

2015-2017

Merritt
College

**Sexual Violence, Dating, and
Domestic Violence and Stalking Policy**



AB 1088~ sexual assault Merritt College Procedures, and Resources (Modified from College of Alameda manual by Evan Schloss, LPCC). Also approved by Merritt's Vice President of Student Services, Dr. Arnulfo Cedillo and Laney College's Health, Safety and Security Committee



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SEXUAL ASSAULT ON CAMPUS AB 1088: Merritt College's Policy, Procedures, and Resources

1. Sexual Assault on Campus Policy Statement AB1088

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by a student, faculty, staff, Administrator, visitor, or invitee of Merritt College, occurring on District/College property, or on an off-campus site or facility maintained by the District/College, or on grounds or facilities maintained by a student organization, is a violation of College policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. "Sexual assault" includes but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

These written procedures and protocols are designed to ensure victims of sexual assault receive information, treatment and assistance. All students, faculty, staff, administrators, visitors, or invitees of Merritt College who allege they are the victims of a sexual assault on District/College property shall be provided with information regarding options and assistance available to them. Information shall be available from the following offices on campus: Student Health Center (510-436-2533)/Mental Health Counseling Center (510-434-3826) and Peralta Sheriff Department (510) 466-7236 which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the alleged victim authorizes the release of information. Information shall also be available in the office of the Vice President of Student Services (510-436-2478).

All alleged victims of sexual assault on District/College property shall be kept informed of any ongoing investigation, through the Peralta Sheriff Department, the Student Health Center/Mental Health Services, and/or the Office of the Vice President of Student Services or designee.

Information shall include the status of any student or employee disciplinary proceedings or appeal. Alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The College shall maintain the identity of any alleged victim or witness of sexual assault on District/College property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District/College property shall be referred to the Office of Public Information, which shall work with Merritt College Vice President of Student Services and Peralta Sheriff Department to assure that all confidentiality rights are maintained.



2. Merritt College's Response to Sexual Violence, Dating & Domestic Violence, and Stalking

2.1 Introduction

Merritt College recognizes that sexual assault, dating & domestic violence, and stalking are serious issues. The College seeks to ensure that members of its campus community are aware that such behavior is prohibited by law and by College policy, and that the College will not tolerate acts of sexual assault, dating & domestic violence, or stalking in any form, including rape, on its campus.

The Peralta Community College District (PCCD), of which Merritt College is a part, has adopted Board Policy 3540 and Administrative Procedure 3540, SEXUAL AND OTHER ASSAULTS ON CAMPUS (www.peralta.edu). The policy is a statement of the District/College's commitment to educate the college community in order to prevent occurrences of sexual violence. The District/College will provide information to all faculty, staff, and students regarding the definitions of sexual assault, dating & domestic violence, and stalking, how to prevent them, and how to report incidents of sexual assault, dating & domestic violence, or stalking. The District/College will provide assistance and support to victims of sexual assault, dating & domestic violence, and stalking and take appropriate actions to correct and discipline behavior that is found to violate the District/College policy or state regulations regarding these offenses.

2.2 Purpose

The District/College's goals are to create a supportive climate that encourages each victim/survivor of sexual violence, dating & domestic violence, and stalking to report the incident(s) and to provide support and information to assist her/him in dealing with these traumatic events, while respecting the victim/survivor's right to choose whether or not to report. The District/College also intends to promote campus safety through prompt and confidential reporting of sexual violence incidents to appropriate campus officials.

2.3 Definitions

Complainant:

A student, faculty, staff, administrator, visitor, or invitee of Merritt College who believes herself/himself to have been a victim/survivor of sexual assault, dating & domestic violence, or stalking and who engages the Merritt College sexual assault complaint procedure. If the alleged perpetrator of sexual assault, dating & domestic violence, or stalking is a faculty or staff member at Merritt College, the victim/survivor will have the option of initiating a complaint with the Peralta Community College District (PCCD).

Rape:

The California Penal Code prohibits acts of rape, some of which are summarized as follows: (a) sexual intercourse against a person's will accomplished by force or threats of bodily injury; sexual intercourse against a person's will where the person has reasonable fear that she/he or another will be injured if she/he does not submit to the intercourse; (c) sexual intercourse where the person is incapable of giving consent, or is prevented from resisting, due to alcohol or drugs, and this condition was known, or reasonably should have been known by the accused; (d) sexual intercourse where the person is incapable of resisting because she/he, at the time, is unconscious or asleep, and this is known to the accused; and (e) sexual intercourse where the person is incapable of giving consent or resisting due to youth (under



the age of 18), and this condition was known, or reasonably should have been known by the accused. (See also California Penal Code 261.)

Sexual Assault:

Sexual Assault includes threats of sexual violence (section 67385(d), Calif. Ed. Code), incest (between persons who are related to each other within the degrees wherein marriage is prohibited by law), statutory rape (with a person who is under statutory age of consent), and, as defined by the California Penal Code, forced sodomy (anal intercourse), forced oral copulation (oral-genital contact), rape by foreign object (forced penetration, however slightly, by a foreign object, including a finger, into a genital or anal opening), and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). It also includes situations when the accused sexually assaults a complainant incapable of giving consent, including where the complainant is prevented from resisting due to alcohol or drugs or youth (under the age of 18) and this condition was known, or reasonably should have been known by the accused. Except where otherwise necessary, this policy will hereinafter refer to both rape and sexual assault simply as "sexual assault."

NOTE:

Forced intercourse or other unwanted sexual contact is defined as sexual assault whether the assailant is a stranger or an acquaintance of the complainant. Intoxication of the assailant shall not diminish the assailant's responsibility for sexual assault.

Affirmative Consent:

"Affirmative consent" is defined as an affirmative, conscious, and voluntary agreement to engage in sexual activity. Under the law, neither the lack of protest / resistance nor silence constitutes consent; also consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity.

NOTE: It is not a valid excuse that the accused believed the complainant consented if: (A) the accused's belief arose from his or her own intoxication or recklessness, or (B) the accused did not take reasonable steps to ascertain whether the complainant affirmatively consented. Similarly, it will not be a valid excuse that the accused believed the complainant affirmatively consented where the accused knew or reasonably should have known that the complainant was unable to consent because he or she was: (A) asleep or unconscious, (B) incapacitated due to drugs/alcohol/medication, or (C) unable to communicate due to a mental or physical condition.

SaVE Act Definitions

Sexual assault The Campus SaVE Act defines sexual assault, as "an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation."

Dating violence "Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship (ii) the type of relationship (iii) the frequency of interaction between the persons involved in the relationship".



Domestic violence “Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

Stalking “Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress”

As Defined by Merritt College and other Peralta Colleges

Sexual Assault - Sexual assault is any sexual contact without consent. The general term, sexual assault, covers a number of related crimes, including rape, which is penile-vaginal penetration. Other acts of sexual assault include oral copulation, anal intercourse, penetration of the anus or vagina with a foreign object, and touching an intimate part of another person, all without consent. The attempt to commit any act of sexual assault is also a crime. The absence of informed consent distinguishes a crime from a sexual encounter. Every person possesses the right to decide whether and when to be sexual. Consent signifies active participation; this cannot be inferred or assumed.

Dating and Domestic Violence - Dating and domestic violence, also referred to as relationship or intimate partner violence, is the use of power by one person to control another within an intimate relationship. Signs of an abusive relationship include jealousy, possessiveness, isolating and controlling behavior, threats and intimidations, put-downs and name-calling, yelling, breaking things, physical and sexual assault, and financial coercion or control. The rate of dating/domestic violence among undergraduate and graduate students is about the same rate as in the general population. Abuse occurs in same-gender relationships as often as in relationships between people of different genders.

Stalking - Stalking* is a pattern of repeated and unwanted attention, harassment, contact, or any other conduct directed at a specific person that would cause a reasonable person to feel fear. This collection of behaviors, at one time in the recent past, tended to be excused or minimized by society. Now, it is generally understood these pattern of behaviors that causes impact and anxiety, and impacts the survivor’s ability to pursue his/her education and live a whole and healthy life.

*More than half of all stalking survivors are between 18 and 29 years old and most stalkers are an acquaintance, such as a former dating partner.

2.4 College Responsibility

The College’s first responsibility in responding to reports of sexual assault, dating and domestic violence, or stalking is attending to the needs of the individuals involved. All potential first responders who are affiliated with Merritt College shall go through a formal training on how to assist victims/survivors of sexual assaults. All reports of sexual assault are taken with the utmost seriousness, and the victim/survivor will be referred to the appropriate persons or units for assistance. The College is also responsible for ensuring that the individual



charged with committing the assault is treated fairly. The alleged assailant will be presumed innocent until proven guilty and will be referred to appropriate services for assistance.

A Merritt College employee reporting a recent incident of sexual assault, dating and domestic violence, or stalking should be advised to speak to her/his supervisor. A student should be directed to the College's Vice President of Student Services. Each also should be directed to the Peralta Sheriff Department for reporting or other options as appropriate. It is not the function of any campus representative to urge a particular course of action upon the victim/survivor.

2.5 Confidentiality

All affected individuals will be accorded the right to privacy, and confidentiality will be maintained other than in circumstances where there is a need to know and to the extent permitted by College policy and California law. Extremely sensitive information is gathered during the investigation of a complaint of sexual assault, dating & domestic violence, or stalking. California law provides constitutional and statutory protection for the privacy of the individual and specifically allows a complainant of sexual violence to report as "Jane Doe" or "John Doe" in order to maintain confidentiality. To protect the individual's privacy rights, the names of individuals or other identifying information, especially which contained in written documents and notes, will only be disclosed to third parties if prior written permission is given by the individual concerned or to those authorized by state or federal law to receive such information.

In cases of incidents involving students, the Vice President of Student Services or designee is responsible for initiating an investigation, in collaboration with Peralta Sheriff Department, and for proceeding with student disciplinary procedures, if deemed appropriate; and for ensuring that a student who is an alleged victim/survivor is kept informed of any ongoing investigation. Information shall include the status of any student disciplinary proceedings or appeal. The alleged victim/survivor is required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

2.6 Policy Summary

This policy applies to all members of the campus community, including students, faculty, staff, administrators, visitors, and invitees of the District/College.

Any sexual assault, dating & domestic violence, or stalking, including, but not limited to, rape, as defined by California Penal Code, whether committed by an employee, student, or member of the public, occurring on District/College property, or on an off-campus site or facility maintained by the District/College, or on grounds or facilities maintained by a student organization, is a violation of the District/College policy and state regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. It is also District/College policy to actively prevent sexual assault, dating & domestic violence, and stalking. The District/College maintains a zero tolerance standard concerning sexual assault, dating & domestic violence, and stalking.



3. Procedures: Sexual Assault, Dating & Domestic Violence, and Stalking on Campus Premises

3.1 College Response to Incidents of sexual assault, dating & domestic violence, and stalking

The College defines the following procedures to be used by all College representatives when contacted by alleged victims/survivors of sexual assault, dating & domestic violence, and stalking. College representatives should seek to assist victims/survivors in regaining control of their lives. To the extent possible, victims/survivors should be encouraged to make their own decisions and choices following a sexual assault. The College representative's first concern shall be for the medical or psychological welfare of the person. If the individual is in a crisis warranting immediate intervention, the College representative must follow departmental emergency procedures and/or call the Peralta Sheriff Department at (510) 466-7236. The campus representative should provide a safe, private and comfortable place for the victim/survivor in which to discuss the options available and reach a decision.

Listed below are the steps that shall be taken by a College representative/Crisis Responder if a Merritt College student, faculty, staff, administrator, visitor, or invitee discloses that she/he was a victim/survivor of sexual assault, dating & domestic violence, or stalking on campus:

Step 1: Attend to the immediate emotional crisis. Listen with compassion and ask the individual what she/he may need.

Step 2: Communicate to the victim/survivor the importance of medical and emotional attention and discuss whether immediate assistance is needed. Medical attention is vital for detecting and treating a range of medical concerns, including sexually transmitted diseases, pregnancy, and injuries. Treatment for HIV prevention must be administered within seventy-two (72) hours after the rape, the sooner the better. Preventive measures against pregnancy and treatments for sexually transmitted infections must begin as soon as possible

Seeking medical treatment and permitting the collection of medical evidence does not commit the victim/survivor to making a police report. At a later time, however, if the victim/survivor chooses to report to the police, physical evidence collected soon after the assault will maximize the effectiveness of the legal proceedings.

The need for immediate medical attention can be met at the Merritt Student Health Services (R-106) or Laney Wellness Center, whether or not a victim/survivor decides to make a police report. While the Laney Wellness Center is the most comprehensive service provider of Peralta Colleges, there is no need to go to the first. Victims/survivors who agree to seek initial medical assistance following a sexual assault are referred to the Highland Hospital Sexual Assault Center without showering, cleaning up, or changing clothes as doing these things could destroy evidence.

If transportation is needed, the Vice President of Student Services or designee, or the Merritt Student Health Center will coordinate transportation to a medical facility. The Merritt College Sheriff Department or Alameda County Sheriff Department (510-667-7721) also can provide transportation. Additionally, the Laney Wellness Center will provide follow-up testing and health care of registered students who are, or have been, victims/survivors of sexual assaults, regardless of where or when the assaults took place. Emotional attention and support can be obtained by the Laney Mental Health Counselor, Lisa Sawadogo at 510 464-3535 ,a Merritt Mental Health Counselor (510-436-2533) is not available.



Step 3: Determine whether the victim/survivor wishes to report the incident to the Merritt College Sheriff Department or a local police department. The role of law enforcement is to fully investigate and document all reports of sexual violence.

The victim's/survivor's request for anonymity and confidentiality is to be honored to the extent permitted by law and College policy (see 2.5 Confidentiality). It is important for the victim/survivor to know that there is a seventy-two (72) hour time period in which important forensic evidence (e.g., sperm and/or skin fragments for DNA identification of an assailant) can be collected and later used in judicial procedures if the survivor desires to prosecute. If the victim/survivor wishes to have evidence collected, medical treatment and collection of forensic evidence must be expedited.

Step 4: Communicate to the victim/survivor the importance of emotional support and discuss with her/him whether immediate assistance is needed. Mental health services are available at the College. The College also has resources and referrals to assist with psychological needs that arise in the initial crisis of assault, as well as in the aftermath and longer-term recovery. (For directories of available resources, see Appendices C, D, E, and F.)

Step 5: Inform the victim/survivor that College Disciplinary Proceedings and Action will be carried out according to policy and procedures as published by the in the Merritt College Student Handbook.

3.2 College Response to Complaint of Sexual Assault, Dating & Domestic Violence, and Stalking

The College's Vice President of Student Services or designee, shall have primary responsibility for providing information to students regarding procedures for reporting incidents of sexual assault, dating & domestic violence, and stalking and for processing reported incidents of sexual assault, dating & domestic violence, and stalking involving students through the District/College's Student Discipline Policy and Procedures (5520 Student Code of Conduct, Discipline, and Due Process). The policy and procedures are available on the web (www.peralta.edu) and published in the College's Student Handbook, which is free to all students.

The Vice President of Student Services or designee shall provide each affected individual with the following: a copy of the District/College policy on sexual assault, including the documents "What to Do If You Are Sexually Assaulted/Raped" and "Victim/Survivor's Rights," a list of Campus representatives to be notified if the complainant (victim/survivor) consents, a description of available services and the persons on campus available to provide those services if requested, and a description of procedures for criminal prosecution, civil prosecution (i.e., lawsuit), and College disciplinary procedures (5520 Student Code of Conduct, Discipline, and Due Process; [Student Concerns and Complaint Process](#)).

If the accused student and victim/survivor have contact within academic buildings, the Vice President of Student Services or designee will determine whether a directive to refrain from contact with the alleged victim/survivor should be issued to the alleged perpetrator. The Vice President of Student Services or designee will be responsible for making the determination whether interim suspension should be invoked against the alleged perpetrator. The Vice President of Student Services or designee will also work to provide reasonable accommodations to protect the rights of involved parties when an order of protection, restraining order, or similar lawful order has been issued through courts or the college.



At the request of the complainant (victim/survivor) and upon the receipt of a written and signed complaint or verbal report, the Vice President of Student Services or designee shall initiate an investigation and notify the Merritt College / Alameda County Sheriff Department at (510) 465-3514. If the Vice President of Student Services or designee determines that circumstances so warrant, an investigation shall be initiated with or without the consent of the complainant.

The Vice President of Student Services or designee shall notify the appropriate faculty, staff or students, and the alleged assailant that an investigation is underway and provide the names of the parties involved.

Pursuant to the College's Student Discipline Procedures, the Vice President of Student Services or designee shall conduct a prompt, full, and impartial investigation. The complainant is entitled to due process and shall have an opportunity to present evidence and a list of relevant and material witnesses. The Vice President of Student Services or designee will receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Both the complainant and the accused student are entitled to be accompanied by the advisor of their choice during any institutional disciplinary proceeding or any related meeting or proceeding. The complainant and the accused student are not limited to the choice of advisor; however Merritt College may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

A complaint for sexual assault, dating & domestic violence, or stalking should be filed as soon as possible. The investigation shall generally be completed within twenty (20) instructional days of the receipt of the complaint. The time period for investigation may be extended by mutual consent of the parties or for good cause, including the complexity of the issues under investigation and the unavailability of relevant witnesses due to semester recess. Both the complainant and the accused will be informed of any extension of the investigation. At the conclusion of the investigation, the Vice President of Student Services shall submit a written report to the President of Merritt College.

The report shall include a description of the facts, the remedy sought by the complainant, and recommendations for further action if deemed necessary by the Vice President of Student Services. These recommendations shall be based upon the strength of evidence against the accused, the seriousness of action(s) that led to the complaint, and the remedy sought by the complainant. Merritt College will use of a "preponderance of the evidence standard" when adjudicating complaints in the disciplinary process. To satisfy this standard of proof, the evidence must show that it is "more likely than not"—i.e., greater than 50% likelihood—that the victim did not consent. If assault is found, Merritt College will implement such action as is necessary, including disciplinary sanctions that lead to suspension or expulsion from the College, to correct the situation and to prevent it from recurring. The complainant and the accused will receive written notice of the College's proposed determination regarding whether an assault occurred and of the disposition of the complaint.

The College will adhere to student disciplinary procedures in processing incidents of alleged sexual assault. The complainant or the accused may request reconsideration of the District/ College's proposed determination by submitting additional relevant evidence, identifying errors of fact or of standards applied in the investigation or determination, or showing that



further investigation is necessary. A request for reconsideration of the College's proposed determination must be made to the Vice President of Student Services in writing within five (5) instructional days of receipt of the Notice of Proposed Determination. The request for reconsideration must clearly specify the basis for making the request.

Within ten (10) instructional days of receiving a request for reconsideration from either the complainant or the accused, the College will provide written notice to the other party that such a request has been made, and will proceed following student discipline appeal procedures.

3.3 Procedures for Criminal Prosecution, Civil Prosecution (i.e., Lawsuit), and College Disciplinary Procedures

A person interested in pursuing civil litigation is urged to contact legal services. Merritt College is not responsible for legal expenses.

It is unlawful for anyone to retaliate against someone who files a sexual assault, dating & domestic violence, or stalking complaint, who refers a matter for investigation or complaint, or who participates in an investigation of a complaint. It is also unlawful for anyone to retaliate against anyone who represents or serves as an advocate for a reported survivor or alleged offender, or who otherwise furthers the principles of these procedures on Campus.

3.4 The Annual Security Report

The Peralta Sheriff Department will keep and maintain an annual security report that includes the following:

3.4.1 A description of educational programs to promote the awareness of sexual assault, dating & domestic violence, and stalking

3.4.2 Procedures to follow if sexual assault, dating & domestic violence, or stalking occur

3.4.3 Information on a victim/survivor's option to notify appropriate law enforcement authorities, if she (he) so requests

3.4.4 Information about existing services available for victims/survivors

3.4.5 Information on changing a victim/survivor's academic situation after an alleged sexual assault, if those changes are requested by the victim/survivor and are reasonably available

3.4.6 Procedures for campus disciplinary action, including statements that 1) the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and 2) both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding.

3.4.7 A description of the sanctions the campus may impose following an outcome of a disciplinary proceeding.

3.5 Education and Prevention Information

Representatives from the Crisis Team, Peralta Sheriff Department, Wellness Services, Counseling Department, and other appropriate representatives will provide education and prevention information about sexual assault, bystander intervention, ongoing prevention and awareness campaigns, primary prevention programs, and risk reduction. These departments will also develop programs to prevent dating violence, domestic violence, and stalking and to discuss healthy relationships, healthy sexuality, communication and personal boundaries.



Written information about campus and community based health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims will be provided to all students and employees. College representatives from the aforementioned departments will also post prevention and education information on sexual violence on Merritt College internet website. Sexual Assault information is available in the Peralta Wellness Center/ Merritt College Mental Health Center, College Sheriff, and on the Merritt College website <http://www.merritt.edu/wp/health/>.

3.6 Procedure Summary

3.6.1 If an individual is assaulted, victimized, or stalked on campus, she/he would be strongly urged to call (510) 436-2533 for the Peralta Sheriff Department or (510) 465-3514 for a Mental Health Counselor. Additionally, if the victim/survivor prefers, and the offices are open, she/he may obtain services through the Vice President of Student Services or designee, the Director of Health Services, Mental Health Services and/or any of the Deans, and Vice Presidents' Offices.

3.6.2 Merritt College will investigate all allegations of sexual assault, dating & domestic violence, and stalking and initiate appropriate disciplinary, criminal, or legal actions, with the cooperation of the victim/survivor. We understand and affirm the right of victims/survivors to choose whether or not to report incidents of sexual assault, dating & domestic violence, and stalking. If a victim/survivor chooses to report an incident of sexual assault, dating & domestic violence, or stalking, she/he should do so as soon as convenient, and preferably within 72 hours. The victim/survivor should report the incident, including date or acquaintance rape, to the Peralta Sheriff Department at (510) 466-7236 or 911.

3.6.3 The victim/survivor should make every attempt to preserve any physical evidence of the assault. This may include a voluntary medical exam, not showering, or disposing of any damaged clothing, or other items that are present after/during the assault. If assaulted on District/College property, the victim/survivor shall seek medical attention at Merritt Student Health Center (510) 436-2533 or counseling from Mental Health Center (510) 434-3826, call the Vice President of Student Services or designee during regular business hours.

During after hours, she/he should call the Peralta Sheriff Department at (510) 466-7236. If assaulted on non-District/College property, the victim/survivor should seek medical care at the Highland Hospital Sexual Assault Center (Alameda County) and contact the Local Police Department 9-1-1 from land line or 510-777-3211 from cell phone.

3.6.4 If the victim/survivor was assaulted on a non-District/College property, she/he should call Highland Hospital Sexual Assault Center (Alameda County) (510) 534-9290, or dial 911 and seek the assistance of the local police, San Francisco County Trauma Recovery Center (415) 437-3000, National Rape Crisis Hotline/Nationwide RAINN: 1 (800) 656-4673, Bay Area Women Against Rape (BAWAR) in Oakland 24-hour crisis line: (510) 845-7273, and (510) 430-1298 (Office).

3.6.5 Please ask the victim/survivor to seek professional psychological counseling service as soon as convenient. College representatives/Crisis responders who respond and support the victim/survivor are also encouraged to seek psychological counseling services as soon as convenient.

3.6.6 With a finding of culpability, College disciplinary procedures will be initiated on the perpetrators, ranging from suspension to expulsion. Due process and privacy will be afforded to the accuser and the accused.



3.6.7 Counselors are encouraged to inform any persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Appendix A

4.1 Appendix A: “What to Do If You Are Sexually Assaulted/Raped”

- If you are in immediate danger, call 911 or (510) 466-7236 if on campus.
- Go to a safe place. This is not the time to be alone. At the very least, you need emotional support. If there is no one to go to, call someone you can talk to, no matter how late it is. Places on campus where you can get help are the Merritt College Student Health Center, the Vice President of Student Services (R Building) or designee, Peralta Sheriff Department (R117), or any counseling or administrator’s office in both R and Q Buildings.
- Get medical attention. As soon as possible, go the Highland Hospital Sexual Assault Center or the nearest hospital to be examined and treated for any injuries or infections. For example, treatment for HIV prevention must begin within a seventy-two (72) hour period after the assault/rape, but the sooner the better. You may want to take measures to prevent pregnancy as soon as possible. At the very least, you need to get tested and maybe treated for various sexually transmitted infections. You can seek medical treatment and provide medical evidence without having to report to the police. If you choose to report later, physical evidence that was collected soon after the assault would make legal proceedings more effective.
- Report the assault to police and campus officials, whether or not you plan to file charges. Reporting a rape does not commit you to filing charges but does make filing a charge easier at a later date.
- When you make your report, you may take someone with you. You can go the next day, but the sooner the better. Rarely do rapists attack one person only, they get away with it and so they continue to do it. A report may be filed with the Vice President of Student Services, Peralta Sheriff Department and/or Oakland Police Department. If the perpetrator of the assault is a faculty or staff member at Merritt College, you have the option of initiating a complaint with the College Administration. If you decide to report, physical specimens collected soon after the sexual assault will be valuable evidence. Do not shower or clean yourself first. If you change, place your clothes in a paper bag. Do not destroy or wash the clothes you were wearing. Peralta Health Services are not “evidence collection” sites, so if you do want to file charges, arrangements will be made for you to go to Highland Hospital Sexual Assault



Center which is designated as the “evidence collection” site for sexual assaults that occur in Alameda County. You have the right to choose whether or not to report and/or file charges.

- Consider whether you want to file charges with the police and/or with campus authorities. Pressing charges can be a long, painful process. Each person must decide for themselves, based on their own circumstances, whether it makes sense to go through it. You may also speak with Oakland Police Department (510-777-3333-non emergency number) about what will happen before your decision.

Appendix B

4.2 Appendix B: Victim/Survivor’s Rights

- To be treated with respect, dignity, and courtesy and without prejudice based upon race, class, lifestyle, sex, age, occupation, or religious beliefs;
- To receive emotional and psychological support services and advocacy;
- To have the assistance of Campus personnel in obtaining and securing evidence;
- To receive private and confidential examination and treatment for personal injuries, sexually transmitted disease, and pregnancy;
- To be informed and ask questions regarding examinations and treatment given;
- To the strictest possible confidentiality in incident and medical records, unless release of information is agreed;
- To receive current information on campus and community resources;
- To be informed of the options available through the college and the legal system;



- To seek criminal charges and/or file a disciplinary complaint;
- To be considered as credible as a person reporting any other crime;
- To be asked only those questions which are relevant to law enforcement investigation or medical treatment;
- To be informed of the status and outcome of any student or employee disciplinary proceedings or appeal;
- To be given the choice to prosecute or not to prosecute; and to have feasible class schedule adjustments (without academic or financial penalty) as necessary to minimize the potential contact with the alleged assailant or those associated with the alleged assailant.



Appendix C

4.3 Appendix C: Key Campus Representatives to Be Notified in the event of a Sexual Assault, Should the Victim/Survivor Choose

When any one of the campus offices listed below is notified of a sexual assault on or near a College property, that office should immediately notify the other offices so listed without divulging the survivor's name unless permission has been obtained.

Peralta Sheriff Department..... (510)
465-3514

Vice President of Student Services..... (510)
436-2533

Director of Health Services..... (510)
434-3916

Mental Health Services..... (510)
436-3826



Director of Student Activities and Campus Life... (510)
434-3982



Appendix D

4.4 Appendix D: Services Available to Victim/Survivor of a Sexual Assault on Campus

Vice President of Student Services
510-436-2477

Coordination for all Sexual Assault on Campus services for the college and reporting of the incident should the victim/survivor permits

Merritt Student Health center
510-436-2533

Laney Wellness Center
510-464-3134

Provision of medical services

Mental Health Services **510-434-3826 or**
510-464-3535

Provision of emotional support, counseling services, psychotherapy, and referrals

Peralta Sheriff Department
510-465-3514

Reporting of the incident if the survivor desires police investigation and support



Counseling Offices
510-436-2475

Provision of support, resources, and referrals Main Number

Appendix E

Community Resources

4.5 Appendix E: Community Resources

Rape

Alameda Sheriff Department

To report a rape incident (510) 465-3514 or
dial 911

Highland Hospital Sexual Assault Center (Alameda County)..... (510)
534-9290

San Francisco Trauma Recovery Center..... (415)
437-3000

San Francisco Women Against Rape (SFWAR)

Crisis..... (415) 647-
7273

Office..... (415) 861-
2024

Sexual Assault Counseling and Information Service (SACIS)

24-Hour Crisis Line..... (888)
345-2846

Bay Area Women Against Rape (BAWAR) in Oakland

Crisis..... (510) 845-
7273

Office..... (510) 430-
1298

National Rape Crisis Hotline/Nationwide RAINN..... (800)
656-4673

Rape Trauma Services in Peninsula

Service in Spanish and English..... (650)
652-0598

Child Sexual Abuse

Child and Adolescent Sexual Abuse Resource Center at SFGH

Counseling and Medical Service..... (415)
206-8386

Stop Sexual Abuse of Asian Children

Wu Yee Children's Service..... (415) 391-8993 or (415)
391-4956



Crisis Counseling

Merritt College Mental Health Services	
Free to currently enrolled Merritt College students.....	(510)
436-3826	
Laney College Mental Health Services	
Free to currently enrolled Laney College students.....	(510)
748-2320	
Peralta Wellness Center.....	(510)
464-3134	
Parental Stress Hotline.....	(415)
441-5437	
Jewish Family and Children's Services	
Russian and English.....	(415)
449-2907	
La Casa de las Madres Shelter	
Office.....	(415)
503-0500	
Crisis Line.....	(877)
503-1850	
Teen Line.....	(877)
923-0700	
Riley Center and Emergency Shelter	
Office.....	(415)
503-4101	
Crisis Line.....	(415)
255-0165	

Appendix F

4.6 Appendix F: Web Resources

Bay Area Women Against Rape (<http://www.bawar.org/>)
W.O.M.A.N. Inc. (<http://www.womaninc.org>)

La Casa de las Madres Shelter/Domestic Violence (<http://www.lacasa.org>)



References

5. References

Education Code Section 67385; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b) (11)
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[Changes to California Law AB1433](#)

[Peralta Administrative Procedure 3540: Sexual and Other Assaults on Campus](#)

[Peralta Board Policy 3540: Sexual and Other Assault on Campus](#)

[Peralta Administrative Procedure 3515: Reporting of Crimes](#)

[Peralta Administrative Procedure 3500: Campus Safety](#)