

## Cimino, Elise

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**From:** Office of the President <officeofthepresident@chapman.edu>  
**Sent:** Thursday, February 06, 2014 7:34 AM  
**To:** ocastudents@chapman.edu  
**Subject:** Sexual assault on campus

**Importance:** High



JAMES L. DOTI  
PRESIDENT  
DONALD BREN DISTINGUISHED CHAIR  
OF BUSINESS AND ECONOMICS

Date: February 6, 2014

To: Chapman Students

From: President Jim Doti and Dean of Students Jerry Price

President Obama recently announced that he was establishing a task force to address sexual assaults on college campuses. Unfortunately, Chapman is not immune from this issue, and we have been working hard to train our staff so we are prepared to respond effectively when sexual assault allegations arise. However, we are working just as hard to prevent sexual assaults from occurring. While our Healthy Panther Initiative addresses these issues with all incoming undergraduates, we believe it is critically important that all students fully understand the meaning of sexual assault.

Although we believe everyone understands that physically forcing another person into undesired sexual activity is sexual assault, it must be understood that most allegations of sexual assault on campus are not a question of force. Rather, the allegations of sexual assault involve whether both parties consented to the sexual activity, and whether both parties had the capacity to consent to the activity. Many sexual assaults occur because a student assumes he or she has consent when it has not been explicitly given. *If you are sexually active, it is critical that you understand your partner must provide clear words or actions consenting to every stage of the activity, and even if you have consent, your partner's decision-making cannot be incapacitated by alcohol or other drugs.* The following are common examples of behavior that constitutes sexual assault:

- **Silence or lack of resistance is not consent** – Some students assume they can proceed with sexual activity until their partner has said “no.” That is not true. If you engage in sexual activity without clear consent and your partner says “no” you have already committed sexual assault. You cannot undo sexual activity after you realize there is no consent. You must have a clear “yes” or “no” before the sexual activity begins.
- **Consent is required for each stage of sexual activity** – Don’t assume if your partner has consented to one level of sexual activity that you also have consent for progressing to further sexual activity. Consent for

intimate touching does not mean there is consent for oral sex, and consent for oral sex does not mean there is intercourse, etc. It is common for a person to feel comfortable with one level of activity but not another, and each person is free to determine what that comfort zone is. If you proceed to the next level of activity without clear consent for that level, you have committed sexual assault.

- **Even after consent is given, it can be withdrawn by either partner at any time** – After consenting to sexual activity, a person has the right to change her or his mind. When a clear “yes” has become a clear “no” all activity must stop; to continue would be sexual assault.
- **If your partner’s “yes” is compromised by alcohol or drug use, it is not consent** – For clear consent to be given, a person’s decision-making cannot be incapacitated by alcohol or drug use. Engaging in sexual activity with someone whose judgment you know – or reasonably should have known – was significantly affected by alcohol or drugs constitutes sexual assault. A defense we hear often is “we were both drunk so we’re both equally responsible.” That’s not what the law says; being under the influence of drugs or alcohol yourself does not diminish your responsibility if you initiate any of the sexual activity.

For more information on our sexual misconduct policies as well as campus resources, please go to [http://www.chapman.edu/students/policies-forms/student-conduct/\\_files/pdfs/8-11-3-3-5-appendix-5.pdf](http://www.chapman.edu/students/policies-forms/student-conduct/_files/pdfs/8-11-3-3-5-appendix-5.pdf).