



**What
College Men
Should Know
About
Sexual Assault
Rape and
Sexual BATTERY**



**Test yourself on
this sexual assault
knowledge test.**

**One wrong answer
can get you
three or more years
in prison.**

Sophomore Matt and freshman Brandy start hanging out. There's definitely chemistry between them. After a few weeks, Spring Break comes around and they agree to go away for two days to Rosarito Beach.

They've gotten close but haven't had sex, although she's spent the night in his room. His friends say to him, "She'll loosen up with a little tequila."

In Rosarito Beach, Matt and Brandy start doing shots of tequila. Back in the room they start fooling around. She tells him the room is spinning and she feels like she is going to pass out from all the tequila. He says, "Don't worry" and they have sex.

In the morning she says to Matt angrily, "What did we do!?"



Yes, someone who says they are about to pass out from alcohol (or drugs) is not in a position to give consent to sex. In California, the law says an intoxicated person may be incapable of resisting and therefore cannot give consent.

Because this particular crime occurred in Mexico, Mexican authorities would investigate this case and Mexican law would apply.



It's a Fact

Recent studies indicate that alcohol and drug use can either:

- Increase one's risk of being victimized or
- Increase one's risk of being an offender in a sexual assault.

JOHN & CHRISTINE

Sophomore John is seeing sophomore Christine. Back at his room, they start kissing. He touches her breasts. She moves his hand away, he puts it back. She moves it away again. He puts his hand under her skirt. She says "stop", he tries again, she moves his hand away again.



No, but it is sexual battery, a misdemeanor under California law. Unwanted sexual touching constitutes sexual battery. Consent for all sexual touching is required. In addition, if he continues to ignore her words and persists in the same way, he could be arrested for attempted rape.

JIM & JESSICA

Junior Jim and senior Jessica have been seeing each other for several months and they have had sex several times. She's visiting his apartment.

They start fooling around, she stops him at one point and says, "Not tonight." He says, "Come on."

He pushes her to the bed, thinking she's just teasing him. He enters her.

She says afterwards, "I told you I didn't want to." He says, "I thought you were just kidding."



Yes, because consent was not given. In some cases, a woman might physically resist, but simply saying "No" or "Stop" is sufficient under the law to indicate a lack of consent. In addition, it is important to note, consent is not implied simply because she's visiting his apartment.

Remember

Even if you think that women sometimes say "No" when they mean "Yes," if you don't act as if "No" means "NO," you may face criminal sanctions under the law.

JAKE & CHRISSEY

Junior Chrissy goes to a fraternity party at senior Jake's frat house. Jake's in her psychology class and has invited her to the house party. A keg's on tap, Chrissy's helped herself and she and Jake start doing jello shots made with vodka. They dance for a while and then start kissing. He takes her into his bedroom.

One thing leads to another and Chrissy finds Jake forcing himself on her. She doesn't mind kissing him, but she doesn't want to do anything else. She keeps telling him "No" and saying, "Hey, I don't know you that well. Stop." He's maneuvered her panties down, opened his pants and starts to enter her. She says, "If you're gonna do this, put a condom on."



Yes, because she said "No". Consent was never given and asking for a condom is not considered consent under California law.

DAN & JENNIFER

For the past two months, freshman Dan has been seeing freshman Jennifer. She goes back to his room one night and they start fooling around. She says she isn't ready to have sex with him and they do everything but that. He says, "I know you've had sex with your other boyfriends." She says, "Yeah, but I'm not ready with you."

That night he keeps pressing the issue and each time he asks she says "No." She must have said no 15 times. She becomes so tired of the incessant asking, she finally agrees.



No, if consent was freely given. However, insisting after someone says "no," especially repeatedly "no," is not the best nor safest approach to sexual relations. In addition, if she agreed to have sex out of a sense of coercion, then it is considered rape.

TY & CARRIE

Ty and Carrie and a group of friends go to a party in Mission Beach. They start walking up the boardwalk and party hop from house to house.

Ty and Carrie end up at Ty's apartment. They've had a great evening. Carrie knows she does not want to have sex with Ty, it's their first time alone, but things are moving pretty quickly. His hands are under her shirt and she starts telling him "No" repeatedly.

Ty thinks every time Carrie says no, she just wants to make sure that he doesn't think she's "easy," after all, he knows how quickly a girl can get a reputation on campus.

What's Happening Here?

Ty is committing sexual battery by touching Carrie after she has said "No." As for Carrie's role in this, just because she went to a guy's house doesn't mean she wanted to have sex with him.

The best way to avoid this misunderstanding is to have a conversation about sex with the person you are with. It is the safest way to ensure that you are in agreement about your sexual relations and not in violation of the law.

If you are seeing someone who says "no" but acts like she means yes, this should be an indication to you that you are not with a mature person. The end result is that you put yourself in jeopardy.



Did You Know?

In San Diego, 75 percent of rapes are committed by someone the victim knows, as opposed to a stranger.

NICOLE & ANTOINE

Nicole comes running into her friend Antoine's room. She sits down on his bed, she looks a bit dazed. Antoine tries to find out what's wrong, but Nicole is really upset. He tries to calm her down. He asks her, "What happened? Did something happen with that guy, Paul, you're seeing?"

She says, "Yes." She starts crying. He comforts her. He says, "Did he hurt you?" She says, "Yes, we were at a party and I told him to stop and he didn't." Antoine says, "He raped you?"

She says, "I don't know if it was rape, but I kept telling him no." She adds, "We drank a lot. At the end of the party, we started kissing in one of the rooms. I wanted to leave, but he said I had led him on with the dress I was wearing and that he wanted to have sex with me, and then he did, even though I was saying no."

Antoine says, "He raped you. The way you are dressed has nothing to do with this. No matter what you wear, it doesn't give anyone permission to take advantage of you."

She says, "I shouldn't have had so much to drink." Antoine says, "Hey, stop blaming yourself, maybe you shouldn't have had so much, but Paul should not have done what he did." Antoine added, "We need to get you some help right away. We need to take you to the hospital. Would you be willing to talk with the police?"

What's Happening Here?

Nicole was raped and Antoine is helping her through it. He realizes that the rape was not her fault and clarifies for her that Paul is responsible for his own behavior.

Many rape victims initially blame themselves because they cannot otherwise explain how someone could do that to them. Rape victims often seek out the support of friends, even of the opposite sex. Antoine correctly suggested taking Nicole to the hospital and offered her the choice of reporting to the police.

MELTSSA + RICO

Melissa and Rico are hanging out at her friend Patricia's house after a party. They just met at the party but she's heard a lot of good things about Rico because he's Patricia's cousin. Melissa thinks Rico is hot.

Patricia tells Melissa that she wants to go to another party at one of the other universities in town. Melissa says she'll meet up with her later.

Rico takes Melissa into one of the bedrooms and they start messing around. She's a virgin and has no intentions of going beyond oral sex.

He says, "I want you." He tries to take off her panties. She pushes his hands away, unbuttons his jeans and starts to perform oral sex on him.

At one point, he pushes her back on the bed, thinking that because she performed oral sex on him she wanted to have intercourse with him. He starts to enter her, and she says "No". He keeps going. She says "No" again, but by this time he's not really listening.



Yes. Even though she agreed to oral sex, and in fact she initiated it, the law in California says that at each stage of sex one needs consent. So, consent to oral sex does not imply consent to sexual intercourse.

Remember

It's NEVER okay to force yourself on someone else, even if you think that she wants it.

AFTER THE GAME

One of the intramural athletic teams has just finished a game. The team members have developed a good rapport and joke around a lot with each other in the locker room after games.

That day, one of the team members gets tackled in the locker room by a couple of other guys on the team. As a handful of other players stand around, two players hold the first player down.

One of the team members grabs a golf club left behind by another team and sticks the handle into the intramural player's rectum. The player squirms away pretty quickly though, so penetration was only slight.



No, but this IS sexual assault. The player who stuck the golf club into the other player's rectum committed the felony of anal penetration with a foreign object. Penetration, however slight, completes the crime in California. Even if the player used his finger instead of a golf club, that would also constitute the same crime.

As for the other players who held him down, they could be charged with conspiracy to commit sexual assault or as principals in the sexual assault. Sometimes on college campuses, pranks escalate and become sexual assault. This particular crime is punishable by a minimum of three years in prison.

As for the bystanders, some would say their lack of intervention makes them morally accountable as well.

Remember

Be self-aware. Know when you or someone else is starting to cross the line.

DEFINITIONS

Rape

Rape is an act of penile/vaginal intercourse committed without the consent of the victim. Sexual penetration, however slight, completes the act of rape.

Sexual Battery

Sexual battery is the touching of an intimate part of another person without the other's consent for the purpose of sexual arousal.

Sexual Assault

Sexual assault includes rape, sexual battery, non-consensual sodomy, non-consensual oral copulation, and non-consensual penetration by a foreign object, even a finger.

Consent

Consent means agreeing to an action freely, voluntarily and with knowledge of the nature of the act. Having sex with a person under the age of 18 is illegal and may lead to serious legal consequences.

ADDITIONAL INFORMATION

- © 99 percent of rape suspects are males, but men can also be victims of sexual assault. As a result, reporting is also an option for men.
- © To report a rape or other sexual assault, contact your college police or Public Safety department if on campus. In an emergency, call 911. If the immediate emergency has passed, call the SDPD at 619-531-2000.
- © If you are unclear about a situation you or a friend have experienced and need advice, call the San Diego Rape Hotline (Center for Community Solutions) at 858-272-1767 or the SDPD Sex Crimes Unit at 619-531-2325.
- © All universities in San Diego have counseling centers and religious ministry counselors who can provide support and healing to sexual assault victims.
- © In addition to arrest and sanctions under the criminal law, a student found to have sexually assaulted another person can also be subject to university disciplinary measures, including expulsion.

5 Ways to Reduce the Risk of Sexual Assault, Rape or Sexual Battery

- 1 Be self-aware. Know when you or someone else is starting to cross the line.



- 2 Even if you think that women sometimes say "No" when they mean "Yes," if you don't act as if "No" means "No" you may face criminal sanctions under the law.



- 3 It's NEVER okay to force yourself on someone else, even if you think that she wants it. Nor is it okay for someone to force themselves on you.



- 4 Remember that alcohol and/or drugs are involved in the majority of acquaintance rapes.



- 5 Support women in being assertive and honest; not passive and coy.



If you need help, contact the campus counseling center or the San Diego Rape Hotline:

858-272-1767

IF YOU COMMIT A SEXUAL ASSAULT

The processes that you would likely face if you commit a sexual assault are described below.

The University Process:

- © Interviewed by public safety and the vice president for student affairs
- © Called to a Judicial Hearing
- © Suspension or Expulsion

And/Or

The Criminal Justice Process:

- © Interviewed by police
- © Arrested and handcuffed
- © Arraigned and charged in court
- © Trial
- © Prison
- © Required to register permanently as a sex offender

This brochure is a public service of the
San Diego Police Department

Emergency - Dial 911

Non-emergency - Dial 619-531-2000

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