

SEXUAL ASSAULT

As stated in our mission, Pepperdine is a Christian University committed to the highest standards of academic excellence and Christian values. One of these values is the recognition that every person is created in the image of God, is of infinite value, and therefore, should be treated with dignity and respect. Sexual assault, in all forms, violates the sanctity of the human body and spirit and will not be tolerated within our community. Sexual assault is a violation of the University's Code of Conduct, as well as a violation of the law.

In an effort to reduce the risk of sexual assault occurring among its students, the University provides awareness and prevention programming. These outreach efforts are coordinated through the Counseling Center. For information, call 506-4210 or visit services.pepperdine.edu/counselingcenter/sexualassaultresources. This site also includes additional resources and frequently asked questions about sexual assault.

In the tragic event that a sexual assault does occur, the University 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 Pepperdine. A student wishing to officially report such an incident may do so by contacting the Dean of Student Affairs Office (506-4472) or the Department of Public Safety (506-4700). Anyone with knowledge about a sexual assault is encouraged to report it immediately. The University will immediately begin the investigation and complete it as quickly as possible.

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 or threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Other examples of sexual assault include the following nonconsensual acts: oral copulation, anal intercourse, and penetration of the anal or vaginal area with a foreign object, including a finger. Sexual assault may also include the nonconsensual touching of 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.

An individual is unable to provide consent when the individual: 1) is a minor (age 17 or under); 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 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.

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 Public Safety at 506-4441 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:
 - During office hours, you may access the Pepperdine Counseling Center (506-4210), the Pepperdine Health Center (506-4316), or the Santa Monica Rape Treatment Center (310) 319-4000.
 - After hours, if you live on-campus, your RA, SLA, resident director, or Public Safety (506-4441) can typically help you reach a confidential Pepperdine University counselor.
 - After hours, if you live off-campus or live on-campus but prefer to use off-campus options, call the Santa Monica Rape Treatment Center's 24-hour hotline: (310) 319-4000. When contacting SMRTC, please let them know if you are in need of transportation to and from the center, as free options are available.
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 Monica Rape Treatment Center will arrange for a specific medical examination at no charge. 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 that may be used for evidence.
4. Even after the immediate crisis has passed, consider seeking support from the Pepperdine Counseling Center or the Santa Monica Rape Treatment Center.
5. Contact the Dean of Student Affairs Office (506-4472) if you need assistance with University-related concerns, including academic issues (e.g., missed classes or exams; requesting extensions regarding coursework) or on-campus housing issues (e.g., requesting that the student who you believe assaulted you be moved or that you be moved to a different residence hall).

6. Report to Public Safety or the Dean of Student Affairs Office any concerns about retaliation against you or your friends. Retaliation by any party is a serious offense and appropriate disciplinary action will be taken.

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 processes can be difficult, they are 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 University judicial options, if the offender is a Pepperdine 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 the Pepperdine University Counseling Center or the Santa Monica Rape Treatment Center may be helpful as you decide how you would like to proceed.

For help in reporting the offense to local law enforcement, call the Department of Public Safety (506-4700). It is important to understand that reporting the incident does not obligate the victim to press criminal charges. To pursue disciplinary action through the University, please contact the Dean of Student Affairs Office (506-4472).

If the victim or another source identifies the alleged assailant, the Department of Public Safety will collaborate with local law enforcement in conducting an investigation. Support of the victim is the University'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 University may choose disciplinary action against the alleged offender regardless of whether the victim submits or wishes to pursue a complaint.

Immunity for Victims

Pepperdine 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 (such as visitation, underage drinking, or sexual activity) at the time of the incident. To encourage reporting, Pepperdine offers victims immunity from policy violations related to the sexual assault.

Immunity for Good Samaritans

Pepperdine encourages students to offer assistance to other students in need, both on and off campus. When a student seeks medical assistance for a student in need, both parties will receive immunity from disciplinary action. This policy was created because students are sometimes hesitant to offer assistance to other students for fear that they themselves may be charged with policy violations (for example, an underage student who has been drinking might hesitate to get help from Public Safety or an RA for someone who may be suffering from alcohol poisoning, or might be hesitant to provide important information about a sexual assault incident).

University Disciplinary Hearings

Persons accused of sexual assault will be subject to disciplinary proceedings, following the procedures set forth under the “Judicial Procedures” section of the Student Handbook, except for the composition of the disciplinary committee. The disciplinary committee will include only faculty and staff members, with a mix of both male and female members.

The University’s actions are not dependent on the initiation or outcome of criminal charges. Disciplinary 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 a campus disciplinary proceeding. At the hearing, both parties may call witnesses and present relevant information as described under “Judicial Procedures: Student Disciplinary Committee Hearings.” Both parties may have an advisor present. The advisor must be a current student, faculty, or staff member of the University who was not involved in the incident. The advisor may not address the disciplinary committee. The role of the advisor is to accompany the student and advise him or her privately during the hearing process.

The associate dean may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the reporting party, accused student, and/or other witness during the hearing by providing separate facilities, and/or by permitting participation by telephone, video conferencing, written statement, or other means, where and as determined in the sole judgment of the associate dean to be appropriate.

Both parties will be informed in writing of the outcome of the disciplinary hearing and both parties may appeal the decision of the disciplinary committee based on the appeal criteria set forth under the “Judicial Procedures: Appeals Process” section of the Student Handbook.

Interim Remedies

If the dean of students or designee determines that continued close proximity or potential for unwanted interaction with the alleged offender might pose a threat to the victim, a temporary order may be issued. This order may include alternative living arrangements, exclusion of the alleged offender from various University properties or privileges, interim suspension of the accused pending a hearing, or other appropriate remedial actions.