

CALIFORNIA STATE UNIVERSITY, LOS ANGELES

---

# 2019 ANNUAL SECURITY REPORT

---



JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATISTICS ACT (20 U.S.C. § 1092(F))

**CLERY CRIME STATISTICS 2016-2018**

# TABLE OF CONTENTS

<b>MESSAGE FROM THE PRESIDENT</b>	1
<b>PREPARING THE ASR</b>	2
<b>CRIME STATISTICS</b>	3
HATE CRIMES	4
<b>REPORTING CRIMINAL ACTIONS &amp; EMERGENCIES</b>	5
TIMELY WARNINGS	7
VOLUNTARY CONFIDENTIAL REPORTING	8
<b>SECURITY OF AND ACCESS TO CAMPUS FACILITIES</b>	9
<b>LAW ENFORCEMENT AUTHORITY</b>	10
<b>SECURITY PROCEDURES AND PRACTICES</b>	11
<b>CRIME PREVENTION PROGRAMS</b>	12
<b>CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS</b>	13
<b>ALCOHOL AND DRUGS</b>	13
<b>SEXUAL VIOLENCE</b>	16
DEFINITIONS	17
PRIVILEGED AND CONFIDENTIAL REPORTS	23
EXCEPTIONS TO CONFIDENTIALITY	23
REPORTING OPTIONS	24
NON-REPORTING	27
CIVIL LAWSUIT	28
DISCIPLINARY PROCEDURE	30
APPEAL OF PRESIDENT'S SANCTION	36
<b>REGISTERED SEX OFFENDERS</b>	37
<b>EMERGENCY NOTIFICATION</b>	37
<b>MISSING STUDENT NOTIFICATION</b>	38
<b>FIRE SAFETY ACT</b>	39

# ANNUAL SECURITY REPORT

## MESSAGE FROM THE PRESIDENT



At Cal State LA the safety of our students, faculty, staff and visitors is our foremost concern. As part of our commitment to University safety, we publish the *Annual Security Report*.

This report contains information about incidents that occurred at or near the University. The report also includes information about crime reporting, crime prevention, victims' rights, public safety programs, medical services and counseling programs.

Each of us plays a key role in keeping our university safe. It is our responsibility to remain observant and report any activity, individual, or incident that poses a threat to public safety. To that end, I encourage you to read this report and learn how we all can help maintain a safe and welcoming environment at Cal State LA.

I am proud of our record, our dedication, and our commitment to continuous improvement.

Sincerely,

A handwritten signature in black ink that reads "William A. Covino". The signature is written in a cursive, flowing style.

William A. Covino

President, Cal State LA

###

*Cal State LA is a university dedicated to engagement, service, and the public good. Founded in 1947, the University serves more than 27,000 students and 240,000 distinguished alumni, who are as diverse as the city we serve. Located in the heart of Los Angeles, Cal State LA has long been recognized as an engine of economic and social mobility. Led by an award-winning faculty, the University offers nationally recognized programs in science, the arts, business, criminal justice, engineering, nursing, education and the humanities.*

*Cal State LA is home to the critically-acclaimed Luckman Fine Arts Complex, Pat Brown Institute for Public Affairs, Hertzberg-Davis Forensic Science Center, Hydrogen Research and Fueling Facility, Billie Jean King Sports Complex, TV, Film and Media Center and the Center for Engagement, Service, and the Public Good. For more information, visit [CalStateLA.edu](http://CalStateLA.edu), or like us at [Facebook.com/CalStateLA](https://www.facebook.com/CalStateLA).*

## PREPARING THE ANNUAL SECURITY REPORT (ASR)

This report is part of an ongoing effort to promote safety and security at Cal State Los Angeles (Cal State LA) and to comply with the Jeanne Clery Disclosure of Campus Security Policy, Fire Safety Report and Campus Crime Statistics Act, generally referred to as the Clery Act. This act requires all postsecondary institutions participating in the Higher Education Act of 1965 (HEA) Title IV student financial assistance programs to disclose safety and security related policy statements and crime statistics and distribute it to all current students and employees. In addition, the act requires schools to inform prospective students and employees about the availability of the report. At Cal State LA, the ASR is prepared by the Clery Director and University Police Department (UPD) in cooperation with key personnel from Student Conduct, Human Resources Management, Housing Services, Title IX Office, and Student Health Services, and may include other areas/offices with significant responsibility to student and campus activities.

The Clery Act requires each institution to:

- Collect, classify and count crime reports and crime statistics;
- Issue campus alerts;
- Publish an annual security report;
- Submit crime statistics to the U.S. Department of Education;
- Maintain a daily crime log;
- Disclose missing student notification procedures that pertain to students residing in student housing facilities;
- Disclose fire safety information related to student housing facilities;
- Maintain a fire log open to public inspection;
- Publish an annual fire safety report containing policy statements and fire statistics associated with each on-campus student housing facility; and
- Submit fire statistics to the U.S. Department of Education each fall.

In order to comply with the federal law, the UPD collects crime statistics from the previous three (3) calendar years concerning Clery Act reportable crimes that occurred at addresses affiliated with Cal State LA, as well as crime statistics for incidents that occurred on campus, non-campus property and on public property within and immediately adjacent to school-owned buildings and property. Crime statistics are compiled based on reported incidents to University Police, Campus Security Authorities (CSA) and local and state law enforcement agencies.

The UPD conducts outreach and establishes collaborative relationships with local and state law enforcement agencies to encourage statistical Clery reporting by those agencies. Local police agencies are provided the addresses of locations that are contiguous to, affiliated with, or adjacent to the property of Cal State LA. Locations include any building or property that is either owned or controlled by an officially recognized student organization.

The requirements for reporting crimes under the Clery Act are contained in the Handbook for Campus Safety and Security (2016) prepared by the U.S. Department of Education, which can be accessed at <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

## CRIME STATISTICS

CLERY CRIME STATISTICS 2016 - 2018					
OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Manslaughter by negligence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	4	3	0	0
	2017	1	0	1	0
	2018	6	4	0	0
Fondling	2016	3	0	0	0
	2017	2	1	0	0
	2018	2	0	1	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	1	0	0	0
	2018	1	0	0	0
Aggravated Assault	2016	3	0	0	0
	2017	2	2	0	0
	2018	1	1	0	0
Burglary	2016	9	3	0	0
	2017	7	4	0	0
	2018	8	1	0	0
Motor Vehicle Theft	2016	12	0	0	0
	2017	12	0	0	0
	2018	9	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	1	1	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2016	5	2	0	0
	2017	1	0	0	0
	2018	6	2	0	0
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	2	0	1	0
Stalking	2016	5	0	0	0
	2017	1	0	0	0
	2018	12	0	0	0
OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor law arrests	2016	1	0	0	0
	2017	2	0	0	0
	2018	0	0	0	0
Liquor law referrals	2016	240	239	0	0
	2017	101	101	0	0
	2018	168	168	0	0
Drug law arrests	2016	5	0	0	0
	2017	0	0	0	0
	2018	1	1	0	0
Drug law referrals	2016	196	194	0	0
	2017	157	154	0	0
	2018	64	64	0	0
Weapons law arrests	2016	2	0	0	0
	2017	3	1	0	0
	2018	2	0	0	0
Weapons law referrals	2016	1	0	0	0
	2017	1	0	0	0
	2018	0	0	0	0
OFFENSE	YEAR	Total			
Unfounded Crimes	2016	2			
	2017	1			
	2018	0			

## HATE CRIMES

2016-2018 – There were no reported hate crimes.

## **REPORTING CRIMINAL ACTIONS & EMERGENCIES**

### **REPORTING CRIMES OR EMERGENCIES ON CAMPUS**

The University encourages accurate and prompt reporting of all crimes to UPD or appropriate law enforcement agencies. Anyone who is the victim or witness to any crime or emergency situation, or who becomes aware of any safety issues on the campus is encouraged to promptly contact UPD which is available 24/7 to protect and render aid to the University community.

#### **TO REPORT A CRIMINAL, MEDICAL, OR FIRE EMERGENCY:**

- Call 9-1-1 immediately
  - From a campus phone, the call will connect to UPD.
  - From an off-campus phone, the caller will be routed to the law enforcement agency with jurisdiction over that location.
  - From a cellular phone, callers may be connected to the California Highway Patrol who will then bridge the connection to the appropriate law enforcement agency.
- Use Campus Emergency Phones ("Blue Light," non-dial outdoor phones): connects to University Police; located throughout campus, parking lots and structures.
- Call UPD: 323-343-3700; on-campus extension 3-3700.

#### **FIRE EMERGENCY-AFTER CALLING 9-1-1:**

- Sound any available fire alarms
  - Calmly take personal belongings and evacuate building using stairwell.
  - Check in with Building Evacuation Coordinators at designated Evacuation Assembly area.
  - If assistance is needed, go to the nearest stairwell; ask someone to notify emergency personnel of your location.

### **REPORTING OFFENSES TO OTHER CAL STATE LA OFFICES / CAMPUS SECURITY AUTHORITIES**

While the University encourages its campus community to report all criminal incidents to law enforcement, in some cases a victim may choose not to file a police report but may be inclined to report the incident to someone else at the University.

A CSA is defined as:

- (i) A campus police department or a campus security department of an institution.
- (ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- (iii) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

- (iv) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Individuals may be designated as CSAs if their official job responsibilities involve significant interaction with student and/or campus activities; serve as formal or unofficial mentors to students; serve as a member in an office or of a committee to whom students are instructed or informed to report or discuss crimes, allegations of crimes and other troubling situations; or have oversight for disciplinary procedures.

CSAs include, but are not limited to:

- Vice President for Student Life;
- Assistant Dean of Student Conduct, Deputy Title IX Coordinator;
- Equity and Diversity Specialist;
- Faculty Advisors for Student Organizations;
- Athletic Directors and Team Coaches;
- Housing Director(s) and Resident Assistants / Resident Directors;
- Associated Students, Inc., Officers and Representatives;
- Center for Student Involvement Directors and Coordinators; and,
- Director and Coordinators of the Cross Cultural Centers.

These University personnel will complete a Campus Security Authorities Crime & Incident Report Form and will encourage the crime victim(s) and/or witness(es) to report the incident to University Police. However, if a reporting person requests anonymity, the request will be honored to the extent permitted by law, and the Form will be completed without including any information that would personally identify the victim without his/her consent. Data collected will only be used to get a more accurate number of crimes on campus and will be used by UPD to promote crime awareness and enhance campus safety.



## TIMELY WARNINGS

The University will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to UPD or a designated campus security authority, occurred in a Clery defined geographical area, and a case by case analysis of pertinent facts known is completed and a determination is made an on-going or continuing threat to the community exists.

The Chief of Police is responsible for the decision to issue a timely warning (or a management designee in the absence of the Chief) and will confer with the Clery Director if one is designated by the campus and available, upon receiving a report of an incident reported to a CSA and/or UPD. The Chief of Police, with the Clery Director if one is appointed and is available, will complete a case by case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued.

If it is determined that all three factors are met, the Chief of Police (or management designee in the absence of the Chief) will determine the content of the timely warning bulletin, disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin:

- All employee and student e-mail distribution
- University website
- Public area video display monitors
- Hard copies posted on campus building entrance doors

For clarity to the community when a timely warning is issued it will titled "Timely Warning Crime Bulletin" and include the following:

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

## VOLUNTARY CONFIDENTIAL REPORTING

Pursuant to California Education Code section 67380(a)(6)(A), CSAs who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred in an on or non-campus location as defined by the Clery Act, may not disclose to UPD or local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

- I. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; **and**
- II. The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

While all campuses encourage members of their community to promptly report all crimes to UPD, campuses do have policies requiring confidential, exempt sources defined in the Clery Act (Professional and Pastoral Counselors) to report information disclosed to them of a crime in a confidential session. All confidential exempt sources are encouraged to provide victims of all options and support resources for reporting crimes on campus for administrative or criminal investigation and action.

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

### **ACCESS TO UNIVERSITY FACILITIES**

#### **Campus Buildings**

Campus facilities are maintained to ensure public safety. Many events held on campus are open to the public, including those at the bookstore, library, and food court. Access to academic and administrative facilities on campus is generally limited to students, employees, and visitors for the purpose of study, work, teaching, and other University business.

#### **Student Housing**

It is a violation of University policy to gain unauthorized entry, make unauthorized use of, or misuse any University property. Entering a housing apartment or bedroom to which a student has not been assigned, and without permission, constitutes trespassing. Public areas located in all community centers or common areas within the apartment are for the use of the licensees and their guests only. No one may sleep overnight in housing public areas. The Housing Services Office must approve organized functions in public areas in advance.

### **BUILDING SECURITY CHECKS**

#### **Campus Buildings**

UPD operates a student based program, Eagle Patrol, which is responsible for conducting building security checks and securing the majority of the campus buildings during the evening hours. These buildings are secured starting at 10 p.m., Monday thru Thursday, and 5 p.m. on Fridays and Saturdays. These buildings are closed Sundays except where access authorization has been established in advance. The exception to these closures is the Open Access Lab (OAL), a 24 hour/7 day a week computer lab located in Salazar Hall room 191 that opened fall 2014.

#### **Student Housing**

It is the responsibility of each student housing resident of the apartment to ensure that his/her bedroom door and windows are locked and secured when they are not present or when they are sleeping. Furthermore, it is the responsibility of all residents to ensure that the sliding glass doors, front door and windows in the common area spaces are locked and secured prior to leaving the apartment or while sleeping. Apartment doors are not to be left unlocked to accommodate residents who lose keys, do not carry keys, or to allow access to individuals who are not residents thereof. For reasons of security, no public area exit door is to be propped open at any time or left unlocked after scheduled building operating hours. Eagle Patrol or a Police Officer will conduct routine checks of the housing facility.

## **LAW ENFORCEMENT AUTHORITY**

University Police are vested with the same peace officer powers of arrest and responsibilities as other police officers with the State of California. Their authority is granted through the California Education and Penal Codes. Their Primary jurisdiction is all property owned or controlled by the University, including adjacent public streets and property within a one-mile radius of the campus.

All offenses committed on the Cal State LA campus are investigated by UPD with the exception of the following crimes: homicides; crimes involving great bodily injury likely to result in death (as determined by UPD); crimes that require the response of specialized resources (as determined by UPD); and, other major crimes, upon the request of UPD. These crimes will be investigated by the Los Angeles Police Department, as per a Memorandum of Agreement (MOA). Other exceptions will exist where operational necessity requires that the Los Angeles Police Department conduct the preliminary and follow-up investigation, those exceptions will be determined by mutual agreement. UPD will assist the Los Angeles Police Department by responding to calls for service generated from within one mile of University property for crimes in progress and will take immediate, appropriate action to terminate the crime and/or attempt to apprehend the suspect(s) when the police resources are available on the campus, the Los Angeles Police Department will remain responsible to handle calls for service within the boundaries of the City of Los Angeles off of the University property.

### **WORKING RELATIONSHIP WITH OTHER LAW ENFORCEMENT AGENCIES**

In cases involving on-campus and off-campus jurisdictions, or when the resources of another agency can be used to facilitate the resolution of an investigation, the UPD cooperates fully with federal, state and local law enforcement agencies. UPD maintains a close working relationship with law enforcement agencies in the surrounding community, including Alhambra, Los Angeles, and Monterey Park Police Departments, as well as the L.A. County Sheriff's Department and the California Highway Patrol. In addition, the UPD communicates with these agencies, through various means, including Mutual-Aid meetings and email communication, regarding situations that may warrant an emergency response by UPD.

### **ACCURATE AND PROMPT REPORTING OF ALL CRIMES**

The University encourages accurate and prompt reporting of all crimes to UPD and/or the appropriate law enforcement agencies to include when the victim elects to or is unable to make a report.

All reported incidents will be investigated by UPD in order to make an assessment of the threat potential that will in turn dictate the need and manner of issuance of a Timely Warning-Crime alert notification. Prompt reporting also allows for the collection of criminal statistics for inclusion in this report.

## SECURITY PROCEDURES AND PRACTICES

### **CAMPUS WATCH PROGRAM (CWP)**

This campus-based, proactive policing program is provided by UPD to develop and enhance its public outreach efforts and to merge its police services with community programs to strengthen community partnerships. It emphasizes fire/life safety, security screening and review, and crime prevention. One or more buildings are assigned to the sergeants, who contact building coordinators twice a month and serve as that area's primary police contact.

### **EAGLE PATROL—ESCORT SERVICE**

The UPD student-based program offers a personal escort service for students, faculty, staff and visitors, 24 hours a day, 7 days a week. We look forward to providing this service to you. Please call 323-343-3700 for more information.

### **EMERGENCY MESSAGES**

When messages are received that are considered critical in nature, UPD personnel will attempt to notify the involved parties. Requests for this service are limited to "extreme emergencies."

*Tip: Always provide your family, spouse, or significant other with a copy of your class schedule to help locate you in the event of an emergency.*

### **FIRST AID**

University police officers are available 7-days a week, 24-hours a day, to respond to any emergency health problem. For assistance with an emergency health problem, dial 9-1-1 or use emergency phones located throughout the campus.

*Tip: Be sure to carry identification with you at all times in addition to wearing any medical alert bracelet you may require.*

### **LIGHTING AND EMERGENCY TELEPHONE SURVEYS**

Surveys are conducted monthly by the UPD to ensure that equipment is in working order. If equipment is found to be non-operational, a repair request is given to the responsible department. The University makes every effort to promote safety. Particular attention is paid to the design of landscaping, grounds keeping and exterior lighting. Facilities Services and Environmental Health and Safety Office also conduct regular safety inspections.

### **EMERGENCY PREPAREDNESS AND EVACUATION INFORMATION**

Each year Cal State LA conducts campuswide emergency preparedness and evacuation drills, including a test of our emergency notification system, to enhance emergency preparedness for the entire campus

community. The Cal State LA Emergency Preparedness program is responsible for ensuring the Cal State LA campus and community are prepared to respond to, and recover from, any emergency or disaster. The program consists of the following components:

- The Multihazard Emergency Plan (EOP)
- The Business Continuity Plan (BCP)
- The Pandemic Business Continuity Plan (PBCP)
- The Emergency Action Plan (EAP)
- The Emergency Operations Center (EOC)
- The Cal State LA CERT Team
- Emergency Preparedness & Response Equipment and Supplies
- Emergency Preparedness & Response Training, Drills, and Exercises

This information will be publicized annually to the campus in conjunction with the annual Great California ShakeOut emergency preparedness and evacuation drill.

If building alarms are activated, or when police order a building evacuated, take your valuables and walk quickly to the nearest marked exit and proceed to the pre-designated assembly area for the building. A list of building evacuation assembly areas as well as the emergency preparedness and evacuation drill program components listed above can be found online by visiting the Cal State LA Emergency Preparedness webpage, which can be accessed at <http://www.calstatela.edu/ehs/emergency-preparedness>.

## **CRIME PREVENTION PROGRAMS**

### **CRIME PREVENTION PROGRAMS**

The UPD offers programs and services to the entire campus community that can help you reduce the risk of becoming victimized. UPD personnel facilitate programs for students and employees, parents, faculty, new employees, student organizations, and community organizations.

Contact the Crime Prevention Office at 323-343-6290 for more information.

### **RAPE AGGRESSION DEFENSE SYSTEMS (R.A.D.)**

UPD offers R.A.D., a safety education program that consists of realistic self-defense tactics and techniques that can help reduce your chances of being victimized. This comprehensive, women-only course begins with awareness, prevention, risk reduction and avoidance, while progressing onto the basics of hand-on defense training. The R.A.D. self-defense training program is taught by certified instructors and is offered several times throughout the year. For more information, contact Jonathan Avalos, Crime Prevention Coordinator, at 323-343-6290.

## **OPERATION IDENTIFICATION**

Also known as Operation ID, this program involves the engraving of personal property with your state identification number. By engraving your property, you will not only discourage burglary and theft, but will also aid law enforcement in returning lost or stolen property that it recovers.

*Tip: Come by the Department of Public Safety and borrow an engraver free of charge.*

## **CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS**

Cal State LA student organizations that are registered and recognized by the Division of Student Life via the Office of the Dean of Students and the Center for Student Involvement are required to comply with all appropriate federal, state and local laws and ordinances as well as all California State University (CSU) Executive Orders, and University policies and procedures, which include the University Student Code of Conduct (Article 1.1, Title 5, California Code of Regulations, Section 41301, et. Seq.). The University Student Code of Conduct is published quarterly in the Schedules of Classes, included in the Student Organization Handbook which is available on the Student Life website and published as Appendix D in the Cal State LA General Catalog.

The Center for Student Involvement maintains contact with recognized fraternity and sorority organizations. Additionally, all student organization events (Inclusive of events held at residences of fraternity and sorority organizations) are expected to be registered with the Center for Student

Involvement at least ten days prior to the event date. UPD does not provide law enforcement service to off-campus residences of recognized fraternity and sorority organizations. Criminal Events held at off campus sites and recognized fraternity and sorority residences are monitored and recorded by the Los Angeles Police Department and the Alhambra Police Department as appropriate. Crimes at off-campus addresses are reflected in the Non-Campus Buildings category in this report. The UPD enjoys a close working relationship with the Los Angeles Police Department and the Alhambra Police Department when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns. Additionally, the Cal State LA Police actively collaborate with the Dean of Students, Student Conduct, and Center for Student Involvement to address possible violations of CSU Executive Orders and/or Student Conduct Code violations at residences of recognized student organizations.

## **ALCOHOL AND DRUGS**

### **POLICY ON ALCOHOL AND ILLEGAL DRUGS**

In accordance with the Drug-Free Workplace Act of 1990 and Section 120a of the Higher Education Act, Cal State LA provides the following notification to all its students, faculty members, staff members and administrators:

## **STANDARDS OF CONDUCT**

University standards prohibit the unlawful possession, manufacture, cultivation, use, or distribution of illegal drugs (as those terms are defined by State and Federal laws) on campus property. The University also prohibits the illegal possession, distribution and consumption of alcoholic beverages.

### **ILLEGAL DRUGS**

Federal and State laws on drug abuse provide for stringent penalties for illegal possession, manufacture, cultivation, sale, transportation, use of/administration of any narcotic drug; more stringent penalties for those convicted of previous narcotics offenses than for first offenders; and extremely stringent penalties for those who in any way involve minors in the use of narcotics. A person is subject to prosecution if he or she illegally uses or is under the influence of narcotics, or knowingly visits a place where illegal narcotic use is occurring.

Marijuana and other illegal organic substances are covered by similar laws, and there is an additional violation against cultivation or processing of these drugs in this state. The barbiturates (e.g. yellow jackets, red devils) and amphetamines (e.g. bennies, dexies, etc.) - called restricted dangerous drugs in the California Narcotic Act—are similarly covered; penalties for those convicted of illegal possession, manufacture, cultivation, sale, transportation, use or administration of these drugs are severe. In 1966, LSD and related hallucinogenic drugs were added to the list of restricted dangerous drugs, and their use for other than authorized research was prohibited by California law.

### **Alcohol**

The University's policy with respect to alcohol follows the laws of the State of California and the City of Los Angeles. All persons, regardless of age, or status are governed by these laws and regulations. State and city laws, prohibit (1) the purchase or sale to, possession of, or consumption of alcoholic beverages by anyone under 21; (2) the serving of alcohol to an already intoxicated person; and (3) the manufacture, use of provision of a false state identification card, driver's license, or certificate of birth or baptism. If convicted for violating these laws, punishment—up to and including jail sentence—may result.

### **Health Risk**

The serious health risks of various illegal drugs and alcohol are well-documented. Use of illegal drugs or excessive use of alcohol can damage the following:

- Physiological processes including functioning of the brain, digestive tract, liver, heart, and lungs.
- Psychological and mental processes including memory, judgment, personality, reproduction capability and fetal development (and may induce psychotic episodes).

Many thousands of deaths each year are either directly or indirectly attributed to substance abuse through accidents, illnesses, and violence. Brochures describing the specific health effects of various illegal drugs and of alcohol are available in the Student Health Center (Health Center) and in Residence Life.



## **COUNSELING AND MEDICAL ASSISTANCE**

The University's interest in the educational welfare of its students and staff is demonstrated through primary concern for remedial measures. The University makes available the full counseling and medical resources to assist students and staff in constructively confronting problems leading to involvement with drugs or alcohol.

Every student or staff member concerned about problems resulting from the use of illegal drugs or alcohol is encouraged to seek help from the Health Center at (323) 343-3302; staff members should contact the Employee Assistance Program (LifeMatters) at (800) 367-7474. The Health Center will treat such voluntary calls for students confidentially and not subject them to disciplinary action. The Health Center also maintains a complete listing of referral resources in the community that can provide students with specific assistance once an assessment has been made by a physician or counselor.

## **DISCIPLINARY SANCTIONS**

**Illegal Drugs:** State law (Section 41301, of Title 5, California Code of regulations) allows the University to take disciplinary action, up to and including suspension or expulsion, against any student or staff who sells or knowingly possesses any illegal drug while on campus property. University action may be taken whether or not independent action is taken by civil authorities. Conviction in a criminal court does not necessarily preclude University disciplinary action up to and including suspension or expulsion.

**Alcohol:** University Administrative Procedure 19, Use of Alcoholic Beverages on Campus, explains the restrictions beyond City and State laws that govern the possession and use of alcohol on campus. Alcoholic beverages may only be sold at approved catered events. Also, when a recognized student club sponsors an on campus event, attendance is limited to members of that club and their guests. Organizations violating this policy may be subject to administrative action ranging from probation to removal of official recognition. Individuals who violate University Administrative Procedure 19 are subject to disciplinary action up to and including suspension or expulsion.

The use of alcoholic beverages must be in compliance with California State law and is strictly limited to persons 21 years of age or older.

## **DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMS REQUIRED BY THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSC ACT)**

Both mandatory and optional supplemental (in relation to EDGAR Part 86 core requirements) programming was conducted during the reporting period. Programs targeted new students, fraternities and sororities, student athletes, housing residents, student organization members, students enrolled in specific courses, the general student population, and employees. Activities ranged from passive programming (e.g., MADD crashed car display) and information fairs, to workshops and guest lectures, to the provision of online information and resources. Programs were conducted by the Center for Student Involvement (University-Student Union), Health Promotion and Education Center (Student Health Center), Housing and Residence Life, Intercollegiate Athletics, Student Conduct, and University Police. Collectively, responding units referred students in need to 12-step programs, Student Conduct, the Student Health Center, alcohol and drug hotlines, online resources, and community intervention and treatment programs.

Collectively, education and training activities addressed alcohol, cannabis, tobacco and nicotine, over-the-counter and prescription medications, and illicit drug use. These sessions incorporated: current federal and state legislation; CSU and campus policies; assessing risk; at-risk use; attitudes, myths and misperceptions; conduct expectations; campus disciplinary sanctions and legal consequences; health risks; healthy alternatives to substance use; legal consequences associated with criminal activity; on-campus and community prevention and intervention resources; promotion and support of 'Good Samaritan' behavior/bystander intervention; and substance facts.

## SEXUAL VIOLENCE

The California State University does not discriminate on the basis of sex, gender, including gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), and protect all people regardless of their gender from Sex Discrimination, including Sexual Harassment, Sexual Misconduct, including Sexual Assault, Dating or Domestic Violence, and Stalking.

The University seeks to provide an education environment in which students, faculty, and staff work together in an atmosphere free of Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence and Stalking. Every member of the University community shall be aware that Sexual Misconduct, and/or acts of violence with a sexual nature directed toward another person will not be tolerated and are prohibited by federal and state law and University policy. As members of the University community, students shall comply with University policies and guidelines in addition to federal, state, and local laws whether on or off campus. The University will discipline persons identified as responsible for Sexual Misconduct, Dating or Domestic Violence, or Stalking as described in this report and University policy.

In an ongoing effort to prevent Sexual Misconduct, Dating Violence, Domestic Violence and Stalking, the University provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course loads, campus housing changes, work assignment assistance, stay away orders, leaves of absence, and more. The University also provides information to victims on pursuing criminal action and obtaining protective orders if needed. University officials who are responsible for investigating and/or adjudicating cases of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking receive annual training for compliance with federal, state and CSU system regulations.

The University is committed to empowering victims of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking by providing ample supportive services, and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, University personnel will assist the victim in notifying the appropriate law enforcement authorities.

---

## PREVENTION, EDUCATION, AND AWARENESS

The Office for Equity, Diversity and Inclusion (OEDI)/Title IX Coordinator has and continues to implement a prevention and awareness campaign for students and employees to stop domestic violence, dating violence, stalking, rape, and related sexual misconduct and hate crimes. The campaign includes interactive presentations and discussions, mandatory participation in online training for all students, hosting events during Sexual Assault Awareness month in April, tabling at campus events, distributing written materials and brochures on relevant issues, annual notifications of nondiscrimination and harassment and posters with information for resources located around campus among other activities.

In an effort to publicize the work that the OEDI does for the University community and to shed light on the problems associated with sexual assault, the OEDI hosted the first ever Office for Equity, Diversity and Inclusion symposium on campus entitled, Missing Memories: The Effect Sexual Assault Has on the Mind. The purpose of the symposium was to provide the campus community with an in-depth look into the minds of those affected by sexual assault and to spread awareness and understanding of the impact that trauma has on memory. The OEDI had over 150 attendees, heard from three panels with a total of nine speakers that included therapists, lawyers and law enforcement officials. There was a resource fair so that attendees could gather information about local organizations that could assist with various services. There was also a meditation exercise to help attendees clear their minds and a live band to lighten the mood. Overall, the campus community learned about the damaging effects of trauma and was made aware—in a different forum—that the OEDI exists to assist them.

The OEDI/Title IX Coordinator presentations include an analysis of the scope of the problems, consent, intoxication versus incapacitation, statistics and awareness, retaliation, information about rape culture, risk reduction and bystander intervention, detailed descriptions of the rights and options for victims, confidential resources, confidentiality related options and obligations, applicable policies and procedures, investigation process, right to have others present during proceedings, standard of evidence, interim and protective measures, accommodations and potential sanctions among other topics.

The OEDI periodically trains students including incoming freshman, transfer students, international students, student employees, student resident assistants and high school students participating in summer programs. Specifically, student athletes and students participating in student organizations such as sororities, fraternities, student government and clubs receive a longer and more interactive presentation. Faculty and employees receive online annual training, information and training from advocates and the Title IX Coordinator. Athletic coaches and personnel, department chairs, residential housing personnel, public safety and all managerial and staff personnel receive an in-depth interactive program on an annual basis. The OEDI/Title IX Coordinator also presents training annually at new faculty orientation and monthly at new employee orientations.

For information regarding these programs, contact the OEDI/Title IX Coordinator in person in room 606 of the Administration building or by telephone at 323-343-3040.

#### DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

#### SEX DISCRIMINATION

An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV;

VAWA/Campus SaVE Act; California Education Code § 66250 et seq.; and/or California Government Code § 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of Sex Discrimination.

## SEXUAL HARASSMENT

A form of Sex Discrimination, unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual advances, requests for sexual favors, offering benefits or giving preferential treatment in exchange for sexual favors and any other conduct of a sexual nature where:

- a. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a person's employment terms or conditions, academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
- b. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting their ability to participate in or benefit from the services, activities or opportunities offered by the University; or
- c. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

---

<sup>1</sup> As mandated by the Clery Act's Violence Against Women Act (VAWA)/Campus SaVE Act, these policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the next section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Handbook.

---

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom or work environment that are unrelated to the coursework or employment.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

The University's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to University policy.

## SEXUAL MISCONDUCT

All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

## SEXUAL ASSAULT

A form of Sexual Misconduct, an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

## SEXUAL BATTERY

A form of Sexual Misconduct, any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex, as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

## RAPE

A form of Sexual Misconduct, non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because they are incapacitated from alcohol and/or drugs, are under 18 years old, or if a mental disorder or developmental or physical disability renders a person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Consent below.)

## ACQUAINTANCE RAPE

A form of Sexual Misconduct committed by an individual known to the victim. This includes a person the

victim may have just met or; i.e., at a party, introduced through a friend, or a social networking website.

## AFFIRMATIVE CONSENT

An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion. Force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;

- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

## DOMESTIC VIOLENCE

Abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated person living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and/or (6) the length of the relationship. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension imminent serious bodily injury to themselves or others. Abuse does not include non-physical, emotional distress or injury.

## DATING VIOLENCE

Abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves or others. Abuse does not include non-physical, emotional distress or injury.

## STALKING

Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for their own or others' safety, or to suffer Substantial Emotional Distress. For purposes of this definition:

- Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the complainant;
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- Protected Status includes Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

## **PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT**

### **Call 9-1-1 in any kind of emergency, or when facing immediate harm or threat of harm.**

Persons who have experienced Sexual Misconduct, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. University police can also provide access to a Sexual Assault Victim Advocate. Victims who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

Victims have the right to decide who and when to tell about Sexual Misconduct, Dating and Domestic Violence, and Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

The University's primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. Except in extreme circumstances, University students or employees who are victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline.

The University encourages victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to talk to someone about what happened – so they can get the support they need, and so the University can respond appropriately. Whether – and the extent to which – a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee's position and responsibilities at the University. The following information is intended to make everyone aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn for help. The University strongly encourages victims to talk to someone identified in one or more of these groups.

Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a "privileged communication." University law enforcement employees may maintain the victim's identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the University can take immediate action to protect the victim, and take steps to correct and eliminate the misconduct.

University Police, the Title IX Coordinator, University-employed physicians, professional counselors, licensed clinical social workers, sexual assault and domestic violence counselors and advocates, and certain other University employees are required to explain to victims their rights and options with respect to confidentiality.



## PRIVILEGED AND CONFIDENTIAL REPORTS

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision may not report any information about an incident of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University Police. If a victim insists on confidentiality, the University will likely not be able to fully assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested. Treating physicians, psychotherapists, professional counselors, and clergy will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

## EXCEPTIONS TO CONFIDENTIALITY

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic Violence, and Dating Violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under

California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

## REPORTING OPTIONS

Victims have several reporting options including those with confidentiality, and may pursue one or all of these options at any time. Victims have a right to have a friend, family member, sexual assault victim advocate, or other representative present while reporting the incident. They also have the right to have a sexual assault victim advocate and support person of their choice present with them during a rape examination. The campus Title IX Coordinator can assist in notifying the police. Victims may also take any of the actions below.

---

### CRIMINAL

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct, Dating and Domestic Violence, or Stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

### REPORTING TO THE POLICE

---

As soon after the incident as possible, victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking may be reported to the University Police Department by dialing 911. The University Police will support all victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

If a victim reports to a local police agency or the University Police about Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

In cases of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (S.A.R.T.) medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a S.A.R.T. exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for S.A.R.T. exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that they change their mind and wishes to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim's consent, the confidential advocate will assess the victim's immediate needs and provide support and referral as appropriate. This confidential assistance may include: counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.

## REPORTING TO A CSA

---

Any member of the University community may report incidents of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking to any Campus Security Authority (CSAs). These University personnel will assist the victim in notifying the appropriate law enforcement agency if the victim requests the assistance of law enforcement. In addition, most campus employees including CSAs are required to report incidents of Sexual Misconduct, Dating Violence, Dating Violence and Stalking to the Title IX Coordinator. Title IX Coordinator reporting responsibilities are described in detail below.

*NOTE: If the University determines that the perpetrator poses a serious and immediate threat to the campus community, under the Clery Act the campus may be required to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.*

---

## ADMINISTRATIVE

Victims may report to the campus Title IX Coordinator, who will provide written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident.

The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed above.

## REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

---

Many resources and options are available on and off campus including confidential and privileged communication options. The University has designated a Title IX Coordinator as the primary point of contact to provide victims with assistance and support, and to monitor and oversee overall compliance with laws and policies related to Sexual Misconduct, Dating and Domestic Violence, and Stalking. The campus Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the University's relevant complaint process, and rights to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

Most University employees have a duty to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another University employee that their identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the

facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response to the incident. The Title IX Coordinator will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The University and Title IX Coordinator will also:

- Provide interim remedies requested by the victim, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide security and support, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules (including for the perpetrator pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform victims of their right to report a crime to University or local police – and provide victims with assistance if desired.

The University will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The University will not generally notify parents or legal guardians of a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the University with written permission to do so.

Under California law, and pursuant to University policy, many University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the University is under a continuing legal obligation to address the issue of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking campus-wide, reports (including non-identifying reports) may also require the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident(s) occurred; increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

## NON-REPORTING

Victims are strongly encouraged to report any incident of Sexual Misconduct, Dating and Domestic

Violence, or Stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

## CIVIL LAWSUIT

Victims may choose to file a civil lawsuit against the perpetrator, whether or not criminal charges have been filed. A civil lawsuit provides the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress.

---

## RESTRAINING ORDERS

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order.

---

## DISCIPLINARY PROCEDURES

The University has procedures that provide for an administrative investigation of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking and written findings based on the preponderance of the evidence standard. In cases of Sexual Misconduct when: (1) the respondent is a student; (2) the credibility of a witness is an issue; and (3) there is the potential for the imposition of a severe sanction, the procedures provide for a hearing after an investigation. After the investigation (or hearing, if applicable), written findings based on the preponderance of the evidence standard will be provided to the complainant and respondent. Both the complainant and respondent may appeal written findings from the final investigation report or the hearing. All appeals are submitted to the CSU Chancellor's Office. The procedure for complainants filed by and against CSU employees and third parties is separate from but similar to the procedure for CSU students.

When a student or employee reports to the University that the student or employee has been a victim of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking, the University will provide the student or employee a written explanation of their rights and options.

The investigation and hearing process (when applicable) from initial complaint to final result shall be prompt, fair, and impartial. An investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information.

Before reaching a final conclusion or issuing a final investigation report, the investigator shall have: a) advised the Parties, or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based; and b) given the Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could affect the outcome. The investigator will not reach a final conclusion or issue an investigation report until after careful consideration has been given to any such relevant evidence, information or arguments provided by the Parties. The investigator retains

discretion and authority to determine relevance.

After review of evidence by the parties, the investigator will prepare a final investigation report. The report shall include a summary of the allegations, the investigation process, the preponderance of the evidence standard, a detailed description of the evidence considered and appropriate findings. Within 10 days of issuance of the final investigation report, the Title IX Coordinator shall notify the Complainant and the Respondent in writing of the outcome of the investigation.

After the investigation has been concluded, in Sexual Misconduct cases that require a hearing, the parties will receive an investigation report that will (a) describe the allegations; (b) identify the material facts – undisputed and disputed – with explanations as to why any material fact is disputed; and (c) describe the evidence presented and considered. At this stage in the process, the parties will be offered an opportunity to informally resolve the complaint.

If the parties are unable to informally resolve the matter, a hearing will be scheduled. The hearing will be conducted by an independent Hearing Officer who will listen to the witnesses and analyze the evidence presented. The Hearing Officer will ask questions of the parties as well as other witnesses with percipient knowledge of the facts in dispute, and will make findings of fact and a decision about whether CSU policy was violated by a preponderance of the evidence. Although the parties themselves will not ask questions, they may propose questions for the Hearing Officer to ask of the other party and witnesses.

At the conclusion of the University's complaint and investigation procedure (including hearing), any employee or student found to have violated University policy against Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will be subject to discipline. For employees, discipline would be administered consistent with applicable collective bargaining agreements, University policies and legal requirements. For students, discipline would be administered in accordance with CSU Executive Order 1098 (discussed below). Victims are not required to participate in any University disciplinary and may choose not to be a part of it. Disciplinary procedures will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects the of victims and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Simultaneously inform the complainant and respondent in writing of:
  - The outcome of the disciplinary proceeding;
  - The University's procedures to appeal the results of the disciplinary proceeding;
  - Any change to the disciplinary results that occurs prior to the time such results become final; and
  - When disciplinary results become final.

---

## COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual

Misconduct, including Rape and Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Regardless of whether an employee, a student or a third party ultimately files a complaint under the applicable complaint procedure, if the University knows or has reason to know about possible Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, it must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The University must then take appropriate steps to eliminate the Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

#### COMPLAINTS MADE BY STUDENTS

---

Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <http://www.calstate.edu/eo/EO-1097-rev-3-29-19.pdf>

#### COMPLAINTS MADE BY EMPLOYEES, FORMER EMPLOYEES, THIRD PARTIES, AND APPLICANTS FOR EMPLOYMENT

---

Executive Order 1096, entitled "Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <http://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf>

#### COMPLAINTS MADE BY STUDENT-EMPLOYEES

---

Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <http://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf>

#### DISCIPLINARY PROCEDURE



The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097.)

With respect to cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, a hearing will be conducted after an investigation and a review by the parties of the evidence gathered during the investigation. Generally, within 10 working days of the close of the hearing, the Hearing Officer will make findings of fact and conclusions about whether a violation of CSU policy has occurred. The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence.

The Title IX Coordinator will review the Hearing Officer's Report to ensure compliance with CSU policy. The Hearing Officer's Report shall be promptly transmitted to the Parties, the Title IX Coordinator, and the Student Conduct Administrator.

With respect to Executive Order 1096 and all other matters falling under Executive Order 1097 that do not meet the criteria articulated above, the Title IX Coordinator investigates those complaints or assigns an investigator. The investigator prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

Where a complaint is made against a student and the applicable Executive Order is found to have been violated, the Title IX Coordinator shall also notify the Student Conduct Administrator of the investigation outcome and provide a copy of the investigation report.

Where a complaint is made against an employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation reports. Sanctions are imposed in accordance with current collective bargaining agreement, when applicable, and may include:

- verbal reprimand
- written reprimand,
- reduction in salary
- temporary or permanent demotion
- paid or unpaid administrative leave
- suspension
- denial or curtailment of emeritus status
- mandated education or training
- change in work location
- restrictions from all or portions of campus
- restrictions to scope of work
- dismissal

Unless the Chancellor's Office notifies the campus that an appeal has been filed, investigative findings pursuant to Executive Orders 1096 or 1097 become final 11 working days after the date of the Notice of Investigation Outcome issued pursuant to those Executive Orders. If an appeal is filed, the investigative findings do not become final until the appeal has been exhausted.

---

#### APPEAL OF FINDING IN INVESTIGATION OUTCOME

Any complainant or respondent who is not satisfied with a campus investigation outcome may file an appeal with the Chancellor's Office (CO) within 10 working days after the date of the Notice of Investigation Outcome. The appeal is limited to one or more of the following issues: 1. The investigation outcome is unsupported by the evidence, based on the preponderance of the evidence standard; 2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with the relevant Executive Order; or 3. New evidence not available at the time of the investigation. The CO shall respond within 30 working days. The CO appeal response is final.

---

#### STUDENT CONDUCT DISCIPLINE PROCEEDINGS

In cases where there is no hearing and the investigative report finds a violation of Executive Order 1096 or 1097, or where the finding of a violation has been sustained after an appeal, the report is referred to the Student Conduct Administrator to initiate student conduct proceedings. The Student Conduct Administrator will offer to conduct pre-hearing conferences separately with the complainant and respondent to review information concerning the charges, interim remedies, proposed sanctions or range of sanctions, the nature of further proceedings, and possible disposition without sanction hearing.

The Student Conduct Administrator shall, in consultation with and agreement from the Title IX Coordinator, determine which cases are appropriate for disposition without a sanction hearing, taking into consideration the investigation report and any additional information provided during any conferences. If a proposed resolution agreement can be reached, the terms shall be put in writing and signed by both the student charged and the University (after the student has had a reasonable opportunity to consult with an advisor). Any proposed resolution may be appealed by the complainant and is not final until any such appeal is exhausted.

If not resolved, the Student Conduct Administrator will issue a Notice of Hearing and shall schedule the hearing promptly, but in any event no sooner than 10 working days after, and no later than 20 working days after, the date of the Notice of Hearing. The findings and conclusions of the investigations conducted in accordance with Executive Orders 1096 and 1097, once any appeals are exhausted, are final and binding. The hearing is limited to determining appropriate sanctions; the findings of the investigation are not under review.

The Hearing Officer controls the hearing. The Student Conduct Administrator and the student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the Hearing Officer deems appropriate. The Hearing Officer may ask questions of any witness, the student charged, the complainant, Student Conduct Administrator, or the Title IX Coordinator.

Questions may not be posed to complainants about their past sexual behaviors involving any persons other than the student charged. The Hearing Officer shall ask any questions of the complainant and other

witnesses on behalf of the student charged (who shall give the Hearing Officer a written list of questions).

The investigation report and any Chancellor's Office Appeal Response prepared pursuant to Executive Orders 1096 or 1097 shall be entered into evidence at the hearing, redacted as appropriate to protect private (e.g. contact) information or as otherwise required by law. If the student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed.

The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any recommendations regarding additional remedies. The report shall include any mitigating or aggravating factors relied upon by the Hearing Officer in reaching the recommendations. The report shall be submitted within 10 working days after the hearing.

#### DISCIPLINE PROCEEDINGS FOR STUDENT MISCONDUCT CASES

In cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, if a violation is found, within **5 Working Days** of receiving the finding the Parties may submit to the Hearing Coordinator an impact statement regarding discipline. The Student Conduct Administrator and/or Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors for the Hearing Officer to consider.

After reviewing submitted information from the parties and the Title IX Coordinator and Student Conduct Administrator, the Hearing Officer will make a sanction recommendation. The sanction recommendation will be submitted to the president (or designee), including recommended sanctions (as defined in EO 1098). The Hearing Officer's Report will attach the Investigation Report and will include:

- a) the factual allegations and alleged policy violations;
- b) the Preponderance of the Evidence standard;
- c) the evidence considered including an analysis of the credibility of the Parties and witnesses, when credibility assessments are required to resolve factual disputes;
- d) any material evidence identified by the Parties or witnesses that the Hearing Officer determined was not relevant (or duplicative) and the reason why the evidence was not considered to be relevant;
- e) a list of all questions proposed by the Parties at the hearing, and if any questions were not asked, why;
- f) a summary of the procedural issues raised by the Parties before or during the hearing;
- g) the factual findings and the evidence on which the factual findings are based;
- h) to the extent that the factual findings required a determination concerning of the relative credibility or lack of credibility of the Parties or witnesses, an explanation as to how that determination was reached; and
- i) a determination of whether the Executive Order was violated and an analysis of the basis for that determination.

## PRESIDENT'S SANCTION DECISION/NOTIFICATION

---

The president (or designee) shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction. The president/designee's decision letter shall be issued within 10 working days after receipt of the Hearing Officer's report. The president/designee shall simultaneously send the decision electronically to the student charged and complainant(s).

The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a sanction other than what is recommended by the Hearing Officer, the president must set forth the reasons in the Decision Letter.

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant at the University-assigned or other primary e-mail address linked to their University accounts. The decision will also be sent to the Student Conduct Administrator and the Hearing Officer.

Unless the Chancellor's Office notifies the campus that an appeal has been filed, the President's sanction decision becomes final 11 working days after the date of the decision letter.

## STUDENT SANCTIONS

---

The following sanctions may be imposed for violation of the Student Conduct Code:

### 1. RESTITUTION

Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

### 2. LOSS OF FINANCIAL AID

Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.

### 3. EDUCATIONAL AND REMEDIAL SANCTIONS

Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities misconduct or as deemed appropriate based upon the nature of the violation.

### 4. DENIAL OF ACCESS TO CAMPUS OR PERSONS

A designated period of time during which the student is not permitted: (i) on University Property or specified areas of campus; or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

### 5. DISCIPLINARY PROBATION

A designated period of time during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current

student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.

## 6. SUSPENSION

Temporary separation of the student from active student status or student status.

- a. A student who is suspended for less than one academic year shall be placed on inactive student (or equivalent) status (subject to individual campus policies) and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
- b. A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
- c. Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.

## 7. EXPULSION

Permanent separation of the student from student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

---

<sup>2</sup> A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while admission or re-admission has been disqualified.

---

### **MORE THAN ONE SANCTION MAY BE IMPOSED FOR A SINGLE VIOLATION**

#### OTHER CONSIDERATIONS RELATED TO SANCTIONS

---

##### 1. ADMINISTRATIVE HOLD AND WITHOLDING A DEGREE

The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed.

##### 2. RECORD OF DISCIPLINE

A record of disciplinary probation or suspension is entered on a student's transcript, with beginning and end date, for the duration of the sanction. A record of expulsion or suspension for one academic year or more shall note the effective date of discipline and remains on the transcript permanently, without exception. A record of withdrawal in lieu of suspension or expulsion and withdrawal with pending

misconduct investigation or disciplinary proceeding remains on the transcript permanently, without exception. These requirements shall not be waived in connection with any resolution agreement.

### 3. INTERIM SUSPENSION

A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

An investigative finding of a violation of Executive Orders 1096 or 1097 standing alone may be sufficient to constitute reasonable cause to believe that an interim suspension is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

### 4. DENIAL OF PRESENCE ON CAMPUS DURING INTERIM SUSPENSION

During the period of an interim suspension, the student charged may not, without prior written permission from the campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of the interim suspension and any disciplinary hearing. The president may also restrict the student's participation in University-related activities on a case-by-case basis, such as attending off-campus activities and/or participating in on-line classes. Violation of any condition of interim suspension shall be grounds for expulsion.

### 5. ADMISSION OR READMISSION

Applicants for admission or readmission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. For students who withdraw while a disciplinary matter is proceeding, the campus has discretion whether to continue proceedings or hold proceedings in abeyance.

## APPEAL OF PRESIDENT'S SANCTION

The complainant and student charged each may file an appeal of the president's decision of appropriate sanctions to the Chancellor's Office no later than 10 working days after the date of the president's decision letter. The complainant may also appeal any proposed sanctions agreed to as part of a proposed resolution agreement with the student charged.

Sanction appeals are limited to a determination as to whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The Chancellor's Office appeal review will not involve a new investigation and will not consider evidence that was not introduced during the investigation or hearing. The record will be limited to the record at the hearing.

The Chancellor's Office shall issue a final appeal response no later than 10 working days after receipt of the written appeal.

## REGISTERED SEX OFFENDERS

California's sex offender registration laws require convicted sex offenders to register their status with the University police department if they are enrolled, residing, attending, carrying on a vocation (i.e. contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for the institution. All public information available in California about registered sex offenders, to include the ability to look-up offenders by name, residence address, and zip code, is on the California Department of Justice Megan's law web site at <http://www.meganslaw.ca.gov/>

## EMERGENCY NOTIFICATION

The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community.

Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

If both of the above factors are not met, no emergency notification will be issued.

If it is determined that both of the above factors are met, then an emergency notification will be issued to the community. The Chief of Police (or management designee in the absence of the Chief), will confer with the Clery Director if one is designated and if available, to prepare the content of the notification taking into account the safety of the on-campus community. They will also determine, based on the confirmed facts of the emergency, if the entire campus community or only a specific segment of the on campus community is threatened and need to be notified. Examples of emergencies where only a segment might be alerted would be a fire contained in a dorm laundry room where only the residents of that one dorm floor or of that one dorm building are at risk and need to evacuate, or a chemical spill in a lab where only the one room, floor, or the occupants of that one building are at risk and need to evacuate.

Once the notification is prepared, the Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures.

Distribution methods of emergency notifications may include but are not limited to one or more of the following methods:

- The campus mass notification system, including but not limited to phone, campus email, or text messaging
- Audio/visual message boards

- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Other means appropriate under the circumstances

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit the Eagle Alert website at <http://www.calstatela.edu/bussys/eagle-alert> or call the University Police Department at 323-343-3700 for assistance.

The Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat.

If an emergency notification is issued, a timely warning will not be issued to the community for the same incident.

## **MISSING STUDENT NOTIFICATION**

### **MISSING PERSONS REPORTING**

In the event of a missing student, individuals are to immediately contact UPD or any University faculty or staff who will in turn contact the UPD.

### **POLICY ON MISSING STUDENTS IN RESIDENTIAL FACILITIES**

Each student living on-campus has the option to register a confidential contact person to be notified in the event that the student is determined to be missing. Only authorized campus officials and law enforcement persons, in furtherance of a missing person investigation, may have access to this information. In the event of a missing student, the local law enforcement will be notified and any official reports obtained by Housing officials will be forwarded to UPD. Furthermore, any missing persons under the age of 18 that are not emancipated will have their parent or guardian notified as well. In addition, regardless of whether a student has identified a contact person, is above the age of 18, or is an emancipated minor, the local law enforcement that has jurisdiction in the area that the student is missing, will be immediately notified.

### **INITIAL RESPONSES AND FOLLOW-UP TO A MISSING PERSON'S REPORT**

- Accept any report of a missing person without delay, regardless of jurisdiction.
- Accept any report of a runaway juvenile without delay.
- Accept reports of missing persons by telephone.
- Assign priority to missing persons reports over non-emergency property crimes.
- To determine if that person might be at risk, make an immediate assessment of reasonable steps to be taken to locate, based on the type of missing person, as defined in 14213(a) PC.



- Broadcast a “Be on the look-out” to all Public Safety units without delay, when a child is under the age of 12 or the person missing is considered at-risk.
- Provide the reporting party with Department of Justice (DOJ) form SS 8567, which authorizes the release of dental records and/or x-rays, skeletal x-rays, and/or photographs.

#### **HOW TO REPORT A MISSING PERSON**

To report a missing person contact the UPD at **323-343-3700** or 9-1-1 (from any campus phone).

#### **FIRE SAFETY ACT**

The 2019 Fire Safety Report is available at the following link:

[http://www.calstatela.edu/sites/default/files/users/u161426/2019\\_fire\\_safety\\_report\\_final.pdf](http://www.calstatela.edu/sites/default/files/users/u161426/2019_fire_safety_report_final.pdf)