Sexual Offense Reporting and Options

**THE ROLE OF ALCOHOL AND DRUGS**

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.nctsn.org

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

**REPORTING INFORMATION**

On Campus/ Campus Sponsored Events:

All matters of sexual misconduct occurring on campus or off campus at college-sponsored events must be reported directly to 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
counts@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) 395-4330

**COMMUNITY CONTACTS**

- **Kern County Victim Witness Center**
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See Something, Say Something, Do Something!
PROHIBITION OF SEXUAL ASSAULT

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The Kern Community College District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The district shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment including that which is based on any of the following statuses: race, ethnicity, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender identity, gender expression, age, sexual orientation of any person, pregnancy, military and veteran status, or because they are perceived to have one or more of the foregoing characteristics.

The district seeks to foster an environment in which all employees and students feel free to report incidents of harassment or sexual fear of retaliation or reprisal. Therefore, the district also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in an investigation. Such conduct is illegal and constitutes violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the district determines that retaliation has occurred, it will be taken as serious and steps within its power to stop such conduct.

DEFINITIONS

A. Sexual Assault occurs when physical sexual activity is engaged in without the consent of the other person, and 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 shall 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 cohabits with or has cohabited with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
- 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 sexual acts, or sexual acts, including creating pictures or videos.
- Verbal abuse involving put downs, name calling, threatening, insulting, or making fun of someone.
- 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 presence 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 acts intended to cause physical harm or injury;
- Verbal abuse involving put downs, name calling, threatening, insulting, or making fun of someone;
- Emotional abuse involving ignoring someone or using looks or actions or speaking in ways that are frightening or threatening.
- Sexual abuse involving pressuring or forcing someone to engage in nonconsensual sexual acts, including creating pictures or and/or videos.
- Physical violence involving put downs, name calling, threatening, insulting, or making fun of someone.
- 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 reasonable person should have known that the complainant was incapacitated.