Rape or sexual assault can happen to anyone, regardless of age, gender, race, sexual orientation or socioeconomic status. In this packet you will find information, legal definitions, resources, and links you can use to learn more about rape and sexual assault. Remember no one deserves to be sexually assaulted.
Under California law, rape is an act of sexual intercourse against the will of the victim that can occur under a variety of circumstances, including when:

- the victim is prevented from resisting due to alcohol or drug intoxication.
- the assailant uses physical force or the threat of force to overpower and control the victim.
- the victim fears that she or he or another will be injured if the victim does not submit.
- the victim is at the time unconscious of the nature of the act, and this is known to the assailant.
- the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.
- the act is accomplished by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another person.
- the assailant uses duress, such as a direct or implied threat of hardship or retribution, to coerce the victim.
- the assailant uses force, fear, or threats to accomplish sexual intercourse against the will of the spouse. (This provision of the law is known as the "spousal rape law.")

Consent can be withdrawn at ANY TIME during a sexual act. If one partner withdraws consent and the other continues, this is RAPE!

Acquaintance rape and date rape are terms used by society to differentiate between stranger rape and rape between acquaintances. These are not legal terms; therefore, the rape law applies in the same manner whether or not the rapist is known by the victim.

Rape is punishable by imprisonment in the state prison for three, six, or eight years.

Sexual Assault:

Sexual assault is broadly defined as engaging or attempting to engage in unwanted sexual activity.

There are many forms of sexual assault including:

- rape (forced sexual intercourse)
- sodomy (forced anal intercourse)
- oral copulation (forced oral-genital contact)
- rape by a foreign object (forced penetration by a foreign object, including a finger)
- sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

Sexual assault is the umbrella term for all forms of sexual violence.

California Law states that sexual battery occurs when:

"Any person touches an intimate part of another person, when the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse...As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim."

Sexual battery is a misdemeanor punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

The complete California rape law is contained in Section 261 of the Penal Code. The spousal rape law is set forth in Section 262.

Source: www.leginfo.ca.gov/calaw.html
Many people believe that sexual assault is only committed by men against women. The majority of sexual assaults are perpetrated by men, but the fact is that 1 out of 10 men is a victim of sexual assault. Victimization can also include childhood sexual abuse. Because our society fails to see that men can be victims, men often have a difficult time accepting their own victimization and delay seeking help and support.

**RAPE** Unwanted, completed vaginal, oral, anal, or object penetration by force or threat of force and without consent. This includes situations in which you are too intoxicated to give consent. Rape is a violent act committed against a person's will. A rapist may be a stranger, an acquaintance, or even a friend or spouse. Every person is a potential victim regardless of age, appearance, race, gender, or socio-economic class.

**SEXUAL ASSAULT** Any sexual touching (i.e., kissing, fondling, groping) however slight, with any object, by a man or a woman upon a man or a woman, without effective consent.

**SEXUAL HARASSMENT** Unwanted and unwelcome sexual behavior (words or conduct) that offend, stigmatize or demean a person on the basis of gender.

**STALKING** Being repeatedly followed, watched, phoned, written, e-mailed, or contacted in other ways that seem obsessive and make a student afraid or concerned for their safety.

**AQUAINTANCE RAPE** A sexual assault by an individual known to the victim. Another term “date rape” is a sexual assault by an individual with whom the victim has a “dating” relationship and the sexual assault occurs in the context of this relationship. Many of these rapes are violent, and all are coercive in nature.

**DOMESTIC VIOLENCE** Is a pattern of physical, emotional, verbal, and sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control. Domestic Violence is an intentional pattern of behavior that is used by one person as a means to harm and take power and control over another person in the context of a dating, family, roommate caretaker relationship.

Many people believe that sexual assault is only committed by men against women. The majority of sexual assaults are perpetrated by men, but the fact is that 1 out of 10 men is a victim of sexual assault. Victimization can also include childhood sexual abuse. Because our society fails to see that men can be victims, men often have a difficult time accepting their own victimization and delay seeking help and support.

**Who can be a perpetrator of sexual assault?**
Men or women may be the perpetrators of sexual assault; however, men are more likely to commit sexual assault. The perpetrator may be a stranger, an acquaintance, a lover, a partner, or a date. Most of the time the perpetrator of the assault is someone the victim knows, either, a boyfriend, girlfriend, husband, other relative, or acquaintance.

**Who can be a victim of sexual assault?**
Anyone can be a victim of sexual assault regardless of age, gender, race, sexual orientation or socioeconomic status. Although it is more common for women to be victims, approximately 1 out of 10 men have been sexually assaulted at some point in their lifetime.
What is Consent?

Consent is based on choice.
Consent is active not passive.
Consent is possible only when there is equal power.
Giving in because of fear is not consent.
Going along with something because of wanting to fit in with the group,
being deceived or feeling bad is not consent.
If you cannot say “no” comfortably then “yes” has no meaning.
If you are unwilling to accept a “no,” then “yes” has no meaning.
-Source unknown

What is Consent?
Consent is an agreement that two people must make if they want to have sex. Legally speaking, for two people to have sex, they both have to agree to it: a voluntary, verbal, positive affirmation that they both want to engage in this behavior at this time. It includes positive cooperation and an exercise of free will. A current or previous dating or marital relationship IS NOT sufficient to constitute consent.

Both partners need to be fully conscious and aware.
The use of alcohol or other substances can interfere with someone’s ability to make clear decisions about the level of intimacy they are comfortable with. The more intoxicated a person is, the less they are able to give conscious consent.

Both partners are equally free to act.
The decision to be sexually intimate must be without coercion. Both partners must have the option to choose to be intimate or not. Both partners should be free to change “yes” to “no” at any time. Factors such as body size, previous victimization, threats to “out” someone, and other fears can prevent an individual from freely consenting.

Both partners clearly communicate their willingness and permission.
Willingness and permission must be communicated clearly and unambiguously. Just because a person fails to resist sexual advances does not mean that s/he is willing. Consent is not the absence of the word “no.”

Keep these points in mind...

1. A “NO” answer means “NO.”
2. Remember you or your partner can change “yes” to “no” at any time.
3. If someone is passed out or is highly intoxicated /disoriented/groggy and can’t give his or her consent and you have sex with this person, you will be committing sexual assault.

Both partners are positive and sincere in their desires.
It is important to be honest in communicating feelings about consent. If one person states their desires, the other person can make informed decisions about the encounter.
What should I do if a sexual assault occurs?

Sexual Violence is NEVER the victim's fault. No matter what happened to you, no one has the right to hurt you, pressure or coerce you into sexual contact or take away your choice about your body.

You are not alone. There are many people and services available who want to help you on and off-campus (please see the resource list in the back of this packet/downloadable from same section on web page.)

What Should I Do?

First Steps:
- Find a safe environment – anywhere away from the attacker. Ask a trusted friend to stay with you for moral support.
- Know that what happened was not your fault.
- You can call San Francisco Women Against Rape’s 24hr hotline at (425)647-7273 for free, confidential support.
- Contact Public Safety (x2911) they will be able to get you in touch with University Staff 24hrs a day.

Medical Attention & Evidence Collection:
- You can always see medical attention; no matter when your assault occurred or whether or not you wish to make a report. It is most important that you take care of yourself. There may be injuries as a result of sexual assault that you cannot see.
- Try and preserve evidence of the attack - don’t bathe or brush your teeth.
- Go to SAN FRANCISCO GENERAL HOSPITAL’S EMERGENCY ROOM. They are the only hospital in San Francisco that is fully prepared to conduct forensic evidence collection. Ask the hospital to conduct a rape kit to preserve forensic evidence. You can also ask the nurse for a rape crisis advocate from San Francisco Women Against Rape to accompany you to the hospital to provide information and support during the exam.

Involving the Police:
- Sexual assault is a crime AS WELL as a violation of USF policy. You can hold a perpetrator accountable through either or both systems. If the alleged perpetrator is a student at USF, the victim is encouraged to file a complaint through the University Disciplinary system. Victims may file charges with the Office of Student Conduct, Rights and Responsibilities (UC 409).
- You can choose to report the attack to police by calling 911 or have the police called when you go to the emergency room at San Francisco General Hospital.
- Write down all the details you can recall about the attack & the attacker.

It was not your fault.
You are not alone.
You deserve support.
You have rights.
How can I Help someone I care about who has been sexually assaulted?

If your friend has been sexually assaulted, you can expect them to be experiencing some combination of fear, anger, guilt, shame, mistrust, and disconnection. They may have experienced the fear of losing their life and as a result be afraid of everything around them. Your friend may be angry at the perpetrator but also angry at her or himself and at friends and family. As most assaults are perpetrated by someone the victim knows, they certainly may be feeling a lack of trust for those around them and the extreme stress, anxiety, loss of sleep and feeling as though they have lost control makes many victims feel as though they are disconnected from normal life.

You can help your friend. You can help them focus on their strengths and provide a place for them to vent their emotions, even anger. You can help them understand that no one is responsible for being raped and that they have the right to feel a lack of trust for others. You can help them understand that it is normal to feel unstable under such difficult circumstances. Here's how you can help.

Be a good listener
Let them know that they can talk with you. Listen carefully and respond to feelings as well as words. By reflecting what you are hearing back to the person, you can help them better understand their own emotions and thoughts during this difficult time. Some victims will want to talk about their experiences. Keep their privacy. It is a victim's decision when and whether to tell others about what happened. Don’t push them to reveal details about the incident or ask questions just because you're curious.

Believe them
Victims need to know that you believe what happened. It's rare that people make up stories about sexual assault. Don’t question details of the assault. If the perpetrator is someone you know, don't say, "I can't believe they would do that!" Important things to communicate to the victim:

- "It's not your fault."
- "I'm glad you're safe now."
- "I'm sorry it happened."

Validate the victim's feelings
Acknowledge their sadness, anger, fear, or confusion. Let them know that all of these feelings are normal after a sexual assault. Assure them that they aren't alone. Also:

- If a victim was drunk during the assault, assure them that they aren't to blame for what happened.
- If a victim feels guilty because they didn't fight back, assure them that fear sometimes inhibits us.
- Tell them that they did the best they could to survive the situation and that no one deserves to be sexually assaulted.
- Don’t blame victims for what happened by asking them things like why they were drinking, why they didn't fight back, what they were wearing, or by telling them what you would have done.

Let victims control their own lives
Provide victims with information about their options. If the victim chooses one, support them by providing phone numbers or information. Allow them to make a decision for themselves and assure them
that you will support whatever decision they make. Don’t try to take control of the situation. Let them make that decision for themselves. Don’t threaten to hurt the perpetrator, the victim has lived through one violent experience and does not need to be confronted with another.

**Respect the Victim's Privacy**
Don't tell others what your friend tells you. Let the victim decide who they will tell. Encourage them to seek support and assistance from others.

**Stay with them through the healing process**
Express your concern over the long run. Healing takes time. Talk about other aspects of victims' lives. This reassures victims that they have not become the sexual assault. Victims will have good and difficult days. Stay with them through both.

**Take Care of Yourself**
Hearing about the sexual assault of a friend or family member is upsetting. You may feel scared, angry, helpless, sad or all of these emotions and more. You may want to talk about your feelings. There are several campus resources available for you. (Please see the attached resource sheet in the back of this packet. If you are viewing this packet online, please refer to the page you accessed the packet on, [http://www.usfca.edu/hps/grant/SexualViolenceResources.html](http://www.usfca.edu/hps/grant/SexualViolenceResources.html), for the most updated resource sheet).
What can be done to minimize the risk of sexual assault?

Sexual assault and rape can happen to anyone at anytime. A victim is never responsible for sexual assault and rape, but there are preventative steps you can take to be safer.

### Protect yourself against sexual violence

**At home**
When at home keep your doors and windows locked. Use the peephole when answering the door. Leave lights on when you go out and always have your keys ready when you approach the front door.

**Away from home**
Don’t walk alone at night, if possible. Plan your route and avoid unlit or isolated places. Carry a whistle. Don’t hitchhike. Lock your car and park it in a well lit place. Have your car keys ready and check the back seat before unlocking the car.

**With a date**
Communicate clearly your limits regarding sexual behavior; be honest about expectations and intentions. Be aware of how much you and your date drink; it’s difficult to be in control of a situation when these substances are involved. Suggest meeting in public places or taking your own transportation when you’re getting to know someone. Be assertive – no one has the right to touch your body unless you want them to regardless of whether they paid for dinner, have had sex with you before, or think you are “coming on” to them.

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<tr>
<th>Respect the rights of others.</th>
<th>Keep yourself safer.</th>
<th>Look out for the safety of friends.</th>
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<tr>
<td>-Listen to the messages your partner is giving. Ask. Double check that you both are doing what you want.</td>
<td>-Think about what you want from a partner before a possibly uncomfortable or dangerous situation occurs.</td>
<td>-When going to a party with friends, keep track of each other while you are there. Plan to leave together and don’t let anyone leave alone.</td>
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<td>-The absence of the word “no” does not constitute consent. If your partner seems confused or unsure, it’s time to stop.</td>
<td>-Communicate clearly. You have the right to say “no”</td>
<td>-If a friend decides to leave a party with someone else, talk to them about their safety. If you are worried about someone, it’s okay to try to protect them from harm.</td>
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<td>-Remember that having done something sexual previously is not a blanket “yes” for the future.</td>
<td>-Go to a party with friends, not alone. Don’t leave alone or with someone you don’t know well.</td>
<td>-If someone seems highly intoxicated call EMS.</td>
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<td>-Remember that your partner can change “yes” to “no” at any time.</td>
<td>-If you choose to drink be responsible.</td>
<td>-Learn as much as you can about sexual assault and rape and how to help a friend who may have been assaulted.</td>
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<td>-Most incidents for rape and sexual assault happen between people who know each other.</td>
<td>-Know what is in your drink. Don’t leave your drink unattended. Avoid punch bowls.</td>
<td>-If a friend discloses to you that they have been sexually assaulted, don’t take it all on yourself. Use USF or off campus resources for advice and support for your friend and for yourself.</td>
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<td>-If you choose to drink be responsible. Alcohol consumption greatly increases the risk of sexual assault.</td>
<td>-If something happens, get help. There are many resources to help you recover from painful experiences.</td>
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