

Fact Sheet- Sexual Battery

Sexual Battery is the act of making unwanted and sexually offensive contact with an intimate body part of another person or which cause an immediate apprehension in the other person that such an act will occur. Intimate body parts include sexual organs, the anus, the groin or buttocks of any person and the breasts of a female. Battery includes situations in which the accused engages in the contacts described with a person who is incapable of giving consent or resisting due to alcohol or drugs

Sexual assaults are also crimes under state law and are punishable by fines and/or imprisonment. Sexual Battery and Sexual Assault are both serious violations of Eastern's student judicial code, faculty standards, and Staff employee policies. In addition, these actions are subject to civil suit for damages.

Sexual assault is defined as any unwanted touching of a sexual nature.

This includes, but is not limited to:

- Unwanted kissing, touching, or fondling
- Penetration with a finger or a foreign object
- Rape (vaginal intercourse)
- Sodomy (oral-genital contact, anal intercourse)

These acts constitute sexual assault when they are attempted or committed through force, threat, or intimidation; when the perpetrator has been informed that his/her actions are unwanted; or through the use of the victim's incapacity or helplessness caused by alcohol or other drugs (e.g., when the victim is too intoxicated to consent). Alcohol or other drug use by the perpetrator does not diminish his or her responsibility for the assault.

There are other forms of sexual misconduct that are not only offensive, but also are against the law. This includes obscene phone calls, "flashing" or indecent exposure, and voyeurism or "Peeping Tom" behaviors. Victims of these actions are often traumatized. Perpetrators of these crimes often progress to more serious sexual assaults.

Oklahoma has some of the toughest laws in the nation on sexual battery. While normally a misdemeanor in other states, it is a felony in Oklahoma, punishable by up to 10 years in state prison.

Under Title 21, Section 1123 (b) of the Oklahoma Statutes, the definition of sexual battery is:

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person or when committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.

C. Any person convicted of a violation of subsection B of this section shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

Note:

A conviction of Sexual Battery will also result in the person being required to register as a sex offender with the Oklahoma Sex Offender Registry- and stay registered for the rest of their lives.

National facts:

- 96,122 women were either raped or victims of attempted rape in the United States in 1998. (1998 Uniform crime Report, Federal Bureau of Investigation)
- 25,390 males and 307,110 females over the age of 12 reported being raped in the U.S. (1998, National Bureau of Statistics)
- In the United States, 1.3 women are raped every minute. That results in 78 rapes each hour, 1,872 rapes each day, 56,160 rapes each month, and 683,280 rapes every year. (1992, National Victim Center)
- Teens ages 16 to 19 were three and one-half times more likely than the general population to be victims of rape, attempted rape or sexual assault. (National Crime Victimization Survey, 1996)

Key public health issues:

- Victims often are blamed for the assault perpetrated against them.
- A shortage of services for victims, particularly in SE Oklahoma,

Further discourages victims from reporting the crime or seeking assistance.

- The client records of sexual assault programs are not legally protected as privileged communication, and may be subpoenaed by the courts. This can be devastating to a victim.
- Very few rehabilitation programs exist for perpetrators, so those who are convicted may rape again after release from prison or probation.

EOSC has trained police officers and Campus Violence Prevention Professional, **Levenia Carey Ext: 757**, who are ready to assist victims of sexual assault and sexual battery 24 hours a day, 7 days a week.

Victims of Sexual Assault or Sexual Battery may call the EOSC Campus Police at 911 to report the crime. Officers will then take an initial report, secure any evidence, begin an investigation, and contact the Campus Violence Prevention Program.

Students, Faculty, and Staff should become familiar with the rules and regulations in their respective manuals concerning relationships, sexual harassment, and complaints.

This fact sheet is provided as a public service by the EOSC Campus Police Department.