



## UNIVERSITY OF ST. THOMAS POLICE

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### WHAT IS CONSENT AND SEXUAL ASSUALT

**Sexual Assault-** A person commits an offense if the person intentionally or knowingly:

- causes the penetration of the anus or female sexual organ of another person by any means, without that person's consent;
- causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor

If you are not sure you have been sexually assaulted or not, please contact UST PD.

**Consent-** Words or overt actions by a person who is legally and functionally competent to give information approval, indication a freely given agreement to engage in sexual acts and/or sexual intercourse.

- Submission under the influence of fear shall not constitute consent
- A previous relationship shall not constitute consent.
- Consent means that the person agrees, not that the person fails to resist.
- The absence of no does not mean yes.

### STRATEGIES FOR AVOIDING SEXUAL ASSUALT:

General Guidelines:

- If approached by someone you sense to be a potential threat, try to stay out of reach.
- If you feel you are in danger of being attacked, try to escape the situation by running away if you can.
- Try in any way you can to attract attention to yourself. Scream "Call 911!"
- Trust your instincts. If a person, place, or situation makes you uneasy, leave or change it immediately.

Reducing Your Risk on Dates:

- Find out more about your date. Go beyond the basics. Ask about his feelings towards men/women and relationships. If he/she is someone you do not know arrive separately and meet in a public place.
- Be assertive. Speak up if a situation makes you uncomfortable. Make it clear that paying for a meal does not entitle him to anything else, or offer to pay your own way.
- Set your own limits and communicate these limits to your date.

Reducing your Risk at Home (Residence Halls):

- Make sure your home (residence hall) has a door viewer and a dead bolt lock.

- Make sure all entrances are well light.
- Keep your blinds and curtains closed at night.

Reducing your Risk at Parties:

- When you go to a party or club, go with friends. Arrive together, watch out for each other, and leave together.
- Don't leave your beverage unattended or accept a drink from an open container.
- Don't leave with a stranger, no matter how attractive or persuasive he may be.

Reducing your Risk at your Vehicle:

- Always lock your vehicle when leaving and entering it.
- Have your keys in hand so you do not have to search for them.
- Look in the back seat before entering your vehicle.

Reducing your Risk on the Street:

- When walking alone, act self-assured and confident that you know where you are going.
- Walk on the traffic side of the sidewalk, not close to alleyways and bushes.
- If you suspect that someone is following you cross the street, or walk quickly to a well-lit, well-populated location.

## WHAT YOU SHOULD DO IF YOU HAVE BEEN SEXUALLY ASSAULTED?

1. Find a safe location away from the perpetrator.
2. Tell someone who will help and support you.
  - a. Examples: Resident Assistant, Director of Residential Life, Director of Student Services, or Coach.
3. Know that what happened was not your fault.
4. Preserve all evidence of the attack:
  - a. Do not shower, bathe, wash your hands, brush your teeth, eat, change your clothes (if you need to change your cloths put them in a paper bag), or smoke.
  - b. If you are still in the location at which the crime occurred, do not clean or straighten up or remove anything.
  - c. Write down all the details you can recall about the attack and the perpetrator
5. Consider reporting the attack to the law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)
6. Seek medical care as soon as possible. Even if you do not have any visible physical injuries, you may be at risk of acquiring a sexually transmitted disease (women may also be at risk for pregnancy).
  - a. Ask the health care professional to conduct a Sexual Assault Forensic Exam (SAFE).
  - b. If you suspect you have been drugged, request that a urine sample be collected to preserve evidence.
7. Recognize that healing from an attack takes time. Give yourself the time you need and know that it is never too late to get help.

## RIGHTS OF VICTIM (S)

1. The right to protection from threats of harm arising from cooperation with prosecution efforts.
2. The right to have your safety and that of your family taken into consideration when bail is being considered.
3. If you so request, the right to be informed in advance about court proceedings, including cancellations or rescheduling.
4. If you so request, the right to information about procedures in the criminal investigation of your case by law enforcement officials, and about general procedures in the criminal justice system, including plea bargaining, restitution, appeals, and parole, from the prosecutor's office.
5. The right to receive information about the Texas Crime Victims' Compensation Fund that provides financial assistance to victims of violent crimes and, if you so request, referral to available social service agencies that may provide additional help.
6. The right to provide information to a probation department conducting a pre-sentence investigation on the impact of the crime.
7. The rights to have a law enforcement agency pay for medical examinations for victims of sexual assault and, on request, the right to counseling regarding AIDS and HIV infection and testing for sexual assault victims.
8. If you so request, the right to be notified of parole proceedings by the Victim Services Section of the Pardons and Paroles Division the right to participate in the Paroles Division, the right to participate in the parole process by submitting a victim impact statement or other information, and the right to be notified of the inmate's release.
9. The right to be present at all public court proceedings, if the presiding judge permits.
10. The right to a safe waiting area before and during court proceedings.
11. The right to prompt return of any property that is no longer required as evidence.
12. If you so request, the right to have the prosecutor notify your employer that the need for your testimony may involve your absence from work.
13. The right to complete a Victim Impact Statement, detailing the emotional, physical and financial impact that the crime has had on you and your family, and to have that statement considered by the judge at sentencing and by the parole board prior to taking any parole action.
14. A victim of sexual offense may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense.

This information was obtained through Texas Association Against Sexual Assault and Rape, Abuse and Incest National Network.



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