Redwoods Community College District

SEX DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL VIOLENCE

August 16, 2018

Presented by:

Ellie R. Austin
Associate General Counsel
Experience
Ms. Austin’s practice focuses on collective bargaining negotiations and personnel matters. She assists school districts, county offices of education, and community college districts in negotiating collective bargaining agreements, resolving grievances and unfair practice charges, and handling personnel matters. Ms. Austin also assists clients with Title IX and Clery Act compliance, as well as investigations of alleged discrimination or harassment.

Prior to joining SCLS, Ms. Austin practiced special education law representing public school districts at a law firm in Southern California for over 3 ½ years, where she worked extensively on matters pending before the California Office of Administrative Hearings. She developed expertise in analyzing special education documents, including IEPs, multidisciplinary assessments, and transition plans, for legal compliance. While in law school, she interned at a human rights NGO in Thailand teaching English to refugee women and Thai schoolchildren. Her capstone project for her M.P.A. degree involved a qualitative research study which identified common barriers facing community college students in Oregon as they transferred to four-year institutions.

Education
B.A. Humboldt State University, Geography magna cum laude (2007)
J.D. Drexel University School of Law (2011)
M.P.A. University of Oregon (2016)

School and College Legal Services (SCLS) is a joint powers authority serving school districts, county offices of education, SELPAs, and community colleges in over fifteen counties in Northern California. Our primary focus, as a preventative law firm, is helping clients avoid future costly legal problems. We are a collaborative office, working to ensure our clients receive the most legally defensible advice in the most efficient manner possible.
# Sex Discrimination, Sexual Harassment, and Sexual Violence

**August 16, 2018**

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Sex Discrimination, Sexual Harassment, and Sexual Violence
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Presented by:
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Agenda
I. Sexual Violence at Colleges in the News
II. Unlawful Discrimination & Harassment
III. Title IX
IV. Bystander Intervention

I. Sexual Violence at Colleges in the News
Sexual assault, defined as actual or attempted sexual contact with another person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:

1. Intentional touching of another person's intimate parts without that person's consent or other intentional sexual contact with another person without that person's consent.

2. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.

3. Rape, which includes penetration, no matter how slight, without the person's consent, of either of the following:
   - The vagina or anus of a person by any body part of another person or by an object.
   - The mouth of a person by a sex organ of another person.

Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, regardless of the victim's affiliation with the community college, including, but not limited to, any of the following:

1. Prostituting another person.

2. Recording images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent.

3. Distributing images, including video or photograph, or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure; or

4. Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire.
Sexual Violence

Students may be removed, suspended or expelled for sexual assault or sexual exploitation, regardless of the victim’s affiliation with the community college, and even if the offense is not related to a college activity or attendance.

(Attachment 1A, BP 3540: Sexual Assault and Sexual Misconduct; Attachment 1B, AP 3540: Sexual and Other Assaults on Campus)


Consent Law in California

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.

Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.


II. Overview of Unlawful Discrimination and Harassment
Unlawful Discrimination

What is discrimination?

When is it unlawful discrimination?

(Attachment 2, BP and AP 3410: Nondiscrimination; Attachment 3, BP and AP 3430: Prohibition of Harassment; Attachment 4, AP 3435: Procedures for Complaints of Unlawful Discrimination)

Sex Discrimination

What is sex discrimination?

Sex discrimination is discrimination on the basis of sex, gender, gender identity, gender expression, or sexual orientation.

(Attachments 2-4)

Sexual Harassment

What is sexual harassment?

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting…”

(Attachment 4, AP 3435)
Types of Sexual Harassment

- Quid Pro Quo
- Hostile Work/Educational Environment

Quid Pro Quo

- “This for that”
- Occurs when a person in a position of authority makes educational benefits conditional upon an individual’s willingness to engage in or tolerate sexual conduct.

Hostile Educational Environment

Occurs when unwelcome conduct based on a person’s sex is sufficiently severe or pervasive so as to alter the conditions of a student’s learning environment, unreasonably interferes with the student’s academic performance, or creates an intimidating, hostile, or abusive learning environment.
Key Elements of Sexual Harassment

• **Unwelcome** – Illegal harassment is based on unwelcome conduct.
• **Sexual** – Sexual in nature or sex-based (because of sex).
• **Severe, Pervasive, or Persistent** – Conduct is sufficiently severe, pervasive, or persistent to alter the working/academic conditions of the complainant or others.

Key Elements of Sexual Harassment, cont’d.

• **Abusive/offensive**, both objectively and subjectively:
  • **Objectively**: A reasonable person, similarly situated, would find the conduct abusive/offensive.
  • **Subjectively**: The victim actually finds the conduct abusive/offensive.

• **Totality of the Circumstances**

**Totality of the Circumstances**

1. Type(s) of conduct;
2. How frequently it occurred;
3. Whether the conduct was hostile and patently offensive;
4. The relationship between the victim and accused;
5. Whether others joined in perpetuating the harassment; and
6. Whether the harassment was directed at more than one individual.
Types of Conduct that Constitute Sexual Harassment

Verbal

Physical

Visual

Examples of Verbal Conduct

• Unwelcome sex- or gender-specific epithets, comments or slurs
• Explicit discussions about sexual activities
• Foul or obscene language
• Graphic comments
• Jokes or stories
• Advances or propositions
• Spreading rumors of a sexual nature

Examples of Physical Conduct

• Unwelcome touching, kissing, hugging, grabbing, groping
• Coercing intercourse or other sexual conduct
• Any physical interference with work or school activities when directed at an individual on the basis of sex
Examples of Visual Conduct

- Wearing clothing with offensive or vulgar language
- Displaying posters or pictures of a sexual nature
- Showing other people sexually suggestive text messages or emails
- Watching pornographic or violent videos
- Drawing violent or derogatory images – including sexualized graffiti
- Sexual gestures
- Flashing/exposing oneself

Consequences of Sexual Discrimination & Harassment

- Consequences to the victim
- Consequences to the harasser:
  - Subject to disciplinary action, up to and including expulsion (Attachment 4, AP 3435)
  - Personal liability for money damages
  - Criminal penalties

Retaliation is Illegal

- Retaliation is adverse treatment toward someone because they filed a complaint or participated in an investigation:
  - Denial of academic benefits
  - Harassment/abuse
  - Spreading false rumors about someone
  - Threats
  - Making someone’s life more difficult

- Retaliation subjects you to disciplinary action up to and including suspension/expulsion.

(Attachment 4, AP 3435)
III. Title IX of the Education Amendments of 1972

Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”


What Is Title IX?

• Title IX of the Education Amendments of 1972
• Aimed to combat discrimination against women in the education system
• Two objectives:
  • Prevent use of federal resources to support discriminatory practices in education
  • Provide individuals with protection against those practices
• Title IX protects any “person” against sex discrimination – both males and females
Title IX: What Programs are Covered?

• All College’s programs and activities

• Applies to all academic, educational, extracurricular, athletic, and other programs of the College

• Applies whether those programs take place in a college facility, in a college vehicle, at a program sponsored by the college at another location, or on a college-sponsored trip

Title IX Coordinator

• Title IX Coordinator’s responsibilities:
  • Oversee district response to Title IX reports and complaints;
  • Monitor outcomes of the reports and complaints;
  • Identify and address any patterns or problems revealed by reports and complaints;
  • Be involved in drafting and revising policies and regulations for Title IX compliance;
  • Identify and proactively address issues related to sex discrimination; and
  • Promote gender equity in education.

Title IX Coordinator: Additional Duties

• The Title IX Coordinator may also:
  • Evaluate requests for confidentiality in complaints;
  • Conduct Title IX investigations;
  • Determine appropriate interim and final remedies for a complainant and the community, and sanctions for the perpetrator;
  • Work with local law enforcement and service providers; and
  • Train students, faculty, and staff on Title IX issues.

• The District Title IX Coordinator is the Director of Human Resources, Wendy Bates

(Attachment 1, AP 3540: Sexual and Other Assaults on Campus)
Title IX Prohibits Sex-Based Harassment

- Sexual harassment is a prohibited form of sex discrimination.
- Two types:
  - Hostile educational environment harassment
  - Quid pro quo harassment
- Title IX prohibits sexual harassment by students, employees, and third parties (such as visiting speakers and athletes).
- Title IX prohibits same-sex sexual harassment too.

Title IX Prohibits Sexual Violence

- Sexual violence = physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or intellectual or other disability.
- A district may be notified directly or indirectly of a claim of sexual violence.
- Once a district knows or reasonably should know of possible sexual violence, it must take immediate and appropriate steps to investigate.

Title IX Prohibits Gender-Based Discrimination

- Title IX prohibits gender-based discrimination, including:
  - verbal, nonverbal, or physical aggression,
  - harassment,
  - intimidation, or
  - hostility,
  - based on sex or sex stereotyping,
  - even if not sexual in nature.

Image source: NYC Dance Project, upsoc1.com
IV. Bystander Intervention

What do you think?

- Should violence, harassment, abuse, and stalking be tolerated?
- Do you want to change your community for the better?
- Do you believe you have the power to make your community safer?

It’s On Us

- What if bears killed one in 5 people?
It’s On Us

- 20-25% of women*, 8-13% of men*, and almost 50% of LGBTQ students will be sexually assaulted during their college careers
  - Rates are highest for transgender individuals and Black and American Indian individuals

- Consequences of being sexually assaulted:
  - Decline in academic performance/dropping out
  - Withdrawal from life activities (athletics, extracurriculars)
  - Withdrawal from relationships
  - Mental health issues – PTSD, depression, anxiety, substance abuse, and suicide

Stanford Swimmer Rape Case – Victim Impact Letter

- Get into groups of 3-5.
- Pick one of the Excerpts in Attachment 5.
- Take 10 minutes to read and discuss in your group.

What is a Bystander?

- Someone who sees a potentially harmful situation, and does nothing.
- They are not directly involved, but have the choice to speak up, intervene, or do something about it.

- What are some things that stop you from intervening?
The Bystander Effect

- A social psychological phenomenon

- Individuals choose not to help someone in need because other people are present

- We all assume someone else will help

- What’s the result? No one helps!

Image Source: cpraedcourse.com

Bystander Effect

Diffusion of Responsibility
The presence of others may diffuse the sense of personal responsibility (Darley & Latané, 1968).

Ambiguity
In ambiguous situations, people may be less likely to offer assistance than in situations involving a clear-cut obligation (Darley & Latané, 1968).

Perceived Cost
The likelihood of helping someone in the perceived cost to ourselves (Darley & Latané, 1968).

Evaluation Apprehension
We’re afraid we’ll look foolish (Darley & Latané, 1968).

Image source: Jennifer McCary, Tedx Talk, Gettysburg College

The Bystander Effect

Bystander Intervention

44%
Among those who don’t help, 44% say they didn’t help because they thought someone else would.

23.6%
23.6% say they didn’t help because they didn’t want to get involved.

51.5%
51.5% say they didn’t help for fear of being misunderstood.

Image source: Mike
Changing Norms Around Sexual Violence

• What does sexual violence look like to you?

• What is sex without consent?

• What does consent look like to you?

Alcohol’s Role in Sexual Violence: What do you think?

Is “I was drunk” an excuse for harming someone?

Is someone ever less culpable for their actions because they were drunk?

Is someone ever more culpable for their actions because they were drunk?

Alcohol’s Role in Sexual Violence

• Alcohol does not cause sexual violence

• BUT alcohol plays a role in 50-70% of campus sexual assaults

• Perpetrators may consciously or unconsciously drink alcohol to have a justification for sexually assaulting someone

• Intoxicated perpetrators also focus more on their own sexual arousal or feelings of entitlement, rather than morality or future consequences
Alcohol’s Role in Sexual Violence: Camouflage and a Weapon

• (1) Alcohol is camouflage for a sexual assault.
  • “If most people around me are intoxicated, it’s far easier for me to engage in any problematic behavior without getting caught.”
  • Some research shows that intoxicated individuals are less likely to intervene as bystanders.

• (2) Alcohol is a weapon to incapacitate a victim.
  • Victims' ability and degree of resistance is often lower when they have been drinking.

What is Bystander Intervention?

• (1) Interrupting situations that could lead to assault/harassment before they happen or even during an incident
• (2) Speaking out against social norms that support sexual violence/harassment
• (3) Having skills to be an effective ally to survivors

#Amazing Bystander
Steps of Bystander Intervention

- **Direct**
  - Directly address the perpetrator
  - “Hey man, she seems pretty drunk. Why don’t you leave her alone?”
  - “That’s disrespectful, don’t talk to them that way.”
  - Ask the victim if they are okay
- **Distract**
  - Diffuse the situation / create a diversion
  - Spill your drink and cause a commotion – take focus off victim
  - Physically get in between the perpetrator and the victim
  - Don’t talk about the harassment – say something totally random
  - “Hey, do you know where the bathroom is?”

- **Delegate**
  - Enlist someone else to help – call the police, tell your coach, ask a friend to help you
  - Get someone else on board to distract the perpetrator while you assist the victim, or vice versa
- **Delay**
  - After the fact, check on the victim
  - Say you’re sorry that happened, and ask how you can support them
  - Offer to sit with them or accompany them to their destination
- **Document**
  - Record the incident with your phone or write down details you remember

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Stanford Swimmer Rape Case

The Rapist

The Hero Bystanders
Equity in Bystander Intervention

- Campus sexual assault disproportionately affects LGBTQ and Black and American Indian students.
- The LGBTQ community is particularly impacted by sexual assault committed as a hate crime.
- The risk is greatest for Black and American Indian transgender individuals.
- Research shows that white people are less likely to intervene in a sexual assault scenario if the potential victim is Black.

What to Say to Victims

- “I believe you.”
- “I am here for you.” “You are not alone.”
- “It took a lot of courage to tell me about this.”
- “It’s not your fault.” “You didn’t do anything to deserve this.”
- “I am sorry this happened to you.”
- “What do you need?” “How can I support you?”
- “Would you like me to tell someone?”

Your Turn!

- You are at a party after your team wins a game on a Friday night. Everyone seems to be having a good time until you see a friend and teammate talking to someone in a way that concerns you. Your friend is holding this person by the wrist and they seem to be pulling away. Your friend won’t let go. The person is laughing, but it appears to be out of nervousness rather than enjoyment. Although you can’t hear what’s being said, you think that your friend may be trying to push them into hooking up. You can see that both people are pretty drunk. What would you do?
Your Turn!

- Get into small groups.
- Brainstorm and write down a realistic scenario of sexual violence from your community.
- Brainstorm a 1) direct and 2) indirect way you would feel comfortable intervening in that situation.

Questions?

Information in this presentation, including but not limited to PowerPoint handouts and presenters’ comments, is summary only and not legal advice. We advise you consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

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Additional Resources

- Center for Changing our Campus Culture, http://changingourcampus.org/
- California Office of the Attorney General, Campus Sexual Assault guidance and resources, https://oag.ca.gov/campus-sexual-assault
- U.S. Department of Education, Office for Civil Rights, Sexual Harassment Resources, https://www2.ed.gov/about/offices/list/ocr/sexharassresources.html
- California Community Colleges Chancellor’s Office, http://extranet.cccco.edu/Divisions/StudentServices/CampusSafetySexualAssault.aspx
- It’s on Us to stop sexual assault, https://www.itsonus.org/
REDWOODS BP 3540: SEXUAL ASSAULT AND SEXUAL MISCONDUCT AND AP 3540: SEXUAL AND OTHER ASSAULTS ON CAMPUS

ATTACHMENT 1
SEXUAL ASSAULT AND SEXUAL MISCONDUCT

The Redwoods Community College District is committed to maintaining an educational community where all individuals who participate in District programs and activities can work and learn together in an atmosphere free of unlawful gender discrimination, including sexual misconduct in any of its forms.

Unlawful gender discrimination, including sexual misconduct, whether committed by an employee, student or member of the public that occurs on District property or in connection with a District program or activity, is a violation of District policies and procedures. The District will respond promptly and effectively to reports of unlawful gender discrimination including sexual misconduct. A person who engages in such conduct is subject to all applicable punishment within the jurisdiction of the District, including employee or student discipline procedures. Employees may be disciplined up to and including termination from District employment and students may be disciplined up to and including expulsion from the District. Such conduct may also lead to civil and/or criminal prosecution.

Students and employees who may be victims of gender discrimination, including sexual misconduct, shall be treated with dignity and provided support and assistance.

The President/Superintendent shall establish administrative procedures that ensure that students and employees who are victims of sexual misconduct receive appropriate information and assistance. The administrative procedures shall ensure that educational information about preventing sexual misconduct is provided and publicized as required by law. The goal of such procedures shall include the elimination of barriers for victims to report sexual misconduct.

The procedures shall address sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking as those terms are described herein and in federal and state law, and the procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

The procedures shall be reviewed on a regular basis to ensure that they appropriately address the goals of the District regarding sexual misconduct issues.

References:
- Education Code Sections 67382, 67385, and 67386;
- Title 20 U.S. Code Section 1092(f);
- Title 34 Code of Federal Regulations Section 668.46(b)(11)

Adopted by the Board of Trustees: February 3, 2015
SEXUAL AND OTHER ASSAULTS ON CAMPUS

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 Standards of Student Conduct.)

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.

1.0 Title IX Coordinator

Title IX of the Education Amendments of 1972 prohibits gender discrimination, including sexual violence. The District’s Title IX Coordinator is its Director of Human Resources, who is responsible for managing the District’s Title IX compliance program, including coordinating the investigation of allegations of gender discrimination and addressing problems revealed by such allegations or investigations.

Allegations of gender discrimination or sexual misconduct may be filed with the District’s Title IX Coordinator. The Title IX Coordinator can be contacted by telephone at (707) 476-4140, or by mail at:

Attn: Director of Human Resources/Title IX Coordinator
Office of Human Resources
College of the Redwoods
7351 Tompkins Hill Rd
Eureka, CA 95501-9300

Student allegations of gender discrimination may also be filed with:

The U.S. Department of Education, Office for Civil Rights (OCR), www2.ed.gov/ocr, or
The Chancellor of the California Community Colleges, www.cccco.edu
Attention: Legal Affairs Division
California Community Colleges,
1102 Q Street,
Sacramento, CA 95811-6549,

Employee allegations of gender discrimination may also be filed with the Equal Employment Opportunities Commission (www.eeoc.gov) or with the California Department of Fair Employment and Housing (www.dfeh.ca.gov).

The Director of Human Resources is also the District officer responsible for receiving discrimination complaints filed pursuant to Title 5 of the California Code of Regulations, sections 59300 et seq.

2.0 Educational Programs to Promote the Awareness of Sexual Misconduct, Including Dating Violence, Domestic Violence, Sexual Assaults and Stalking

The Title IX Coordinator shall:

2.1 Provide, as part of each campus’ established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall include the District’s sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.

2.2 Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Reference: 34 CFR 668.46(a), 34 CFR 668.46(b)(11)(i), 34 CFR 668.46(j); Education Code section 67386.7(a)(2)

3.0 Information Regarding Crimes of Sexual Assault

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Office of Human Resources, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal. Alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

Additionally, the Annual Security Report will include a statement regarding the District’s programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement shall include the following:
3.1 A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;

3.2 Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;

3.3 Information on a student’s right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;

3.4 Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;

3.5 Notice to students that the campus will change a victim’s academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;

3.6 Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking including a clear statement that:

3.6.1 The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and

3.6.2 Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense.

Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

3.7 A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Reference: 34 CFR 668.46(b)(11)(ii)

4.0 Confidentiality

In an effort to encourage access to support services after an unwanted sexual experience, the District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, in
confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District’s Office of the President, which shall work with the Office of Human Resources to assure that all confidentiality rights are maintained.

Reference: 34 CFR 668.46(b)(11)(iii); Education Code section 67386(b)(1)

5.0 Crisis Resources

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Office of Human Resources, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Title IX Coordinator is authorized to release such information.

Reference: 34 CFR 668.46(b)(11)(iv) and Education Code 67386(c)

6.0 Victim Assistance

If reasonably available, the District may change a victim’s academic, learning, or employment situation in response to sexual misconduct.

Reference: 34 CFR 668.46(b)(11)(v)

7.0 Disciplinary Options

7.1 A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

7.1.1 The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.

7.1.2 The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
7.2 In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

7.2.1 The complainant was asleep or unconscious.

7.2.2 The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.

7.2.3 The complainant was unable to communicate due to a mental or physical condition.

The standard used to determine whether the elements of a complaint against an accused have been demonstrated is the preponderance of the evidence.

Reference: 34 CFR 668.46(b)(11)(vi)

8.0 Rights and Options for Victims

The Title IX Coordinator shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following:

8.1 A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;

8.2 A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents, including but not limited to:

8.2.1 The Title IX Coordinator or designee,

8.2.2 Personnel designated as confidential employees in the Office of Human Resources,

8.2.3 The President/Superintendent or personnel designated as confidential employees in the Office of the President,

8.2.4 Security personnel,

8.2.5 District-designated medical providers, and

8.2.6 The Vice President of Instruction & Student Development;
8.3 Information about the importance of preserving evidence and the identification and location of witnesses;

8.4 A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:

8.4.1 Transportation to a hospital, if necessary; (Security Office)

8.4.2 Referral to a counseling center; (Office of Human Resources)

8.4.3 Notice to the police, if desired; (Security Office)

8.4.4 A list of other available campus resources or appropriate off-campus resources. (Office of Human Resources)

8.5 A description of each of the following procedures:

8.5.1 Criminal prosecution;

8.5.2 Civil prosecution (i.e., lawsuit);

8.5.3 District disciplinary procedures, both student and employee;

8.5.4 Modification of class schedules; and

8.5.5 Tutoring, if necessary.

The Title IX Coordinator or designee may provide assistance to District personnel regarding how to respond appropriately to reports of sexual violence.

Reference: 34 CFR 668.46(b)(11)(vii), 34 CFR 668.46(b)(v)

9.0 Affirmative Consent

Consent is an affirmative, unambiguous, conscious and voluntary decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Consent cannot be given when a
person is incapacitated. A person cannot consent if he or she is unconscious or coming in and out of consciousness. A person cannot consent if he or she is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent by a complainant that the accused believed that the complainant consented to sexual activity under either of the following circumstances: (1) the accused’s belief in affirmative consent arose from the intoxication or recklessness of the complainant or (2) the accused did not take reasonable steps, in the circumstances known to the accused at the time of the alleged incident, to ascertain whether the complainant affirmatively consented.

Similarly, it shall not be a valid excuse that the accused believed the complainant affirmatively consented to sexual activity if the accused knew or should have known that the complainant could not give affirmative consent because the complainant was (1) asleep or unconscious, (2) was incapacitated due to the influence or drugs, alcohol, or medication or that the complainant could not understand the fact, nature, or extent of the sexual activity, or (3) was unable to communicate due to a mental or physical condition.

Reference: Education Code section 67386

10.0 Definitions

10.1 Dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Reference: 34 CFR 668.46(a)

10.2 Domestic violence: a felony or misdemeanor crime of violence committed by a spouse or former spouse or intimate or domestic partner, cohabitant or former cohabitant of the victim, or someone with whom the accused shares a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship, or abuse perpetrated against any persons described in Family Code, section 6211.

Reference: 34 CFR 668.46(a); Family Code, section 6211

10.3 Sexual assault: sexual activity without the consent of the other person or when the other person is unable to consent to the activity. The activity may include physical force, violence, threats, 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). Sexual assault includes, but is not limited to fondling, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, incest, statutory rape, or threat of sexual assault. Sexual assault includes any of the crimes set
forth in Penal Code sections 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4.

Reference: 34 CFR 668.46(a); Education Code section 67385(d); Labor Code section 230.1

10.4 Sexual misconduct: Sexual misconduct includes discrimination based on gender, sexual harassment, dating violence, domestic violence, sexual assault, stalking, sexual violence, sexual coercion, and hate crimes based on gender.

10.5 Stalking: a course of conduct in which a person repeatedly engages in actions directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others or causes substantial emotional distress. A 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 method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a victim, or interferes with the property of the victim. Stalking includes the conduct described in Penal Code, section 646.9.

Reference: 34 CFR 668.46(a); Penal Code section 646.9

References:
Education Code Sections 67382, 67385, and 67386;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Approved: April 7, 2015
REDWOODS BP AND AP 3410: NONDISCRIMINATION
NONDISCRIMINATION

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The President/Superintendent shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

Reference:
Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)
Title 2 Sections 10500 et seq.

Adopted by the Board of Trustees: May 3, 2011
Revised: May 5, 2015
NONDISCRIMINATION

1.0  Education Programs

1.1 The District shall provide access to its services, classes and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

1.2 All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression: means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

1.3 The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

1.4 Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

1.5 Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

2.0  Employment

2.1 The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

2.2 All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for
all position classifications shall be based on job-related criteria as well as be responsive to the District’s needs.

2.3 The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

References:
   Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;
   Penal Code Sections 422.55 et seq.;
   Title 5 Sections 59300 et seq.;
   ACCJC Accreditation Eligibility Requirement 20 and ACCJA Accreditation Standard Catalog Requirements (formerly II.B.2.c)
   Education Code Sections 87100 et seq.;
   Title 5 Sections 53000 et seq.;
   Government Code Sections 11135 et seq. and 12940 et seq.

Approved: May 3, 2011
Revised: May 5, 2015
REDWOODS BP AND AP 3430:
PROHIBITION OF HARASSMENT

ATTACHMENT 3
PROHIBITION OF HARASSMENT

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the President/Superintendent shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The President/Superintendent shall establish procedures that define harassment on campus. The President/Superintendent shall further establish procedures for employees, students, interns,
volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, students, interns, and volunteers particularly when they are new to the institution. They shall be available for students, employees, interns, and volunteers in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the internship or other unpaid work experience program.

References:
  Education Code Sections 212.5, 44100, 66252, and 66281.5;
  Government Code Sections 12940 and 12950.1;
  Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e
  Title 2 Sections 10500 et seq.

Adopted by the Board of Trustees: June 7, 2016
PROHIBITION OF HARASSMENT

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, a District bus, or at a class or training program sponsored by the District at another location.

The District shall provide, as part of each campus’ established on-campus orientation program, education and prevention information about harassment. The information shall include the District’s harassment policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction. The District shall also post harassment prevention and education information on the campus internet website.

1.0 Definitions

1.1 General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person’s competency to do the job, when based on that person’s gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet
the definition above, or could contribute to a set of circumstances that meets the definition:

1.1.1 Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person’s race gender, gender identity, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

1.1.2 Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person’s gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

1.1.3 Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

1.1.4 Environmental: A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, gender identity, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, gender identity, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is
humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

1.2 Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

1.2.1 Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;

1.2.2 Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;

1.2.3 The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or

1.2.4 Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

1.3 Consensual Relationships: Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members and students are
discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student’s or employee’s work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

1.4 Academic Freedom: No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

References:
Education Code Sections 212.5; 44100; 66281.5;
Title IX, Education Amendments of 1972;
Title 5 Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

Approved: February 1985
Revised: April 7, 2015
REDWOODS AP 3435: PROCEDURES FOR COMPLAINTS OF UNLAWFUL DISCRIMINATION
DISCRIMINATION AND HARASSMENT COMPLAINTS AND INVESTIGATIONS

Introduction and Scope

These are the written procedures for filing and processing complaints of unlawful discrimination at the Redwoods Community College District. These policies and procedures incorporate the legal principles contained in nondiscrimination provisions of the California Code of Regulations, title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of these written policies on unlawful discrimination will be displayed in a prominent location in the main administrative building and available on the Redwoods Community College District website along with the other Board Policies and Procedures of the District.

Unlawful Discrimination Policy

The policy of the Redwoods Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability, genetic information, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

The policy of the Redwoods Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or verbal or physical conduct or communications constituting unlawful sexual harassment.

The policy of Redwoods Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.
Employees or persons acting on behalf of the District who engage in unlawful discrimination or harassment as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge or termination of contract. Employees shall only be subject to discipline after an impartial and fair investigation by the District into the matter pursuant to this Policy, and determination by the District that the employee(s) engaged in unlawful discrimination or harassment.

Students of the District who engage in unlawful discrimination or harassment as defined in this policy or by state or federal law may be subject to discipline, up to and including expulsion.


Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

Responsible District Officer

The Redwoods Community College District has identified the Chief Human Resources Officer (CHRO) to the State Chancellor’s Office and to the public as the single District officer responsible for receiving all unlawful discrimination complaints filed pursuant to title 5, section 59328, and for coordinating their investigation. Informal charges of unlawful discrimination should be brought to the attention of the responsible district officer, who shall oversee the informal resolution process pursuant to section 59327. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District, not involved with or related to the matter being investigated, and otherwise without any conflict of interest, to independently and impartially conduct the investigation.

Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination to the responsible District officer.

Informal/Formal Complaint Procedure

When a person brings charges of unlawful discrimination to the attention of the District’s responsible officer, that officer will:
1. Undertake efforts to informally resolve the charges;
2. Advise the complainant that he or she need not participate in informal resolution;
3. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;
4. Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency’s jurisdiction;
5. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency’s jurisdiction; and
6. Advise the respondent of the nature and the facts of the complaint. If the Respondent is a member of an employee organization, advise the respondent of his or her right to union representation at any meeting or interview which may lead to discipline.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to title 5, section 59336.

In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing or with the U.S. Equal Employment Opportunity Commission, a copy of that filing will be sent to the State Chancellor’s Office requesting a determination of whether a separate investigation under title 5 is required. Unless the State Chancellor’s Office determines that a separate investigation is required, the District will discontinue its investigation under title 5 and the matter will be resolved through the Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

The District will allow for representation for the complainant, respondent and others where required by law, and shall notify the complainant and respondent of their rights to representation.

**Filing of Formal Written Complaint**

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. A copy of this approved form is attached to this policy, elsewhere available from the District, and also at the State Chancellor’s website, as follows:


The completed form must be filed with the District representative or mailed directly to the State Chancellor’s Office of the California Community Colleges.

If a complaint of unlawful discrimination is presented in another written format, such as a letter, a
district may request that the complainant complete the form. If there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, a district may attach the letter to the form and open a formal investigation. While a complaint filed in an improper form is still procedurally defective under title 5 standards, the merits of the complaint itself may still be valid and must be addressed.

Once a complaint is filed, the respondent(s) accused of engaging in prohibited discriminatory conduct should be advised of that filing and provided a copy of the complaint. This will occur as soon as possible, and at least seven (7) days prior to any interview or meeting with the respondent(s) by the District or outside persons or organizations conducting the investigation. The District shall also advise the respondent that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that he or she will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided. The District shall inform the respondent of his or her right to representation in the matter.

The complainant and respondent shall each have the right to timely review any investigatory report created by the District or outside persons or organizations under contract with the District to independently and impartially conduct the investigation.

Threshold Requirements Prior to Investigation of a Formal Written Complaint

When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:

- The complaint should be filed on a form prescribed by the State Chancellor's Office.
- If the complaint is not filed on this form, every effort should be made to have the complaint filed on this form and to obtain complainant’s signature. However, where a complainant has indicated that he or she wishes to pursue the formal complaint process, a complaint should not be rejected solely based on the failure to file the complaint on this form.
- The complaint must allege unlawful discrimination prohibited under title 5, section 59300.
- The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administration.
- In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or harassment or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of the alleged unlawful discrimination.
- In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.
Defective Complaint

If a complaint is found to be defective it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, title 5, section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor's Office.

Notice to State Chancellor

A copy of all formal complaints filed in accordance with the title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt, regardless of whether the complaint is brought by a student or by an employee. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District.

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy of the report to the complainant and respondent, and written notice setting forth all the following to the complainant, respondent and the State Chancellor:

a. the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
b. a description of actions taken, if any, to prevent similar problems from occurring in the future;
c. the proposed resolution of the complaint; and
d. the complainant's right to appeal to the District governing board and the State Chancellor.

In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300, et seq., the responsible District officer will complete the investigation and forward a copy of the report to the complainant and respondent, and written notice setting forth all the following to the complainant and respondent:

a. the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
b. a description of actions taken, if any, to prevent similar problems from occurring in the future;
c. the proposed resolution of the complaint; and
d. the complainant's right to appeal to the District governing board and to file a complaint with the Department of Fair Employment and Housing.

In cases which did result in a determination that unlawful discrimination occurred, the District shall keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.
If it is determined that discrimination did occur, possible remedies to prevent similar problems from occurring in the future include all the standard District disciplinary actions for students and employees, ranging from undocumented reprimand to termination or expulsion. If formal disciplinary action is inappropriate, other possible remedies include training in the pertinent area(s) of unlawful discrimination, apology, and restricting or forbidding contact between the perpetrator and victim.

In cases which did not result in a determination that unlawful discrimination occurred, the District shall keep these documents on file for a period of three years after closing the case, and make them available to the State Chancellor upon request.

In all cases, the responsible District officer shall store the documents in a Complaint Investigation file, separate from the employee’s personnel file. In cases which did not result in a determination that unlawful discrimination occurred, the District shall not use these documents or its investigation as a basis for any adverse action, or future adverse action against the respondent or any other District employee.

The Redwoods Community College District recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

Complainant’s Appeal Rights

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District’s administrative determination. At the time the administrative determination and summary is mailed to the complainant and respondent, the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

- First level of appeal: The complainant has the right to file an appeal to the District’s governing board within 15 days from the date of the administrative determination. The District’s governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The District’s governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District’s governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District’s governing board will be forwarded to the complainant and to the State Chancellor's Office.
- Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor’s Office in any case not involving employment-related discrimination within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days from that date. In any case involving employment discrimination, the complainant has the right to file a complaint with the
Department of Fair Employment and Housing (DFEH) where the case is within the jurisdiction of that agency.

Complainants must submit all appeals in writing.

Provision of Information to State Chancellor

In any case not involving employment discrimination, within 150 days of receiving a complaint, the responsible District officer will either:

Forward the following to the State Chancellor:

- A copy of the final District decision rendered by the governing board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.
- A copy of the notice of appeal rights the District sent the complainant.
- Any other information the State Chancellor may require; or

Notify the State Chancellor that the complainant has not filed an appeal with the district governing board and that the District has closed its file.

The District will keep these documents on file for a period of at least three years after closing the case, and in any case involving employment discrimination, make them available to the State Chancellor upon request.

Extensions

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within 5 days of receipt.
The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.

Definitions

Definitions applicable to nondiscrimination policies are as follows:

"Appeal" means a request by a complainant made in writing to the Redwoods Community College District governing board pursuant to title 5, section 59338, and/or to the State Chancellor’s Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.

"Association with a person or group with these actual or perceived characteristics" includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and title 5, section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.

"Complaint" means a written and signed statement meeting the requirements of title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.

"Days" means calendar days.

“Genetic information” means, with respect to any individual, information about any of the following: (1) The individual's genetic tests; (2) The genetic tests of family members of the individual; (3) The manifestation of a disease or disorder in family members of the individual. “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

"Mental disability" includes, but is not limited to, all of the following:

1. Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
   a. "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
   b. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
   c. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

2. Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.

3. Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
4. Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.

5. Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.7

"Physical disability" includes, but is not limited to, all of the following:

1. Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
   a. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
   b. Limits a major life activity. For purposes of this section:
      i. "Limits" shall be 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.
      ii. A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
      iii. "Major life activities" shall be broadly construed and include physical, mental, and social activities and working.

2. Any other health impairment not described in paragraph (1) that requires specialized supportive services.

3. Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.

4. Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.

5. Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

6. "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.8

“District” means the Redwoods Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the State. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.
“Responsible District Officer” means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation.

“Sex” includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. “Sex” also includes, but is not limited to, a person's gender. “Gender” means sex, and includes a person's gender identity and gender expression. “Gender expression” means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

“Sexual harassment” is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:

1. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)

2. Continuing to express sexual interest after being informed that the interest is unwelcomed.
3. Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: threatening to withhold, or actually withholding, grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
4. Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee’s career, salary, and/or work environment.
5. Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
7. Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decision-maker has a sexual relationship and denying such benefits to other students or employees.

"Sexual orientation" means heterosexuality, homosexuality, or bisexuality. “Unlawful discrimination” means discrimination based on a category protected under title 5, section 59300, including retaliation and sexual harassment.
Confidentiality of the Process

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant’s request as long as doing so does not jeopardize the rights of other students or employees. If the respondent could not adequately respond to the complaint without that information, the District shall not take disciplinary action against the respondent.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District’s process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.9

Notice, Training, and Education for Students and Employees

Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of the District’s written policy on unlawful discrimination at the beginning of the first quarter or semester of the college year after the policy is adopted.

District employees and students will periodically be offered training in these policies, including an explanation of the policy, how it works, and how to file a complaint. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and annually thereafter.

A copy of the District’s written policy on unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.
Academic Freedom

The Redwoods Community College District Governing Board reaffirms its commitment to academic freedom, but recognizes that academic freedom, nor BP 4030, allows any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty’s right to teach and the student’s right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

Adopted by Board of Trustees: 6/83
Previously Updated: 7/86, 3/87, 11/91, 12/91, 2/03
Amended: June, 7 2016
EXCERPTS – IMPACT STATEMENT OF STANFORD RAPE VICTIM
Excerpt A

On January 17th, 2015, it was a quiet Saturday night at home. My dad made some dinner and I sat at the table with my younger sister who was visiting for the weekend. I planned to stay at home by myself, watch some TV and read, while she went to a party with her friends. Then, I decided it was my only night with her, I had nothing better to do, so why not, there’s a dumb party ten minutes from my house, I would go, dance like a fool, and embarrass my younger sister. My sister teased me for wearing a beige cardigan to a frat party like a librarian. I … let my guard down, and drank liquor too fast not factoring in that my tolerance had significantly lowered since college.

The next thing I remember I was in a gurney in a hallway. I had dried blood and bandages on the backs of my hands and elbow. I thought maybe I had fallen and was in an admin office on campus. I was very calm and wondering where my sister was. A deputy explained I had been assaulted. I still remained calm, assured he was speaking to the wrong person. I knew no one at this party.

Then, I felt pine needles scratching the back of my neck and started pulling them out my hair. I thought maybe, the pine needles had fallen from a tree onto my head.

I shuffled from room to room with a blanket wrapped around me, pine needles trailing behind me, I left a little pile in every room I sat in. I was asked to sign papers that said “Rape Victim” and I thought something has really happened.

My clothes were confiscated and I stood naked while the nurses held a ruler to various abrasions on my body and photographed them. The three of us worked to comb the pine needles out of my hair, six hands to fill one paper bag. To calm me down, they said it’s just the flora and fauna, flora and fauna. I had multiple swabs inserted into my vagina and anus, needles for shots, pills, had a Nikon pointed right into my spread legs. I had long, pointed beaks inside me and had my vagina smeared with cold, blue paint to check for abrasions.

On that morning, all that I was told was that I had been found behind a dumpster, potentially penetrated by a stranger, and that I should get retested for HIV because results don’t always show up immediately. But for now, I should go home and get back to my normal life. Imagine stepping back into the world with only that information.
Excerpt B

I was not ready to tell my boyfriend or parents that actually, I may have been raped behind a dumpster, but I don’t know by who or when or how. If I told them, I would see the fear on their faces, and mine would multiply by tenfold, so instead I pretended the whole thing wasn’t real.

I tried to push it out of my mind, but it was so heavy I didn’t talk, I didn’t eat, I didn’t sleep, I didn’t interact with anyone. After work, I would drive to a secluded place to scream. I became isolated from the ones I loved most. For over a week after the incident, I didn’t get any calls or updates about that night or what happened to me. The only symbol that proved that it hadn’t just been a bad dream, was [a] sweatshirt from the hospital...

One day, I was at work, scrolling through the news on my phone, and came across an article. In it, I read and learned for the first time about how I was found unconscious, with my hair disheveled, long necklace wrapped around my neck, bra pulled out of my dress, dress pulled off over my shoulders and pulled up above my waist, that I was butt naked all the way down to my boots, legs spread apart, and had been penetrated by a foreign object by someone I did not recognize. This was how I learned what happened to me, sitting at my desk reading the news at work. I learned what happened to me the same time everyone else in the world learned what happened to me.

And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times. She was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal position.

The night the news came out I sat my parents down and told them that I had been assaulted, to not look at the news because it’s upsetting, just know that I’m okay, I’m right here, and I’m okay. But halfway through telling them, my mom had to hold me because I could no longer stand up.

The night after it happened, he said he didn’t know my name, said he wouldn’t be able to identify my face in a lineup, didn’t mention any dialogue between us, no words, only dancing and kissing.

He admitted to kissing other girls at that party, one of whom was my own sister who pushed him away. He admitted to wanting to hook up with someone. I was the wounded antelope of the herd, completely alone and vulnerable, physically unable to fend for myself, and he chose me. Sometimes I think, if I hadn’t gone, then this never would’ve happened. But then I realized, it would have happened, just to somebody else.
Excerpt C

I thought there’s no way this is going to trial; there were witnesses, there was dirt in my body, he ran but was caught. He’s going to settle, formally apologize, and we will both move on. Instead, I was told he hired a powerful attorney, expert witnesses, private investigators who were going to try and find details about my personal life to use against me, find loopholes in my story to invalidate me and my sister, in order to show that this sexual assault was in fact a misunderstanding. That he was going to go to any length to convince the world he had simply been confused.

I was not only told that I was assaulted, I was told that because I couldn’t remember, I technically could not prove it was unwanted. And that distorted me, damaged me, almost broke me. It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don’t know if it counts as assault yet. I had to fight for an entire year to make it clear that there was something wrong with this situation.

When I was told to be prepared in case we didn’t win, I said, I can’t prepare for that. He was guilty the minute I woke up. No one can talk me out of the hurt he caused me. Worst of all, I was warned, because he now knows you don’t remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win this. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn’t remember. That helplessness was traumatizing.

Instead of taking time to heal, I was taking time to recall the night in excruciating detail, in order to prepare for the attorney’s questions that would be invasive, aggressive, and designed to steer me off course, to contradict myself, my sister, phrased in ways to manipulate my answers. Instead of his attorney saying, Did you notice any abrasions? He said, You didn’t notice any abrasions, right? This was a game of strategy, as if I could be tricked out of my own worth.

I was pummeled with narrowed, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name. After a physical assault, I was assaulted with questions designed to attack me, to say see, her facts don’t line up, she’s out of her mind, she’s practically an alcoholic, she probably wanted to hook up, he’s like an athlete right, they were both drunk, whatever, the hospital stuff she remembers is after the fact, why take it into account, Brock has a lot at stake so he’s having a really hard time right now.
Excerpt D

So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way she actually said yes, to everything, so.

He said he had asked if I wanted to dance. Apparently I said yes. He’d asked if I wanted to go to his dorm, I said yes. Then he asked if he could finger me and I said yes. Most guys don’t ask, can I finger you? Usually there’s a natural progression of things, unfolding consensually, not a Q and A. But apparently I granted full permission. He’s in the clear. Even in his story, I only said a total of three words, yes yes yes, before he had me half naked on the ground. Future reference, if you are confused about whether a girl can consent, see if she can speak an entire sentence. You couldn’t even do that. Just one coherent string of words. Where was the confusion? This is common sense, human decency.

According to him, the only reason we were on the ground was because I fell down. Note; if a girl falls down help her get back up. If she is too drunk to even walk and falls down, do not mount her, hump her, take off her underwear, and insert your hand inside her vagina. If a girl falls down help her up. If she is wearing a cardigan over her dress don't take it off so that you can touch her breasts. Maybe she is cold, maybe that's why she wore the cardigan.

Your attorney has repeatedly pointed out, well we don’t know exactly when she became unconscious. And you’re right, maybe I was still fluttering my eyes and wasn’t completely limp yet. That was never the point. I was too drunk to speak English, too drunk to consent way before I was on the ground. I should have never been touched in the first place.

Brock stated, “At no time did I see that she was not responding. If at any time I thought she was not responding, I would have stopped immediately.” Here’s the thing; if your plan was to stop only when I became unresponsive, then you still do not understand. You didn’t even stop when I was unconscious anyway! Someone else stopped you. Two guys on bikes noticed I wasn’t moving in the dark and had to tackle you. How did you not notice while on top of me?

On top of all this, he claimed that I orgasmed after one minute of digital penetration. The nurse said there had been abrasions, lacerations, and dirt in my genitalia. Was that before or after I came?
This is not a story of another drunk college hookup with poor decision making. Assault is not an accident. Somehow, you still don’t get it. Somehow, you still sound confused. I will now read portions of the defendant’s statement and respond to them.

You said, Being drunk I just couldn’t make the best decisions and neither could she.

Alcohol is not an excuse. Is it a factor? Yes. But alcohol was not the one who stripped me, fingered me, had my head dragging against the ground, with me almost fully naked. Having too much to drink was an amateur mistake that I admit to, but it is not criminal. Everyone in this room has had a night where they have regretted drinking too much, or knows someone close to them who has had a night where they have regretted drinking too much. Regretting drinking is not the same as regretting sexual assault. We were both drunk, the difference is I did not take off your pants and underwear, touch you inappropriately, and run away.

You said, I stupidly thought it was okay for me to do what everyone around me was doing, which was drinking. I was wrong.

Again, you were not wrong for drinking. Everyone around you was not sexually assaulting me. You were wrong for doing what nobody else was doing, which was pushing your erect dick in your pants against my naked, defenseless body concealed in a dark area, where partygoers could no longer see or protect me, and my own sister could not find me. Sipping fireball is not your crime. Peeling off and discarding my underwear like a candy wrapper to insert your finger into my body, is where you went wrong. Why am I still explaining this.

Lastly you said, I want to show people that one night of drinking can ruin a life.

A life, one life, yours, you forgot about mine. Let me rephrase for you, I want to show people that one night of drinking can ruin two lives. You and me. You are the cause, I am the effect. You have dragged me through this hell with you, dipped me back into that night again and again. … If you think I was spared, came out unscathed, that today I ride off into sunset, while you suffer the greatest blow, you are mistaken. Nobody wins. We have all been devastated, we have all been trying to find some meaning in all of this suffering. Your damage was concrete; stripped of titles, degrees, enrollment. My damage was internal, unseen, I carry it with me. You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until today.

My independence, natural joy, gentleness, and steady lifestyle I had been enjoying became distorted beyond recognition. I became closed off, angry, self deprecating, tired, irritable, empty. The isolation at times was unbearable. You cannot give me back the life I had before that night either.

I can’t sleep alone at night without having a light on, like a five year old, because I have nightmares of being touched where I cannot wake up.
Bystander Intervention Tips
1. Talk to your friends honestly and openly about sexual assault.

2. Don’t be a bystander – if you see something, intervene in any way you can.

3. Trust your gut. If something looks like it might be a bad situation it probably is.

4. Be direct. Ask someone who looks like they may need help if they’re okay.

5. Get someone to help you if you see something – enlist a friend, RA, bartender, or host to help step in.

6. Keep an eye on someone who has had too much to drink.

7. If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.

8. Recognize the potential danger of someone who talks about planning to target another person at a party.

9. Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone else.

10. Get in the way by creating a distraction, drawing attention to the situation, or separating them.

11. Understand that if someone does not or cannot consent to sex, it’s rape.

12. Never blame the victim.

13. If you are a victim or survivor, or helping someone in that situation go to www.notalone.gov to get the resources and information you need. You can also call the National Sexual Assault Hotline at 1-800-656 HOPE.
REDWOODS BP AND AP 3515: REPORTING OF CRIMES

ATTACHMENT 7
REPORTING OF CRIMES

The President/Superintendent shall ensure that, as required by law, reports are prepared of all occurrences reported to the Public Safety Department of, and arrests for, crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The President/Superintendent shall further ensure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

It is the policy of the District to encourage the reporting of crimes and suspicious activity to the Public Safety Department or local law enforcement. Campus security/police reports and investigations are subject to disclosure as required by law. Victims of and witnesses to a crime may make a confidential report.

The President/Superintendent shall ensure that an annual security report is prepared that meets all of the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

The President/Superintendent shall ensure that District Employees are notified of their responsibilities and that relevant training is available to them.

Reference: Education Code section 67380; Penal Code section 841.5; Government Code section 6254(f); Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Approved by the Board of Trustees: February 3, 2015
REPORTING OF CRIMES

1.0 Introduction

District employees and students, and other members of the District community such as volunteers or campus visitors, who are witnesses to or victims of a crime or who witness suspicious activity should immediately report the crime or suspicious activity to the Public Safety Department or local law enforcement. In case of an emergency, call 9-1-1. A person may report any criminal activity or other emergency or suspicious activity to the Public Safety Department at any time by dialing extension 4111 from any campus courtesy or office phone, or by dialing (707) 476-4111 from any pay phone or off-campus phone, or through the RAVE Guardian mobile app. A person may also visit the Public Safety office on the Eureka Campus on the lower level of the Redwoods Business Complex-A (Old Administration Building). Confidential reports of crime can be made to the Public Safety Department by calling the tip line at (707) 476-4555 or emailing CRTip@redwoods.edu. For purposes of crime reports to law enforcement, the Humboldt County Sheriff’s Office has primary jurisdiction over the College of the Redwoods Eureka Campus and the Klamath-Trinity Instructional Site. The Eureka Police Department has primary jurisdiction over the Eureka Downtown Campus. The Del Norte County Sheriff’s Department has jurisdiction over the Del Norte Campus. The Fort Bragg Police Department has primary jurisdiction over the Mendocino Coast Campus. Except as specifically noted, nothing in this procedure requires a victim to report a crime if he or she declines to do so. Nothing in this procedure prevents reporting of a crime by another person when the victim is unable to report the crime.

In the event an employee is assaulted, attacked or menaced by a student, in addition to reporting the action as described above, the employee shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted or menaced shall assist the employee to promptly report the attack or assault to the Public Safety Department or local law enforcement. The supervisor himself/herself shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The Public Safety Department will notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the District or other agencies with jurisdiction over unlawful discrimination (such as the United States Department of Education Office for Civil Rights, the United States Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, and the Chancellor’s Office of the California Community Colleges) in addition to filing a criminal complaint. The
Public Safety Department shall also report incidents of sexual violence, domestic violence, dating violence, sexual assault, or stalking to local law enforcement or the agency having jurisdiction for where the crime occurred if the complainant consents or is unable to report the incident. The Public Safety Department and campus security authorities (discussed below) shall assist victims of alleged crimes of sexual violence, domestic violence, dating violence, sexual assault, or stalking in notifying law enforcement authorities of a crime if the victim so chooses.

2.0 Annual Security Report

The District shall annually collect and distribute crime statistics to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on each campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims’ assistance program, student discipline, campus resources and other matters. The District shall make the report available to all current students and employees. Each year, an email notification is made to all enrolled students, faculty, and staff that provides the website link to access the Annual Security Report. The Annual Security Report can be located on the District’s website at www.redwoods.edu/safety. A hardcopy of the report is available from the Public Safety Department upon request. A partial version of this report is located in the College catalog. The District will provide prospective students with a copy of the Annual Security Report upon request. Prospective employees may obtain a copy from Human Resources in SS 207 or by calling (707) 476-4140, and the website address will be included in all District employment applications. The District will submit these crime statistics to the U.S. Department of Education as required.

Campus crime, arrest and referral statistics include those reported to the Public Safety Department, designated campus officials (as identified below) and local law enforcement agencies. California law requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at Student Health Center) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or resulting from assaultive or abusive conduct. Counseling Center staff will inform their clients of the procedures to report crime to the Public Safety Department on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session. All college staff with significant responsibility for student and campus activities, including the campus safety authorities listed below, shall report crimes about which they receive information to the Public Safety Department.

The Annual Security Report shall include statistics concerning the occurrence of the following offenses, which may also be the subject of timely warnings (see Board Policy 3506):

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
• Domestic violence, dating violence and stalking incidents that were reported to campus security authorities or local law enforcement;
• Robbery;
• Aggravated assault;
• Burglary;
• Motor vehicle theft;
• Arson;
• Arrests or persons referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession; and
• The crimes listed above or larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury, that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability (this data shall be reported according to category of prejudice).

The District shall annually review and update the list of offenses which should be included in the Annual Security Report.

3.0 To Report a Crime

In case of an emergency, call 9-1-1. A person may report any criminal activity or other emergency or suspicious activity to the Public Safety Department at any time by dialing extension 4111 from any campus courtesy or office phone, or by dialing (707) 476-4111 from any pay phone or off-campus phone, or through the RAVE Guardian mobile app. A person may also visit the Public Safety office on the Eureka Campus on the lower level of the Redwoods Business Complex-A (Old Administration Building). For non-emergencies, contact the Public Safety Department by phone at (707) 476-4112 or in person at the Public Safety Department office at 7351 Tompkins Hill Road, Eureka. Confidential reports of crime can be made to the Public Safety Department by calling the tip line at (707) 476-4555 or emailing CRTip@redwoods.edu. For purposes of crime reports to law enforcement, the Humboldt County Sheriff’s Office has primary jurisdiction over the College of the Redwoods Eureka Campus and the Klamath-Trinity Instructional Site. The Eureka Police Department has primary jurisdiction over the Eureka Downtown Campus. The Del Norte County Sheriff’s Department has jurisdiction over the Del Norte Campus. The Fort Bragg Police Department has primary jurisdiction over the Mendocino Coast Campus.

Any suspicious activity or person seen in the parking lots, loitering around vehicles, inside buildings or around the residential halls should be reported to the Public Safety Department or local law enforcement. In addition you may report a non-emergency crime to the following positions that are identified as campus security authorities:

• Campus Safety:
  • Director of Public Safety, (707) 476-4331
  • Any Public Safety Officer, (707) 476-4112
• Associated Students of College of the Redwoods Advisor, (707) 476-4540

• Athletic Department:
  o Dean of Athletics, Room PE 100I, (707) 476-4242
  o Any Athletics staff member

• College of the Redwoods Deans/Directors:
  o Dean, Career Technical Education (CTE), (707) 476-4341
  o Dean, Athletics, Physical Education, Health Occupations, Addiction Studies, Child Development Center, Early Childhood Education, Administration of Justice, (707) 476-4242
  o Dean, Mathematics, Sciences, Behavioral & Social Sciences, (707) 476-4211
  o Dean, Arts & Humanities, (707) 476-4559
  o Director, Del Norte Campus, (707) 465-2310
  o Director, Emergency Response Training Center (includes AJ), (707) 476-4331
  o Director, Health Occupations (Nursing, Dental), (707) 476-4236
  o Director of Human Resources, (707) 476-4144
  o Director of Residential Life, (707) 476-4398

• Vice President of Instruction and Student Development, (707) 476-4109

These campus security authorities will report the crime to the Public Safety Department. Off-campus crimes may be reported to local law enforcement. The Public Safety Department and the Humboldt County Sheriff (HCSO), the Del Norte County Sheriff (DNSO), the Mendocino County Sheriff’s Office (MCSO), the Eureka Police Department (EPD), Crescent City Police Department (CCPD) and the Fort Bragg Police Department (FBPD) cooperate during any mutual investigations, arrest, and prosecutions or disciplinary proceedings. Public Safety Department personnel attend regular meetings with local law enforcement agencies to exchange ideas and discuss any issues of concern for the District.

If a Part 1 violent crime, sexual assault, or hate crime, committed on-campus or in any noncampus building or property as defined in 34 CFR 668.46, is reported to a campus security authority by the victim for purposes of notifying the District or law enforcement, the incident shall be reported to the local law enforcement agency immediately. Such report to local law enforcement will not identify the victim unless the victim consents to being identified after being informed of his or her right to have personally identifying information withheld. Part 1 violent crime means willful homicide, forcible rape, robbery, or aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

In response to a crime report, the Public Safety Department will take appropriate action, e.g., dispatching a staff member or asking the victim or witness to visit the Public Safety Department to file an incident report. All Public Safety Department incident reports are forwarded to the Director of Public Safety for review and potential action by the Vice President of Instruction and Student Development, the Director of Human Resources, or other appropriate department. Public Safety Department investigators will investigate a report when it is deemed appropriate. Additional information obtained through the investigation will be forwarded to the Vice...
President of Instruction and Student Development or other appropriate department. If assistance by local law enforcement is indicated by the nature of the circumstances, the Public Safety Department will contact the appropriate agency. If a sex offense, domestic violence, dating violence, sexual assault or stalking is alleged, Public Safety Department staff will offer the victim a wide variety of services and provide information regarding services and other important information in writing. Some available resources include:

**RAPE CRISIS**
Humboldt County Rape Crisis Center 707-445-2881  
Del Norte Rape Crisis Center (707) 465-2851  
Mendocino County Rape Crisis Center 707-462-9196

**DOMESTIC VIOLENCE SHELTER**
Humboldt County 707-443-6042  
Del Norte County 707-465-3013  
Mendocino County 707-961-1507

The District encourages the prompt reporting of crimes and suspicious activity to the Public Safety Department or local law enforcement. Campus security/police reports and investigations are subject to disclosure as required by law, so the Public Safety Department and local law enforcement agencies cannot hold crime reports in confidence. However, if the victim of a crime does not want to pursue action within the District system or the criminal justice system, the victim may still want to consider making a confidential report to a campus security authority identified above (rather than the Public Safety Department or local law enforcement). With the victim’s permission, the campus security authorities identified above can file a report on the details of the incident without revealing the victim’s identity. The purpose of a confidential report is to comply with the victim’s wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. In addition, confidential reports of crime can be made to the Public Safety Department by calling the tip line at (707) 476-4555 or emailing CRTip@redwoods.edu.

Each year, the Director of Public Safety or designee will notify campus security authorities of their obligations. The Director of Public Safety or designee will provide necessary training for campus security authorities and will review crime reports submitted by campus security authorities.

Campus “Professional Counselors,” when acting as such, are not considered to be a campus security officers and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. A “Professional Counselor” for purposes of this process is an employee of the District whose official responsibilities include providing
psychological counseling to District employees and students and who is functioning within the scope of his or her license or certification.

4.0 Crime Log

The Public Safety Department maintains a daily crime log to record all criminal incidents and alleged criminal incidents that are reported to the Public Safety Department. In the crime log, the Public Safety Department records reported crimes that occurred on campus, on public property within the campus or immediately adjacent to and accessible from the campus, or in or on non-campus buildings or property that the District owns or controls, as well as reports of crimes that occurred within the patrol jurisdiction of the Public Safety Department. The crime log includes: the date the crime was reported; the date and time the crime occurred; the nature of the crime; the general location of the crime; and the disposition of the complaint, if known. All entries, additions to entries, or changes in the disposition of a complaint will be recorded within two business days of the information being reported to the Public Safety Department, except in specific limited circumstances provided by law (e.g., the confidentiality of a victim’s identity). The crime log is available upon request at the Public Safety Department office during business hours.

5.0 Final Results of Disciplinary Proceedings

Upon request, the District may disclose the final results of a disciplinary proceeding to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. If the alleged victim is deceased as a result of such crime or offense, the District may disclose the final results of the disciplinary proceeding to the victim’s next of kin. The District shall disclose the final results of a disciplinary proceeding to a victim of an alleged incident of domestic violence, dating violence, sexual assault, or stalking. The District may also disclose to anyone, the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson;
- Assault offenses;
- Burglary;
- Criminal homicide – manslaughter by negligence;
- Criminal homicide – murder and non-negligent manslaughter;
- Destruction, damage, or vandalism of property;
- Kidnapping or abduction;
- Robbery; and
- Forcible sex offenses.

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense, and shall include only the name of the student, the violation committed, and any sanction imposed by the District on that student. The District shall not disclose the name of any other student, including a victim or witness, without his or her written consent.

Approved: January 13, 2015
FULL IMPACT STATEMENT OF
STANFORD RAPE VICTIM
Your Honor, if it is all right, for the majority of this statement I would like to address the defendant directly.

You don’t know me, but you’ve been inside me, and that’s why we’re here today.

On January 17th, 2015, it was a quiet Saturday night at home. My dad made some dinner and I sat at the table with my younger sister who was visiting for the weekend. I was working full time and it was approaching my bed time. I planned to stay at home by myself, watch some TV and read, while she went to a party with her friends. Then, I decided it was my only night with her, I had nothing better to do, so why not, there’s a dumb party ten minutes from my house, I would go, dance like a fool, and embarrass my younger sister. On the way there, I joked that undergrad guys would have braces. My sister teased me for wearing a beige cardigan to a frat party like a librarian. I called myself “big mama”, because I knew I’d be the oldest one there. I made silly faces, let my guard down, and drank liquor too fast not factoring in that my tolerance had significantly lowered since college.

The next thing I remember I was in a gurney in a hallway. I had dried blood and bandages on the backs of my hands and elbow. I thought maybe I had fallen and was in an admin office on campus. I was very calm and wondering where my sister was. A deputy explained I had been assaulted. I still remained calm, assured he was speaking to the wrong person. I knew no one at this party. When I was finally allowed to use the restroom, I pulled down the hospital pants they had given me, went to pull down my underwear, and felt nothing. I still remember the feeling of my hands touching my skin and grabbing nothing. I looked down and there was nothing. The thin piece of fabric, the only thing between my vagina and anything else, was missing and everything inside me was silenced. I still don’t have words for that feeling. In order to keep breathing, I thought maybe the policemen used scissors to cut them off for evidence.

"You don’t know me, but you’ve been inside me, and that’s why we’re here today."

Then, I felt pine needles scratching the back of my neck and started pulling them out my hair. I thought maybe, the pine needles had fallen from a tree onto my head. My brain was talking my gut into not collapsing. Because my gut was saying, help me, help me.

I shuffled from room to room with a blanket wrapped around me, pine needles trailing behind me, I left a little pile in every room I sat in. I was asked to sign papers that said “Rape Victim” and I thought something has really happened. My clothes were confiscated and I stood naked while the nurses held a ruler to various abrasions on my body and photographed them. The three of us worked to comb the pine needles out of my hair, six hands to fill one paper bag. To calm me down, they said it’s just the flora and
fauna, flora and fauna. I had multiple swabs inserted into my vagina and anus, needles for shots, pills, had a Nikon pointed right into my spread legs. I had long, pointed beaks inside me and had my vagina smeared with cold, blue paint to check for abrasions.

After a few hours of this, they let me shower. I stood there examining my body beneath the stream of water and decided, I don’t want my body anymore. I was terrified of it, I didn’t know what had been in it, if it had been contaminated, who had touched it. I wanted to take off my body like a jacket and leave it at the hospital with everything else.

On that morning, all that I was told was that I had been found behind a dumpster, potentially penetrated by a stranger, and that I should get retested for HIV because results don’t always show up immediately. But for now, I should go home and get back to my normal life. Imagine stepping back into the world with only that information. They gave me huge hugs and I walked out of the hospital into the parking lot wearing the new sweatshirt and sweatpants they provided me, as they had only allowed me to keep my necklace and shoes.

My sister picked me up, face wet from tears and contorted in anguish. Instinctively and immediately, I wanted to take away her pain. I smiled at her, I told her to look at me, I’m right here, I’m okay, everything’s okay, I’m right here. My hair is washed and clean, they gave me the strangest shampoo, calm down, and look at me. Look at these funny new sweatpants and sweatshirt, I look like a P.E. teacher, let’s go home, let’s eat something. She did not know that beneath my sweatsuit, I had scratches and bandages on my skin, my vagina was sore and had become a strange, dark color from all the prodding, my underwear was missing, and I felt too empty to continue to speak. That I was also afraid, that I was also devastated. That day we drove home and for hours in silence my younger sister held me.

My boyfriend did not know what happened, but called that day and said, “I was really worried about you last night, you scared me, did you make it home okay?” I was horrified. That’s when I learned I had called him that night in my blackout, left an incomprehensible voicemail, that we had also spoken on the phone, but I was slurring so heavily he was scared for me, that he repeatedly told me to go find [my sister]. Again, he asked me, “What happened last night? Did you make it home okay?” I said yes, and hung up to cry.

I was not ready to tell my boyfriend or parents that actually, I may have been raped behind a dumpster, but I don’t know by who or when or how. If I told them, I would see the fear on their faces, and mine would multiply by tenfold, so instead I pretended the whole thing wasn’t real.

I tried to push it out of my mind, but it was so heavy I didn’t talk, I didn’t eat, I didn’t sleep, I didn’t interact with anyone. After work, I would drive to a secluded place to
scream. I didn’t talk, I didn’t eat, I didn’t sleep, I didn’t interact with anyone, and I became isolated from the ones I loved most. For over a week after the incident, I didn’t get any calls or updates about that night or what happened to me. The only symbol that proved that it hadn’t just been a bad dream, was the sweatshirt from the hospital in my drawer.

One day, I was at work, scrolling through the news on my phone, and came across an article. In it, I read and learned for the first time about how I was found unconscious, with my hair disheveled, long necklace wrapped around my neck, bra pulled out of my dress, dress pulled off over my shoulders and pulled up above my waist, that I was butt naked all the way down to my boots, legs spread apart, and had been penetrated by a foreign object by someone I did not recognize. This was how I learned what happened to me, sitting at my desk reading the news at work. I learned what happened to me the same time everyone else in the world learned what happened to me. That’s when the pine needles in my hair made sense, they didn’t fall from a tree. He had taken off my underwear, his fingers had been inside of me. I don’t even know this person. I still don’t know this person. When I read about me like this, I said, this can’t be me, this can’t be me. I could not digest or accept any of this information. I could not imagine my family having to read about this online. I kept reading. In the next paragraph, I read something that I will never forgive; I read that according to him, I liked it. I liked it. Again, I do not have words for these feelings.

"And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times."

It’s like if you were to read an article where a car was hit, and found dented, in a ditch. But maybe the car enjoyed being hit. Maybe the other car didn’t mean to hit it, just bump it up a little bit. Cars get in accidents all the time, people aren’t always paying attention, can we really say who’s at fault.

And then, at the bottom of the article, after I learned about the graphic details of my own sexual assault, the article listed his swimming times. She was found breathing, unresponsive with her underwear six inches away from her bare stomach curled in fetal position. By the way, he’s really good at swimming. Throw in my mile time if that’s what we’re doing. I’m good at cooking, put that in there, I think the end is where you list your extracurriculars to cancel out all the sickening things that’ve happened.

The night the news came out I sat my parents down and told them that I had been assaulted, to not look at the news because it’s upsetting, just know that I’m okay, I’m
right here, and I’m okay. But halfway through telling them, my mom had to hold me because I could no longer stand up.

The night after it happened, he said he didn’t know my name, said he wouldn’t be able to identify my face in a lineup, didn’t mention any dialogue between us, no words, only dancing and kissing. Dancing is a cute term; was it snapping fingers and twirling dancing, or just bodies grinding up against each other in a crowded room? I wonder if kissing was just faces sloppily pressed up against each other? When the detective asked if he had planned on taking me back to his dorm, he said no. When the detective asked how we ended up behind the dumpster, he said he didn’t know. He admitted to kissing other girls at that party, one of whom was my own sister who pushed him away. He admitted to wanting to hook up with someone. I was the wounded antelope of the herd, completely alone and vulnerable, physically unable to fend for myself, and he chose me. Sometimes I think, if I hadn’t gone, then this never would’ve happened. But then I realized, it would have happened, just to somebody else. You were about to enter four years of access to drunk girls and parties, and if this is the foot you started off on, then it is right you did not continue. The night after it happened, he said he thought I liked it because I rubbed his back. A back rub.

Never mentioned me voicing consent, never mentioned us even speaking, a back rub. One more time, in public news, I learned that my ass and vagina were completely exposed outside, my breasts had been groped, fingers had been jabbed inside me along with pine needles and debris, my bare skin and head had been rubbing against the ground behind a dumpster, while an erect freshman was humping my half naked, unconscious body. But I don’t remember, so how do I prove I didn’t like it.

I thought there’s no way this is going to trial; there were witnesses, there was dirt in my body, he ran but was caught. He’s going to settle, formally apologize, and we will both move on. Instead, I was told he hired a powerful attorney, expert witnesses, private investigators who were going to try and find details about my personal life to use against me, find loopholes in my story to invalidate me and my sister, in order to show that this sexual assault was in fact a misunderstanding. That he was going to go to any length to convince the world he had simply been confused.

I was not only told that I was assaulted, I was told that because I couldn’t remember, I technically could not prove it was unwanted. And that distorted me, damaged me, almost broke me. It is the saddest type of confusion to be told I was assaulted and nearly raped, blatantly out in the open, but we don’t know if it counts as assault yet. I had to fight for an entire year to make it clear that there was something wrong with this situation.
"I was pummeled with narrowed, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name."

When I was told to be prepared in case we didn’t win, I said, I can’t prepare for that. He was guilty the minute I woke up. No one can talk me out of the hurt he caused me. Worst of all, I was warned, because he now knows you don’t remember, he is going to get to write the script. He can say whatever he wants and no one can contest it. I had no power, I had no voice, I was defenseless. My memory loss would be used against me. My testimony was weak, was incomplete, and I was made to believe that perhaps, I am not enough to win this. His attorney constantly reminded the jury, the only one we can believe is Brock, because she doesn’t remember. That helplessness was traumatizing. Instead of taking time to heal, I was taking time to recall the night in excruciating detail, in order to prepare for the attorney’s questions that would be invasive, aggressive, and designed to steer me off course, to contradict myself, my sister, phrased in ways to manipulate my answers. Instead of his attorney saying, Did you notice any abrasions? He said, You didn’t notice any abrasions, right? This was a game of strategy, as if I could be tricked out of my own worth. The sexual assault had been so clear, but instead, here I was at the trial, answering questions like:

How old are you? How much do you weigh? What did you eat that day? Well what did you have for dinner? Who made dinner? Did you drink with dinner? No, not even water? When did you drink? How much did you drink? What container did you drink out of? Who gave you the drink? How much do you usually drink? Who dropped you off at this party? At what time? But where exactly? What were you wearing? Why were you going to this party? What’d you do when you got there? Are you sure you did that? But what time did you do that? What does this text mean? Who were you texting? When did you urinate? Where did you urinate? With whom did you urinate outside? Was your phone on silent when your sister called? Do you remember silencing it? Really because on page 53 I’d like to point out that you said it was set to ring. Did you drink in college? You said you were a party animal? How many times did you black out? Did you party at frats? Are you serious with your boyfriend? Are you sexually active with him? When did you start dating? Would you ever cheat? Do you have a history of cheating? What do you mean when you said you wanted to reward him? Do you remember what time you woke up?
Were you wearing your cardigan? What color was your cardigan? Do you remember any more from that night? No? Okay, well, we’ll let Brock fill it in.

I was pummeled with narrowed, pointed questions that dissected my personal life, love life, past life, family life, inane questions, accumulating trivial details to try and find an excuse for this guy who had me half naked before even bothering to ask for my name. After a physical assault, I was assaulted with questions designed to attack me, to say see, her facts don’t line up, she’s out of her mind, she’s practically an alcoholic, she probably wanted to hook up, he’s like an athlete right, they were both drunk, whatever, the hospital stuff she remembers is after the fact, why take it into account, Brock has a lot at stake so he’s having a really hard time right now.

And then it came time for him to testify and I learned what it meant to be revictimized. I want to remind you, the night after it happened he said he never planned to take me back to his dorm. He said he didn’t know why we were behind a dumpster. He got up to leave because he wasn’t feeling well when he was suddenly chased and attacked. Then he learned I could not remember.

So one year later, as predicted, a new dialogue emerged. Brock had a strange new story, almost sounded like a poorly written young adult novel with kissing and dancing and hand holding and lovingly tumbling onto the ground, and most importantly in this new story, there was suddenly consent. One year after the incident, he remembered, oh yeah, by the way she actually said yes, to everything, so.

He said he had asked if I wanted to dance. Apparently I said yes. He’d asked if I wanted to go to his dorm, I said yes. Then he asked if he could finger me and I said yes. Most guys don’t ask, can I finger you? Usually there’s a natural progression of things, unfolding consensually, not a Q and A. But apparently I granted full permission. He’s in the clear. Even in his story, I only said a total of three words, yes yes yes, before he had me half naked on the ground. Future reference, if you are confused about whether a girl can consent, see if she can speak an entire sentence. You couldn’t even do that. Just one coherent string of words. Where was the confusion? This is common sense, human decency.

According to him, the only reason we were on the ground was because I fell down. Note; if a girl falls down help her get back up. If she is too drunk to even walk and falls down, do not mount her, hump her, take off her underwear, and insert your hand inside her vagina. If a girl falls down help her up. If she is wearing a cardigan over her dress don't take it off so that you can touch her breasts. Maybe she is cold, maybe that's why she wore the cardigan.

Next in the story, two Swedes on bicycles approached you and you ran. When they tackled you why didn’t say, “Stop! Everything’s okay, go ask her, she’s right over there,
she’ll tell you.” I mean you had just asked for my consent, right? I was awake, right? When the policeman arrived and interviewed the evil Swede who tackled you, he was crying so hard he couldn’t speak because of what he’d seen.

Your attorney has repeatedly pointed out, well we don’t know exactly when she became unconscious. And you’re right, maybe I was still fluttering my eyes and wasn’t completely limp yet. That was never the point. I was too drunk to speak English, too drunk to consent way before I was on the ground. I should have never been touched in the first place. Brock stated, “At no time did I see that she was not responding. If at any time I thought she was not responding, I would have stopped immediately.” Here’s the thing; if your plan was to stop only when I became unresponsive, then you still do not understand. You didn’t even stop when I was unconscious anyway! Someone else stopped you. Two guys on bikes noticed I wasn’t moving in the dark and had to tackle you. How did you not notice on top of me?

You said, you would have stopped and gotten help. You say that, but I want you to explain how you would’ve helped me, step by step, walk me through this. I want to know, if those evil Swedes had not found me, how the night would have played out. I am asking you; Would you have pulled my underwear back on over my boots? Untangled the necklace wrapped around my neck? Closed my legs, covered me? Pick the pine needles from my hair? Asked if the abrasions on my neck and bottom hurt? Would you then go find a friend and say, Will you help me get her somewhere warm and soft? I don’t sleep when I think about the way it could have gone if the two guys had never come. What would have happened to me? That’s what you’ll never have a good answer for, that’s what you can’t explain even after a year.

On top of all this, he claimed that I orgasmed after one minute of digital penetration. The nurse said there had been abrasions, lacerations, and dirt in my genitalia. Was that before or after I came?

To sit under oath and inform all of us, that yes I wanted it, yes I permitted it, and that you are the true victim attacked by Swedes for reasons unknown to you is appalling, is demented, is selfish, is damaging. It is enough to be suffering. It is another thing to have someone ruthlessly working to diminish the gravity of validity of this suffering.

My family had to see pictures of my head strapped to a gurney full of pine needles, of my body in the dirt with my eyes closed, hair messed up, limbs bent, and dress hiked up. And even after that, my family had to listen to your attorney say the pictures were after the fact, we can dismiss them. To say, yes her nurse confirmed there was redness and abrasions inside her, significant trauma to her genitalia, but that’s what happens when you finger someone, and he’s already admitted to that. To listen to your attorney attempt to paint a picture of me, the face of girls gone wild, as if somehow that would make it so that I had this coming for me. To listen to him say I sounded drunk on the phone because
I’m silly and that’s my goofy way of speaking. To point out that in the voicemail, I said I would reward my boyfriend and we all know what I was thinking. I assure you my rewards program is non transferable, especially to any nameless man that approaches me.

"This is not a story of another drunk college hook-up with poor decision making. Assault is not an accident."

He has done irreversible damage to me and my family during the trial and we have sat silently, listening to him shape the evening. But in the end, his unsupported statements and his attorney’s twisted logic fooled no one. The truth won, the truth spoke for itself.

You are guilty. Twelve jurors convicted you guilty of three felony counts beyond reasonable doubt, that’s twelve votes per count, thirty six yeses confirming guilt, that’s one hundred percent, unanimous guilt. And I thought finally it is over, finally he will own up to what he did, truly apologize, we will both move on and get better. Then I read your statement.

If you are hoping that one of my organs will implode from anger and I will die, I’m almost there. You are very close. This is not a story of another drunk college hookup with poor decision making. Assault is not an accident. Somehow, you still don’t get it. Somehow, you still sound confused. I will now read portions of the defendant’s statement and respond to them.

You said, Being drunk I just couldn’t make the best decisions and neither could she.

Alcohol is not an excuse. Is it a factor? Yes. But alcohol was not the one who stripped me, fingered me, had my head dragging against the ground, with me almost fully naked. Having too much to drink was an amateur mistake that I admit to, but it is not criminal. Everyone in this room has had a night where they have regretted drinking too much, or knows someone close to them who has had a night where they have regretted drinking too much. Regretting drinking is not the same as regretting sexual assault. We were both drunk, the difference is I did not take off your pants and underwear, touch you inappropriately, and run away. That’s the difference.

You said, If I wanted to get to know her, I should have asked for her number, rather than asking her to go back to my room.

I’m not mad because you didn’t ask for my number. Even if you did know me, I would not want to be in this situation. My own boyfriend knows me, but if he asked to finger me
behind a dumpster, I would slap him. No girl wants to be in this situation. Nobody. I don’t care if you know their phone number or not.

You said, I stupidly thought it was okay for me to do what everyone around me was doing, which was drinking. I was wrong.

Again, you were not wrong for drinking. Everyone around you was not sexually assaulting me. You were wrong for doing what nobody else was doing, which was pushing your erect dick in your pants against my naked, defenseless body concealed in a dark area, where partygoers could no longer see or protect me, and my own sister could not find me. Sipping fireball is not your crime. Peeling off and discarding my underwear like a candy wrapper to insert your finger into my body, is where you went wrong. Why am I still explaining this.

You said, During the trial I didn’t want to victimize her at all. That was just my attorney and his way of approaching the case.

Your attorney is not your scapegoat, he represents you. Did your attorney say some incredulously infuriating, degrading things? Absolutely. He said you had an erection, because it was cold.

You said, you are in the process of establishing a program for high school and college students in which you speak about your experience to “speak out against the college campus drinking culture and the sexual promiscuity that goes along with that.”

Campus drinking culture. That’s what we’re speaking out against? You think that’s what I’ve spent the past year fighting for? Not awareness about campus sexual assault, or rape, or learning to recognize consent. Campus drinking culture. Down with Jack Daniels. Down with Skyy Vodka. If you want talk to people about drinking go to an AA meeting. You realize, having a drinking problem is different than drinking and then forcefully trying to have sex with someone? Show men how to respect women, not how to drink less.

Drinking culture and the sexual promiscuity that goes along with that. Goes along with that, like a side effect, like fries on the side of your order. Where does promiscuity even come into play? I don’t see headlines that read, Brock Turner, Guilty of drinking too much and the sexual promiscuity that goes along with that. Campus Sexual Assault. There’s your first powerpoint slide. Rest assured, if you fail to fix the topic of your talk, I will follow you to every school you go to and give a follow up presentation.

Lastly you said, I want to show people that one night of drinking can ruin a life.
A life, one life, yours, you forgot about mine. Let me rephrase for you, I want to show people that one night of drinking can ruin two lives. You and me. You are the cause, I am the effect. You have dragged me through this hell with you, dipped me back into that night again and again. You knocked down both our towers, I collapsed at the same time you did. If you think I was spared, came out unscathed, that today I ride off into sunset, while you suffer the greatest blow, you are mistaken. Nobody wins. We have all been devastated, we have all been trying to find some meaning in all of this suffering. Your damage was concrete; stripped of titles, degrees, enrollment. My damage was internal, unseen, I carry it with me. You took away my worth, my privacy, my energy, my time, my safety, my intimacy, my confidence, my own voice, until today.

See one thing we have in common is that we were both unable to get up in the morning. I am no stranger to suffering. You made me a victim. In newspapers my name was “unconscious intoxicated woman”, ten syllables, and nothing more than that. For a while, I believed that that was all I was. I had to force myself to relearn my real name, my identity. To relearn that this is not all that I am. That I am not just a drunk victim at a frat party found behind a dumpster, while you are the All American swimmer at a top university, innocent until proven guilty, with so much at stake. I am a human being who has been irreversibly hurt, my life was put on hold for over a year, waiting to figure out if I was worth something.

My independence, natural joy, gentleness, and steady lifestyle I had been enjoying became distorted beyond recognition. I became closed off, angry, self deprecating, tired, irritable, empty. The isolation at times was unbearable. You cannot give me back the life I had before that night either. While you worry about your shattered reputation, I refrigerated spoons every night so when I woke up, and my eyes were puffy from crying, I would hold the spoons to my eyes to lessen the swelling so that I could see. I showed up an hour late to work every morning, excused myself to cry in the stairwells, I can tell you all the best places in that building to cry where no one can hear you. The pain became so bad that I had to explain the private details to my boss to let her know why I was leaving. I needed time because continuing day to day was not possible. I used my savings to go as far away as I could possibly be. I did not return to work full time as I knew I’d have to take weeks off in the future for the hearing and trial, that were constantly being rescheduled. My life was put on hold for over a year, my structure had collapsed.

I can’t sleep alone at night without having a light on, like a five year old, because I have nightmares of being touched where I cannot wake up, I did this thing where I waited until the sun came up and I felt safe enough to sleep. For three months, I went to bed at six o’clock in the morning.

I used to pride myself on my independence, now I am afraid to go on walks in the evening, to attend social events with drinking among friends where I should be comfortable being. I have become a little barnacle always needing to be at someone’s
side, to have my boyfriend standing next to me, sleeping beside me, protecting me. It is embarrassing how feeble I feel, how timidly I move through life, always guarded, ready to defend myself, ready to be angry.

You have no idea how hard I have worked to rebuild parts of me that are still weak. It took me eight months to even talk about what happened. I could no longer connect with friends, with everyone around me. I would scream at my boyfriend, my own family whenever they brought this up. You never let me forget what happened to me. At the end of the hearing, the trial, I was too tired to speak. I would leave drained, silent. I would go home turn off my phone and for days I would not speak. You bought me a ticket to a planet where I lived by myself. Every time a new article come out, I lived with the paranoia that my entire hometown would find out and know me as the girl who got assaulted. I didn’t want anyone’s pity and am still learning to accept victim as part of my identity. You made my own hometown an uncomfortable place to be.

You cannot give me back my sleepless nights. The way I have broken down sobbing uncontrollably if I’m watching a movie and a woman is harmed, to say it lightly, this experience has expanded my empathy for other victims. I have lost weight from stress, when people would comment I told them I’ve been running a lot lately. There are times I did not want to be touched. I have to relearn that I am not fragile, I am capable, I am wholesome, not just livid and weak.

When I see my younger sister hurting, when she is unable to keep up in school, when she is deprived of joy, when she is not sleeping, when she is crying so hard on the phone she is barely breathing, telling me over and over again she is sorry for leaving me alone that night, sorry sorry sorry, when she feels more guilt than you, then I do not forgive you. That night I had called her to try and find her, but you found me first. Your attorney's closing statement began, "[Her sister] said she was fine and who knows her better than her sister." You tried to use my own sister against me? Your points of attack were so weak, so low, it was almost embarrassing. You do not touch her.

You should have never done this to me. Secondly, you should have never made me fight so long to tell you, you should have never done this to me. But here we are. The damage is done, no one can undo it. And now we both have a choice. We can let this destroy us, I can remain angry and hurt and you can be in denial, or we can face it head on, I accept the pain, you accept the punishment, and we move on.

Your life is not over, you have decades of years ahead to rewrite your story. The world is huge, it is so much bigger than Palo Alto and Stanford, and you will make a space for yourself in it where you can be useful and happy. But right now, you do not get to shrug your shoulders and be confused anymore. You do not get to pretend that there were no red flags. You have been convicted of violating me, intentionally, forcibly, sexually, with malicious intent, and all you can admit to is consuming alcohol. Do not talk about the sad
way your life was upturned because alcohol made you do bad things. Figure out how to take responsibility for your own conduct.

Now to address the sentencing. When I read the probation officer’s report, I was in disbelief, consumed by anger which eventually quieted down to profound sadness. My statements have been slimmed down to distortion and taken out of context. I fought hard during this trial and will not have the outcome minimized by a probation officer who attempted to evaluate my current state and my wishes in a fifteen minute conversation, the majority of which was spent answering questions I had about the legal system. The context is also important. Brock had yet to issue a statement, and I had not read his remarks.

My life has been on hold for over a year, a year of anger, anguish and uncertainty, until a jury of my peers rendered a judgment that validated the injustices I had endured. Had Brock admitted guilt and remorse and offered to settle early on, I would have considered a lighter sentence, respecting his honesty, grateful to be able to move our lives forward. Instead he took the risk of going to trial, added insult to injury and forced me to relive the hurt as details about my personal life and sexual assault were brutally dissected before the public. He pushed me and my family through a year of inexplicable, unnecessary suffering, and should face the consequences of challenging his crime, of putting my pain into question, of making us wait so long for justice.

I told the probation officer I do not want Brock to rot away in prison. I did not say he does not deserve to be behind bars. The probation officer’s recommendation of a year or less in county jail is a soft timeout, a mockery of the seriousness of his assaults, an insult to me and all women. It gives the message that a stranger can be inside you without proper consent and he will receive less than what has been defined as the minimum sentence. Probation should be denied. I also told the probation officer that what I truly wanted was for Brock to get it, to understand and admit to his wrongdoing. Unfortunately, after reading the defendant’s report, I am severely disappointed and feel that he has failed to exhibit sincere remorse or responsibility for his conduct. I fully respected his right to a trial, but even after twelve jurors unanimously convicted him guilty of three felonies, all he has admitted to doing is ingesting alcohol. Someone who cannot take full accountability for his actions does not deserve a mitigating sentence. It is deeply offensive that he would try and dilute rape with a suggestion of “promiscuity.” By definition rape is the absence of promiscuity, rape is the absence of consent, and it perturbs me deeply that he can’t even see that distinction.

The probation officer factored in that the defendant is youthful and has no prior convictions. In my opinion, he is old enough to know what he did was wrong. When you are eighteen in this country you can go to war. When you are nineteen, you are old
enough to pay the consequences for attempting to rape someone. He is young, but he is old enough to know better.

As this is a first offence I can see where leniency would beckon. On the other hand, as a society, we cannot forgive everyone’s first sexual assault or digital rape. It doesn’t make sense. The seriousness of rape has to be communicated clearly, we should not create a culture that suggests we learn that rape is wrong through trial and error. The consequences of sexual assault needs to be severe enough that people feel enough fear to exercise good judgment even if they are drunk, severe enough to be preventative.

The probation officer weighed the fact that he has surrendered a hard earned swimming scholarship. How fast Brock swims does not lessen the severity of what happened to me, and should not lessen the severity of his punishment. If a first time offender from an underprivileged background was accused of three felonies and displayed no accountability for his actions other than drinking, what would his sentence be? The fact that Brock was an athlete at a private university should not be seen as an entitlement to leniency, but as an opportunity to send a message that sexual assault is against the law regardless of social class.

The Probation Officer has stated that this case, when compared to other crimes of similar nature, may be considered less serious due to the defendant’s level of intoxication. It felt serious. That’s all I’m going to say.

What has he done to demonstrate that he deserves a break? He has only apologized for drinking and has yet to define what he did to me as sexual assault, he has revictimized me continually, relentlessly. He has been found guilty of three serious felonies and it is time for him to accept the consequences of his actions. He will not be quietly excused.

He is a lifetime sex registrant. That doesn’t expire. Just like what he did to me doesn’t expire, doesn’t just go away after a set number of years. It stays with me, it’s part of my identity, it has forever changed the way I carry myself, the way I live the rest of my life.

To conclude, I want to say thank you. To everyone from the intern who made me oatmeal when I woke up at the hospital that morning, to the deputy who waited beside me, to the nurses who calmed me, to the detective who listened to me and never judged me, to my advocates who stood unwaveringly beside me, to my therapist who taught me to find courage in vulnerability, to my boss for being kind and understanding, to my incredible parents who teach me how to turn pain into strength, to my grandma who snuck chocolate into the courtroom throughout this to give to me, my friends who remind me how to be happy, to my boyfriend who is patient and loving, to my unconquerable sister who is the other half of my heart, to Alaleh, my idol, who fought tirelessly and never doubted me. Thank you to everyone involved in the trial for their time and attention. Thank you to
girls across the nation that wrote cards to my DA to give to me, so many strangers who cared for me.

Most importantly, thank you to the two men who saved me, who I have yet to meet. I sleep with two bicycles that I drew taped above my bed to remind myself there are heroes in this story. That we are looking out for one another. To have known all of these people, to have felt their protection and love, is something I will never forget.

And finally, to girls everywhere, I am with you. On nights when you feel alone, I am with you. When people doubt you or dismiss you, I am with you. I fought everyday for you. So never stop fighting, I believe you. As the author Anne Lamott once wrote, "Lighthouses don’t go running all over an island looking for boats to save; they just stand there shining." Although I can’t save every boat, I hope that by speaking today, you absorbed a small amount of light, a small knowing that you can’t be silenced, a small satisfaction that justice was served, a small assurance that we are getting somewhere, and a big, big knowing that you are important, unquestionably, you are untouchable, you are beautiful, you are to be valued, respected, undeniably, every minute of every day, you are powerful and nobody can take that away from you. To girls everywhere, I am with you. Thank you.