

# INTIMATE VIOLENCE & SEXUAL ASSAULT

## MESSAGE FROM THE ASSOCIATE VICE PRESIDENT FOR STUDENT AFFAIRS

In 2006 the California State Legislature passed a bill requiring that CSU campuses provide information to all new students on Sexual Assault and Intimate Violence. This information is a collaborative effort of both students and administrators at SJSU, offering you the required information for prevention and education. Our goal is that no student on this campus experience a sexual assault or intimate violence. Unfortunately, on campuses across the nation, and even here at San José State, it does happen. While only one piece of our prevention and education program, this website will open the door for conversation now, and provide helpful information in the future. Please read, discuss and refer to whenever. If you have any questions, please call (408-924-5900) or write me (Eloise.Stiglitz@sjsu.edu). Our goal is to create a safe campus for every person in our community, now and in the future.

**Eloise Stiglitz**

## MYTHS ABOUT INTIMATE PARTNER VIOLENCE

**MYTH:** Battering is rare.

**FACT:** Battering is extremely common. The F.B.I. estimates that a woman is battered every two seconds. (1)

**MYTH:** Violence in relationships does not affect many people.

**FACT:** Twenty-five percent, or one in four, women experience physical assault by an intimate partner in their lifetime. (2)

**MYTH:** Alcohol and/or drugs cause the abuse.

**FACT:** Alcohol is NOT the cause of abuse, but is used to justify abuse. (1)

**MYTH:** People who batter do so because they can not control themselves or have "poor impulse control."

**FACT:** Abusers are not violent towards anyone but their partners/wives or children. They control themselves sufficiently to pick a safe target. Abusers also control where they beat their victims by aiming for parts of the body where bruises will not show. (1)

**MYTH:** Violence does not occur in same-gender relationships.

**FACT:** Abuse occurs at the same rates in homosexual relationships as in heterosexual relationships. There is no stereotypical abuser. Abuse is about power and control. (3)

**MYTH:** Intimate Partner Violence only includes physical abuse (hitting, punching, biting, slapping, pushing, etc.)

**FACT:** Physical abuse is just one form of violence. Intimate Partner Violence also includes emotional abuse, psychological abuse, sexual abuse, financial abuse, and social abuse. Often, victims report emotional abuse as more damaging than physical abuse. (4)

**MYTH:** Some women deserve the abuse; they go from abuser to abuser or they provoke it.

**FACT:** No one deserves abuse. Often, the victim is blamed for the abuse; the truth is that it is the perpetrator's choice to be violent. Women or men do not choose to be abused. (5)

**MYTH:** Most abuse is just a few slaps. It is not harmful.

**FACT:** Violence escalates. What starts as a slap can escalate into punching and eventually lead to murder. Approximately three quarters of women who are murdered are killed by their partner, husband or ex-husband. (5)

**MYTH:** The violence is triggered by stress.

**FACT:** Everyone goes through stressful events daily, but not everyone abuses. Abuse is a learned behavior and an choice. (6)

Forced sex and violence in any form is never about love.

1. Sylvia's Place (2006). Myths and Facts About Domestic Violence.

Obtained from [www.sylviasplace.com/myths/html](http://www.sylviasplace.com/myths/html) (Used by permission)

2. Morrison, K.M., Hines, D.A. (2004). Family violence in a Cultural Perspective.

Thousand Oaks, CA: Sage Publications

3. Renzetti, C. (1997). Violence and Abuse Among Same-Sex Couples. Reprinted from Violence

Between Intimate Partners: Patterns, Causes, and Effects. Allyn & Bacon

4. Campus Advocacy Network (2002). Domestic Violence, Myths and Facts. University of Illinois, Chicago. Accessed [http://www.uic.edu/depts/owa/myths\\_facts.html](http://www.uic.edu/depts/owa/myths_facts.html)

5. Mid-Valley Women's Crisis Services (N.d.). Domestic Violence: Myths and Facts about Domestic Violence. Accessed at <http://www.mvwcs.com/mythfact.html>

6. Boston University Police (2006). Domestic Violence and Dating Violence. Accessed at [http://www.bu.edu/police/prevention/domestic\\_violence\\_myth.htm](http://www.bu.edu/police/prevention/domestic_violence_myth.htm)

# MYTHS ABOUT SEXUAL ASSAULT

**MYTH:** Rape only occurs in unsafe situations or by strangers.

**FACT:** Nearly 6 out of 10 rapes or sexual assaults occur in a victim's own home or at the home of a relative, neighbor, friend, or someone they know. (1)

**MYTH:** Women provoke rape by the way they dress or the way they flirt.

**FACT:** Men rape because they can get away with it. Neither a woman's dress nor her behavior are the cause of rape. (2)

**MYTH:** Women secretly want to be raped.

**FACT:** Women never desire rape. (3)

**MYTH:** Intoxicated women are willing to have sex.

**FACT:** Drinking does not imply consent and, in fact, alcohol and drugs incapacitate a woman from legally being able to give consent. (4) Having sex with a drunk woman is, in fact, rape.

**MYTH:** It is only rape if the person physically fights back.

**FACT:** Whatever a person does to survive a potentially life threatening situation is appropriate. (5) A woman may not fight back because she is too scared.

**MYTH:** It is okay to have sex if both partners are intoxicated.

**FACT:** Rape is any non-consensual sexual advances up to and including intercourse. Legally, a person who is a minor or under the influence of drugs or alcohol can not give consent. (6)

**MYTH:** A woman has to say "No" for it to be rape.

**FACT:** Body language says no and a woman has the right to say no at any point.

**MYTH:** It is not rape if they have already had sex.

**FACT:** A person, man or woman, has the right to say "no" whenever they want; it is their body and their decision.

**MYTH:** A woman says "No," but it really means she wants it.

**FACT:** "NO" means "NO"...

**MYTH:** Men cannot be raped.

**FACT:** Women are sometimes sexual aggressors, usually using methods of coercion, manipulation and control.

1. California Coalition Against Sexual Assault (2003)
2. YWCA Rape Crisis Center, Santa Clara County (Used by permission)
3. YWCA Rape Crisis Center, Santa Clara County (Used by permission)
4. Sociology of Rape University of Minnesota Duluth (2001). List of rape myths. Accessed at <http://www.d.umn.edu/cla/faculty/jhamlin/3925/myths.html>
5. Sociology of Rape University of Minnesota Duluth (2001). List of rape myths. Accessed at <http://www.d.umn.edu/cla/faculty/jhamlin/3925/myths.html>
6. Parrot, A. (1999). Coping with date rape and acquaintance rape. Rosen: New York.
7. Smartersex.org (2002). Facts and myths about date rape. Accessed at [http://www.smartersex.org/date\\_rape/facts\\_myths.asp](http://www.smartersex.org/date_rape/facts_myths.asp)

## SEXUAL ASSAULT PROTOCOL

### What to do if you or a friend is raped.

If the person raped lives in University Housing:

1. Report to police - If on campus, pick up emergency phone or dial 924-2222. If off campus, dial 911, or,
2. You may report the incident to the RA or RLC first.
3. Counseling Services will be called by the RA/RLC or the police for support.
4. Report the incident to the Judicial Affairs Officer at (408) 924-5985.
5. Evaluation and treatment at the Santa Clara Valley Medical Center (VMC) SART Clinic. (408) 885-6466 is advised. However, you may see a Health Professional at the Student Health Center. (408) 924-6122 If you prefer. Evidence to rape can only be collected at Santa Clara Valley Medical Center SART Clinic.

# SEXUAL ASSAULT PROTOCOL

## What to do if you or a friend is raped? (Continued)

Alternative route and if the person who was raped does not live on campus:

1. Call Police: dial 911.
2. Contact Rape Crisis Center at (408) 295-4011 ext. 231. Call the 24 Hour Hotline: (408) 287-3000.
3. Report at Santa Clara Valley Medical Center SART Clinic (408) 885-6466 for rape evidence collection.

Most importantly, reach out to someone to talk to: a friend, Counseling Services, a teacher.

We know that being raped, or sexually assaulted, by a date, an acquaintance or a stranger, is difficult to talk about. Counselors, either at Counseling Services or at the Rape Crisis Center, are trained and will do everything they can to make this process easier for you. Please be assured that your conversation is confidential. You can reach Counseling Services after hours through UPD (408) 924-2222.

The bottom line, though, is that if you have been sexually assaulted, it is important to reach out to someone you feel safe with. That might be a friend, an instructor, your RA, a family member or Health Services.

Any one of the university offices will help refer you to the next step.

## FREQUENTLY ASKED QUESTIONS ABOUT SEXUAL ASSAULT

- Q. Am I required to report an assault?  
A. No, you are not required to report. You can talk to your RA, Judicial Affairs Officer or even UPD without officially reporting the crime. They will talk through the options with you.
- Q. If I report the assault, what are the next steps?  
A. UPD or the local police will take the first steps and will do an investigation, including an in-depth interview, and, possibly refer you to a medical examination. You do not need to go through this alone. Rape Crisis will provide you with an advocate to support you through this process. Once notified, the Office of Student Conduct & Ethical Development will contact the survivor and the offender in order to do an investigation.
- Q. If I live in University Housing and the offender also lives in Housing, what happens?  
A. Your RA or another housing staff member will work with you to figure out the best alternative for you.
- Q. The offender is in one of my classes. Is there anything that can be done?  
A. We can not move the offender but you may want to talk to your instructor about changing sections.
- Q. Is it ever too late to report the assault?  
A. The sooner is always the better, but it is never too late. For your own healing, or for judicial proceedings, you can always report the incident.
- Q. If I report the incident, will I have to face the person?  
A. It depends on the level of reporting you decide to do. You can get counseling or medical assistance only, if you choose. If you decide to report to The Office of Student Conduct & Ethical Development, a report will be taken. While the accused will know your name, you will not have to be face to face with the accused unless it goes to a hearing. With the police, each case varies. It is good to be prepared to face the accused, but often they take a plea, completing the sentencing without going to court. If it goes to court, you will likely have to face the accused. If your charge does go to a hearing, you are entitled to have an advisor present.

- Q. Will others know this happened to me?  
 A. All investigations are confidential. By law, investigating authorities, including the media, are not allowed to give out any names.
- Q. Will the person get in trouble?  
 A. If you decide not to press charges, nothing will happen. If you choose to report the incident to the Office of Student Conduct & Ethical Development, there will be judicial consequences, ([http://sa.sjsu.edu/judicial\\_affairs/index.html](http://sa.sjsu.edu/judicial_affairs/index.html)) or criminal consequences, if you report it to the police (<http://www.sjpd.org/>).
- Q. What if I'm afraid I'm pregnant, or might have an STD?  
 A. It is always good to seek medical attention even if you don't chose to press charges. The Student Health Center ([http://sa.sjsu.edu/student\\_health/index.jsp](http://sa.sjsu.edu/student_health/index.jsp)) provides confidential services and generally is open Monday-Thursday 8-5, Friday 7:30-4, however the health care provider is mandated to report the incident. While any licensed clinician is required to report suspected cases of sexual assault, it remains up to you to decide whether to press any charges.
- Q. Does the University keep records of sexual assaults?  
 A. All incidents are reported for statistical purposes. Your name will not be attached to the report unless you give permission.
- Q. Are there any financial responsibilities if I report the incident or get medical attention?  
 A. Medical assistance through the Student Health Center may involve a minimal fee if treatment (for the treatment or medications) is warranted. However, evaluation and treatment at the SCVMC SART Clinic (408) 885-6466 is advised because evidence may be collected. A fee may be involved for treatment; evaluation of evidence, however is free. If you press charges the District Attorney will represent you at no charge. The victim advocate provided by the county is also free.

## **CRIMINAL CONSEQUENCES TO SEXUAL ASSAULT**

Part of the University's mission is to provide a safe environment for our students, faculty, staff and guests as they go about their daily activities at San José State University. Individuals who violate state law, and University Presidential Directives, are subject to sanctions and/or criminal prosecutions. As it relates to domestic violence, individuals suspected of such behavior here at SJSU can be criminally charged by the Santa Clara County District Attorney's Office. Criminal offenses may include but are not limited to: Forcible Rape, Rape by Coercion or other fraudulent means, Sexual Battery, Assaults with injury and Lewd or Lascivious Acts. These criminal violations are defined as felonies and can carry a prison term of multiple years in the State of California Department of Corrections. Additional crimes classified as misdemeanors include but are not limited to: Assault & Battery, False Imprisonment, Witness Intimidation, Trespassing, Disturbing the Peace and Violations of Stay Away Orders. These criminal violations can result in sanctions of probation and/or sentencing to County detention for up to a period of one year.

Also, sanctions can be imposed by the University, which can include temporary suspensions as well as expulsion from SJSU and the CSU system.

In sum:

- \* Sexual Assault is a crime - a felony.
- \* Felonies carry multiple year sentences in prison.
- \* False imprisonment, trespassing and disturbing the peace are misdemeanors.
- \* Misdemeanors can carry a sentence of up to one year.
- \* The university may impose its own sanctions following conviction.

## HEALTHY RELATIONSHIPS

Throughout our lives, we are involved with many different kinds of relationships. We have friendships, romances, work and school-related connections, familial ties, and, quite often, relations that defy categorization. Each of these situations has the potential to enrich us, adding to our feelings of self-worth, enjoyment, and growth. These relationships are healthy.

On the other hand, in other situations, we may find ourselves feeling uncomfortable. It can be difficult to come to the realization that a lover, friend, colleague, or family member is not treating us with the respect we deserve. Keep in mind that in all kinds of kinships, there is likely to be some disagreement, need for compromise, and times of frustration. These alone do not necessarily indicate that a relationship is unhealthy. Here are some things to think about when considering whether a particular bond is a healthy one.

In a healthy relationship, you:

- \* Treat each other with respect
- \* Feel secure and comfortable
- \* Are not violent with each other
- \* Can resolve conflicts satisfactorily
- \* Enjoy the time you spend together
- \* Support one another
- \* Take interest in one another's lives
- \* Have privacy in the relationship
- \* Can trust each other
- \* Have more good times in the relationship than bad
- \* Are sexual by choice
- \* Communicate clearly and openly
- \* Have phone calls, and email that are your own
- \* Make healthy decisions about alcohol or drugs
- \* Encourage other friendships
- \* Are honest about your past and present sexual activity if the relationship is intimate
- \* Know that most people in your life are happy about the relationship

Perhaps the most important thing to do is to trust your instincts and the people close to you whose opinions you trust and value. Each and every one of us deserves to feel safe, valued, and cared for. Keep in mind that one of the strongest signs of a healthy relationship is that both people involved feel good about themselves. Also, by treating yourself with self-respect and believing in your right to be treated well, you are taking important steps towards developing equitable, mutually fulfilling ties in the future.

## JUDICIAL CONSEQUENCES TO SEXUAL ASSAULT

The Office of Student Conduct & Ethical Development is responsible for student discipline on campus. A sexual assault survivor or the University Police Department may file a complaint with the Office of Student Conduct & Ethical Development if the accused is a student. An informal conference will be held when a complaint is received.

The student judicial process can be found at the following website: [http://sa.sjsu.edu/judicial\\_affairs/students/student\\_judicial\\_process.html](http://sa.sjsu.edu/judicial_affairs/students/student_judicial_process.html). In cases involving a “crime of violence” the university may notify the alleged victim(s) of the final results of the hearing whether or not the charges are sustained. Where the charges relate to a sexual assault the university must notify the alleged victim of the outcome of the proceedings against the student charged. Executive Order No. 970 - [http://sa.sjsu.edu/judicial\\_affairs/index.html](http://sa.sjsu.edu/judicial_affairs/index.html).

### **If you have a friend who you are worried about...**

There are many things you should be aware of should a friend of yours experience violence, sexual assault, or rape. Often times the things that we do because we want to be helpful are the last things we should do. So here are some tips that might be useful to you should you find yourself in such a situation.

- \* Be a GOOD LISTENER, which means trying not to give advice or directions. Try not to start a sentence with “What you should do is...”
- \* DO NOT try to talk them out of their feelings regardless of what they are. Let them be mad, sad, worried, or depressed.
- \* If they ask you to keep it secret, agree to do it unless they are threatening to hurt themselves or someone else.
- \* Don’t ask them to describe the event unless they want to.
- \* If they want to tell you about the incident and you have already heard it, listen again. It is their way of trying to heal from the pain.
- \* DO NOT make promises you cannot keep. If they should tell you they want to hurt themselves and they do not want you to tell anyone, let them know that this is a promise you can’t make.
- \* If you are the romantic partner of the survivor, do not pressure them to have sex with you. You may think that having a warm loving sexual experience would be healing, but they might not. Let them know that you are interested but also totally understand if they are not up to it.
- \* If you are the partner of the survivor, try not to talk about your anger. The rape is not about you.
- \* Remember it is not your story. It is the survivor’s, so don’t tell others what happened.
- \* Try to help them talk through their reasons for not telling anyone else by gently asking them questions about their reasons for insistence on silence.

## RESOURCES:

- \* Santa Clara Valley Medical Center  
Sexual Assault Response Team (SART)  
751 S. Bascom Ave.  
San Jose, CA 95128  
(408) 885-6466
- \* SJSU– Student Health Center  
(408) 924-6120  
[www.sa.sjsu.edu/student\\_health](http://www.sa.sjsu.edu/student_health)
- \* SJSU-Counseling Services  
(408) 924-5910  
[www.sa.sjsu.edu/counseling](http://www.sa.sjsu.edu/counseling)
- \* YWCA (408) 295-4011 Ext. 231  
(650) 493-7273 (24hr) or (408) 287-3000 (24hr)  
[www.ywca-scv.org/programs\\_rapecrisis.html](http://www.ywca-scv.org/programs_rapecrisis.html)
- \* Community Solutions  
(408) 779-2115 (South County Rape Crisis)  
(408) 683-4118/831.637-SAFE  
<http://www.communitysolutions.org>
- \* University Police Department  
(408) 924-2222 (24hr)  
[www.sjsu.edu/police](http://www.sjsu.edu/police)
- \* Asian Women’s Home  
(408) 975-2730 & (408) 975-2739 (24hr)  
<http://www.aaci.org/domestic-violence-program.html>
- \* Support Network for Battered Women  
(408) 541-6100 & 1-888-572-2782 (24hr)  
<http://www.snbw.org/>
- \* Next Door: Solutions to Domestic Violence  
(408) 501-7550 or (408) 279-2962 (24hr)  
<http://www.nextdoor.org>
- \* North American Islamic Shelter for the Abused (NISA)  
Hotline: 1-888-ask-nisa & (650) 856-0440  
<http://www.ask-nisa.org>
- \* City of San Jose, Family Violence Center  
(408) 277-3700  
[http://www.sjpd.org/fvc/fvc\\_home.html](http://www.sjpd.org/fvc/fvc_home.html)
- \* Maitri  
(408) 436-8393  
Hotlines: 1-888-862-4874 & 1-888-436-8398  
[www.maitri.org](http://www.maitri.org)