

A Resolution in Support of UC-Wide Title IX Education, Sexual Assault Policy Reform, and Sexual Assault Resource Improvement

WHEREAS, 1 in 3 women and 1 in 6 men will be sexually assaulted over the course of their lifetime,¹ and 19% of women will “experience attempted or completed sexual assault since entering college,”² and,

WHEREAS, “Title IX is a landmark federal civil right that prohibits sex discrimination in educational institutions that receive federal funding. Sex discrimination includes sexual harassment and sexual violence since it creates a hostile educational environment;”³ and,

WHEREAS, the Clery Act is “a federal law that requires colleges to report crimes that occur ‘on campus’ and school safety policies...[the] Act also requires schools to have timely warning when there are known risks to public safety on campus and also contains the Campus Sexual Assault Victim’s Bill of Rights, which requires colleges to disclose educational programming, campus disciplinary process, and victim rights regarding sexual violence complaints;”⁴ and,

WHEREAS, “the Campus Sexual Violence Elimination (SaVE) Act increases transparency on campus about incidents of sexual violence, guarantees victims enhanced rights, sets standards for disciplinary proceedings, and requires campus-wide prevention education programs. Under the Act, colleges must publish the victim’s rights and college responsibilities.”⁵ In addition, the Act “broadened Clery requirements to address all incidents of sexual violence (sexual assault, domestic violence, dating violence and stalking);”⁶ and,

WHEREAS, it is necessary to educate students about their Title IX rights, the Clery Act and the Campus SaVE Act, so survivors of sexual assault will be able to empower and advocate for themselves during their reporting process with either the UCLA Office of the Dean of Students, UCPD, or UCLA Title IX Coordinator.^{6 7}

¹ Finkelhor, David, et al. “Sexual Abuse in a National Survey of Adult Men and Women: Prevalence, Characteristics and Risk Factors,” Child Abuse and Neglect, 1990.

² <http://www.cdc.gov/ViolencePrevention/pdf/SV-DataSheet-a.pdf>

³ <http://knowyourix.org/title-ix/title-ix-in-detail/>

⁴ <http://knowyourix.org/clery-act/the-clery-act-in-detail/>

⁵ <http://knowyourix.org/understanding-the-campus-save-act/>

⁶ <http://dailybruin.com/2013/04/29/alexandra-tashman-rape-culture-produces-harmful-discussion-of-sexual-assault-cases/>

⁷ <http://knowyourix.org/about-ky9/>

WHEREAS, the total number of “sex offenses” in UCLA’s 2012 Jeanne Clery Disclosure of Campus Security Policy, Campus Crime Statistics & Annual Fire Safety Report was 15, with 4 classified as “forcible rape,” 1 classified as “sexual assault w/object,” 1 classified as “forcible fondling,” and 9 classified as “sex offense - not classified or unknown;”^{6 8} and,

WHEREAS, these numbers do not provide an accurate representation of the number of sexual assaults that occur on UCLA’s campus as students do not report sexual assault for reasons such as for fear of public ostracization or humiliation, and/or legal action that they will not be able to impact, seeking support from UCLA campus-operated resources instead;⁹ and,

WHEREAS, visibility and availability of UCLA’s campus-operated or affiliated sexual assault and prevention resources, such as the UCLA Counseling & Psychological Service (CAPS) Campus Assault Resources and Education (CARE) program and UCLA Santa Monica Rape Treatment Center, need to be improved; and,^{10 11 12}

WHEREAS, the UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking defines “effective consent” as “ words or actions that show a knowing and voluntary agreement to engage in a mutually agreed-upon sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another, where the accused Student knows or reasonably should have known of such incapacitation. Effective consent is also absent when the activity in question exceeds the scope of Effective consent previously given;”¹³ and,

WHEREAS, the definition of “effective consent” in the UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking is inadequate and needs to be elaborated upon.^{14 15}

⁸ <http://map.ais.ucla.edu/go/1000958>

⁹ <http://www.rainn.org/get-information/statistics/reporting-rates>

¹⁰ <http://dailybruin.com/2012/11/29/resources-for-rape-victims-need-higher-visibility/>

¹¹ <http://dailybruin.com/2013/11/01/submission-sexual-assault-prevention-needs-improvement/>

¹² <http://dailybruin.com/2013/05/28/alexandra-tashman-uclas-caps-needs-steady-funding-to-provide-support/>

¹³ <http://www.deanofstudents.ucla.edu/assets/documents/UCLA%20Student%20Conduct%20Procedures%20for%20Allegations%20of%20Sexual%20Harassment,%20Sexual%20Misconduct,%20Domestic%20and%20Dating%20Violence,%20and%20Stalking.pdf>

¹⁴ <http://dailybruin.com/2013/10/31/editorial-code-of-conduct-needs-to-clarify-nonverbal-sexual-consent/>

¹⁵ <http://dailybruin.com/2013/10/28/ucla-student-leaders-worried-about-new-sexual-assault-policies/>

THEREFORE BE IT RESOLVED that the Undergraduate Students Association Council urges the UCLA Office of the Dean of Students, the UCLA Title IX Coordinator, UCLA Campus Human Resources, UCLA Office of Residential Life, UCLA New Student & Transition Programs, and UCLA Graduate Division to publicly state how they will add to existing education programs promoting awareness of rape and acquaintance rape the topics of domestic violence, dating violence, sexual assault, and stalking.

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council urges the UCLA Office of the Dean of Students, the UCLA Title IX Coordinator, UCLA Campus Human Resources, UCLA Office of Residential Life, UCLA New Student & Transition Programs, and UCLA Graduate Division to publicly state how they will include the definition of consent, options for bystander intervention, and risk reduction awareness information in education programs designated for incoming students and new employees in order to be in compliance with the Campus SaVE Act.

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council urges UCLA to require a minimum of an hour of training, annually, on issues related to sexual violence and sensitivity training toward sexual assault survivors by UCLA CAPS CARE counselors for individuals conducting formal investigations of reports in order to be in compliance with the Campus SaVE Act.

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council encourages Student Conduct Committee Chairs to go through additional training regarding what questions addressed to both the complainant and accused are appropriate or inappropriate, as they are given the power to vet questions as stated in the UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking.¹⁵

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council believes the following additions to existing policies around sexual assault and harassment will strengthen the rights and resources for survivors, with the goal of ensuring the accused and the survivor are awarded equal rights and respect without infringing on the right of the accused to due process and the presumption of innocence until proof of guilt:

1. A UC-wide disciplinary process for former accused individuals who leave the University before their cases are resolved.
2. A clause stating the complainant will receive communication on all remedial and corrective action, including any disciplinary action.
3. An expansion of the duties of the UCLA Title IX Coordinator to include annual publication to the student body at-large of data related to the number of sexual assaults and sexual harassments reported to the office and the disciplinary action sought in each case.

4. A clause explicitly protecting students, including undocumented students, from police involvement against their will.
5. A clause explicitly giving the complainant the right to call for a formal investigation.
6. A Medical Amnesty and Good Samaritan policy to protect survivors of sexual assault and witnesses, respectively, from being punished for being under the influence of illegal substances.¹⁶
7. An extensive social media and marketing campaign by the UCLA Title IX Coordinator to educate students on their Title IX, Clery Act, and Campus SaVE Act rights, as well as their sexual assault resources on campus, such as those found on the UCLA Sexual Harassment Prevention Office website.^{17 18}

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council urges the UCLA Office of the Dean of Students to change the UCLA Student Conduct Procedures for Allegations of Sexual Harassment, Sexual Misconduct, Domestic and Dating Violence, and Stalking to include the following definition of consent, as drafted by UCLA students,¹⁹ to meet or exceed the changes to the University of California, Sexual Harassment & Sexual Violence Policy:

1. **Consent** is informed. Consent consists of an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. **Consent** must be ongoing throughout a sexual encounter and can be revoked at any time.²⁰

Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, and you are thus urged to seek consent in verbal form. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence of consent.²⁰

2. **Consent** is voluntary. It is given without coercion, force, threats, or intimidation; - it is a positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

3. **Consent** is given when the person is not impaired or incapacitated. A person cannot consent if they are unconscious or coming in and out of consciousness. A person cannot consent if they

¹⁶<http://www.smcm.edu/tothepoint/policiesprocedures/MedicalAmnestyandGoodSamaritan.html>

¹⁷<http://www.sexualharassment.ucla.edu/report.html>

¹⁸http://www.sexualharassment.ucla.edu/sexual_assault.html

¹⁹https://docs.google.com/document/d/1cNZRe-1_DHHpnLxXn5RXIahigGe46h_EH8uB9v6_zC8/edit?usp=drive_web

²⁰<http://smr.yale.edu/definitions-sexual-misconduct-consent-and-harassment>

are under the threat of violence, bodily injury or other forms of coercion, or has a mental disorder, developmental disability, or physical disability that would impair their understanding of the act.

(a) Incapacitation is the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep and blackouts.

(b) Where alcohol or drugs are involved, incapacitation is distinct from drunkenness or intoxication, and is defined with respect to how the alcohol or other drugs consumed impacts a person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

The factors to be considered include whether the accused knew, or a reasonable person in the position of the accused should have known, that the complainant was impaired or incapacitated.

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council calls for increased permanent funding for UCLA Counseling & Psychological Services (CAPS) Campus Assault Resources and Education (CARE) program from the UCLA Student Fee Advisory Committee to increase the number of staff and expand its services and outreach.

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council calls on the UC Office of the President (UCOP) to conduct a UC-wide evaluation on Title IX inconsistencies and present recommendations to improve resources and reporting procedures for survivors of sexual assault.

LET IT BE FURTHER RESOLVED that the USAC Student Wellness Commissioner will communicate these concerns and demands to the UCLA Title IX Coordinator, the UCLA Student Care Manager, UCLA CAPS Director, and the UCLA Office of the Dean of Students.

LET IT BE FURTHER RESOLVED that the Undergraduate Students Association Council calls on the UCLA Title IX Coordinator, the UCLA Student Care Manager, and UCLA Office of the Dean of Students to make a plan of action to address the aforementioned concerns. Additionally, this plan of action should be made public via the Daily Bruin and/or a campus-wide email that is comprehensible, accessible, and easy to understand by students; updates and accomplishments should be provided to USAC and Daily Bruin at the end of each academic quarter.

LET IT BE FURTHER RESOLVED that the USAC President and USAC External Vice President will communicate these concerns and demands to UCOP Vice President of Student Affairs, UC President, UCOP Deputy to the Vice President, and the UC Students Association Board of Directors.

LET IT BE FINALLY RESOLVED that the Undergraduate Students Association Council advocates for a safer, more inclusive campus climate and encourages the improvement of resources for survivors of sexual assault.