



# Sexual Assault

The United States Congress enacted the "Campus Sexual Assault Victims' Bill of Rights" in 1992 as a part of Public Law: 102-325, section 486 (c). This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights.

The college is committed to preventing this violence through incorporation of educational programming and the adoption of clear guidelines informing students, faculty, and staff of the college's procedures in handling such cases. Sexual assault crimes are heinous, and these crimes occurring on the college campus will not be tolerated under any circumstances. College community members found guilty of any sexual assault crime will be severely dealt with through the appropriate college office.

Tacoma Community College is strongly committed to the establishment of an educational environment in which students, faculty, and staff can work together in an atmosphere free of sexual assault.

The college views any act identified as sexual assault as a serious matter. Every member of the college community should be aware that all sexual assaults are prohibited by state law.

## DEFINITION

Sexual assault occurs when a person performs or compels another person to perform any sexual act or to have any form of sexual contact without consent. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in the proposed sexual act. Lack of consent may result from inability because of impairment of the victim (due to, for example, intoxication), or physical helplessness of the victim (due to, for example, being asleep). Lack of consent may also result from intimidation (due to, for example, the aggressor's language, size, or threatened or actual use of force) that silences the victim.

Attempted sexual assault occurs when a person intends to commit the offense and engages in conduct that would lead to it.

## PROCEDURE

The college will vigorously prosecute and discipline persons identified as responsible for sexual assaults as identified and categorized under federal or state law. Victims of sexual offenses should be assured that the college provides resources and police assistance, if desired. Care and consideration of the victim's wishes will be taken into account throughout the intervention process. The college will consider requests for changes in academic accommodations and work with victims to reach available and reasonable solutions.

In addition to criminal prosecution, the college may impose sanctions against students, student organizations, or college faculty or staff members identified as committing or participating in sexual assaults.

Students will also be disciplined for other sexual offenses which are criminal in nature or which violate other community standards.

The sanctions listed below may be imposed on individual students found guilty of sexual assaults. The severity and number of sanctions applied will be determined by the nature and degree of the individual act. Possible sanctions may include:

1. Expulsion from the college
2. Suspension for a specific time period
3. Probation for a specific period of time
4. Mandated psychological counseling or assessment

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Remember, always use common sense.  
There are exceptions to all guidance and prescribed directions.



# Sexual Assault (continued)

## TITLE IX

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.

## SEXUAL HARASSMENT

Sexual harassment is a form of sex "discrimination" prohibited under Title IX. Title IX protects students from sexual harassment by:

- Any school employee,
- Another student, or
- A non-employee third party

## DUTY TO INVESTIGATE

Once Tacoma Community College knows or reasonably should know of a possible sexual violence, it must take immediate and appropriate action to investigate or otherwise determine what occurred.

## TCC OBLIGATIONS UNDER TITLE IX

If sexual violence has occurred, a school must:

- Take prompt and effective steps to end the sexual violence,
- Prevent its recurrence, and
- Address the effects,

whether or not the sexual violence is the subject of a criminal investigation.

- TCC must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.
- TCC must provide a grievance procedure for students to file complaints of sex discrimination, including complaints of sexual violence.
- TCC grievance procedures must use the preponderance of the evidence standard (50.1%) to resolve complaints of sex discrimination.
- TCC must notify both parties of the outcome of the complaint.

## REPORTING

The victim should report all incidents of sexual assault, including date or acquaintance rape/assault, and domestic violence to 911, the Title IX Administrator and/or Campus Safety. These two parties may contact the Tacoma police Department as needed as part of the investigation into the incident.

If you are a victim of a sexual assault at this college, your first priority should be to get to a place of safety. Contact any staff member to gain assistance. You should then obtain medical treatment in a timely manner. You should also immediately contact the above noted police authorities to report the incident, and initiate protection of evidence. Time is a critical factor for evidence collection and preservation.

The survivor should make every attempt to preserve any physical evidence of the assault.

- Do not change your clothing. If you must change, place your old clothes in a paper bag.
- Do not wash or clean your clothing.
- Do not take a shower, bathe, or clean up.
- Do not apply medication or cosmetics.
- In effect, do not move, or destroy anything in the area where the offense happened.

An assault should be reported directly to the Dean of Students or Campus Public Safety. Filing a report with any of the above offices will not subject the reported victim to scrutiny or judgmental opinions from college officials. Filing a report will enable the college to refer a person who reports being a victim of a sexual report:

- For necessary medical treatment and tests
- Those that may assist in the proper collection of evidence helpful in prosecution, which cannot be obtained later
- To confidential counseling from counselor specifically trained in the area of sexual assault crisis intervention (these individuals are not members of the TCC staff, but of outside agencies).



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