It is a criminal offense to engage in sexual acts with someone who has been using alcohol, drugs, or other intoxicants to the degree that they are unable to provide affirmative consent. This is true whether or not the person reporting the sex offense voluntarily consumed the alcohol, drug, or intoxicant.

Because alcohol, drugs, and other intoxicants are often involved in sex offense matters, complainants may be afraid to report sex offenses where they also have engaged in an activity that violated college policy, such as drinking on or at campus events, or underage drinking. The college does not hold complainants and/or witnesses accountable for alcohol-related conduct code violations that may have occurred at the time of the sex offense.

The use of intoxicants by a student or employee accused of a sex offense does not excuse the offense.

NATIONAL RESOURCES

Strength United: 24 Hour Hotline
(661) 253-0258
(818) 886-0453
www.strengthunited.org

Rape, Abuse and Incest National Network
www.rainn.org
(800) 656-HOPE (4673)

National Child Traumatic Stress Network
(310) 235-2633
www.nctsnet.org

THE ROLE OF ALCOHOL AND DRUGS

COMMUNITY CONTACTS

Kern County Victim Witness Center
(661) 868-4535
1415 Truxtun Ave
Bakersfield, CA 93301
www.kerncounty.com/dai/VictimServices

Great Bakersfield Legal Assistance
(661) 325-5943
615 California Ave
Bakersfield, CA 93304
www.gbla.org

Alliance Against Family Violence
(661) 322-0931
1921 19th St
Bakersfield, CA 93301
www.kernalliance.org

Family Justice Center
(661) 868-8410
2101 Oak Street
Bakersfield, CA 93301
www.kerncounty.com/dai/familyjustice

See Something, Say Something, Do Something!

REPORTING INFORMATION

On Campus/University Sponsored Events:
All matters of sexual misconduct occurring on campus must be reported to the Department of Public Safety for the purpose of timely notification to the campus community and to meet the Clery Act reporting requirements, as mandatory by law.

Chief Christopher Counts
Director of Public Safety
ccounts@bakersfieldcollege.edu

Department of Public Safety
(661) 395-4554
www.bakersfieldcollege.edu/public_safety

In addition, incidents may be reported to...

Dr. Nicky Damania
Office of Student Life
studentlife@bakersfieldcollege.edu
(661) 395-4614

Dena Rhoades
Human Resources Office
drhoades@kccd.edu
(661) 395-4550

Raymond Purcell
Student Health and Wellness Center
raymond.purcell@bakersfieldcollege.edu
(661) 395-4530

See Something, Say Something, Do Something!

BECAUSE: www.bakersfieldcollege.edu/public_safety

Department of Public Safety
Levinson Hall
(661) 395-4554
A. **Sexual Assault** occurs when physical sexual activity is engaged in without the consent of the other person, and includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

B. **Sexual Misconduct** is a non-consensual sexual activity that does not involve touching. The misconduct may include:
- electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person.
- allowing third parties to observe sexual acts.
- engaging in voyeurism.
- exposing oneself.
- transmitting sexually explicit photos or videos of oneself to others through any means electronically, including social media, email, texting, or any other form of electronic transmission, or through any other forms of delivery.

C. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

D. **Domestic Violence** includes felony or misdemeanor crimes of violence committed by:
- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law;
- any other person against an adult or youth victim who is protected from that person's acts under California law.

E. **Abuse** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable fear of imminent serious bodily injury to oneself. Abuse may include, but is not limited to:
- Sexual abuse involving pressuring or forcing someone to engage in pictures, nonconsensual videos, or sexual acts, including creating pictures or videos.
- Verbal abuse involving put downs, name calling, yelling or swearing, threatening tones, or abusive language.
- Emotional abuse involving ignoring someone or using looks or actions or speaking in ways that are frightening or threatening.

F. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others, or to suffer substantial emotional distress. Examples of stalking include:
- Following.
- Obsessive behavior.
- Unwanted and/or excessive phone calls or other forms of communication.
- Unwanted letters or messages.
- Unwanted gifts or threatening gifts.
- Damage to property.
- Appearance at places of residence, school, work.
- Threats to person, family, or friends.
- Inappropriate confrontations and approaches.

G. **Affirmative Consent** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of proof of consent 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. Sexual assault may occur in the absence of affirmative consent.

H. **Physical or Verbal Abuse** including sexual assault, sexual harassment and stalking, or any threat of force or violence including flaming, harassing, bullying, stalking, or any abusive, threatening, coercive, or hostile behavior including online interaction, directed toward any member of the college, or members of their family, or a campus visitor, or any harassing or discriminatory behavior based on race, sex, sexual orientation, religion, age, national origin, disability, or any other status protected by law.

Examples of abuse include:
- Physical abuse acts such as hitting, slapping, pushing, punching, kicking, and other conduct directed as a specific person that would cause a reasonable person to fear for their own safety or the safety of others, or to suffer substantial emotional distress.
- Verbal abuse involving put downs, name calling, yelling or swearing, threatening tones, or abusive language.
- Emotional abuse involving ignoring someone or using looks or actions or speaking in ways that are frightening or threatening.

I. **Incapacitation** is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol or drugs are involved, incapacitation is defined with respect to how the alcohol or other drug consumed affects a person’s decision-making capacity awareness or consequences, and ability to make fully informed judgments. Being intoxicated by drugs or alcohol does not diminish one’s responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew or whether a responsible person should have known that the complainant was incapacitated.