preference in sexual partners and includes, but is not limited to, heterosexuality, homosexuality or bisexuality. Sexual orientation is a protected status.

STALKING means engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for the safety of self or others' safety or to suffer substantial emotional distress.

TITLE IX IS A FEDERAL LAW THAT PROTECTS STUDENTS, EDUCATORS AND SCHOOL EMPLOYEES

For purposes of this definition:

1. **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
2. **Reasonable person** means a reasonable person under similar circumstances and with the

same protected status(es) as the complainant;

3. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

TITLE IX is a federal law that protects students, educators and school employees against all forms of sex or gender discrimination, including sexual harassment, dating and domestic violence, other forms of sexual misconduct, stalking and retaliation. Students or staff experiencing discrimination based on sex or gender should contact their campus Title IX office.

¹Resnick MD et al. *Protecting Adolescents From Harm: Findings from the National Longitudinal Study Adolescent Health*. JAMA 1997; 278: 823-32.

²Karofsky PS et al. *Relationship between Adolescent Parental Communication and Initiation of First Intercourse by Adolescents*. Journal of Adolescent Health 2000; 28; 41-45.

³Steinburg L. *We Know Things: Parent-Adolescent Relationships in Retrospect and Prospect*. Journal of Research Adolescents 2001;11:1-19.

⁴Martino SC, Elliott MN, Corona R et al. *Beyond the "Big Talk": The Roles of Breadth and Repetition in Adolescent Communication About Sexual Topics*. Pediatrics. 2008;121:e612-e618.

⁵Planned Parenthood: *How to Talk to your High School Teen about Pregnancy and Reproduction* <https://www.plannedparenthood.org/learn/parents/high-school/what-should-i-teach-my-high-school-aged-teen-about-pregnancy-and>

⁶San Diego State University Campus Climate Survey on Sexual Violence, Spring 2017

⁷Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, 2010-2014 (2015).

LET'S
TALK

SDSU RAPE & SEXUAL VIOLENCE RESOURCES