CSUSM

STUDENT HEALTH & COUNSELING SERVICES (SHCS)

Welcome Packet

STUDENT HEALTH AND COUNSELING SERVICES

Sexual Violence Advocacy & Education



"The journey of a thousand miles begins with one step." - Lao Tzu

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Welcome to Advocacy & Education Services:

Student Health & Counseling Services
California State University San Marcos
333 S. Twin Oaks Valley Road
San Marcos, CA 92096-0001

Dear Survivor,

Welcome to Advocacy & Prevention Education Services. Our services are offered through Student Health & Counseling Services, they are free and confidential. We serve students, employees and support people (family and friends).

During this time, there might be many questions or mixed feelings about the situation you are going through and its impacts on your overall well-being or education. Or you might be wondering why you are feeling calm, and not reacting in a certain way. Everyone responds to overwhelming situations differently. The Sexual Violence Prevention Education and Advocacy Team are here to meet you where you are, offer emotional and logistics support, crisis stabilization, and connect you to services that you decide will be most helpful to you.

We offer useful trauma-informed and survivor-centered support. As you read through this packet, you will come across content about common survivor experiences, your rights as a survivor, and an overview of reporting options. At the end of the packet, there will be information regarding campus and off campus advocacy resources. This program is for you, and it's up to you to use our services for however long they are needed. We want to respond to your needs. If you decide to take a pause, we are here whenever you decide to reach for help again. You are not alone. We acknowledge your courage for seeking help.

To schedule an Appointment: please call or email

(760) 750-4915 | advocates@csusm.edu

P.S. The section on disabled student services includes information on emotional support animals

Advocacy Services Summary

Who do we help?

- Survivors of (past or recent) interpersonal harm:
  - domestic violence and teen dating violence
  - sexual violence
  - stalking
  - harassment
  - human trafficking
  - Any type of sexual or gender-based harm
  - Any crime
- Students, employees and support persons (family/friends)

What do we offer?

- Crisis counseling – an opportunity to be heard
- Emotional and logistics support
- Academic advocacy for current or retroactive coursework
- Safety planning
- Referrals for emergency housing, support groups or therapy
- Accompaniment support with any reporting processes including the Title IX Office, Police, Court Hearings, medical appointments- including forensic exams (SART or DAFE)
- Helping coordinate medical care
- Completing restraining order forms, dropping off and picking up documents from court
- Psychoeducation on trauma responses and impacts of trauma
- Any support you believe would be helpful

How long can we help?

- For as long as you need the services

How long are your appointments?

- Average 30 mins – 45 mins or longer for reporting processes and medical needs

What is a Confidential Advocate?

A Campus Advocate is a confidential resource at Student Health Counseling Services. They are here to offer information about the rights and options of students, faculty and staff survivors of any gender and power-based harm.

Messages for Survivors



Types of gender-based harm & definitions

Gender-based harm or **gender-based violence (GBV)** and **sexual violence (SV)** are closely related umbrella terms for the types of harmful personal violations rooted in power and control. Gender-based harm involves actions and attitudes that negatively target someone based on their actual or perceived association with a gender group. Sexual violence relates to harm that uses unwanted sexual experiences.

This type of violence can take many forms, such as physical, emotional or psychological, medical, financial, cultural, spiritual, among others. There are many tools and tactics that the person or groups who engage in this type of harm may use. These can include threats, coercion, intimidation, exploitation, misuse of authority, grooming, false promises, lies, and force.

These terms may have different definitions across different contexts, such as legal, medical, and social areas. Being able to name their experience can be validating for victims and survivors. These given definitions are meant to empower victims and survivors and provide a framework for understanding. They can be used and shaped to understand and express your personal story.

Gender-Based Harm Definitions



CONSENT

is active participation and permission for sexual interaction. Consent must be informed and is given voluntarily, without coercion, force, threats, incapacitation, intimidation, or an imbalanced power dynamic. Children, people who are asleep, and unconscious or under the influence of substances cannot consent to sexual activity.



DOMESTIC VIOLENCE (DV) OR INTIMATE PARTNER VIOLENCE (IPV)

is a type of violence committed by a person who is or has been in a personal intimate relationship with the survivor. This can include dating violence and teen dating violence. The most dangerous time for a person experiencing domestic violence can happen when an abusive partner perceives that they are losing control or power in the relationship.



EXPLOITATION

is the act of taking advantage of another person for benefit without their consent. This broad term can involve a range of actions from financial abuse, sexual extortion, the use or distribution of any recorded intimate content, and more.



GENDER-BASED VIOLENCE (GBV)

is any harmful threat or act that targets an individual or group because of characteristics relating to their gender. This includes gender identity and expression, sex characteristics, sexual orientation.



HUMAN TRAFFICKING (HT)

A type of exploitation that involves forced labor from adults or children. Labor can include domestic work, manual labor, and sexual labor. The terms Child Sexual Exploitation (CSE) or Commercial Sexual Exploitation of Children (CSEC) are used to describe this abusive practice toward children. The FB ranked San Diego ranked as a Human Trafficking hot spot.



INCEST

Incest has various legal definitions to describe a sexual relationship between family members. When coupled with a lack of consent, such as involving a child, non-consensual incest can result in harm and feelings of betrayal.



RAPE

similar to sexual assault involves the act of penetration of any type, which such as by another person or object without consent, regardless of gender or sex characteristics.

Gender-Based Harm Definitions



REPRODUCTIVE COERCION

interfering with, limiting access to, or creating unwanted conditions involving the person's andrological and gynecological health, with or without awareness of the survivor.



SEXUAL ASSAULT (SA)

is non-consensual sexual contact or attempted contact. Among institutions of higher education (IHEs), campus-related sexual assault is commonly referred to as campus sexual assault (CSA).



SEXUAL HARASSMENT AND DISCRIMINATION

Sexual Harassment and Discrimination relate to unwanted communication or physical conduct that is either sexual in nature or differential treatment motivated by gender. This can include sexual interactions, requests or demands for unwanted sexual actions or exposure.



SEXUAL VIOLENCE

is a sexual act or attempt against another person without their freely given affirmative consent.



STALKING

includes a pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.



STATUTORY RAPE

involves sex with a minor who is younger than the legal age of consent, based on the legal statute. This can involve grooming or the long-term manipulation and conditioning of a minor by an older partner that creates the perception of consent by the victim.



TECHNOLOGY-FACILITATED ABUSE (ALSO KNOWN AS DIGITAL ABUSE)

Uses any type of technology to cause harm. This can include digital abuse, cyberbullying, and cyberstalking e.g. distributing images without consent, using social media to stalk and harass a target. Tactics may include using tracking devices, cameras, or cybersecurity methods. The abuse may also include limiting access to technology or interfering with its benefits.

Stalking & Harassment

STALKING VS HARASSMENT



STALKING

A pattern of behavior directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. (CAL. PENAL CODE § 646.9)



HARASSMENT

A person who "harasses" means they engage in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. (Cal. Penal Code § 646.9(e).)

EMOTIONAL IMPACTS OF STALKING

Embarrassment	Frustration	Shame
Shock	Anger	Self-blame
Fatigue	Depression	PTSD
Guilt	Nightmares	Isolation

Source - https://www.stalkingawareness.org/wp-content/uploads/2022/01/CA-Stalking-Laws-Statutes-1.pdf

Reactions & Feelings after a Traumatic Event

Reactions, Feelings, and Trauma Self-Protection Responses

The following are common reactions, feelings and trauma responses. The content is from the National Center for PTSD: Common Reactions After Trauma from the U.S. Department of Veterans Affairs

Common reactions to Trauma	Physical Reactions	Emotional Difficulties
•Losing hope for the future •Feeling distant (detached) or losing a sense of concern about others •Being unable to concentrate or make decisions •Feeling jumpy and getting startled easily at sudden noises •Feeling on guard and alert all the time •Having dreams and memories that upset you •Having problems at work or school •Avoiding people, places and things related to the event	•Stomach upset and trouble eating •Trouble sleeping and feeling very tired •Pounding heart, rapid breathing, feeling shaky •Sweating •Severe headache if thinking of the event •Not keeping up with exercise, diet, safe sex or—regular health care •Smoking more, using alcohol or drugs more, or eating too much •Having your ongoing medical problems get worse	•Feeling nervous, helpless, fearful, sad •Feeling shocked, numb, or not able to feel love or joy •Being irritable or having angry outbursts •Getting easily upset or agitated •Blaming yourself or having negative views of oneself or the world •Being unable to trust others, getting into fights, or being trying to control everything •Being withdrawn, feeling rejected, or abandoned •Feeling detached, not wanting intimacy

Common Problems that can come after trauma

Posttraumatic Stress Disorder (PTSD). PTSD is a condition that can develop after you have gone through a life-threatening event. If you have PTSD, you may have trouble keeping yourself from thinking over and over about what happened to you. You may try to avoid people and places that remind you of the trauma. You may feel numb. Lastly, if you have PTSD, you might find that you have trouble relaxing. You may startle easily, and you may feel on guard most of the time.

Depression. Depression involves feeling down or sad more days than not. If you are depressed, you may lose interest in activities that you used to enjoy or find fun. You may feel low in energy and be overly tired. You may feel hopeless or in despair, and you may think that things will never get better. Depression is more likely when you have had losses such as the death of close friends. If you are depressed, at times you might

think about hurting yourself. For this reason, getting help for depression is very important.

Self-blame, guilt and shame. Sometimes in trying to make sense of a traumatic event, you may blame yourself. You may think you are to blame for bad things that happened, or for surviving when others didn't. You may feel guilty for what you did or did not do. Remember, we all tend to be our own worst critics.

Suicidal thoughts. Trauma and loss can lead someone who is depressed to think about self-harm. If you have thoughts of suicide, talk to someone. If you think someone you know may be thinking about suicide, ask them. You will NOT put the idea in their head. If you or someone you care about is thinking about suicide:

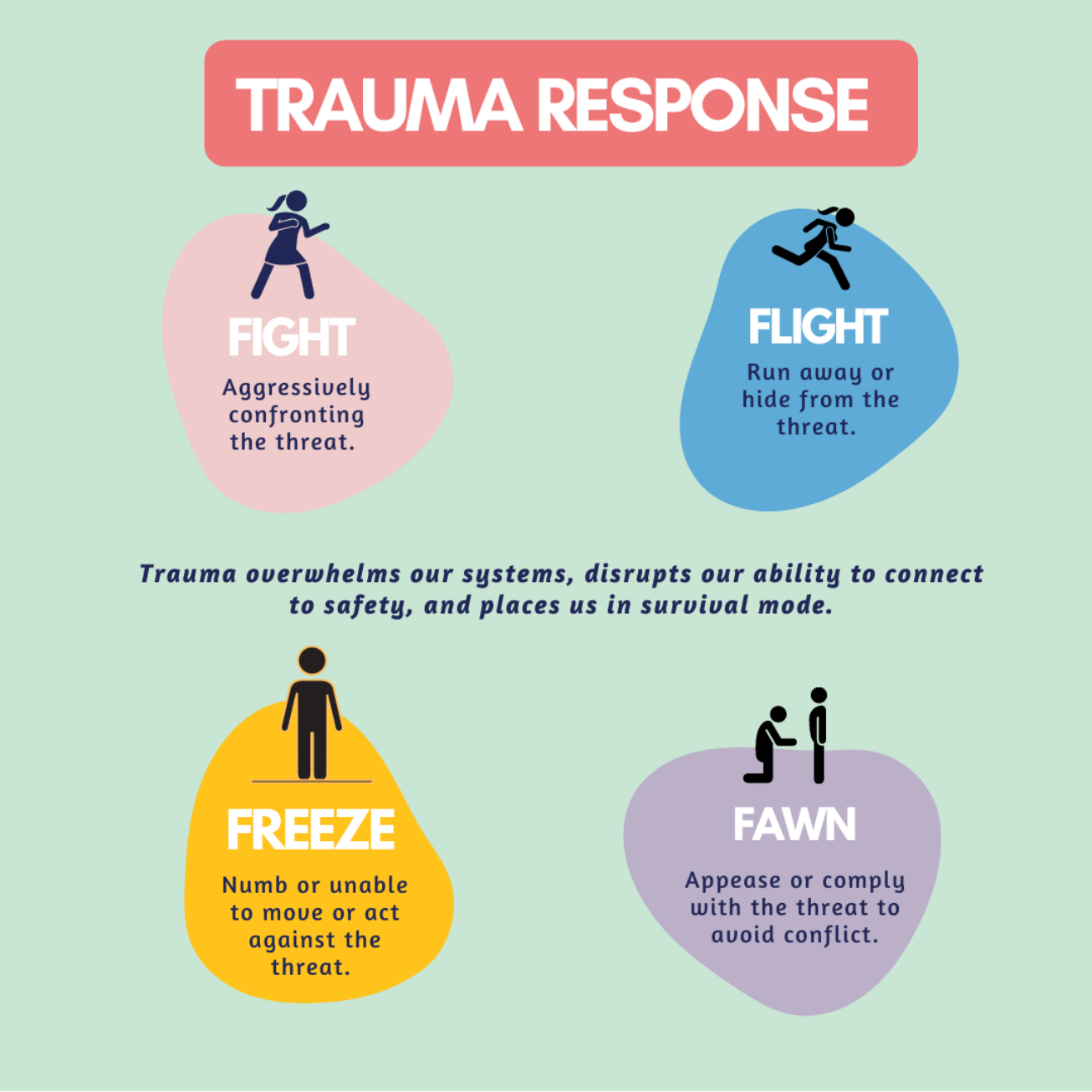
- Call the Suicide and Crisis Lifeline at 988
- You can also call a SHCS counselor (760) 750-4915 and select option 2.
- You will be immediately transferred to a live crisis counselor with whom you can discuss your concerns.

Anger or aggressive behavior. Trauma is related to anger in many ways. After a trauma, you might think that what happened to you was unfair or unjust. You might not understand why the event happened and why it happened to you. These thoughts can result in intense anger. Anger is a natural and healthy emotion, but strong feelings of anger and aggressive behavior can cause problems with family, friends, or co-workers. If you become violent when angry, it makes the situation worse. Violence can lead to injury, and there may be legal outcomes.

Alcohol or drug abuse. Drinking or "self-medicating" with drugs is a common, and unhealthy, way of coping with upsetting events. You may drink too much or use drugs to numb yourself and to try to deal with difficult thoughts, feelings and memories related to the trauma. While using alcohol or drugs may offer a quick solution, it can lead to more problems. If someone close to you begins to lose control of drinking or drug use, try to get them to see a health care provider about managing their drinking or drug use.

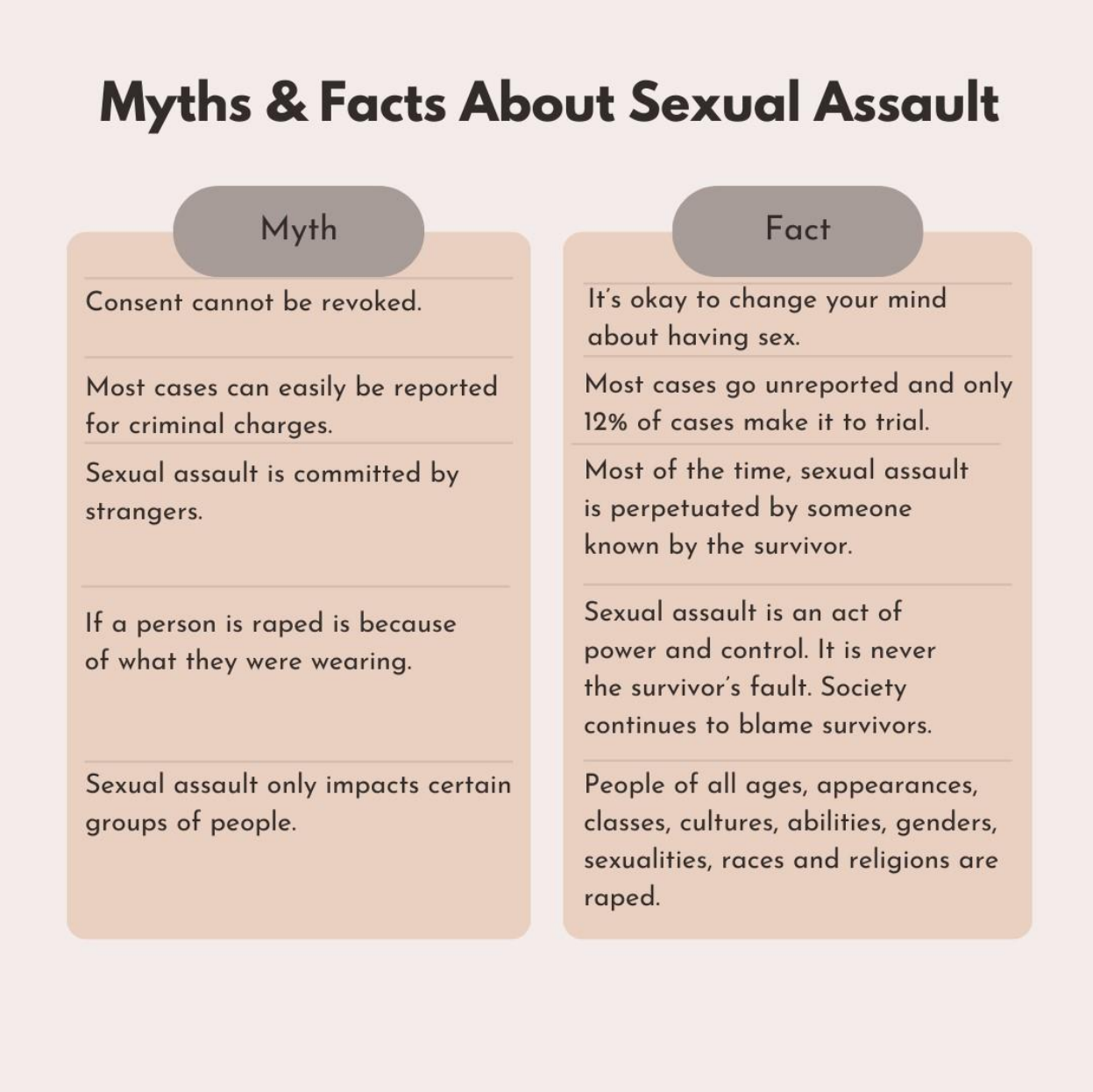
Source: **National Center for PTSD (n.d.). Common Reactions After Trauma. U.S. Department of Veterans Affairs**

Self-Protection Responses to Trauma

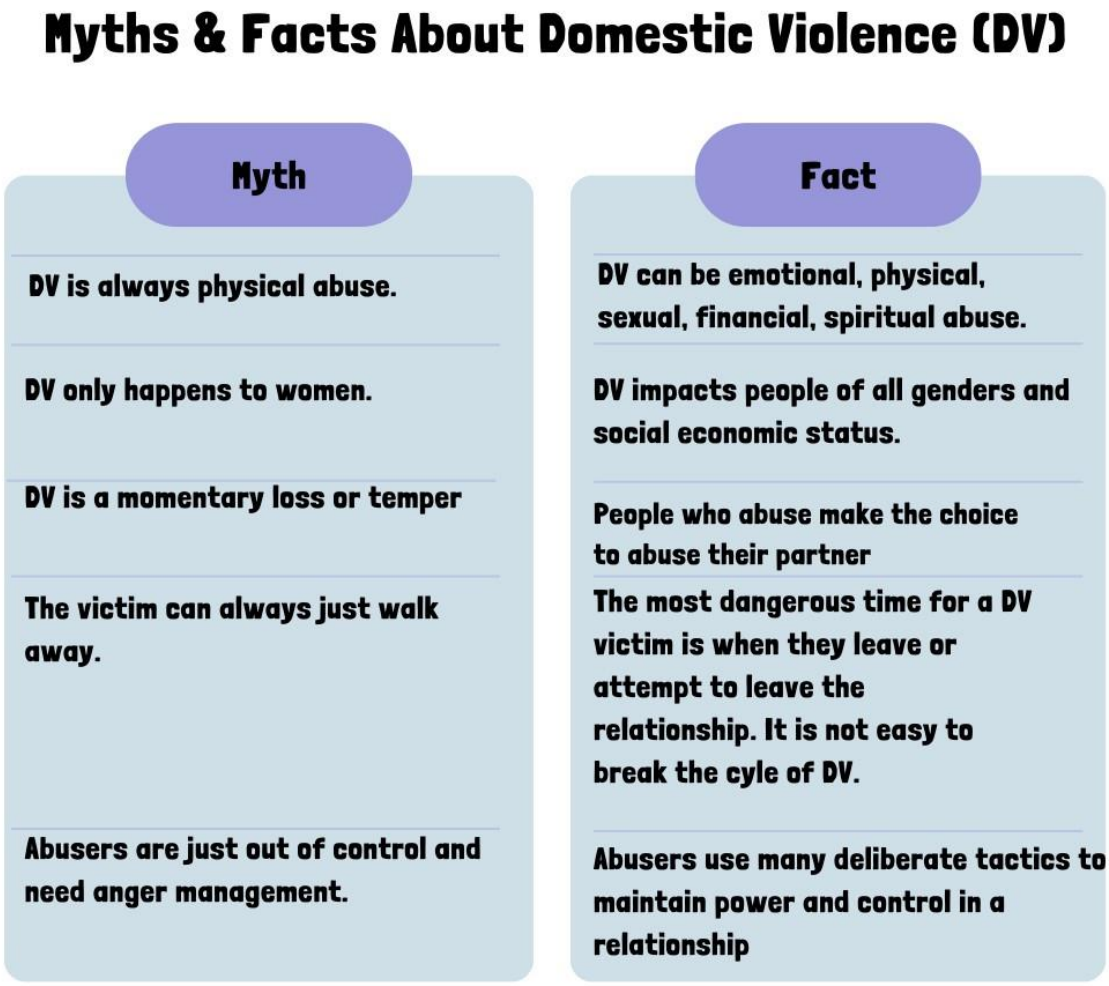


According to Peter Levine, founder of Somatic Experiencing (a healing modality for trauma), "Psychological trauma can happen to anyone when they perceive a situation as a threat and are unable to complete a satisfactory fight, flight or freeze response."

Myths and Facts of Sexual Assault



Myths and Facts of Domestic Violence



Safety Planning

A Confidential Advocate can help create an individual personalized safety plan related to DV, stalking and college safety. The information presented below is from the National DV Hotline Website:

WHAT IS A SAFETY PLAN?

A safety plan is a set of actions that can help lower your risk of being hurt by your partner. It includes information specific to you and your life that will increase your safety

at school, home, and other places that you go on a daily basis. A safety plan can improve your safety while experiencing abuse, preparing to leave an abusive situation, or after you leave.

Once you complete your safety plan, be sure to keep it in an accessible but secure location. You should also consider giving a copy of your safety plan to someone that you trust.

- If you don't feel safe keeping the printed safety plan or emergency contact card with you, then you can still use the safety tips. Try to memorize at least one phone number of someone you can call any time.

- You know your situation better than anyone else; trust your judgment and weigh your options before taking any steps.

A few tips in creating a safety plan:

What is a key word or phrase you can use in a phone call, text, or instant message you can ask family, friends or neighbors to call for help without your partner knowing?

If you need to leave home in an emergency, what is a safe public place where you could go?

If you needed to leave your house, which items would you take with you?	
❑ ID (Driver's license, School ID, Military ID, immigration docs etc.	❑ Baby supplies (formula, diapers, wipes, change of clothes)
❑ Cell Phone & Charger	❑ House key
❑ Laptop & charger	❑ Car Keys
❑ Medication	❑ Change of clothes for self and kids
❑ Cash	❑ ATM Card
❑ Comfort items	❑ Health insurance cards
❑ Copies of restraining order	❑ Your and Child's birth certificate

Title IX Supportive Measures

The Title IX Office can offer supportive measures to anyone making a report, regardless of if they're filling a formal complaint and prior to an initial assessment to determine if allegations fall under Title IX sexual misconduct or gender-based discrimination.

Examples include:

- No contact order/directive - often unilateral, issued against the respondent, sometimes issued as mutual if they deem necessary.
- Academic support (requests can be made by an advocate as well, but Title IX will offer this support based on the survivor's wishes.)
- Support with connecting survivors to therapy.
- Work with campus housing for requests for a dorm change.
- Confirm if the student does not have classes with the respondent.
- Class changes.

Reporting Options at CSUSM

Reporting to Police:

If it feels safe for you to report a crime, an advocate can accompany you to report to CSUSM Campus Police for any crime that happened on campus. An Advocate can be present with you during the initial meeting and any ongoing investigation and court hearings. Campus Police can also take the initial report but please note crimes that happened off campus, based on jurisdiction that agency will take on the investigation.

CSUSM Campus Police: (760) 750-4567

For any crimes that happened off campus, an advocate can support you by reporting to the agency where the crime happened.

Reporting to the Title IX Office.

The following section will cover information on reporting to Title IX and who to contact.

Interim Title IX Coordinator, Corinne Vorenkamp - cvorenkamp@csusm.edu

(760)750-4596

Monday-Friday - 8AM to 5PM,

Deputy Title IX Coordinator/DHR Administrator: May Zhang - mzhang@csusm.edu

(760)750-8412

ADM 3200A (student affairs)

Training and Case Resolution Coordinator - Allison Garcia - angarcia@csusm.edu

What is Title IX?

What is the CSU – Non-Discrimination Policy and How does it impact me?

Overview of Title IX Reporting Process & Investigation

CSU Nondiscrimination policy

- **https://csusm.policystat.com/policy/7981717/latest**

What is Title IX?

Title IX of the Education Amendments of 1972 is a federal law that protects people from discrimination based on sex regardless of gender identity or orientation in educational programs or activities receiving federal financial assistance, (2) covers sexual harassment/sexual assault as forms of sex and gender discrimination, and (3) provides protections for pregnant and parenting students. Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Before you file a formal complaint to the Title IX Office, it is important to make an informed decision. And note that you have a right to supportive measures from the Title IX Office regardless of filing a formal complaint. An advocate can support you in exploring your options.

The Title IX Office is the office at each public college campus designated to handle cases related to sexual misconduct or discrimination based on a protected status (age, gender, sexual orientation). When someone files a complainant to the Title IX Office, they are called a complainant and the person who is alleged to have caused harm is called the respondent. The Title IX office will need to determine if there is a violation to CSU Nondiscrimination policy. In cases of sexual harassment, it is narrowed to include only instances that are severe, pervasive, and objectively offensive to meet the definition of sexual harassment. A person filing a complaint has a right to an Advocate, friend/family as a support person and an attorney as an advisor present during the reporting process.

Advantages (+) and Disadvantages (-) of reporting to Title IX:

+	-
❑ You can inform the University of someone's dangerous behavior to you and campus community ❑ Create a paper trail to prevent further harm on other survivors ❑ Survivors may get the outcome they desired ❑ It helps to have witness evidence or some form of evidence regarding the incident.	❑ A formal complaint requires emotional investment ❑ Requires retelling of story, risk of re - victimization and toll on mental health ❑ Time commitment, may take time away from classes to attend meetings ❑ The process may be lengthy, 3+ months or more for complex cases ❑ Disappointment if not believed ❑ Fear of retaliation

	❑ The desire outcome and justice are not always guaranteed

What is the CSU – Non-Discrimination Policy and How does it impact me?

The CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation (Nondiscrimination Policy) is the CSU policy that incorporates the University's compliance with Title IX and California state law. The Nondiscrimination Policy includes, but is not limited to, the prohibition of discrimination based on sex, gender, gender identity and expression, and sexual orientation. Within this policy there are two sets of procedures and three tracks for handling formal complaints that fall within the scope of the Nondiscrimination Policy. The two procedures are determined by the status of the respondent and are as follows:

1. Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student
2. Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party

The three tracks are determined by the alleged facts and are as follows:

1.-The federally mandated hearing process

2. - The state mandated hearing process

3. - The non-hearing process

Source: https://www.calstate.edu/titleix/Pages/policies.aspx

Overview of Title IX Reporting Process & Investigation

You can only file a complaint against someone who attends CSUSM, this can be another student (former too), employee, staff or third-party (vendor, guest visitor).

Confidentiality: To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the campus' response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

FAQ:

What if I am not ready for a formal complaint, what other my other options?

Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs. Informal resolutions are allowed on a voluntary basis by both parties and can be considered usually at any given point before a hearing. The Informal Resolution process may take place at any time before a determination of responsibility is made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process, unless the Parties and the Title IX Coordinator/DHR Administrator agree to an extension. The informal resolution could take place any time before a finding of responsibility is issued in the final investigation report. Or if there's a hearing, before the hearing officer decides responsibility.

What does the involvement with the Title IX Office look like?

Initial Outreach

A staff member from the Title IX Office will reach out and offer a first appointment for a formal or informal complaint and can take up to 1hr. If the survivor says they are interested in making a formal complaint, they are usually scheduled within 1 week (usually within 10 working days). Depending on what support you are seeking from the Title IX Office, you would need to explicitly state if you would like a full investigation, seeking temporary protective measures, a no-contact order, or informal resolution.

What happens next after the first meeting?

The Title IX Office will decide if after receiving a complaint they will conduct a formal investigation.

Do I need an attorney?

Sometimes the respondent may hire an attorney, although a Title IX investigation is different than a court hearing and court examination, sometimes having legal representation is helpful. However, In Track 1 but not Track 2, the advisor for the Respondent also asks questions of the Complainant and witnesses. In track II, the advisor is silent whether they are an attorney or not. It is up to you if you decide to hire legal counsel.

What's the difference between an advisor and support person?

The advisor – can be anyone (an attorney, friend, or family member)
The support person – can be an advocate, friend or family member

What is a No-Contact Order? How do I get One?

A Confidential Advocate can walk you through the process of seeking one. Initially it is issued as a mutual no contact order (case by case scenario). Later, if through formal investigation the respondent is found responsible for sexual misconduct, the no contact order can be issued unilaterally and only applies to the respondent.

Title IX decides to investigate:

After a decision is made to investigate, Title IX will take the survivor's testimony, collect any evidence, and reach out to witnesses and all parties involved including the respondent. Title IX will ask for a list of names of witnesses, with your permission to reach out to them. They will ask witnesses not to talk to each other to preserve the integrity of their testimony. The Title IX Office will assign Title IX Investigator.

How long will this take?

A timeline for investigation can be stretched from months, but for complex investigations it may require additional time. It is okay to ask Title IX Office for updates. Please see below for an overview.

What if I change my mind, can I stop participating in any Title IX reporting process?

You have the right to participate for however long you'd like or opt out from the reporting process. If you do not respond to a second email outreach, the Title IX Office may close the case or move forward with an investigation without your participation if the respondent presents an ongoing threat to the campus community.

What will happen to the respondent if I report to the University?

The campus will investigate or otherwise respond to reports of alleged misconduct committed by an Employee, student or Third-Party in accordance with these procedures if the alleged misconduct violates the Nondiscrimination Policy and: occurred on campus; or involved or impacted a campus program or activity (including campus employment); or affected a Student's or Employee's ability to participate in a program, activity, or employment; AND The alleged misconduct was committed against a person who at the time of the alleged misconduct was a Student, or employee *or* the alleged misconduct was committed by or against an Employee.

Depending on the circumstances, the campus response may or may not include a formal investigation. These procedures are only used to address conduct that may violate the Nondiscrimination Policy. Alleged misconduct by Employees or Third-Parties that does not fall under the Nondiscrimination Policy should be directed to the appropriate administrator in Human Resources or Faculty Affairs. The campus will respond in a timely and appropriate manner to all Complaints and will take appropriate action to prevent continuation of and correct Nondiscrimination Policy violations. Employees who are found to have violated the Nondiscrimination Policy will be subject to discipline that is appropriate for the violation and in accordance with state and federal requirements and other CSU policies. Source: https://calstate.policystat.com/policy/12891658/latest/

If the respondent is a staff, faculty or employee, Human Resources or Faculty Affairs administrators might be involved. Sources:

https://csusm.policystat.com/policy/7981717/latest

https://csusm.policystat.com/policy/7987208/latest/

https://calstate.policystat.com/policy/12891658/latest/

If the respondent is a student, the Title IX Office has the responsibility to offer a Respondent the right to participate-- or to decline to participate-- in a university process that is fair and impartial, and that provides them with adequate notice and a meaningful opportunity to be heard, and no sanctions (consequences) on student misconduct can be applied permanently until the findings of a formal investigation are determined. A respondent may be placed in interim suspension through the Dean of Student's Office and participate in a hearing. A complainant is not expected to attend or participate in the hearing. They could be expelled from the school as part of a mutual informal resolution agreement.

Hearings:

Please note, most cases do not reach a hearing and often reach informal resolution. It is okay to ask for one after filing a formal complaint. The survivor can ask for what they'd like to see happen, examples include suspension, be expelled, different housing, not be in the same classes, no contact order, etc.. All of this could happen under informal solution and mutual agreement. If the respondent agrees to informal resolution, this does not mean admission to guilt, but they are given power of choice regarding consequences and perhaps avoid charges since the case might not go to the police. In addition to the Advocate, the survivor can bring an additional support person like a family member or friend not involved in the case and an advisor (legal representation) but depending on which track their case falls under, they might be asked to limit the number of support people they can bring. The President of the university might be involved because making a final decision. Please see appendix B for an Overview of the Title IX investigation Process.

Medical Care

After-Care - Medical Exams

A survivor may have an Advocate present during medical appointments.

Forensic exams: A Medical Forensic Exam is a process in which a trained nurse gathers physical evidence from a victim/survivor following an assault. This can include collecting DNA, documenting injuries, recording the victim/survivors account of the assault, and providing any needed testing or medications. It is recommended to not

bathe after the assault and save any evidence e.g. clothes in a paper bag. The exam includes an interview portion and medical exam portion.

- Evidence can be collected up to 120 hours following an assault (120 hours)
- Victim/survivors that choose to receive a medical forensic exam are NOT required to report to police. Evidence can be recorded and stored anonymously.
- All medical forensic exams are performed by a trained Sexual Assault Nurse Examiner
- The victim/survivor chooses which parts of the exam they would like performed. They can stop the exam at any time

Depending on the type of exam the following will be present

- The survivor
- The nurse practitioner
- An advocate or support person such as a relative or a friend
- Law enforcement – if filing a report
    - Please check out Marsy's Law and your rights

Unrestricted Reporting

This exam is recommended for survivors who desire law enforcement investigation. A survivor can choose to convert a Restricted Report to Unrestricted at any time. If the student is a minor, UPD will contact Child Protective Services (CPS) at 800-344-6000. Medical records will reflect the date and time of contact, as well as the name of the person who was contacted at CPS.

Sexual Assault Examination (SART)- A sexual assault forensic medical exam is intended to collect forensic evidence for use in the criminal prosecution of the person who perpetrated the sexual assault. The medical exam is performed by healthcare professionals with specialized t r aining in working with survivors and collecting samples.

Domestic Assault Forensic Examination (DAFE) - Medical evaluations and evidentiary exams of adolescent, adult, and geriatric survivors of domestic violence and/or strangulation.

Forensic Assault Examination (FAX)

The exam is designed to collect physical and forensic evidence that could be helpful in a criminal prosecution in assaults that are not intimate partner in nature.

Child Advocacy Center (CAC) - Law enforcement or Child Protective Services can request a forensic exam

Source: https://www.palomarhealth.org/forensic-health-services/sart/

Following an Evidentiary/VAWA Exam

- A crime lab has 120 days (about 4 months) to process sexual assault evidence or 30 days to transmit the evidence to another lab. The first lab's 120-day deadline applies even if the evidence is transferred to a second lab.
- For unsolved cases, law enforcement agencies must retain sexual assault evidence for at least 20 years or until the survivor's 40th birthday if the survivor was under the age of 18 on the date of the alleged offense.
- For solved cases, sexual assault evidence must generally be retained as long as any person remains incarcerated in connection with the case.
- Please read more on the DNA backlog & cases waiting to be analyzed

To retrieve an update on the status of your evidentiary exam kit:

To learn the location and status of your kit, you may contact the California Department of Justice's Victims' Services Unit (VSU) by phone at (877) 433-9069 or by email at victimservices@doj.ca.gov.

- VSU requires a police report number or kit number to conduct this search.
- VSU will only indicate the current general location and status of the kit (for example, the kit was received by law enforcement, sent to a crime lab, or received by the crime lab, or DNA analysis is in progress or DNA analysis is completed) and the name and contact information of the assigned law enforcement agency's investigator, if that information is available.
- If VSU is unable to locate the kit, or if the survivor would like details about the case or testing outcomes, the survivor must contact the investigating law enforcement agency for additional information.

Source: CARE at UC Davis

Restricted Reports - allows the survivor to confidentially disclose their sexual assault to certain individuals, does not trigger an investigation. If survivors desire evidentiary collection exam without law enforcement involvement. If the student does not want law enforcement involvement, the student can obtain a confidential SAFE by contacting a local rape crisis center or working with the campus Sexual Assault Advocate.

Also known as VAWA Exams: Do not require a police report. Survivors have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them. If a victim/survivor chooses not to report to law enforcement, they still have the right to a forensic exam. This exam is sometimes referred to as a VAWA (Violence Against Women Act) exam, anyone of any gender identity can receive a VAWA exam. The evidence is collected and preserved for up to two years if the survivor decides to move forward with making a report to law enforcement. (Info taken from Title IX – Rights and Options for Victims of SA

SHCS Medical Exam

Survivors seeking medical care will be offered the following. Please note, SHCS does not provide forensic medical exams. An Advocate can offer accompaniment support to a medical exam at SHCS.

The exam will consist of the following:

- STI tests offered: Chlamydia, Gonorrhea, Syphilis blood test, HIV test, Hepatitis Titer, and Trichomoniasis
- Hepatitis B Post Exposure Prophylaxis
- Wound infection prevention
- Pregnancy: urine test

Survivors may opt out from any portion of the exam.

Please note: Medical Providers on campus are considered Campus Security Authority (CSA) and will report to Title IX and Police incidents related to intimate partner violence (IPV) or sexual assault (SA) as a responsible employee. Please note local laws require healthcare personnel to disclose sexual assault incidents to law enforcement. The student survivor is not required to disclose or answer any questions they do not feel comfortable answering. The Medical Provider will advise the patient of his/her obligation, in certain circumstances, to notify law enforcement in the jurisdiction where alleged assault occurred, and that the student has the option of not speaking directly with law enforcement.

Resources

24/7 Crisis line - (888) 385-4657

Center for Community Solutions

On campus resources

Sexual Violence Advocacy and Education	760-750-4915
University Police	760-750-4567
Student Health and Counseling Services	760-750-4915, option 2
Employee Assistance Program	800-367-7474
Title IX Coordinator	760-750-4056
Disabled Student Services	760-750-4905
Dean of Students	760-750-4935
Human Resources	760-750-4418

Community Support

Advocacy • Counseling • Legal • Shelter • Support Group

Center for Community Solutions	1-888-385-4657
Women’s Resource Center (WRC)	760-757-3500

Community Resource Center	1-877-633-1112
Strong Hearted Native Women's Coalition	1-844-762-8483
CAlifornia Indian Legal Services	800-743-8941
South Baby Community Services	800-640-2933
One Safe Place*	(760) 290-3690
YWCA	619-234-3164
Camp Pendleton Sexual Assault Response	760-500-1707
RAINN	800-656-4673
Victim Compensation Program	https://victims.ca.gov/for-victims/
Safe at home – confidential address program*	https://www.sos.ca.gov/registries/safe-home

* They offer free a confidential address program

Self-Care Links

Develop a Self-are Plan

Virtual Healing Room

Cooling Hands - Difusing Anger

Progressive Muscle Relaxation

Befriending your nervious system

Understanding Trauma and the Nervous System

Corregulation and why it matters

SCOPE – self-care practices in times of crisis

How to Apply to Disabled Student Services (DSS)

Survivors who have a known diagnosis e.g. anxiety, ADHD, depression, PTSD, etc. can work closely with a SHCS therapist or medical professional, this can be a primary care physician, community therapist or psychiatrist to complete a Disability verification form.

To apply and submit documentation please visit:

https://www.csusm.edu/dss/formsanddocuments/index.html

Once you submit your application, a DSS support specialist will connect with you to determine eligibility and your academic individual needs. Examples of some supports can include getting extra time to complete an exam or midterm or be assigned a note taker in class.

When a student is in DSS, their professors will **not** know the student's medical history or interpersonal harm.

Phone: (760) 750-4905

Administrative Building 4200.

Completed forms can be emailed: dss@csusm.edu

OR faxed to (760) 750-3445 or mailed directly to us

What if I have 504 Plan or an IEP from high school, would DSS take it? There are no IEPs or 504's in postsecondary education.

https://www.csusm.edu/dss/differencesbetweenk-12/index.html

FAQ:

https://www.csusm.edu/dss/faqs.html

General Information and Process:

- Office of Disability Support Services (DSS) website
- Applying for services: Forms and Documents
- Students interested in getting an Emotional Support Animal (ESA) on campus housing need to email John Segoria Director of DSS and he can walk you through the process: jsegoria@csusm.edu

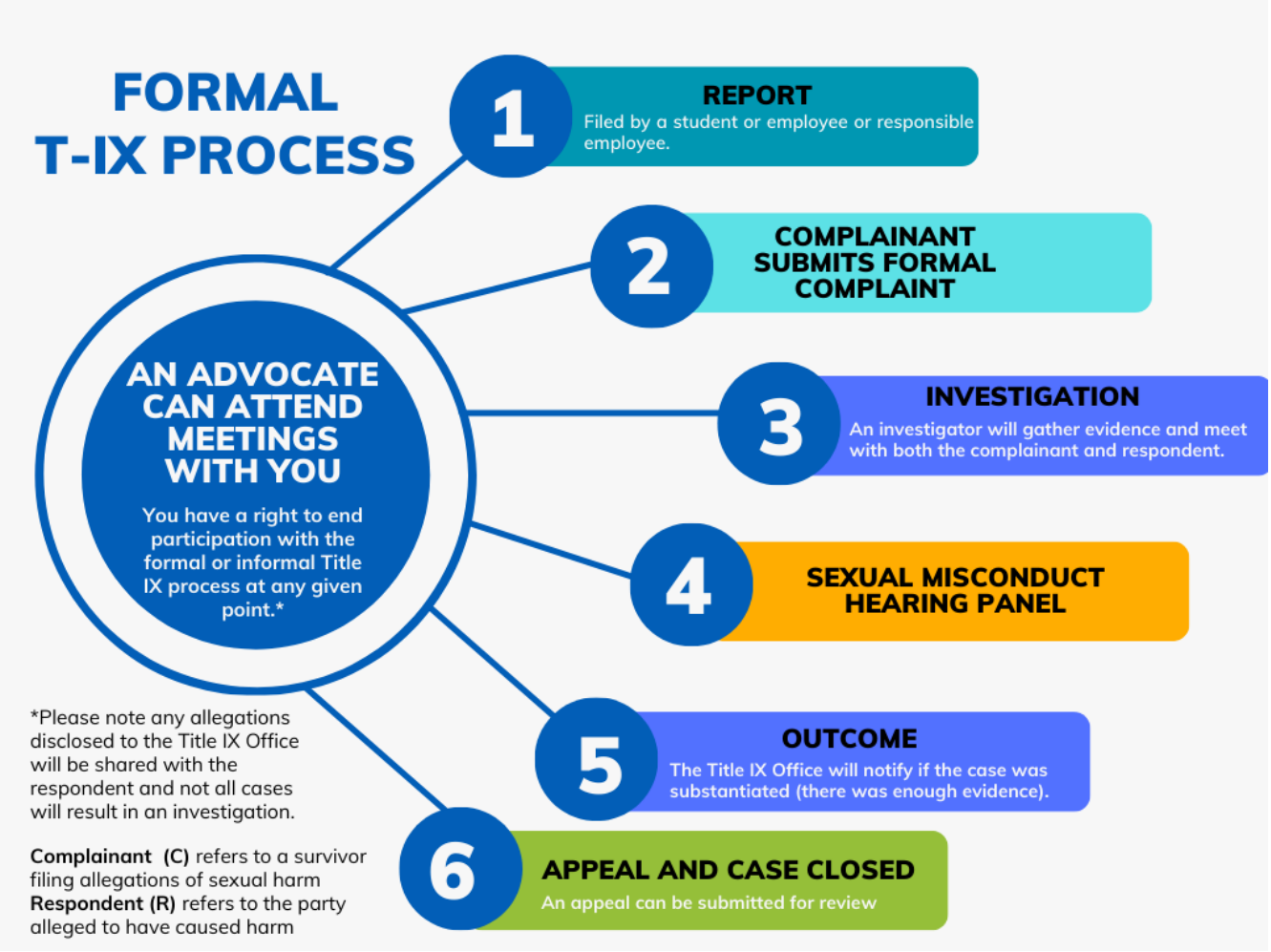
Forms:

- DSS Application for Support Services(PDF)
- Disability Verification Form
  Permission to Release Information on File in Disability Support Service

Appendix A: Acknowledgement

A lot of care, time and research was devoted into putting this packet together. Contributors to this survivor welcome packet include Cal Poly Safer Campus and Wellbeing after which this packet was modeled, the incredible support of Sexual Violence Prevention Peer Educators: Danielle Barcena, Dazie Miller, Hope and Wellness Peer Lead Educator Faye Preston, and Sexual Violence Advocate and Educator Gricelda Alva Brito

APPENDIX B– Title IX Process Flow Charts



INFORMAL TITLE IX PROCESS

PROJECTED TIMEFRAME: 90-120 DAYS*



REPORT

Once a report is filed to the Title IX office, they are considered an office of record, meaning anything shared will stay on record and cannot de retracted. Although not a confidential resource, the Title IX office will do their best to protect privacy and only share with parties that need to be informed.



COMPLAINANT SUBMITS A FORMAL COMPLAINT

The complainant submits a written request to the Title IX office requesting to meet to seek informal resolution. Even if not filing a formal complaint a complainant may seek supportive measures from the Title IX Office such as a no contact order or no contact directive.



BOTH COMPLAINANT AND RESPONDENT SIGN AGREEMENT

Both parties agree to engage the informal resolution process.



DIALOGUE FACILTATED WHERE BOTH REACH AN AGREEMENT

Title IX supports both parties to reach an agreement. Zoom options might be available to not meet in person.

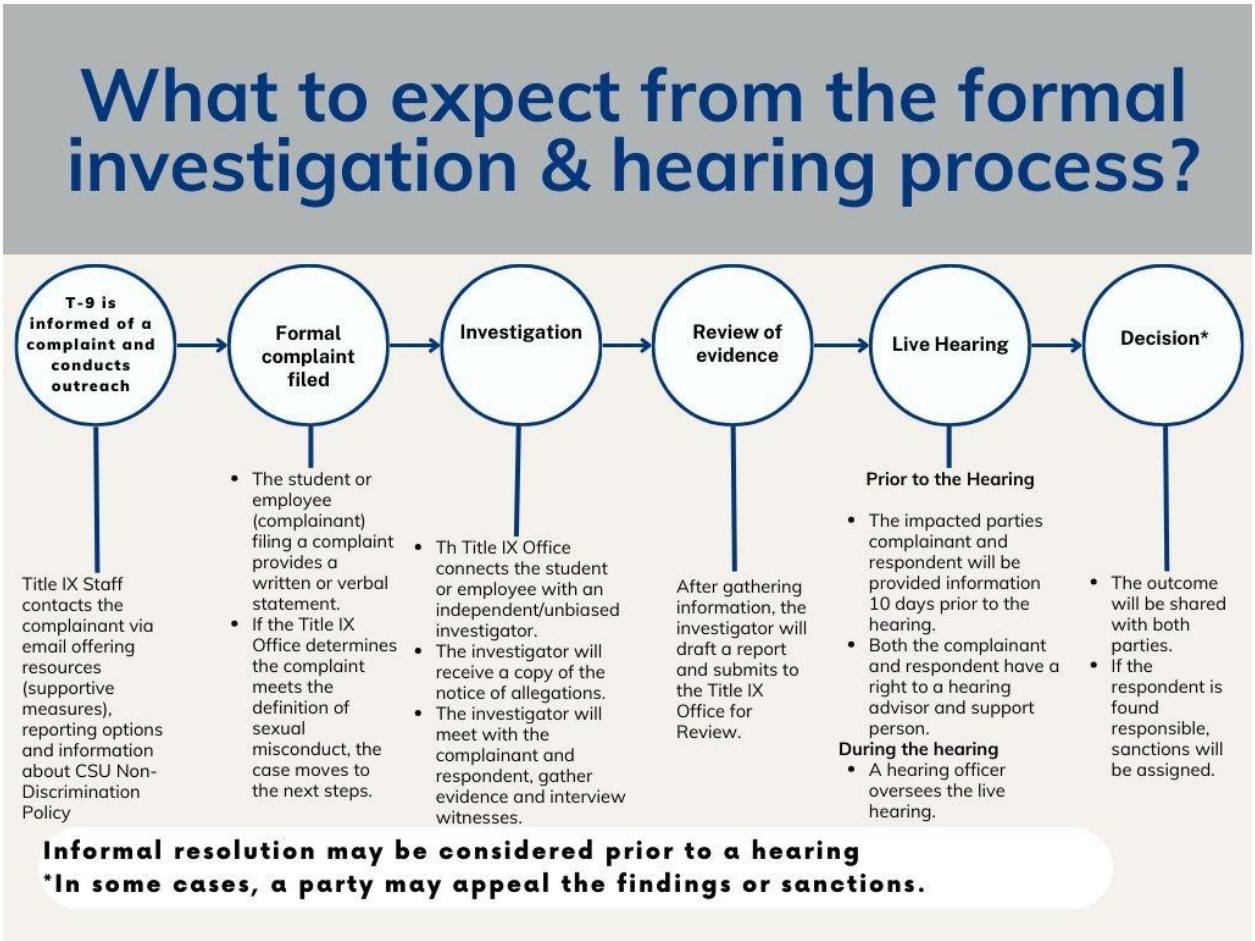


IF NO AGREEMENT REACHED, FORMAL PROCESS MAY BEGIN

If no agreeable resolution is reached a formal process may begin. If an agreement is reached, the case may close.

*Some cases may take longer

Information resolution may be requested before the Student Conduct Hearing



Sources: https://knowyourix.org/college-resources/hands-off-ix/