

# **PACIFICA GRADUATE INSTITUTE'S SEXUAL ASSAULT POLICY**

## **SEXUAL ASSAULT**

Sexual assault is a violation Pacifica Graduate Institute's standard of conduct for students, as well as a violation of the law. In the tragic event that a sexual assault does occur, PGI takes the matter very seriously. A student who is found to have committed sexual assault on or off campus is subject to immediate suspension, expulsion, or dismissal from Pacifica. A student wishing to officially report such an incident may do so to Director of Operations (805.879.7339) or the Director of Transportation and Safety (805.896.1884). Anyone with knowledge about a sexual assault is encouraged to report it immediately.

## **DEFINITION OF SEXUAL ASSAULT**

Sexual assault is a general term that covers a broad range of inappropriate and unlawful conduct, including rape. As defined under California law, rape is nonconsensual sexual intercourse that involves the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Sexual intercourse is considered nonconsensual, and therefore rape, when the person: 1) is a minor (age 17 or under); or 2) has a mental disorder or developmental or physical disability that renders her or him incapable of giving consent; 3) is unconscious; or 4) is incapable of giving consent because she or he is incapacitated from alcohol or other drugs, and this condition was known, or reasonably should have been known by the accused. "Incapacitated" means intoxicated to the point that the person is incapable of exercising the judgment required to decide whether to consent.

Other examples of sexual assault include the following *nonconsensual* acts: oral copulation, anal intercourse, penetration of the anal or vaginal area with a foreign object, including a finger. Sexual assault may also include the act of touching a person's intimate parts, or the clothing covering the immediate area of those parts, or forcing a person to touch another's intimate parts.

## **IF YOU ARE SEXUALLY ASSAULTED**

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, call Security at 805.896.1884 or 805.879.7339 if you are on-campus or 911 if you are off-campus.
2. Consider securing immediate professional support to assist you in the crisis. You can consider on- or off-campus options:
  - If you are seeking help during regular hours you may call either the Director of Operations at 805.879.7339 or the Director of Security at 805.896.1884.
  - During regular hours or after hours, you may access the Santa Barbara Rape Crisis Center 24 hour a day hotline at 805.564.3696.
3. For your safety and well being, immediate medical attention is encouraged to evaluate for physical injury, sexually transmitted diseases, and pregnancy. Further,

being examined as soon as possible, ideally within 72 hours, is important for evidence collection, which may be used to support prosecution should you decide immediately or later to pursue criminal charges. The Santa Barbara Rape Crisis Center will arrange for a specific medical examination. To preserve evidence, it is best that you do not bathe, shower, douche, or change clothes before that exam. Even if you have already bathed, you are still encouraged to have prompt medical care. Additionally, you are encouraged to gather bedding, linens, or unlaundered clothing and any other pertinent articles which may be used for evidence.

4. Even after the immediate crisis has passed, consider seeking support from the Santa Barbara Rape Crisis Center.
5. Contact your Program Administrator or Department Chair if you need assistance with academic related concerns, (e.g., missed classes or exams; requesting extensions regarding coursework) or on-campus housing issues. They will report your concerns to the proper departments.

#### **REPORTING A SEXUAL ASSAULT**

Making the decision whether or not to report a sexual assault is the beginning of the process by which victims regain control over their lives. Though the reporting and judicial process can be difficult, it is often worth the effort because victims feel empowered by bringing the assailant to justice. Reporting a sexual assault may also help to establish precedents that will aid other victims in the future.

Some students will choose to pursue criminal charges (i.e., through the police and criminal courts). Others will choose to pursue internal Institute options, if the offender is a PGI student. Some will choose both. Civil litigation is a third option that some victims choose. It is important that you understand your options as you make these decisions. Speaking confidentially with a counselor from Santa Barbara Rape Crisis Center or other trusted individual may be helpful as you decide how you would like to proceed.

For help in reporting the offense to local law enforcement, call the Director of Operations or the Director of Safety at the numbers listed above. It is important to understand that reporting the incident does not obligate the victim to press criminal charges. To pursue internal action through the Institute, please contact your Program Administrator or Department Chair.

If the alleged assailant is identified by the victim or another source, the Department of Safety will collaborate with local law enforcement in conducting an investigation. Support of a victim is the Institute's highest priority in these matters; therefore, the victim's wishes will always be taken into consideration. There are also community safety issues to be considered. Thus, if the offending student is perceived to be a potential threat to the victim or other students, the Institute may choose internal action against the alleged offender regardless of whether the victim submits or wishes to pursue a complaint.

### **IMMUNITY FOR VICTIMS**

Pacifica encourages the reporting of sexual assault. Sometimes, victims are hesitant to report to college officials because they fear that they themselves may be charged with policy violations. To encourage reporting, Pacifica offers victims immunity from policy violations related to the sexual assault.

### **INTERNAL CONDUCT AND/OR GRIEVANCE HEARINGS**

Persons accused of sexual assault will be subject to internal proceedings, following the procedures set forth in the student conduct section of the Student Handbook and/or the Grievance Procedure section of the handbook.

The Institute's actions are not dependent on the initiation or outcome of criminal charges. Internal proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

The reporting party and the accused are entitled to the same opportunities during an internal conduct and/or grievance proceeding. During the proceeding, if a hearing is convened, both parties will be allowed to have an advisor present, and may make an impact statement if they so desire. Both parties will be informed of the outcome of any internal proceeding alleging sexual assault.

If the Chief Academic Officer or designee determines that continued close proximity or potential for unwanted interaction with the alleged offender may pose a threat to the victim, a temporary order may be issued at any time including prior to the hearing. This order may include alternative living arrangements, exclusion of the alleged offender from various Institute properties or privileges, or interim suspension of the accused, pending a hearing.