



CAL STATE LA

CALIFORNIA STATE UNIVERSITY, LOS ANGELES



2015 ANNUAL SECURITY & FIRE SAFETY REPORT



A MESSAGE FROM THE PRESIDENT



At Cal State L.A. 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 and Fire Safety 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 L.A.

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

Sincerely,

William A. Covino

President, Cal State L.A.

###

Cal State L.A. 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 L.A. 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 L.A. 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, or like us at [Facebook.com/CalStateLA](https://www.facebook.com/CalStateLA).



A MESSAGE FROM THE CHIEF



On behalf of the California State University, Los Angeles Department of Public Safety, thank you for your interest in our Annual Security and Fire Safety Report. The safety and well-being of our students, faculty, staff and visitors to the University is the foremost concern of our department.

The information in this annual report is made available to you in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Violence Against Women Reauthorization Act (“VAWA”) under its Campus Sexual Violence Elimination Act (“SaVE Act”) provision, Section 304. It is our hope that this information will be valuable to you.

This booklet is also available electronically from our web page at www.calstatela.edu/police/clery-disclosure-report. You may download the complete, printable, PDF brochure to your computer using Adobe Acrobat Reader. If you are unable to access the on-line report, you may also request a paper copy from the Department of Public Safety by contacting our office at **323-343-3700**.

The Department of Public Safety is a professional, values-based organization where the concept of “Community Policing” is fully embraced. You will see it reflects in our policies, practices and beliefs. We are your public safety department and are here to protect and serve you.

Sincerely,
Richard Wall
Director of Public Safety / Chief of Police

Public Safety Mission Statement

The Department of Public Safety protects persons and property by providing essential and professional law enforcement and public safety services, while promoting community involvement and assistance. The overall goal of the agency is to provide the safest possible environment for the students, faculty, staff, and visitors at the University.



TABLE OF CONTENTS

Annual Security and Fire Safety Report and The Clery Act	7
Preparation and Distribution of Annual Security and Fire Safety Report	
Crime Statistics	8
Clery Geography	9
Clery Brochure Distribution	9
Reporting Crimes and Emergencies	10
Reporting Crimes or Emergencies on Campus	
Reporting Offenses to Other Cal State LA Offices / Campus Security Authorities	
Security and Access to Campus Facilities and Campus Residences	12
Access to University Facilities	
Building Security Checks	
Campus Law Enforcement Authority	
University Police	13
Enforcement and Arrest Authority	13
Working Relationship with Other Law Enforcement Agencies	13
Accurate and Prompt Reporting of All Crimes	14
Confidential Reporting	15
Privileged and Confidential Reporting	
Voluntary Confidential Reporting	20
Golden Eagle Tip Anonymous Crime Reporting	
Public Safety Programs and Services	21
Eagle Patrol - Escort Service	
Rape Aggression Defense Systems (R.A.D.)	
Emergency Messages	
First Aid	
Lighting and Emergency Telephone Surveys	
Crime Prevention Programs	22
Campus Watch Program (CWP)	
Operation Identification	
Crime Statistics	23
Missing Persons Reporting	26



TABLE OF CONTENTS

University Policies	
Policy on Alcohol and Illegal Drugs	27
Standards of Conduct	27
Health Risk	28
Counseling and Medical Assistance	28
Disciplinary Sanctions	28
Hate Crimes and Hate Incidents	29
Nondiscrimination Statement	29
Policy on Campus Violence	29
Policy on Weapons	30
Convicted Sexual Offender Registration Laws	30
Policy on Prohibition of Sexual Harassment	31
Notification of Compliance with the Americans with Disability Act (ADA) of 1990, as Amended	35
Emergency Response and Evacuation Procedures	36
Emergency Notification	37
Emergency Notification System - Eagle Alert	
Fire Safety Report	
Student Housing Services	39
Fire Safety in Student Housing	40
Timely Warnings	42
Timely Warning - Crime Alert	
Daily Crime Log	43
Campus Sexual Violence Prevention Programs	
Office for Equity, Diversity and Inclusion - Title IX Coordinator	44
Notice of Non-Discrimination	45
Training, Education and Preventive Measures	47
Remedies and Enforcement	49
Coordination with Criminal Investigations and Proceedings	50
Executive Order 1095, Attachment A:	51
<i>Notice of Non-Discrimination on the Basis of Gender or Sex</i>	
Executive Order 1095, Attachment B:	52
<i>Common Myths and Facts about Causes of Sexual Misconduct</i>	
Executive Order 1095, Attachment C:	63
<i>Rights and Options for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking</i>	



TABLE OF CONTENTS

Project Safe

Student Health Services	78
Project Safe	80

Disciplinary Procedures

Student Affairs	103
Disciplinary Procedures	104

Executive Orders

Executive Order 1095	114
Executive Order 1096	134
Executive Order 1097	157
Executive Order 1098	179

Other Public Safety Services

204



ANNUAL SECURITY AND FIRE SAFETY REPORT & THE CLERY ACT

This report is part of an ongoing effort to promote safety and security at Cal State Los Angeles 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 Los Angeles, the Annual Security and Fire Safety Report is prepared by the University Police Department in cooperation with key personnel from Student Conduct, Housing Services, Title IX Office, Health Services and the Human Resources and Management Office, and may include other areas/offices with significant responsibility to student and campus activities.

In 1990, the Crime Awareness and Campus Security Act was enacted (amended in 1992, 1998, 2000, 2008, 2013) and renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1998. It is intended to provide the campus community with timely, accurate and complete information about crime and campus safety so that they can make informed decisions to keep themselves safe. The act was renamed in honor of Jeanne Clery, a student of Lehigh University, who was raped and murdered by a fellow student on April 5, 1986 in her dorm room.

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 University Police Department collects crime statistics for the previous three calendar years concerning reported 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 and local and state law enforcement agencies.

The requirements for reporting crimes under the Clery Act are contained in the Handbook for Campus Safety and Security (2011) prepared by the U.S. Department of Education, and which can be accessed at <http://www2.ed.gov/admins/lead/safety/handbook.pdf>.



PREPARATION AND DISTRIBUTION OF ANNUAL SECURITY AND FIRE SAFETY REPORT



CRIME STATISTICS

Cal State LA is required to collect and annually publish statistics concerning the occurrence of selected crimes on campus property (including residential facilities), non-campus property, and public property. Crimes reported or known to University Police, local police or reported from a variety of campus individuals and/or departments, considered by Clery to be a “campus security authority” (CSA), are also included. Statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation.

To comply with the Clery Act, relevant crime statistics are collected from local police agencies by providing to them 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.

Campus Security Authorities are responsible for completing a Crime & Incident Report Form when specified crimes/incidents are reported to them. The completed form is then submitted confidentially to the Chief of Police. Information collected from these forms is used to determine the category of the crime or incident and the location under which the incident should be reported in the Annual Security and Fire Safety Report according to the requirements of the Clery Act.



PREPARATION AND DISTRIBUTION OF ANNUAL SECURITY AND FIRE SAFETY REPORT cont'd

CLERY GEOGRAPHY

- Under Clery, the on-campus category encompasses the following:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

- Under Clery, public property encompasses the following:

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

- The noncampus category encompasses two distinct types of buildings and property: those owned or controlled by officially recognized student organizations, and those located off campus but owned or controlled by the institution. The Clery definition of noncampus buildings or property is:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

CLERY BROCHURE DISTRIBUTION

The Annual Security and Fire Safety Report is distributed annually by the following: hard copy printout, electronic PDF, and is posted on the Campus Police web page. Following are the distribution methods for the Annual Security and Fire Safety report:

- Printed version of the report is available at the Department of Public Safety (DPS), upon request.
- Notice of availability is provided via e-mail sent to all current students, faculty and staff.
- Cal State LA employment applications include notice of report availability.
- Cal State LA Admissions and Recruitment webpage includes link to report.
- Electronic PDF report is posted on DPS web page at www.calstatela.edu/univ/police/clery.php.



REPORTING CRIMES AND EMERGENCIES

REPORTING CRIMES OR EMERGENCIES ON CAMPUS

The University encourages accurate and prompt reporting of all crimes to University Police 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 University Police who is available 24/7 to protect and render aid to the University community. Assistance is provided to victims when reporting to local law enforcement is applicable and the victim wishes to report and/or if the victim is unable to make the report.

TO REPORT A CRIMINAL, MEDICAL, OR FIRE EMERGENCY:

- Call 9-1-1 immediately
 - ◇ From a campus phone or campus police phone. The call will connect to University Police.
 - ◇ 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 University Police: 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 Campus Security Authority (CSA) is defined by law as “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 procedures.” 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.



REPORTING CRIMES AND EMERGENCIES cont'd

CSAs include:

- Vice President for Student Affairs;
- Judicial Affairs Officer;
- 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.

Designated CSAs 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 University Police to promote crime awareness and enhance campus safety.



SECURITY AND ACCESS TO CAMPUS FACILITIES AND CAMPUS RESIDENCES

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

The police department operates a student based program, the Eagle Patrol, that 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.



CAMPUS LAW ENFORCEMENT AUTHORITY

University Police

The University Police Department became a nationally accredited agency in November of 2001, above and beyond state standards. This accreditation is received from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). Since then, the department has been reaccredited four times (November 2004, November 2007, November 2010, and most recently in November 2013).

This voluntary process to gain accreditation is a highly prized recognition of law enforcement professional excellence. The process is designed to formalize best management practices; improve service delivery; strengthen crime prevention capabilities; and, boost citizen and staff confidence in the agency. The Police Department has 21 authorized police officer positions. Our sworn officers patrol the campus on foot, bikes, motorcycles, and marked vehicles. Officers are available 24-hours a day, seven days a week to respond to emergencies and serve the campus community.

ENFORCEMENT AND ARREST 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 University Police with the exception of the following crimes: homicides; crimes involving great bodily injury likely to result in death (as determined by University Police); crimes that require the response of specialized resources (as determined by University Police); and, other major crimes, upon the request of University Police. 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. University Police 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 Department of Public Safety cooperates fully with federal, state and local law enforcement agencies. University Police 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. In addition, the University Police communicates with these agencies, through various means, including Mutual-Aid meetings and email communication, regarding situations that may warrant an emergency response by University Police.



CAMPUS LAW ENFORCEMENT AUTHORITY cont'd

ACCURATE AND PROMPT REPORTING OF ALL CRIMES

The University encourages accurate and prompt reporting of all crimes to University Police and/or the appropriate law enforcement agencies.

All reported incidents will be investigated by University Police 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.



CONFIDENTIAL REPORTING

CONFIDENTIALITY – KNOW YOUR OPTIONS

We encourage victims of sexual misconduct, dating or domestic violence, or stalking to talk to someone about what happened – so you can get the support you 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. This information is intended to make you aware of the various reporting and confidential disclosure options available to you – so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other Employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Some 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. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Counselors and Clergy⁴ – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (*including those who work or volunteer in those offices*) may **not** report **any** information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. *However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable.* Following is the contact information for professional counselors and physicians on campus:

Hai Ho, MD, Physician – (323) 343-3302
Paul Kim, MD, Physician - (323) 343-3302
Rolando Tringale, MD, Physician - (323) 343-3302
Erica Gomez, PA-C- (323) 343-3302
Lisa Protes-Bush, PA-C- (323) 343-3302
Hiawatha Harris, MD, Psychiatrist - (323) 343-3314
Joseph Ortego, MD, Psychiatrist - (323) 343-3314
Jonna Fries, Psy.D., Counselor - (323) 343-3314
Jackie Meltz, Psy.D., LCSW, Counselor - (323) 343-3314
Maritza Nigro, LCSW, Counselor - (323) 343-3314
Paris Silva, LCSW, Counselor - (323) 343-3314



CONFIDENTIAL REPORTING cont'd

*Sexual Assault and Domestic Violence Counselors and Advocates*⁵ – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (*including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision*) may talk to you without revealing any information about you or the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.* Following is contact information for sexual assault and domestic violence counselors and advocates:

Joanna Gaspar, Senior Health Educator – (323) 343-3341

Marisa Marcarello, Health Educator – (323) 343-3347

Sonia Rivera, Director of Sexual Assault & Emergency Services. East Los Angeles Women's Center – (800) 585-6231

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services. They may not, however, be able to assist you with University academic support or accommodations, or changes to University-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). 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. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates 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: 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 he or she provides medical services for a **physical condition** to a patient/victim who he or she knows 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 and dating and domestic violence).⁶ This exception does **not** apply to sexual assault and domestic violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, **all** professionals described above (physicians, psychotherapists, professional counselors, 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.⁷ These professionals will explain this limited exception to you, 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;⁸ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.⁹ If applicable, these professionals will explain this limited exception to you.



CONFIDENTIAL REPORTING cont'd

Reporting to University or Local Police

If you report certain sex offenses to local or University Police, the police are required to notify you that your name will become a matter of public record ***unless confidentiality is requested.***¹⁰

If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator your name/identity, 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, your name/identity will not be revealed.

Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report incidents of sexual misconduct, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another University employee about an incident, you have 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, we strongly encourage victims to report sexual misconduct, dating and domestic violence, and stalking directly to the Title IX Coordinator.***

As detailed above, all University employees ***except*** physicians, licensed counselors, sexual assault victim's advocates must report to the Title IX Coordinator all relevant details about 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 employee will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other 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 reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:

Office for Equity, Diversity and Inclusion
Mariel S. Mulet, Director
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040
Office hours Monday through Friday 8 a.m. to 5 p.m.



CONFIDENTIAL REPORTING cont'd

If you request of the Title IX Coordinator or another University employee that your identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If you wish to maintain confidentiality 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 you. Under those circumstances, the Title IX Coordinator will determine whether your 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 your 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 you prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response. The Title IX Coordinator will remain mindful of your well-being, and will take ongoing steps to protect you from retaliation or harm, and work with you to create a safety plan. Retaliation against you, whether by students or employees, will not be tolerated. The University and Title IX Coordinator will also:

- Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct, dating or domestic violence, or stalking to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other 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 Respondent pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to University or local police – and provide you with assistance if you wish to do so.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate.

The University will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the University with written permission to do so.¹¹

Under California law, and pursuant to University policy, certain 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.¹² However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.¹³

Because the University is under a continuing legal obligation to address the issue of sexual misconduct, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revising its policies and practices.

NOTE: If the University determines that the perpetrator poses a serious and immediate threat to the Campus community, a designated Campus Security Authority under the Clery Act may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.



CONFIDENTIAL REPORTING cont'd

Footnotes (#4-#13 only as per Executive Order 1095, Attachment C):

4. See Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*
5. See Cal. Evid. Code § 1035 *et seq.* and § 1037 *et seq.*
6. Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including sexual battery, incest, rape, spousal rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.
7. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
8. See Cal. Evid. Code § 1024.
9. See Cal. Evid. Code § 1035.4.
10. See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).
11. If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).
12. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
13. See Cal. Penal Code § 11167(d).



VOLUNTARY CONFIDENTIAL REPORTING

VOLUNTARY CONFIDENTIAL REPORTING

To report a crime on a confidential basis call:

Victim/Witness Assistance 323-343-3756

If you are the victim of a crime, witness a crime or are a third party with information of a crime and do not want to pursue action with the criminal justice system or within the University system, you may still want to consider making a confidential report. With your permission, University Police can file a report on the details of the incident without revealing your identity. The information could assist University Police in taking steps to ensure the future safety of the victim and others by determining if a pattern of crime exists and to alert the campus community to potential danger, if appropriate. You may also give confidential reports to Campus Security Authorities. Reports filed in this manner will also be included in the Annual Security and Fire Safety Report and will allow for a Timely Warning-Crime Alert assessment to be made, when necessary.

GOLDEN EAGLE TIP ANONYMOUS CRIME REPORTING

University Police have implemented a crime reporting system in which community members can anonymously text, email or call to report suspicious activities or to provide non-emergency information regarding criminal activity to on-duty police personnel. Information sent via the methods below are routed through an outside vendor that assigns an alpha numeric alias before the tip is sent to University Police. If University Police have follow-up question(s), messages are sent to the alias.

- Confidential Tip Line: 323-800-4544
- E-mail: csula@tipnow.com
- Text message: 323-800-4544 or csula@tipnow.com

In an emergency, life threatening situation, or serious crime in-progress, always dial 9-1-1 or use a campus Emergency Phone.



PUBLIC SAFETY PROGRAMS AND SERVICES

EAGLE PATROL—ESCORT SERVICE

The University Police 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.

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

Ladies! Do you know how to DEFEND yourself against an attacker? What if somebody tried to abduct you? Well, University Police 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 hands-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.

EMERGENCY MESSAGES

When messages are received that are considered critical in nature, Public Safety 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 Department of Public Safety 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, groundskeeping and exterior lighting. Facilities Services and Environmental Health and Safety Office also conduct regular safety inspections.



CRIME PREVENTION PROGRAMS

CRIME PREVENTION PROGRAMS

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

In 2014, approximately 1,040 hours of dedicated crime prevention activity were provided, which included public contact with almost 11,849 individuals. Contact the Crime Prevention Office at 323-343-6290 for more information.

CAMPUS WATCH PROGRAM (CWP)

This campus-based, proactive policing program is provided by University Police 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. **In 2014, University Police dedicated over 190 hours of activity to the CWP, with public contact to 533 individuals.**

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.



CAL STATE LA CAMPUS STATISTICS

	On Campus ¹		Residential Facilities ¹		Public Property ²		Non-Campus ²	
	2012	2013	2012	2013	2012	2013	2012	2013
Murder	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Manslaughter-Negligent	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Manslaughter-Non-negligent	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Sex Offenses/Forcible								
Rape	0/0	1/0	0/0	1/0	0/0	0/0	0/0/0	0/0/0
Sodomy	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Sexual Assault w/ object	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Forcible Fondling	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Sexual Battery	1/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Sex Offenses/Non-Forcible								
Incest	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Statutory Rape	0/0	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Robbery	0/0	3/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Aggravated Assault	1/0	1/1	0/0	1/1	0/0	0/0	0/0/0	0/0/0
Burglary	9/0	6/1	3/0	2/0	0/0	0/0	0/0/0	0/0/0
Vehicle Theft	10/0	14/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Arson	2/1	0/0	0/0	0/0	0/0	0/0	0/0/0	0/0/0
Total	23/1	25/2	3/0	4/1		0/0	0/0/0	0/0/0



CAL STATE LA CAMPUS STATISTICS

	On Campus ¹			Residential Facilities ¹			Public Property ²			Non-Campus ²		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Murder			0/0			0/0			0/0			0/0/0
Manslaughter-Negligent			0/0			0/0			0/0			0/0/0
Sex Offenses												
Rape			4/0			3/0			0/0			0/0/0
Fondling			3/0			1/0			0/0			0/0/0
Incest			0/0			0/0			0/0			0/0/0
Statutory Rape			0/0			0/0			0/0			0/0/0
Robbery			2/0			0/0			0/0			0/0/0
Aggravated Assault			1/1			0/0			1/0			0/0/0
Burglary			13/0			9/0			0/0			1/1/0
Vehicle Theft			8/1			0/0			0/0			0/0/0
Arson			0/0			0/0			0/0			0/0/0
Total			31/2			13/0			1/0			1/1/0
VAWA Specific												
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Domestic Violence	N/A	1/0	3/0	N/A	0/0	1/0	N/A	0/0	0/0	N/A	0/0/0	0/0/0
Dating Violence	N/A	0/0	1/0	N/A	0/0	0/0	N/A	0/0	0/0	N/A	0/0/0	0/0/0
Stalking	N/A	0/0	1/1	N/A	0/0	0/0	N/A	0/0	0/0	N/A	0/0/0	0/0/0
Total	N/A	1/0	5/0	N/A	0/0	1/0	N/A	0/0	0/0	N/A	0/0/0	0/0/0

1 - The "On Campus" and "Residential Facilities" statistics are in the following format: Reported/Arrested.

"Residential Facilities" incidents are also included under "On Campus" crime statistics.

2 - "Non-campus" data is provided by the Alhambra and Los Angeles Police Departments, and the Los Angeles County Sheriff's Department (ALH/LA/LASD).

*Effective January 1, 2014, the revised definition of Rape is "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." The historical definition of Rape is "The carnal knowledge of a female forcibly and against her will."



CAL STATE LA CAMPUS STATISTICS

Special Category Arrests (Liquor, Drug, and Weapons)

	2012	2013	2014	2012	2013	2014		2012	2013	2014		2012	2013	2014
Liquor Law s	9/2	0/0	1/0	7/1	0/0	1/0		0/0	0/0	0/0		0/0/0	0/0/0	0/0/0
Drug Violations	10/1	20/6	12/3	4/0	9/1	6/0		1/0	0/0	0/0		0/0/0	1/0/0	0/0/0
Weapons Possession	1/0	0/0	2/1	0/0	0/0	0/0		0/0	0/0	0/0		0/0/0	0/0/0	0/0/0
Total	20/3	20/6	15/4	11/1	9/1	7/0		1/0	0/0	0/0		0/0/0	1/0/0	0/0/0

Disciplinary Referrals

Alleged offenses reported to other responsible university officials, investigated by other university departments and referred for disciplinary action, not arrested.

	On Campus ¹			Residential Facilities ¹			Public Property ²			Non-Campus ²		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Liquor Law s	460	328	288	460	328	288	0	0	0	0	0	0
Drug Violations	105	269	114	104	268	114	0	0	0	0	0	0
Weapons Possession	0	1	0	0	0	0	0	0	0	0	0	0

Hate Crimes

2012: There were no reported hate crimes.

2013: There were no reported hate crimes.

2014: There were no reported hate crimes.

Fire Statistics

Student Housing Bldg	Date of Fire	Cause of Fire	Injuries	Deaths	Property Damage
GE Apts	11/2/12	Grease caught on fire on stove	5	0	\$4,250.00
Phase 1	4/23/12	Frying pan left on stove	0	0	\$0.00
Phase 2	3/28/12	Debris behind stove	0	0	\$0.00
Phase 1	1/9/13	Grease caught on fire on stove	0	0	\$0.00
	2012	2013	2014		
Total # of Fires for Phase 1	1	1	0		
Total # of Fires for Phase 2	1	0	0		
Total # of Fires for GE Apts	1	0	0		

Addresses to Housing Facilities

Housing, Phase 1	Housing, Phase 2	Golden Eagle Apartments (GE Apts)
5600 Paseo Rancho Castilla	5300 Paseo Rancho Castilla	5425 Dobbs Street
Los Angeles, CA 90032	Los Angeles, CA 90032	Los Angeles, CA 90032



MISSING PERSONS REPORTING

Missing Persons Reporting

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

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 University Police. 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 response and follow-up to a missing persons 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 stops 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 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 University Police at **323-343-3700** or 9-1-1 (from any campus phone).



UNIVERSITY POLICIES

Policy on Alcohol and Illegal Drugs

In accord with the Drug-Free Workplace Act of 1990 and Section 120a of the Higher Education Act, California State University, Los Angeles 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 or 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.



UNIVERSITY POLICIES cont'd

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 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 at (800) 777-9376. 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 Procedure 19 are subject to disciplinary action up to and including suspension or expulsion.

This policy is made in partial compliance with the Drug Free Schools and Communities Act.

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.



UNIVERSITY POLICIES cont'd

Hate Crimes and Hate Incidents

A part of the mission of the Department of Public Safety is to ensure all persons are protected regardless of their ethnicity, race, national origin, religion, sex, sexual orientation, or disability. In furtherance of this mission, all “hate” crimes and incidents will be thoroughly investigated, reported and prosecuted.

Nondiscrimination Statement

California State University, Los Angeles, affirms its commitment to equality of opportunity for all individuals. This commitment requires that no discrimination shall occur in any program or activity of the University on the basis of race, color, religion, national origin, sex, gender identification, ancestry, physical or mental disability, medical condition, pregnancy, age (over 40), marital status, political affiliation, sexual orientation, genetic information, covered veteran status, or any other classification that precludes a person from consideration as an individual. Further, the University’s commitment requires that no retaliation shall occur because an individual filed a complaint of discrimination or in some other way opposed discriminatory practices, or participated in an investigation related to such a complaint. This policy is in accord with Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Educational Amendments of 1972, as amended, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, Genetic Information Nondiscrimination Act of 2008, and related administrative regulations and executive orders. Inquiries concerning the application of these and other nondiscrimination laws may be referred to the Office for Equity and Diversity, Telephone: (323) 343-3040, the campus office assigned the administrative responsibility of reviewing such matters. Title IX inquiries may also be directed to the Regional Director of the office for civil Rights, Region IX, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, CA 94102.

Policy on Campus Violence

California State University, Los Angeles (Cal State LA) is committed to creating and maintaining a working, learning, and social environment for all members of the University community which is free from violence. Civility, understanding, and mutual respect toward all members of the University community are intrinsic to excellence in teaching and learning, to the existence of a safe and healthful work-place, and to maintenance of a campus culture and environment which serves the needs of its many constituencies. Threats of violence or acts of violence not only impact the individuals concerned, but also the mission of the University to foster higher education through open dialogue and the free exchange of ideas.

The University prohibits—and will take decisive action to eliminate—verbal harassment, violent acts, threats of violence, or any other behavior which by intent, action or outcome harms another person. Such conduct is subject to disciplinary action up to and including dismissal from employment, expulsion from the University, or civil or criminal prosecution as appropriate. The University has no tolerance for violence against and by members of the University community. The University will work to prevent violence against and by members of the University community. The University will work to prevent violence from occurring and will ensure that Federal and State laws, as well as University regulations prohibiting violence, are fully enforced. In determining whether conduct constitutes a credible threat or act of violence, the circumstances surrounding the conduct will be considered.



UNIVERSITY POLICIES cont'd

Established University faculty, staff and student and Department of Public Safety procedures will be used to resolve situations of violence or threats of violence. Each allegation of violence or threat of violence will be taken seriously. Individuals are encouraged to report acts of violence, threats of violence, or any other behavior which by intent, act or outcome harms another person. (Approved by the Cal State L.A. Academic Senate and President James M. Rosser - Summer 1996).

Policy on Weapons

The use or possession of firearms or other weapons by students, employees, or visitors while on campus is prohibited by law. Duty sworn police officers are exempt from this law.

Convicted Sexual Offender Registration Laws

Effective October 28, 2002, Penal Code 290.1 was expanded and requires sexual offenders to register with the University Police. Convicted sexual offenders are required to register under Section 290 if they are residing on the University campus; enrolled as a student of the University; employed by the University, either full-time or part-time (includes paid employees or volunteers); or working or carrying on a vocation at the University (e.g. contractors) for more than 14 days or for an aggregate period exceeding 30 days in a calendar year (including paid workers as well as volunteers).

Persons listed above must register with the University Police within five working days of commencing enrollment or employment with the University. Registrants are also required to notify the University Police within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation at the University. Public information regarding sex offenders in California may be obtained by viewing the Department of Justice Online Megan's Law Web Site at caag.state.ca.us/megan/. You can obtain information by contacting the Los Angeles Police Department - Hollenbeck Station at **(323) 342-4100** or call their non-emergency help line at **(877) ASK-LAPD (275-5273)**.

Victims may make reports and/or receive information on services and resources at the following locations:

University Police Department	(323) 343-3700
Victim/Witness Assistance	(323) 343-3756
Student Health Center	(323) 343-3300
Office for Equity and Diversity	(323) 343-3040
Judicial Affairs	(323) 343-3100
Housing Services	(323) 343-4800
Cross Cultural Centers	(323) 343-5001
Asian Pacific American Student Resource Center	
Chicana/o Latina/o Student Resource Center	
Pan African Student Resource Center	
Women's Resource Center	
National Sexual Assault Hotline	(800) 656-HOPE (4637)



UNIVERSITY POLICIES cont'd

Policy on the Prohibition of Sexual Harassment

California State University, Los Angeles, does not discriminate on the basis of sex, gender 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 in all education programs and activities operated by the University (both on and off campus). Title IX protects all people regardless of their gender or gender identity from sex discrimination, which includes sex stereotyping, even if those acts do not involve conduct of a sexual nature, sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

California State University, Los Angeles, will take action to eliminate and prevent sexual harassment and to address its effects, as mandated by the Chancellor's Executive Order No. 1095, 1096 and 1097.

Sexual harassment is conduct subject to disciplinary action, including termination.

The following conduct is prohibited.

Sexual Discrimination means an adverse action taken against an individual because of gender or sex (including sexual harassment, sexual violence, 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. Both men and women can be victims of Sex Discrimination.

Sexual Harassment, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to Sexual Violence, sexual advances, requests for sexual favors, and indecent exposure, where:

- Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a student's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; *or*
- Such 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 student, and is in fact considered by the student, as limiting the student's ability to participate in or benefit from the services, activities or opportunities offered by the University; *or*
- Submission to, or rejection of, the conduct by a University employee is explicitly or implicitly used as the basis for any decision affecting a term or condition of employment, or an employment decision or action; *or*
- Such 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 University employee or third party, and is in fact considered by the University employee or third party, as intimidating, hostile or offensive.

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.

Sexual Violence is a form of Sexual Harassment and means physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, Domestic Violence, Dating Violence, and Stalking (when based on gender or sex) perpetrated against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, status as a minor, or Disability.¹ Sexual Violence may include 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). Men as well as women can be victims of these forms of Sexual Violence. Unlawful sexual intercourse with a minor (statutory rape) occurs



UNIVERSITY POLICIES cont'd

even if the intercourse is consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

Sexual Assault is a form of Sexual Violence and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.²

Sexual Battery is a form of Sexual Violence and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex.³

Rape is a form of Sexual Violence and is 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 s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The accused's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.⁴ (See complete definition of Consent below.)

Acquaintance Rape is a form of Sexual Violence committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

Domestic Violence is a form of Sexual Violence and is 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 persons 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 (6) the length of the relationship.⁵

Dating Violence is a form of Sexual Violence and is 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.⁶ This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.

Stalking means a repeated course of conduct directed at a specific person (when based on gender or sex) that places that person in reasonable fear for his/her or others' safety, or to suffer substantial emotional distress.⁷

What is consent?

Consent means an informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

- Consent must be **voluntary**, and given without coercion, force, threats, or intimidation. Consent requires positive cooperation in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will.
- 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 (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity. There must **always** be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The victim's request for the perpetrator to use a



UNIVERSITY POLICIES cont'd

condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- Consent cannot be given by a person who is **incapacitated**. For example, a person cannot give consent if s/he is unconscious or coming in and out of consciousness. A person is **incapacitated** if s/he lacks the physical and/or mental ability to make informed, rational judgments. Examples of incapacitation include unconsciousness, sleep and blackouts. 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 capacity, awareness of consequences, and ability to make fully informed judgments. A person with a medical or mental disability may also lack the capacity to give consent.
- Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused's position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.
- Sexual intercourse with a minor is never consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

Although this policy focuses on the treatment of persons lacking or holding lesser authority by persons possessing greater authority, it does not preclude the possibility that sexual harassment may also be perpetrated by or between persons lacking or holding lesser authority, e.g., employee, student, or applicant. In determining whether conduct constitutes sexual harassment, the circumstances surrounding the conduct are considered.

Certain University employees, such as physicians, psychotherapists, professional counselors and clergy who work or volunteer on or off campus and who provide medical or mental health treatment or counseling, and sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) are required by law to maintain near or complete confidentiality;⁸ 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 a Sexual Violence 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 cause of Sexual Violence.

In addition, all individuals with supervisory authority are responsible for reporting a complaint about sexual harassment to the Office for Equity, Diversity and Inclusion/Title IX Coordinator. Failure to do so may lead to appropriate administrative action.

1. See definition of Consent below.
2. Cal. Penal Code § 240.
3. Cal. Penal Code § 242.
4. Cal. Penal Code §§ 261-263.
5. Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.
6. Cal. Penal Code § 13700(b).
7. Cal. Penal Code § 646.9.
8. Specific exceptions to this confidentiality apply.



UNIVERSITY POLICIES cont'd

Please see specific rules and procedures for reporting complaints of sexual harassment and for pursuing available remedies in the links to applicable Executive Orders listed above. Additional information is available in the following locations: Human Resources Management; Office for Equity, Diversity and Inclusion; Office of the Vice President for Student Affairs; and the University Student Health Center.

Contact the following University personnel or departments for help or to report a violation:

University Title IX Coordinator

Mariel S. Mulet
Director, Diversity and Inclusion
Human Resources Management
(323) 343-3040
Mariel.Mulet@calstatela.edu

Deputy Title IX Coordinators

Letycia Gomez
Judicial Affairs Officer
Student Affairs
(323) 343-3812
LTGomez@cslanet.calstatela.edu

Sheila Hudson
Associate Athletics Director
Intercollegiate Athletics
(323) 343-5240
shudson@calstatela.edu

Rebecca Palmer
Housing Services
Associate Director, Housing Services
(323) 343-4812
rpalmer@cslanet.calstatela.edu

University Police

(323) 343-3700

Student Health Center

Counseling and Psychological Services
(323) 343-3314



UNIVERSITY POLICIES cont'd

NOTIFICATION OF COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, AS AMENDED

California State University, Los Angeles, does not permit discrimination on the basis of disability in admission to, access to, or operation of its instruction, programs, services, or activities, or in its hiring and employment practices. Also, the University does not permit unlawful harassment based on a protected disability. In addition, the University does not permit discrimination or unlawful harassment based on an applicant's, employee's, or student's relationship with or association with anyone with a known protected disability.

Upon request, the University will consider a request for reasonable accommodation(s) when needed to facilitate the participation of qualified individuals with protected disabilities. Reasonable accommodations will be considered to permit qualified individuals with protected disabilities to: (a) complete the admission/employment process; (b) perform essential job functions; (c) participate in instruction, programs, services or activities; and, (d) enjoy other benefits and privileges of similarly situated individuals without disabilities.

Questions, concerns, complaints and requests for reasonable accommodation or additional information may be forwarded to Human Resources Management, Office for Equity, Diversity and Inclusion, the campus office assigned responsibility for compliance with the ADA. The Office for Equity, Diversity and Inclusion is located in Administration 606 and is open Monday through Friday, 8 a.m. to 5 p.m., (323) 343-3040, or TDD: (323) 343-3670.



EMERGENCY RESPONSE AND EVACUATION PROCEDURES

EMERGENCY PREPAREDNESS

Each school year, Cal State LA conducts three campus-wide evacuation drills to enhance emergency preparedness for the entire campus community. 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 can be found on the Risk Management/Environmental Health and Safety webpage. Visit the Public Safety webpage for more information on emergency preparedness and view Cal State LA's Multi-Hazard Plan (www.calstatela.edu/police/campus-emergency-plan).

General Building Evacuation Procedures

When a building evacuation alarm sounds (a repetitive bell/horn sound) or when police order a building evacuated, take your valuables and walk quickly to the nearest marked exit. Proceed to a clear area; leave streets and walkways clear for emergency vehicles. Be alert and assist the disabled when necessary. If complete evacuation of the disabled is not possible, move them to fire-protected stairwells (generally located at the end of the corridor) and request assistance from University Police. Elevators must not be used to evacuate the building. Please see "Evacuation Points" for designated assembly areas.

A. Fire

Activate the nearest fire alarm box. Call University Police immediately by dialing 9-1-1. Give your name, location and description of the fire. Follow the building evacuation procedures.

B. Earthquake

If indoors, drop, cover and hold, get under a heavy table or desk and hold on, or sit or stand against an inside wall. Protect yourself at all times and be prepared for after shocks. If you need emergency help, call University Police by calling 9-1-1. When the building evacuation alarm sounds, follow the procedures outlined above. If outdoors, move quickly away from buildings, utility poles and lines, and all other structures.

Evacuation Points

The pre-designated assembly areas are subject to change as practical based on the nature of the emergency event. During an emergency evacuation, building occupants are to go to their pre-designated assembly areas and await further instructions and/or information.



EMERGENCY NOTIFICATION SYSTEM

As part of the University's commitment to campus safety, Cal State LA contracts with an outside vendor to provide the internet-based program for emergency notifications, referred to at Cal State LA as Eagle Alert. Eagle Alert contacts all currently enrolled students, faculty and staff during emergencies affecting the University using the following methods:

- Messages to Cal State LA email addresses
- Text messages to mobile phones

The Emergency Notification System is used in situations where immediate notification is required for life-saving situations, or any other emergency situation in which information needs to be disseminated quickly to the campus community. These situations include, but are not limited to any of the following: alert persons of emergency situations, such as shelter in place, active shooter or other potentially life-threatening situations; announcement of drills and exercises, such as evacuation or shelter in place drills; alert persons to non-life threatening situations, such as avoidance of an area because of a broken water line, or other unplanned events; and any other situation deemed necessary by the University President, Chief of Police, or other person acting on their behalf.

An Eagle Alert will only be sent after carefully assessing a situation and confirming that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community. Confirmation of any significant incident will occur by the University Police Department, with the assistance of key campus administrators and local first responders. University Police command staff will determine the content of the initial message which will be delivered by University Police staff whom have been granted access to the system via authorization and passwords. University Police staff who have the authority to activate the notification system include the following personnel: Police Lieutenants, Police Sergeants and Police Dispatchers. In addition, select Information Technology (IT) staff have the ability to send messages as a backup to University Police staff.

University Police will, without delay, and taking into account the safety of the campus community, will determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Other forms of emergency notification, also intended for the larger community, include the Cal State LA home web page, Public Address System and social media outlets.

Messages for an Eagle Alert are one of the following: a pre-set message that can be used for a specific incident, such as fire or avoidance situation; or messages created for that particular incident. Messages of this type will generally be in the following format:

“EMERGENCY NOTIFICATION exists for Cal State Los Angeles [SITUATION] in progress at/in [LOCATION]. [PERSON/AGENCY/DEPT] on scene. Situation is [STABLE, UNDER CONTROL, SERIOUS, and/or CIRCUMSTANCES ARE UNKNOWN]. Access to campus is [RESTRICTED/CLOSED/NORMAL].”

At least one follow-up message will be delivered and will serve as an update to the initial message. Follow-up messages will generally be distributed in the same manner as the initial notification.



EMERGENCY NOTIFICATION SYSTEM cont'd

Testing of the emergency notification system will occur at least twice a year during unannounced campus-wide emergency preparedness drills. Results of the tests (description of the exercise, the date, time and successful sends) are sent to the Administrators of this program.

The Lieutenant of Administration/Support Services, or his/her designee, takes the lead in the set-up, testing and administrative aspect of this program with the assistance of designated IT staff.

For more information on the Cal State LA's Eagle Alert system, please visit www.calstatela.edu/bussys/eagle-alert.



CAMPUS HOUSING SERVICES



Housing Services is committed to creating a safe, supportive, and inclusive environment that is conducive to Cal State LA students' academic and developmental success. Our programs and services are designed to create an enriching student experience that supports the mission of the University. Housing Services is operational year-round for academic year and summer students. We also provide a Conference Program during the summer months. As a residential community we employ emergency and safety precautions for large scale evacuations, earthquakes preparedness, fire safety, and other emergencies. Housing Services provides annual training on emergency response to the central office administrative staff, 4 Resident Directors, 21 Resident Assistants, and 2 Resident Life Coordinators.

A Resident Assistant (RA) is on duty Monday through Friday from 5 p.m. until 9 a.m. and from 9 a.m. Saturday through 9 a.m. Monday. A Resident Director is on duty 7 days a week, 24 hours a day including holidays. The Duty Staff members are available to respond to all emergency situations and assist students in crisis. The RA staff also collaborates with Public Safety and the Student Health Center to provide programs on crime prevention and awareness, alcohol education and safety, and sexual violence prevention including bystander intervention training. Housing Services is also patrolled by Public Safety Police Officers and Eagle Patrol.

Residents are provided information on Housing Services policies and community guidelines, the disciplinary and appeals process. Policies on the possession of alcohol, dangerous weapons, drugs, sexual assault, dating and domestic violence, and stalking are in compliance with state and federal guidelines and regulations. Also, every student apartment is furnished a booklet on the Title IX violations, alcohol awareness, fire safety, earthquake safety, and active shooter situations. Students are also provided information on campus resources and rights to report regarding sexual misconduct. In the event that resident is a victim of a sexual misconduct (alleged or proven), Housing Services will provide assistance in relocating that student on a temporary or permanent basis, if so requested by the victim, and if such relocation options are available.

All Housing Services students and professional staff members receive annual specialized training as mandated reporters that are in compliance with Clery, Campus SaVE Act, Title IX and VAWA.

Housing Services can be reached at **323-343-4800** and the RA on duty can be reached during the specified hours at **323-343-4807**.



FIRE SAFETY REPORT

Fire Safety in Student Housing

On-campus student housing and fire safety systems

Cal State LA has a total of 218 units and 1,093 bed spaces available for on-campus housing. Each unit is equipped with fire detection systems, including smoke detectors and pull box stations. Additionally, there is an evacuation and annunciation system in Phase II Housing. All fire life safety systems report to the Department of Public Safety's Dispatch center.

Mandatory fire drills and procedures for evacuation

Fire drills in Student Housing are conducted each quarter during the academic year (3 times a year). In 2014, drills were conducted on January 22nd, April 15th and October 16th.

All residents must evacuate their apartment and building area immediately during the sounding of a fire alarm or upon the direction of a University staff member. The Housing Services Evacuation Assembly Point is Parking Lot 7A for Phase I and Phase II apartments and the grassy median on Mariondale for the Golden Eagle Apartments. Attempting to re-enter an apartment, community center, or mailroom area without permission from University or Housing Services staff is prohibited. Referral to University Police for criminal/legal action may also be a consequence for failing to comply with the evacuation policy.

Housing policies

Electrical Appliances and Open Flames

- Multi-tap adapters, "cube caps", and similar devices are not allowed. These items create potential fire hazards and may also result in damage to radios, stereos, televisions and other electrical equipment. Do not use extension cords that are not three-wire grounded, terminating a single receptacle and sized adequately to handle the load applied. We require a surge protector in conjunction with the use of an extension cord.
- Residents shall not leave cooking appliances (i.e. stove, rice cooker, and crock pots) unattended while in use.
- Candles and incense are prohibited.

Smoking

- Smoking is not permitted in all enclosed indoor areas on campus or in any building on campus with the exception of specifically posted smoking areas. This includes all inside areas and exterior areas that are encompassed by the building footprint. This includes balconies, foyers, stairway landings, rooftops and pedestrian bridges between buildings that begin and end at the building entrance/exit. Designated smoking areas in the Housing complex are on the west side of Phase II Quad (behind building 3) and in the alcove adjacent to the access road by the stairs leading to Parking Lot 5 and 25 feet from the exterior of the Golden Eagle Apartments.
- Hookahs are prohibited in the Housing complex.



FIRE SAFETY REPORT cont'd

Training

Cal State LA conducts training for Resident Assistants (RA's), Resident Life Coordinators (RLC's), and Resident Directors (RD's), as well as other Housing staff members.

Yearly staff training covers:

- Fire extinguisher training
- Fire alarm evacuation procedures
- Fire alarm reset procedures
- Earthquake response training

Contact information for reporting a fire

- Housing Office: **323-343-4800**
- University Police: **323-343-3700**

Future improvement of fire safety

Cal State LA will make improvements to on-campus student housing fire life safety systems when necessary.

Facility	Fire Alarm Monitoring Done on Site (by UPD)	Sprinkler System	Smoke Detection	Fire Extinguisher	Evacuation Plans and Placards	Number of evacuation drills each calendar year
Community Information Center	X		X	X	X	3
Housing Office	X		X	X	X	3
Phase I East Side	X		X	X	X	3
Phase I West Side	X		X	X	X	3
Phase II Building 1	X		X	X	X	3
Phase II Building 2	X		X	X	X	3
Phase II Building 3	X		X	X	X	3
Phase II Building 4	X		X	X	X	3
Phase II Building 5	X		X	X	X	3
Dining Commons	X		X	X	X	3
Facilities Work Shop				X	X	3



TIMELY WARNING-CRIME ALERT

When circumstances warrant, a campus-wide “timely warning” or Crime Alert bulletin (as referred to at Cal State LA) shall be initiated by the Department of Public Safety to warn the University community of potentially dangerous criminal situations or other crimes that may pose a serious or continuing threat to the campus community. The Crime Alert is distributed through various means, including physical postings of the bulletin throughout campus, on our web page (www.calstatela.edu/univ/police/index.php), and via e-mail notification to the campus community should the situation require.

Timely Warnings are designed to heighten safety awareness to the campus community and provided in a manner that will aid in the prevention of similar crimes. The circumstances of any specific situation coupled with the police department’s assessment of the threat potential will dictate the need and manner of issuance of a Timely Warning-Crime Alert notification. Timely Warning notifications are typically issued for the following Clery crime classifications: major incidents of arson, aggravated assault, murder/non-negligent manslaughter, robbery, and sex offenses. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the University Police Department. Sex offenses will also be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the University Police Department. In any instance involving the occurrence of a Clery crime, a campus official, as listed below, will determine if there is an on-going threat to the campus community and if the distribution of a Timely Warning-Crime Alert is necessary. Timely Warning notifications are typically written by the Chief of Police, or designee, and distributed as listed in the chart below.

Distribution of a Timely Warning-Crime Alert will depend upon the circumstances of the particular case and will be distributed in a manner intended to reach the entire campus community. Timely Warning-Crime Alert notifications will be distributed as soon as pertinent information is available, without disclosing the names of any victim(s) and in a manner that will aid in the prevention of similar crimes. All Crime Alert notifications will be distributed in a timely manner.

System:	Initiator/Message Created by:	Approved by:	Distributed by:	Backup Sender:
PRIMARY				
Campus-wide email	University Police Command Staff	University Police Command Staff	University Police Staff	Public Affairs
SECONDARY				
Flyers	University Police Command Staff	University Police Command Staff	University Police Staff	N/A

* All Crime Alert bulletins will be posted on the Department of Public Safety webpage.



DAILY CRIME LOGS

The Department of Public Safety maintains a daily crime log of all crimes investigated or reported to the department for the most recent 60-day period. The log is available for public inspection during regular business hours, Monday thru Thursday from 7:30 a.m. to 6 p.m. and Friday from 8 a.m. to 12 p.m. Log entries older than 60 days can be obtained by request and will be available within two business days.



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION TITLE IX COORDINATOR

The Title IX Coordinator at Cal State L.A. is the Director of the Office for Equity, Diversity and Inclusion. Cal State LA also has three Deputy Title IX Coordinators in Athletics, Housing and Student Affairs as follows:

Title IX Coordinator

Mariel S. Mulet, Director, Office for Equity, Diversity and Inclusion

Deputy Title IX Coordinators

Leticia Gomez, Judicial Affairs Officer

Sheila Hudson, Associate Athletics Director

Rebecca Palmer, Associate Director, Student Housing Services

The Office for Equity, Diversity and Inclusion (OEDI) 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 on online training for all incoming students (since Spring 2015), hosting events during the month of April - sexual assault awareness month -, tabling at campus events, distributing written materials and brochures on the issues, annual notifications of nondiscrimination and harassment, and posters with support information located around campus among other activities.

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

The OEDI periodically trains students, from incoming freshman, transfer and international students, to student employees, student resident assistants and high school students participating in summer programs. Specifically, student athletes, students in housing, and students participating in student organizations such as sororities, fraternities, student government and clubs receive a longer and more interactive program. Faculty and employees receive information and training from advocates and the Title IX Coordinator. Athletic coaches, 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 also presents training annually at new faculty orientation and monthly at new employee orientations.



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

NOTICE OF NON-DISCRIMINATION ON THE BASIS OF GENDER OR SEX

The California State University does not discriminate on the basis of gender, which includes sex and 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 gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking. The following person has been designated to handle inquiries regarding the non-discrimination policies:

CSULA Title IX Coordinator:

Mariel S. Mulet
Director, Office for Equity, Diversity and Inclusion
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040

Deputy Title IX Coordinators:

Letycia Gomez, Judicial Affairs Officer
Judicial Affairs Officer
5151 State University Drive, Student Affairs, Rm. 115A
Los Angeles, CA 90032
ltgomez@cslanet.calstatela.edu
(323) 343-3812

Rebecca Palmer
Associate Director for Residence Life
5300 Paseo Rancho, Housing Services, Phase II
Los Angeles, CA 90032
rpalmer@cslanet.calstatela.edu
(323) 343-4812

Sheila Hudson
Associate Athletics Director
5151 State University Drive, Physical Education, Rm. 105
Los Angeles, CA 90032
shudson@calstatela.edu
(323) 343-5240



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

Additional Resources

Off Campus

- [U.S. Department of Education, Regional Office
Office for Civil Rights
50 Beale Street, Suite 7200
San Francisco, CA 94105
\(415\) 486-5555
TDD \(877\) 521-2172](#)
- [U.S. Department of Education, National Office
Office for Civil Rights
\(800\) 872-5327](#)
- [Know Your Rights about Title IX](#)
- [California Coalition Against Sexual Assault
1215 K. Street, Suite 1850
Sacramento, CA 95814
\(916\) 446-2520](#)
- [Domestic and Family Violence](#)
- [National Institute of Justice: Intimate Partner Violence](#)
- [National Domestic Violence Hotline: 1-800-799-SAFE \(7233\)](#)
- [Office of Violence against Women](#)
- [Center for Disease Control and Prevention: Intimate Partner Violence](#)
- [Defending Childhood](#)



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

Training, Education and Preventive Measures

Each Campus must implement preventive education programs to promote the awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and to make victim resources available, including comprehensive victim services. Programs must include primary prevention and awareness programs: (1) for all **new** Students (this includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the first semester) and **new** Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as Advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and, (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for **all** Students and Employees shall also be conducted.

Each Campus must assess which Student organizations participate in activities that may place Students at risk and ensure that they receive annual supplemental trainings focused on situations the group's members may encounter.

Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop Sexual Misconduct, Dating or Domestic Violence, or Stalking before they occur through the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of Sexual Misconduct, Dating or Domestic Violence, or Stalking. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.

These education and training programs shall include the following information:

- A statement that the CSU prohibits Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- What constitutes Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- The definition of Affirmative Consent.
- A statement that Sexual Misconduct, Dating and Domestic Violence, and Stalking violate University policy and may also violate criminal law.
- Common facts and myths about the causes of Sexual Misconduct. (See **Attachment B, Myths and Facts about Sexual Misconduct**, to be posted and published alongside **Attachment A, Notice of Nondiscrimination on the Basis of Gender or Sex**.)
- Safe and positive options for bystander intervention that may be taken by an individual to prevent harm or intervene in risky situations involving these offenses.
- Methods of encouraging peer support for victims.
- Information regarding Campus, criminal, and civil consequences of committing acts of Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- A statement explaining that the University's primary concern is the safety of members of the Campus community; that the use of alcohol or drugs never makes the victim at fault for Sexual Misconduct; that Students or Employees who experience or witness Sexual Misconduct should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies; and that Students or Employees who experience or witness Sexual Misconduct shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)

- A statement that “CSU policy prohibits retaliation against a person who: reports Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking; assists someone with a report of such conduct; or participates in any manner in an related investigation or resolution. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.”
- How to recognize warning signs of abusive behavior and how to avoid potential attacks.
- Information on risk reduction, including options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- What someone should do if s/he has experienced or witnessed Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, Campus and community resources for victims of Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- A description of Campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall: § Provide a prompt, fair, and impartial investigation and resolution; and,
- Be conducted by officials who receive annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The fact that the victim and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the victim and the Respondent shall be simultaneously informed in writing of: § The outcome of any disciplinary proceedings that arises from an allegation of a Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking;
- The University’s procedures for the victim or Respondent 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.
- Possible sanctions or protective measures the University may impose following the final determination of a University disciplinary procedure regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- How the University will protect the confidentiality of victims, including how publicly-available recordkeeping (e.g., Campus Clery reports) will be accomplished without the inclusion of identifying information about the victim to the extent permissible by law.
- That persons who report being a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking **must receive written** notification of:
- Existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on Campus and in the community.
- Options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the incident to Campus police or local law enforcement.
- Procedures victims should follow if Sexual Misconduct, Dating or Domestic Violence, or Stalking has occurred, as well as the fact that the following *written* information must be provided to victims:
- The importance of preserving evidence as may be necessary to prove Sexual Misconduct, Dating or Domestic Violence, or Stalking, or to obtain a temporary restraining or other protective order;
- The name and contact information of the University Employee(s) to whom the alleged offense should be reported;



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

- Reporting to law enforcement and Campus authorities, including the option to: (a) notify law enforcement authorities, including on-Campus and local police; (b) be assisted by Campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities;
- Where applicable, the rights of victims and the University's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

The above information is also contained in the ***Notice of Nondiscrimination on the Basis of Gender or Sex (Attachment A)***. As previously stated, Campuses shall post the Notice prominently on the Campus website and include the Notice in handbooks/policies applicable to Employees, Students, Student athletes and members of Student activity groups and organizations, along with ***Myths and Facts About Sexual Misconduct (Attachment B)***. All persons involved in implementing these procedures (e.g., the Campus Title IX Coordinator and any Deputy Title IX Coordinator(s), investigators, Human Resource Directors and Hearing Officers presiding over student conduct hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such annual training shall include the CSU complaint processes, as well as the handling, investigation and analysis of complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The annual training shall also address applicable confidentiality issues, especially with respect to the Title IX Coordinator's duty to weigh any victim's request for confidentiality against the duty to provide a safe and nondiscriminatory environment for all members of the Campus community. For matters involving Sexual Misconduct, Dating and Domestic Violence, and Stalking, the training shall also include how to conduct an investigation and hearing process that protects the safety of the person(s) involved and promotes accountability.

Remedies and Enforcement

Interim and Ultimate Remedies. The University is required to provide victims who experience Sexual Misconduct, Dating or Domestic Violence, or Stalking with reasonably available Interim Remedies, if requested, regardless of whether the victim chooses to report the misconduct to Campus police or local law enforcement. Victims should be notified of options for avoiding contact with the Respondent, including changes to the Respondent's or purported victim's employment, academic or living situations, as appropriate. For example, the Campus may prohibit the parties from having any contact with each other pending the outcome of the Campus investigation and any ensuing discipline proceeding. Campuses should minimize the burden on the victim and should not, as a matter of course, remove victims from work assignments, job sites, classes or housing while allowing the Respondent to maintain the status quo. Other possible interim (and ultimate) steps may include providing an escort between Campus locations in extraordinary cases where safety may be endangered; changes to Employee work areas, work assignments or reporting relationships; providing Students with academic support services such as tutoring or allowing Students to re-take a course or withdraw from a course without penalty and without adverse effect on their academic records; and reviewing any disciplinary actions proposed to be taken against an alleged victim to see if there is a causal connection between the misconduct forming the basis for the proposed discipline and the alleged Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking. The Title IX Coordinator shall assist and provide the purported victim with reasonable Remedies as requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

Victim Rights and Resources. Victims also should be made aware of their rights under Title IX, VAWA/ Campus SaVE Act and related legislation, and any available resources, such as counseling, health, and mental health services, as well as the right to file a complaint with University and/or local law enforcement. Campuses must also ensure that persons know how to report any subsequent problems, and the Campus Title IX Coordinator or other appropriate Campus representatives should follow-up to determine whether any retaliation or new incidents of misconduct have occurred.



OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

When addressing Sexual Misconduct, Dating or Domestic Violence or Stalking, Campuses should consider both on and off Campus resources, including local rape crisis centers, municipal law enforcement agencies, district attorneys' offices, and forensic medical examination sites. This allows Campuses to draw upon the expertise and resources of a broader group of professionals, thereby marshalling and maximizing time-sensitive services and resources.

Coordination with Criminal Investigations and Proceedings

A pending (Campus or local) police criminal investigation does not relieve a Campus of its responsibility to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking complaints: a Campus may not wait until the conclusion of a police investigation to commence its own administrative investigation, and must take immediate steps to protect the victim(s). Although it may be necessary to temporarily delay the administrative investigation while the police are gathering evidence conducting their criminal investigation, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation. Subject to applicable law, the Title IX Coordinator should normally be given access to Campus law enforcement investigation notes, reports and findings as necessary for the administrative investigation, so long as it does not compromise the police/criminal investigation.

Campus police shall encourage the victim to file a complaint with the Title IX Coordinator (in addition to filing a criminal complaint). Unless the victim has already notified and/or consented to the disclosure of his/her identity to the Title IX Coordinator, Campus law enforcement shall redact all identity information before providing the Title IX Coordinator access to its investigation notes, reports and findings. Campus police shall also report the incident itself to the Title IX Coordinator while maintaining the confidentiality of the victim's identity (if anonymity is requested).

Campus police should receive copies of, and training on, this and all relevant Executive Orders, including the University's Sexual Misconduct, Dating and Domestic Violence, and Stalking investigation and complaint procedures.

Campus agreements with local law enforcement must allow the Campus to meet its obligations under this and all related Executive Orders to resolve complaints promptly and equitably.



Attachment A Revised June 23, 2015

NOTICE OF NON-DISCRIMINATION ON THE BASIS OF GENDER OR SEX

The California State University does not discriminate on the basis of gender, which includes sex and 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 gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking. The following person has been designated to handle inquiries regarding the non-discrimination policies:

CSULA Title IX Coordinator:

Office for Equity, Diversity and Inclusion
Mariel S. Mulet, Director
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040
Office hours Monday through Friday 8 a.m. to 5 p.m.

Deputy Title IX Coordinators:

Judicial Affairs Office
Letycia Gomez, Judicial Affairs Officer
5151 State University Drive, Student Affairs, Rm. 115A
Los Angeles, CA 90032
ltgomez@cslanet.calstatela.edu
(323) 343-3812

Associate Director for Residence Life
Rebecca Palmer
5300 Paseo Rancho, Housing Services, Phase II
Los Angeles, CA 90032
rpalmer@cslanet.calstatela.edu
(323) 343-4812

Associate Athletics Director
Sheila Hudson
5151 State University Drive, Physical Education, Rm. 105
Los Angeles, CA 90032
shudson@calstatela.edu
(323) 343-5240

Questions may also be addressed to:

Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: 415-486-5555
FAX: 415-486-5570; TDD: 800-877-8339
Email: ocr.sanfrancisco@ed.gov



Attachment B Revised June 23, 2015

Common Myths and Facts about the Causes of Sexual Misconduct

- 1) **Myth**: Victims provoke Sexual Assaults when they dress provocatively or act in a promiscuous manner.¹

Fact: Rape and Sexual Assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behaviors are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is Sexual Assault; regardless of the way that person dresses or acts.

- 2) **Myth**: If a person goes to someone's room or house or goes to a bar, s/he assumes the risk of Sexual Assault. If something happens later, s/he can't claim that s/he was raped or sexually assaulted because s/he should have known not to go to those places.

Fact: This "assumption of risk" wrongfully places the responsibility of the offender's action with the victim. Even if a person went voluntarily to someone's home or room and consented to engage in some sexual activity, it does not serve as blanket consent for **all** sexual activity. University policy defines Sexual Misconduct to include any sexual activity that is engaged in without Affirmative Consent. Affirmative Consent means informed, affirmative, voluntary, and mutual agreement to engage in sexual activity. Each person involved is responsible to ensure that they have the Affirmative Consent of the other participant(s). When in doubt if the person is comfortable with an elevated level of sexual activity, stop and ask. When someone says "no" or "stop," that means "STOP!" Sexual activity forced upon another without valid consent is Sexual Assault.

- 3) **Myth**: It is not Sexual Misconduct if it happens after drinking or taking drugs.

Fact: Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault her/him; others choose to take advantage of the situation and sexually assault her/him because s/he is in a vulnerable position. **A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.**

- 4) **Myth**: Most Sexual Assaults are committed by strangers. It's not rape if the people involved know each other.

Fact: Most Sexual Assaults and Rape are committed by someone the victim knows. A study of sexual victimization of college women showed that about 90% of victims knew the person who sexually victimized them. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance or co-worker sexually victimized the person. It is important to remember that Sexual Misconduct can occur in both heterosexual and same-gender relationships.

- 5) **Myth**: Rape can be avoided if women avoid dark alleys or other "dangerous" places where strangers might be hiding or lurking.

Fact: Rape and other Sexual Misconduct can occur at any time, in many places, to anyone.

- 6) **Myth**: A person who has really been sexually assaulted will be hysterical.

Fact: Victims of Sexual Assault exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary



Attachment B Revised June 23, 2015

with each person. There is no “right way” to react to being sexually assaulted. Assumptions about the way a victim “should act” may be detrimental to the victim because each victim copes in different ways.

- 7) **Myth**: All victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge or didn't want to look like they were sexually active.

Fact: There are many reasons why a victim may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not being believed and being required to go through judicial proceedings. Just because a person does not report the incident does not mean it did not happen.

- 8) **Myth**: Only young, pretty women are assaulted.

Fact: The belief that only young, pretty women are sexually assaulted stems from the myth that Sexual Misconduct is based on sex and physical attraction. Sexual Assault is a crime of power and control. Offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Men and boys are also sexually assaulted, as well as persons with disabilities. Assumptions about the “typical” victim might lead others not to report the assault because they do not fit the stereotypical victim profile.

- 9) **Myth**: It's only Rape if the victim puts up a fight and resists.

Fact: Many states do not require the victim to resist in order to charge the offender with Rape or Sexual Assault. Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.

- 10) **Myth**: Someone can only be sexually assaulted if a weapon was involved.

Fact: In many cases of Sexual Assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats or a combination of these tactics to overpower the victim. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a Sexual Assault.

What You Can Do To Help Stop Sexual Misconduct

- Sexual contact requires mutual and Affirmative Consent. An incapacitated person (for example, a person under the influence of drugs or alcohol) may be incapable of giving consent. 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 capacity, awareness of consequences, and ability to make fully informed judgments.
- No one deserves to be sexually assaulted, stalked or victimized in any way.
- Don't engage in any behavior that may be considered Sexual Assault, Domestic Violence, Dating Violence, Stalking or any other form of Sexual Misconduct or violence.



Attachment B Revised June 23, 2015

- Never use force, coercion, threats, alcohol or other drugs to engage in sexual activity.
- Take responsibility for your actions.
- Avoid alcohol and other drugs.
- Remember “no” means “No!” and “stop” means “Stop!”
- Report incidents of violence (including coercion) to law enforcement and campus authorities.
- Discuss Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking with friends—speak out against non-consensual sex or violence and clear up misconceptions.
- Don’t mistake submission or silence for Affirmative Consent.

What You Can Do To Help Minimize Your Risk of Becoming a Victim

- Be aware. Does your partner: Threaten to hurt you or your children? Say it’s your fault if he or she hits you and then promises it won’t happen again (but it does)? Put you down in public? Force you to have sex when you don’t want to? Follow you? Send you unwanted messages and gifts?
- Be assertive. Speak up.
- Stay sober and watch out for dates and/or anyone who tries to get you drunk or high.
- Clearly communicate limits to partners, friends, and acquaintances.
- Never leave a party with someone you don’t know well and trust.
- Trust your feelings; if it feels wrong, it probably is.
- Learn all you can and talk with your friends. Help them stay safe.
- Report incidents of violence to law enforcement and campus authorities.

What You Can Do If You Are a Victim, in General

- Go to a safe place as soon as possible.
- Preserve evidence.
- Report the incident to University Police or local law enforcement.
- Report the incident to your campus Title IX Coordinator.
- Call/visit the campus Sexual Assault Victim’s Advocate



Attachment B Revised June 23, 2015

- Call a Domestic Violence, Sexual Assault or Stalking hotline.
- Call a friend or family member for help.
- Know that you are not at fault. You did not cause the abuse to occur and you are not responsible for someone else's violent behavior.

Sexual Misconduct - Risk Reduction Tips

All sexual activity between members of the CSU community must be based on Affirmative Consent.² 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 and 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. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when a person is under 18 years old, because a minor is considered incapable of giving legal consent due to age.

“What can I do in order to help reduce my risk of being a victim of Sexual Misconduct?”

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame and with recognition that only those who commit Sexual Misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- ***In an emergency, call 9-1-1***



Attachment B Revised June 23, 2015

“What can I do in order to help reduce my risk of being an initiator of Sexual Misconduct?”

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent, about someone's sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves. **Incapacitation means a person is unable to give valid consent.**
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Rape, Acquaintance Rape, Sexual Assault, Sexual Battery

Rape is a form of Sexual Misconduct and is 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 s/he is incapacitated from alcohol and/or drugs, is 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 not determinative.³ (See complete definition of Affirmative Consent below.)

Acquaintance Rape is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website.

Sexual Assault is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.⁴



Attachment B Revised June 23, 2015

Sexual Battery is a form of Sexual Misconduct and is 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.⁵

In order for a sexual act to be considered Rape or Sexual Assault, the act must be non-consensual.

Crimes of a sexual nature may be reported to campus or local law enforcement in addition to being reported administratively on campus to the Title IX Coordinator. **Both men and women can be victims of Rape or Sexual Assault.**

Affirmative Consent

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative 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 s/he is asleep, unconscious, or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if s/he lacks 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 never 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;



Attachment B Revised June 23, 2015

- 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 to alleged lack of Affirmative Consent 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 to the sexual activity.

What is Dating Violence or Domestic Violence?

Domestic Violence is 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 persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual 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 (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 of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.⁶

Dating Violence is 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.⁷ 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Types of Dating/Domestic Violence That Constitute Sexual Misconduct

There usually is a pattern or a repeated cycle of Dating Violence, starting with the first instance of abuse.

General Pattern of Behavior:

- **Tension Building:** Relationship begins to get strained or tense between partners.
- **Explosion:** Outburst that includes verbal, emotional, or physical abuse.



Attachment B Revised June 23, 2015

- **Honeymoon:** Apologies where the abuser tries to re-connect with his/her partner by shifting the blame onto someone or something else.

What Dating/Domestic Violence Looks Like

- **Physical Abuse:** any use of physical force with the intent to cause injury (i.e. grabbing in a way to inflict pain, hitting, shoving, strangling, kicking)
- **Sexual Abuse:** any action that impacts the partner's ability to control his/her sexual activity or the circumstance in which sexual activity occurs, including Rape, coercion or restricting access to birth control

Warnings or Signs of Potential Dating/Domestic Violence

- Any actions used for the intent of gaining power and control over a person. Checks my cell phone or email without my permission.
- Monitors where I'm going, who I'm going with, what I'm doing.
- Repeatedly says or does things to make me feel inadequate or inferior to him/her.
- Extreme jealousy or insecurity.
- Isolates me from my friends and family.
- Explosive temper.
- Mood swings.
- Assumes control over my access to financial resources.
- Tells me what to do.
- Possessiveness.
- Physically hurts me in any way.

Stalking

Stalking means a repeated course of conduct directed at a specific person (when based on gender or sex) that places that person in reasonable fear for his/her or others' safety, or to suffer substantial emotional distress.⁸

Stalking is a pattern of behavior that makes you feel afraid, nervous, harassed or in danger. It is when someone repeatedly contacts you, follows you, sends you things, talks to you when you don't want them to or threatens you. Stalking behaviors can include:



Attachment B Revised June 23, 2015

- Damaging your property.
- Knowing your schedule.
- Showing up at places you go.
- Sending mail, e-mail, texts and pictures.
- Creating a website about you.
- Sending gifts.
- Stealing things that belong to you.
- Calling you repeatedly.
- Any other actions that the stalker takes to contact, harass, track or frighten you.

You can be stalked by someone you know casually, a current boyfriend or girlfriend, someone you dated in the past or a stranger. Getting notes and gifts at your home, on your car or other places might seem sweet and harmless to other people, but if you don't want the gifts, phone calls, messages, letters or e-mails, it doesn't feel sweet or harmless. It can be scary and frustrating.

Sometimes people stalk their boyfriends or girlfriends while they're dating. They check up on them, text or call them all the time, expect instant responses, follow them, use GPS to secretly monitor them and generally keep track of them, even when they haven't made plans to be together. These Stalking behaviors can be part of an abusive relationship. If this is happening to you or someone you know, you should talk to a trusted person.

Stalking is a crime and can be dangerous. California Penal Code section 646.9, in part, states, "Any person who willfully, maliciously and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking....."

How You Can Help Yourself

Think about ways you can be safer. This means thinking about what to do, where to go for help and who to call ahead of time:

- Where can you go for help?
- Who can you call?
- Who will help you?
- How will you escape a violent situation?



Attachment B Revised June 23, 2015

Other Things You Can Do

- ***In an emergency, call 911*** or University Police or the local police department.
- Let friends or family members know when you are afraid or need help.
- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Avoid isolated areas.
- Avoid putting headphones in both ears so you can be more aware of your surroundings.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, remove yourself.
- Vary your routine, your driving routes and where you park your car.
- When you go out, tell someone where you are going and when you'll be back.
- Memorize the phone numbers of people to contact or places to go in an emergency.
- Don't load yourself down with packages or bags restricting your movement.
- Keep your cell phone handy; check to see that you have reception and that your cell phone is charged, but, then pay attention to your surroundings instead of the phone.
- Have money for a cab or other transportation.
- Save notes, letters or other items that the stalker sends to you. Keep a record of all contact that the stalker has with you; these items will be very useful in an investigation.

How You Can Help Someone Else

If you know someone who is being stalked, you can:

- Encourage your friend to seek help.
- Be a good listener.
- Offer your support.
- Ask how you can help.
- Educate yourself about stalking.
- Avoid any confrontations with the stalker; this could be dangerous for you and your friend.



Attachment B Revised June 23, 2015

1. Key capitalized terms are defined on pp. 6 - 11.
2. See definition of Affirmative Consent below.
3. See Cal. Penal Code §§ 261, 263.
4. See Cal. Penal Code § 240.
5. See Cal. Penal Code § 242
6. See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.
7. See Cal. Penal Code § 13700(b).
8. See Cal. Penal Code § 646.9.



Attachment C Revised June 23, 2015



RIGHTS AND OPTIONS FOR VICTIMS OF SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING¹

The University is committed to creating and sustaining an educational and working environment free of sexual misconduct, dating and domestic violence, and stalking. If you experience any of these forms of misconduct, you are strongly encouraged to utilize the various on and off campus resources described below. Your safety and well-being is the University's priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.²

WHAT SHOULD I DO?

Call 9-1-1 if you are in the midst of any kind of emergency, immediate harm or threat of harm.

If you have experienced sexual misconduct (e.g., rape, acquaintance rape, or sexual battery), dating or domestic violence, or stalking, you are encouraged to ***seek immediate assistance from police and healthcare providers*** for your physical safety, emotional support and medical care.

University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential Sexual Assault Victim's Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights and remedies, and/or the Campus Sexual Assault Victim's Advocate. The campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The Sexual Assault Victim's Advocate listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

You have the right to decide whom and when to tell about what happened. However, it is very important that you get confidential medical attention after being assaulted. Following the incident, you may be physically injured, there may be a chance you contracted a sexually transmitted disease or that you may become pregnant.

WHOM SHOULD I CONTACT?

The University has designated a Title IX Coordinator to provide you 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. Your Campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint; the University's relevant complaint process, and your right 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.



Attachment C Revised June 23, 2015

CSULA Title IX Coordinator:

Office for Equity, Diversity and Inclusion
Mariel S. Mulet, Director
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040
Office hours Monday through Friday 8 a.m. to 5 p.m.

Deputy Title IX Coordinator:

Judicial Affairs Office
Letycia Gomez, Judicial Affairs Officer
5151 State University Drive, Student Affairs, Rm. 115A
Los Angeles, CA 90032
ltgomez@cslanet.calstatela.edu
(323) 343-3812

Deputy Title IX Coordinator:

Associate Director for Residence Life
Rebecca Palmer
5300 Paseo Rancho, Housing Services, Phase II
Los Angeles, CA 90032
rpalmer@cslanet.calstatela.edu
(323) 343-4812

Deputy Title IX Coordinator:

Associate Athletics Director
Sheila Hudson
5151 State University Drive, Physical Education, Rm. 105
Los Angeles, CA 90032
shudson@calstatela.edu
(323) 343-5240

University Police:

Department of Public Safety
North End of Lot 1
5151 State University Drive
Los Angeles, California 90032
(323) 343-3700



Attachment C Revised June 23, 2015

Local Police

The Los Angeles Police Department
Hollenbeck Community Police Station
2111 E. 1st Street
Los Angeles, California 90033
(323) 342-4100 Voice
(323) 224-0125 TDD/TTY

Sexual Assault Victim's Advocate

Sonia Rivera, Director of Sexual Assault & Emergency Services
1255 South Atlantic Blvd
Los Angeles, CA 90022
(800) 585-6231

U.S. Department of Education, Office for Civil Rights:

- (800) 421-3481 or ocr@ed.gov
- If you wish to fill out a complaint form online with the OCR, you may do so at:
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

The White House Task Force to Protect Students From Sexual Assault

- <https://www.notalone.gov/>

Medical & Counseling Services

Campus Services

Student Health Center

5151 State University Drive
Main Walkway, adjacent to the Career Development Center
Los Angeles, California 90032
(323) 343-3300

Office Hours:

Monday - Thursday 8:30am - 5:45pm
Friday 8:30am - 12:15pm
Medical Appointments (323) 343-3302

Counseling and Psychological Services (323) 343-3314

http://web.calstatela.edu/univ/hlth_ctr/SHC_CAPS.php

Domestic and Sexual Violence

http://web.calstatela.edu/univ/hlth_ctr/SAFE_Facts.php

Campus Domestic and Sexual Violence Resources

http://web.calstatela.edu/univ/hlth_ctr/SAFE_Campus.php



Attachment C Revised June 23, 2015

Gender and Sexuality Resource Center

5154 State University Drive, Room 206, U-SU Los Angeles, CA 90032 (323) 343-5001

<http://www.calstatelausu.org/gsrc>

Off-Campus Services

Sex Assault Center

VIP Urgent Care Center (24 hour-care) LAC+USC Medical Center

2010 Zonal Avenue Los Angeles, CA 90033

(323) 226-3961

East Los Angeles Women's Center

1255 South Atlantic Blvd

Los Angeles, CA 90022

(800) 585-6231

Peace Over Violence

892 North Fair Oaks Avenue, Suite D

Pasadena, CA 91103

(626) 793-3385

Rape Treatment Center

1250 16th Street

Santa Monica, CA 90404

(424) 259-6000

Employee Assistance Program

(800) 777-9376



Attachment C Revised June 23, 2015

THE IMPORTANCE OF PRESERVING EVIDENCE

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the Campus Title IX Coordinator or Sexual Assault Victim's Advocate (see contact information above) for assistance as well.

WHAT REPORTING OPTIONS DO I HAVE?

The University's primary concern is your safety and the safety of the Campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct. If you have experienced sexual misconduct, dating or domestic violence, or stalking you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol or other University policies. Except in egregious circumstances, University students or employees who are victims of sexual misconduct will not be subject to discipline.

You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim's Advocate and/or support person of your choice present with you during a rape examination.

The Campus Title IX Coordinator or Sexual Assault Victim's Advocate can assist you in notifying the police if you choose.

Criminal: Reporting to University Police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you 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 your behalf.

Administrative: You may report to the Campus Title IX Coordinator, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide you with information regarding resources available to you, as well as information regarding your rights and options. Contact information for the Title IX Coordinator is listed above.

The Campus Title IX Coordinator will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: adjustment to work assignments, course schedules or supervisory reporting relationship; requiring the Respondent to move from University-owned or affiliated housing; immediately prohibiting the Respondent from coming to the University; or prohibiting the Respondent from contacting the parties involved in the reported incident. These options may be available to you whether or not you choose to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.



Attachment C Revised June 23, 2015

If it is determined that University policy³ was violated, the Respondent will be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by an advisor of your choice, including a Sexual Assault Victim's Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so.

Health/Counseling/Clergy: You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

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

You 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 or domestic violence, or stalking. University Police and your Campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

Non-reporting: You are strongly encouraged to report any incidents to the police and/or Campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

CONFIDENTIALITY – KNOW YOUR OPTIONS

We encourage victims of sexual misconduct, dating or domestic violence, or stalking to talk to someone about what happened – so you can get the support you 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. This information is intended to make you aware of the various reporting and confidential disclosure options available to you – so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Other Employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Some 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. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.



Attachment C Revised June 23, 2015

Privileged and Confidential Communications

*Physicians, Psychotherapists, Professional Counselors and Clergy*⁴ – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (*including those who work or volunteer in those offices*) may **not** report **any** information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. *However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable.* Following is the contact information for professional counselors and physicians (if any) on campus:

Hai Ho, MD, Physician – (323) 343-3302
Paul Kim, MD, Physician - (323) 343-3302
Rolando Tringale, MD, Physician - (323) 343-3302
Erica Gomez, PA-C- (323) 343-3302
Lisa Protes-Bush, PA-C- (323) 343-3302
Hiawatha Harris, MD, Psychiatrist - (323) 343-3314
Joseph Ortego, MD, Psychiatrist - (323) 343-3314
Jonna Fries, Psy.D., Counselor - (323) 343-3314
Jackie Meltz, Psy.D., LCSW, Counselor - (323) 343-3314
Maritza Nigro, LCSW, Counselor - (323) 343-3314
Paris Silva, LCSW, Counselor - (323) 343-3314

*Sexual Assault and Domestic Violence Counselors and Advocates*⁵ – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (*including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision*) may talk to you without revealing any information about you or the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.* Following is contact information for sexual assault and domestic violence counselors and advocates:

Joanna Gaspar, Senior Health Educator – (323) 343-3341
Marisa Marcarello, Health Educator – (323) 343-3347
Sonia Rivera, Director of Sexual Assault & Emergency Services. East Los Angeles Women's Center – (800) 585-6231

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.



Attachment C Revised June 23, 2015

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services.

They may not, however, be able to assist you with University academic support or accommodations, or changes to University-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). 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. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates 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: 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 he or she provides medical services for a **physical condition** to a patient/victim who he or she knows 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 and dating and domestic violence).⁶ This exception does **not** apply to sexual assault and domestic violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, **all** professionals described above (physicians, psychotherapists, professional counselors, 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.⁷ These professionals will explain this limited exception to you, 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;⁸ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.⁹ If applicable, these professionals will explain this limited exception to you.

Reporting to University or Local Police

If you report certain sex offenses to local or University Police, the police are required to notify you that your name will become a matter of public record **unless confidentiality is requested**.¹⁰ If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator your name/identity, 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, your name/identity will not be revealed.



Attachment C Revised June 23, 2015

Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report incidents of sexual misconduct, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another University employee about an incident, you have 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, we strongly encourage victims to report sexual misconduct, dating and domestic violence, and stalking directly to the Title IX Coordinator.***

As detailed above, all University employees **except** physicians, licensed counselors, sexual assault victim's advocates must report to the Title IX Coordinator all relevant details about 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 employee will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other 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 reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:

Office for Equity, Diversity and Inclusion
Mariel S. Mulet, Director
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040
Office hours Monday through Friday 8 a.m. to 5 p.m.

If you request of the Title IX Coordinator or another University employee that your identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If you wish to maintain confidentiality 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 you. Under those circumstances, the Title IX Coordinator will determine whether your 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 your identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.



Attachment C Revised June 23, 2015

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

- Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct, dating or domestic violence, or stalking to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other 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 Respondent pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to University or local police – and provide you with assistance if you wish to do so.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate.

The University will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the University with written permission to do so.¹¹

Under California law, and pursuant to University policy, certain 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.¹² However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.¹³

Because the University is under a continuing legal obligation to address the issue of sexual misconduct, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revising its policies and practices.

NOTE: If the University determines that the perpetrator poses a serious and immediate threat to the Campus community, a designated Campus Security Authority under the Clery Act may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

AS A REPORTER, AM I PROTECTED FROM RETALIATION?

Yes, University policies prohibit retaliation against a person who:

- Reports sexual misconduct, dating or domestic violence, or stalking;
- Assists someone with such a report; or
- Participates in any manner in any related investigation or resolution.



Attachment C Revised June 23, 2015

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her rights or responsibilities. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. Retaliation, if proven, is a violation of University policies and may result in discipline, up to and including termination of employment or expulsion from the University.

WHAT ELSE MIGHT HAPPEN IF I NOTIFY UNIVERSITY POLICE?

Should you choose to notify University Police, you will be escorted to a safe place if necessary, and may be transported to a hospital or sexual response assault center for a medical exam. University police can also provide access to a confidential Sexual Assault Victim's Advocate, if desired. First and foremost, the medical exam you receive from a hospital or sexual assault response center treats any physical injury or effect. The exam may include a vaginal and/or anal examination, testing, and prophylactic treatment for sexually transmitted infections and possible pregnancy.

Second, the medical exam properly collects and preserves evidence. Seeking a medical exam for treatment and evidence collection does not commit you to any particular course of action, and your medical records are confidential.

WHAT CSU PROCEDURES ARE AVAILABLE?

The University has formal written procedures that provide for a Campus investigation of reports of sexual misconduct, dating and domestic violence, and stalking, written findings sent to the Complainant and the Respondent, and a review of the campus investigative findings by the CSU Chancellor's Office. The procedure for CSU employees and third parties is separate from, but similar to the procedure for CSU students.¹⁴ Your Campus Title IX Coordinator can explain these procedures in detail.

At the conclusion of the University's complaint procedure, any employee or student found to have violated University policy will be subject to discipline. Discipline would be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans (for employees), University policies and legal requirements. ***As the victim, you are not required to participate in any University disciplinary procedure and may choose not to be a part of it.*** Disciplinary procedures for sexual misconduct, dating and domestic violence, and stalking will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on sexual misconduct, dating and domestic violence, and stalking, including how to conduct a process that protects the safety of victims and promotes accountability;
- Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Simultaneously inform the Complainant and the Respondent in writing of:
 - The outcome of the disciplinary proceeding;
 - The procedures available 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.



Attachment C Revised June 23, 2015

WHAT ARE SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, STALKING, AND AFFIRMATIVE CONSENT?

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 it is based on gender, domestic violence and stalking also constitute sexual misconduct. Sexual misconduct may include 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). Men as well as women 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.

- a. Sexual Assault is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.
- b. Sexual Battery is a form of sexual misconduct and is 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.
- c. Rape is a form of sexual misconduct and is 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 s/he is incapacitated from alcohol and/or drugs, is 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 affirmative consent below.)
- d. Acquaintance Rape is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

Dating Violence is 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.



Attachment C Revised June 23, 2015

Domestic Violence is 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 persons 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 (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 of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Stalking means engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his/her 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 statuses 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.

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean affirmative consent, nor does silence mean affirmative 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 (or other sexual acts). 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. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once affirmative 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 s/he is asleep, unconscious, or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.



Attachment C Revised June 23, 2015

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. Intoxication or incapacitation from drugs or alcohol does not diminish a 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 never 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 to alleged lack of affirmative consent 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.



Attachment C Revised June 23, 2015

1. As required by the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f))(VAWA), pursuant to its Campus Sexual Violence Elimination Act provision (Campus SaVE Act) and related laws and regulations.
2. Terms contained within this Notice are intended to be gender neutral.
3. Executive Order 1096 (Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and *Procedure* for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide *Procedure* for Addressing Such Complaints by Students).
4. See Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*
5. See Cal. Evid. Code § 1035 *et seq.* and § 1037 *et seq.*
6. Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including sexual battery, incest, rape, spousal rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.
7. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
8. See Cal. Evid. Code § 1024.
9. See Cal. Evid. Code § 1035.4.
10. See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).
11. If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).
12. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
13. See Cal. Penal Code § 11167(d).
14. Executive Order 1096 (Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and *Procedure* for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide *Procedure* for Addressing Such Complaints by Students); Executive Order 1095 (Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy.)



STUDENT HEALTH SERVICES



GENERAL INFORMATION

The Student Health Center's mission is to provide high quality, affordable health care and health education for the students of Cal State LA to preserve and enhance their potential for academic success and personal development. The Student Health Center also seeks to serve as the primary health resource for the University and health advocate for the campus community.

The Center is located on the main walkway between the Career Planning and Placement Center and La Kretz Hall. Services are available Monday - Thursday from 8:30 a.m. - 5:45 p.m., and Fridays, from 8:30 a.m. - 12:15 p.m. For more information contact us at **(323) 343-3300**, drop in, or go to www.calstatela.edu/studenthealthcenter. Call **(323) 343-3302** to schedule a confidential appointment. Call 9-1-1 for medical and psychological emergencies.

CONFIDENTIALITY

Student Health Center health records are confidential. Information is not released without written consent of patients, except as required by law. Examples include: diagnosis of certain communicable diseases which must be reported to the County of Los Angeles, Department of Health Services; when there is reason to believe that abuse of minors or elderly persons has occurred; and when there is a threat to the health and safety of others. For additional information, please see our Notice of Privacy Practices, available at www.calstatela.edu/studenthealthcenter.

MEDICAL SERVICES

Primary care physicians, nurse practitioners, and physician assistants provide a wide variety of basic primary medical care to students. Students can receive preventative medical services such as contraceptive and sexual health care, health screening, and immunization; and diagnostic and treatment services for common medical conditions such as musculoskeletal injuries, asthma, sexually transmitted infections, and others. Medical services also include chiropractic, dental, massage therapy, and optometry clinics, and psychiatric services.



STUDENT HEALTH SERVICES CONT'D

COUNSELING AND PSYCHOLOGICAL SERVICES

Counseling and Psychological Services (CAPS) encompass individual and group counseling services. Counseling sessions are confidential, interactive and nonjudgmental and are designated to aid self-understanding and resolution of personal issues. Services are provided by multidisciplinary professionals from the fields of psychology, marriage and family therapy, medical social work, and counseling who are educated and experienced in providing mental health counseling and psychotherapy. Assistance is available for alcohol and other drug abuses, coping with anxiety or depression, LGBTQ issues, relationship concerns, sexual assault, self-esteem, stress management, and other concerns.

HEALTH EDUCATION

Health educators provide confidential and anonymous health counseling, referrals, and other services that relate to alcohol and other drugs, contraception, dating/domestic violence, HIV infection and other sexually transmitted infections, nutrition and fitness, sexual assault and rape, sexual health, stalking, stress management, and other health issues.

MEDICAL SERVICES FOR STUDENTS WITH ALCOHOL AND OTHER DRUG PROBLEMS AND VICTIMS OF VIOLENCE

The Student Health Center provides students who have alcohol and other drug concerns or problems* with medical care and counseling services and resources. Additionally, the Student Health Center provides care and resources for victims of sexual assault and other forms of violence.

Services are available on an appointment or walk-in basis. For information, call **(323) 343-3300**. To schedule an appointment, contact the Student Health Center appointment coordinator at **(323) 343-3302**.

**Students who seek assistance voluntarily for alcohol and other drug-related problems are not subject to disciplinary action. ¹*

POLICIES

The Student Health Center reports statistical data regarding certain crimes to the Department of Public Safety, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. ²

-
1. *California State University, Los Angeles, Student Notification of Drug-Free Campus Policy*
 2. *Full text is available at www.ed.gov*



Project SAFE
Cal State L.A. Student Health Center
Dating and Domestic Violence, Sexual Violence and Stalking
Awareness

Call 911 in an Emergency or if You or Someone Else is in Imminent Danger

Caution: The resources (e.g., hotlines) included in this document can be helpful for victims and those who are supporting victims. But, please be aware that phone, tablet, computer and other device activity may be monitored. It can be safer for victims to obtain information using a device a perpetrator does not have potential access to. For additional information, visit or contact the:

National Domestic Violence Hotline | www.thehotline.org | 800.799.7233 or 800.787.3224 (TTY).

About Project SAFE

Project SAFE is the Cal State L.A. Student Health Center, Health Promotion and Education Center's dating and domestic violence, sexual violence and stalking awareness program. For additional resources and information, please visit www.calstatela.edu/studenthealthcenter/safe or call 323.343.3340.

For information regarding CSU/Cal State L.A. campus sexual violence prevention programs and related policies and procedures, refer to the corresponding sections of this security and fire safety report.

The Scope of the Problem

Millions living in the United States are impacted by dating and domestic violence, sexual violence and stalking. For many, initial victimizations occur at a young age.

Dating and domestic violence: According to a recent report on non-fatal domestic violence in the United States, domestic violence represented about one-fifth (21%) of all violent victimizations during the years 2003-2012. Intimate partners (current or former boyfriends, girlfriends, partners, or spouses) perpetrated the majority of domestic violence incidents. ⁱ An estimated 22% of women and 14% of men are kicked, hit with a hard object, intentionally burned, or are subjected to other forms of severe physical violence at the hands of their intimate partners. ⁱⁱ

Sexual violence: In the United States, it's estimated that approximately 20% of women and 2% of men have been raped. An estimated 44% of women and 23% of men have been subjected to other forms of sexual violence (e.g., sexual coercion, unwanted sexual contact). ⁱⁱⁱ The majority of sexual violence incidents are perpetrated by someone the victim knows – intimate partners, family members, and well-known and casual acquaintances.

Stalking: According to estimates, approximately 15% of women and 6% of men have been stalked during their lifetimes. ^{iv} The majority of stalking victims know their stalkers. Stalkers are intimate partners, acquaintances, family members, and strangers. ^v Intimate partners who stalk are more violent and dangerous than those who do not stalk. ^{vi}



PROJECT SAFE CONT'D

What Is?

Dating and domestic violence: Whether abuse is committed by an intimate partner, immediate family member or other relative, or another individual, dating and domestic violence is based on inequality and the nonconsensual exercising of power and control over another person. Abusers use a variety of criminal and non-criminal tactics designed to establish fear and exert control. Coercion and threats; economic abuse; emotional abuse; intimidation; isolation; male privilege; minimizing, denying and blaming; using children; and violence (physical and sexual) are among the common strategies used by abusers. ^{vii} The warning signs or the specifics of what these tactics look like vary depending on the individuals involved (read further for warning sign examples). Commonly associated crimes include battery, terrorist threats, stalking, malicious destruction of phone lines, violation of protective orders, ^{viii} sexual assault, robbery, aggravated assault, and murder. ^{ix} Even when an abuser apologizes or there are periods of seemingly non-abusive behavior, over time abuse typically worsens. Seeking help at the first appearance of warning signs to avoid perpetration and victimization is important.

Sexual violence: Sexual violence encompasses a variety of behaviors that involve nonconsensual sexual conduct. Sexual violence includes completed acts or attempts of: unwanted anal, oral and vaginal penetration; being made to penetrate (oral, vaginal, anal) someone else without consent; sexual coercion—unwanted anal, oral or vaginal penetration after being pressured in a non-physical way; unwanted non-contact sexual experiences, such as being made to show genitalia; unwanted sexual contact that doesn't involve penetration, such as being kissed, fondled or grabbed. ^x Read further for additional warning sign examples. Seek help to avoid perpetration and for victim assistance.

Stalking: Like dating and domestic violence and sexual violence, stalking is a crime that is a serious threat to personal safety. Stalking is a repeated pattern of intentional, malicious and threatening behaviors which cause fear in targeted victims. Stalking may include overtly criminal conduct (e.g., vandalism, domestic violence, sexual violence, burglary ^{xi}) as well as seemingly non-criminal activity (e.g., sending gifts or texts, using social media to post harassing information ^{xii}). Stalking episodes may last for years, escalate without intervention, and result in significant emotional, physical, and financial hardship. When violence is involved, stalking can result in lethal acts. The majority of murdered women are stalked by their killers prior their killing. ^{xiii} Read further for additional warning sign examples. Seek help to avoid perpetration and for victim assistance.

What Everyone Needs to Consider About Consent and Sex

Consent is critical for all interactions with others. When it comes to sex, keep in mind that nonconsensual sexual conduct is a crime. The key to preventing sexual violence and misconduct is to ensure valid consent for all sexual activity. It is the responsibility of each individual participating in a sexual encounter to ensure consent has been given. Be aware that as California law allows consent to be withdrawn at any time, including after penetration, ^{xiv} if you have not been given consent or if consent has been withdrawn sexual activity must be immediately stopped.

When it comes to consent, keep in mind that consent is based in part on:

- **Positive cooperation by each individual involved.**
 - ◇ Based on personal choice and affirmative consent.
 - ◇ Equality – power differentials can imply lack of ability to consent.



PROJECT SAFE CONT'D

- ◇ Active participation in decision-making. A passive or silent partner is not a consenting partner.
- ◇ Participation is not based on fear.
- ◇ Participants are of legal age to consent to sex.
- **Each individual being able to act freely and voluntarily.**
 - ◇ Decisions regarding consent are free of coercion, force, violence, threat of violence or retribution.
 - ◇ Pressuring someone until he or she changes their mind is not consent.
 - ◇ Individuals are able to stop whenever they desire to do so.
 - ◇ A person cannot be incapacitated by alcohol, other drugs and substances, or other conditions.
 - ◇ Individuals who are asleep or unconscious cannot give consent.
 - ◇ An individual can't have a mental or physical condition or disability which prevents or limits ability to consent.
- **Each person knowing the nature of the act involved.**
 - ◇ Consent for one act (e.g., oral sex or intimate touching) doesn't give consent for others (e.g., sexual intercourse).
 - ◇ Understanding what an intimate act is and what its potential outcomes entail.
 - ◇ Respecting limits and boundaries.

Further, it's equally important to consider the fact that:

- **Relationship status does not convey consent.**
 - ◇ Relationship status (e.g., date, spouse, helpful classmate or coworker), being "in love," spending money on someone, giving or receiving gifts does not, providing or receiving assistance for a class or work project:
 - ◆ Does not impart consent.
 - ◆ Obligate anyone to be sexually intimate with someone else if they don't want to.
 - ◆ Entitle anyone to sex.
 - ◇ Consent is required for all sexual conduct in any type of relationship.
- **Requests for an individual to use a condom or a birth control method doesn't necessarily equate with consent.**
 - ◇ Depending on the genders of the individuals involved, this request may simply be a victim's means for protection against sexually transmitted infections and/or unintended pregnancy.

The Bottom Line

The key to preventing dating and domestic violence, sexual violence and misconduct, and stalking is for individuals who commit these offenses to choose not to do so.

- Federal and state laws and California State University/Cal State L.A. policies prohibit dating violence, domestic violence, sexual violence, and stalking. This prohibition applies to students, employees, and others; as well as to conduct both on and off campus.



PROJECT SAFE CONT'D

- Perpetrators can be subject to discipline, suspension, expulsion, termination, restitution, civil lawsuits, arrest, criminal prosecution, imprisonment, court-ordered fines, and other penalties.
- Victims have numerous rights granted by federal and state laws, including the right to: confidentiality; report crimes and misconduct to law enforcement and the Cal State L.A. Title IX Coordinator and Deputy Coordinators; be free of and protected from retaliation; and receive written information on their rights.
 - ◇ Campus support services include: crisis intervention; assistance with law enforcement and other notifications; safety measures; and academic, housing, work, and transportation accommodations.
 - ◇ Community support services and resources include: 24-hour hotlines; no-cost sexual assault forensic exams; emergency shelter; legal aid; immigration relief; and victim-witness assistance programs.

Preventing Perpetration of Abuse, Sexual Violence and Stalking

Have you ever thought that you may be behaving in a way that could be physically or mentally harmful to your partner? These behaviors are often difficult to recognize if you're the one doing them — but acknowledging that you may be hurting your partner is the first step in moving toward a healthier relationship.

Check in with yourself: How do you act toward your partner?

Do these examples of dating and domestic violence look familiar?

Do you...

- Get angry or insecure about your partner's relationships with others (friends, family, coworkers) and feel possessive?
- Frequently call and text to check up on your partner, or have them check in with you?
- Check up on your partner in different ways? (Ex. Reading their personal emails, checking their texts)
- Feel like your partner needs to ask your permission to go out, get a job, go to school or spend time with others?
- Get angry when your partner doesn't act the way you want them to or do what you want them to?
- Blame your anger on drugs, alcohol, or your partner's actions?
- Find it very difficult to control your anger and calm down?
- Express your anger by threatening to hurt your partner, or actually physically doing so?
- Express your anger verbally through raising your voice, name calling or using put-downs?
- Forbid your partner from spending money, or require that they have an allowance and keep receipts of their spending?
- Force or attempt to force your partner to be intimate with you?
- Blow up in anger at small incidents or "mistakes" your partner makes?

How does your partner react? Do they...

- Seem nervous around you?
- Seem afraid of you?
- Cringe or move away from you when you're angry?



PROJECT SAFE CONT'D

- Cry because of something you don't let them do, or something you made them do?
- Seem scared or unable to contradict you or speak up about something?
- Restrict their own interaction with friends, coworkers or family in order to avoid displeasing you? ^{xv}

Do these examples of sexual violence look familiar?

Using force, coercion, threats, intimidation, alcohol or other drugs, weapons, or other means to...

- Penetrate someone's anus, mouth or vagina without consent?
- Make someone penetrate you or someone else without consent?
- Expose your sexual body parts or masturbate in front of someone without consent?
- Or make someone show you his or her body parts without consent?
- Make someone look at or participate in sexual photos or movies without consent?
- Harass someone in a way that makes the person feel unsafe?
- Kiss someone without consent?
- Fondle or grab someone's sexual body parts without consent? ^{xvi}

Do these examples of stalking look familiar?

Engaging in the following or other activities in a manner that causes fear in someone else...

- Threatening to harm or kill someone or their family, friends or pets.
- Repeatedly following someone to his/her home, job, gym, school or other places.
- Repeatedly calling someone at home or at work.
- Repeatedly sending someone unwanted letters, faxes, emails, text messages or voice mails.
- Sending someone unwanted gifts or items, including menacing things such as dead flowers, torn-up photos, disfigured dolls or dead animals.
- Repeatedly waiting outside someone's home or workplace for no legitimate reason.
- Showing up uninvited at places or events where the person you have targeted is present.
- Vandalizing or breaking into someone's car, home or other property.
- Stealing someone's mail or monitoring their voice mail or email messages.
- Utilizing online information sources or electronic devices such as GPS (Global Positioning System) equipment to track or monitor someone's activities.
- Posting harassing information about someone on the Internet, in chat rooms or other public places. ^{xvii}

Did you answer "yes" to any of these examples?

If any of these behaviors sound familiar to how you act or how your partner (or someone else) reacts, it could be a red flag that you may be hurting them. This can be a difficult and unnerving realization to come to. By acknowledging now that your behaviors might be questionable and taking responsibility for them, you're a step ahead in beginning to correct them. ^{xviii}



PROJECT SAFE CONT'D

The National Domestic Violence Hotline can help. Here at The Hotline we frequently speak with people who identify as abusive, or who are concerned about behaviors that may be unhealthy.

We treat all callers with dignity and respect, and talk to people with these concerns because we support anyone who wants to take responsibility for his or her actions. Every call from someone who is becoming more aware of their unhealthy behavior is an opportunity to plant a seed for change.

No matter what the situation, our advocates are supportive and remain empathetic.

- Depending on what you're calling about, our advocates will talk to you about different courses of action. If throughout the call you and the advocate are beginning to identify unhealthy behaviors in your relationship, they'll discuss these [red flags](#) (links to National Domestic Violence Hotline) with you and then brainstorm healthy alternatives for the behavior.
- Example: "You can't change your feelings of jealousy all the time, but you can change how you are confronting your partner about these feelings."
- They'll talk about strategies for calming down and deescalating if you feel yourself getting angry, and discuss how your actions can negatively affect yourself and those around you.
- Callers may want to know about Battering Intervention and Prevention Programs — but not all callers asking about BIPPs are the same. While some are looking for a referral because the court has ordered them to, others are seeking out this information on their own accord. In 2010, hotline advocates made between 950-1,000 referrals to these programs.

If you're looking for someone to lend a confidential, impartial ear, our advocates at The Hotline are a great option. They'll listen, withhold judgment and help you begin to address what's going on in your relationship.

If you're questioning your own behavior *at all*, or if someone else has brought it to your attention, acknowledging it is a step in the right direction. Give us a call today at 1-800-799-SAFE (7233) or chat online with us to start the conversation.^{xix}

Reducing Victimization Risk

Abusive relationships and even sexual assaults typically start off as any other relationship or social interaction; and there may initially be no obvious signs of the person's intent to cause harm. An abuser or acquaintance first works to gain the trust or affection of the person they are planning to abuse or sexually assault. They may test their intended victim's boundaries with seemingly "harmless" actions – name calling, invading personal space. Then coercion, violence, alcohol and other drugs, and other means are used to abuse and sexually violate their victims. When it comes to stalking, an individual may be stalked by current and former intimate partners, acquaintances, strangers, family members, persons of authority, or other individuals.

There is no strategy which offers an absolute guarantee of freedom from dating and domestic violence, sexual violence and stalking victimization (victims don't control nor are they responsible for the behavior of a perpetrator – no matter what a perpetrator may say). However, awareness and knowledge are important tools for minimizing your risk or chances of becoming a victim of domestic and sexual violence.



PROJECT SAFE CONT'D

Recognize warning signs

Recognizing and responding to warning signs are the first steps to reducing victimization risk.

- **Dating and domestic violence**

In an abusive relationship, an abuser intentionally establishes fear in his or her intimate partner (current and former), family members, or someone he or she lives with to gain and maintain power and control over them. Abusers use a variety of strategies, both criminal and non-criminal, to manipulate and control their victims, including: coercion and threats; economic abuse; emotional abuse; intimidation; isolation; using privilege; minimizing and denying the abuse; victim blaming; using children; and violence (physical and sexual).

Warning signs of dating and domestic violence include:

Physical abuse

- ◇ Pulling your hair, punching, slapping, kicking, biting or choking you
- ◇ Forbidding you from eating or sleeping
- ◇ Trapping you in your home or keeps you from leaving
- ◇ Preventing you from calling the police or seeking medical attention
- ◇ Harming your children
- ◇ Abandoning you in unfamiliar places
- ◇ Driving recklessly or dangerously when you are in the car with them
- ◇ Forcing you to use drugs or alcohol (especially if you've had a substance abuse problem in the past)

Emotional abuse

- ◇ Calling you names, insulting you or continually criticizing you
- ◇ Refusing to trust you and acting jealous or possessive
- ◇ Trying to isolate you from family or friends
- ◇ Monitoring where you go, who you call and who you spend time with
- ◇ Demanding to know where you are every minute
- ◇ Punishing you by withholding affection
- ◇ Threatening to hurt you, the children, your family or your pets
- ◇ Humiliating you in any way
- ◇ Blaming you for the abuse
- ◇ Cheating on you intentionally to hurt you and then threatening to cheat again
- ◇ Attempting to control your appearance: what you wear, how much/little makeup you wear, etc.

Financial abuse

- ◇ Giving an allowance and closely watching how you spend it or demanding receipts for purchases
- ◇ Placing your paycheck in their bank account and denying you access to it



PROJECT SAFE CONT'D

- ◇ Preventing you from viewing or having access to bank accounts
- ◇ Forbidding you to work or limiting the hours that you can work
- ◇ Maxing out credit cards in your name without permission or not paying the bills on credit cards, which could ruin your credit score
- ◇ Stealing money from you or your family and friends
- ◇ Using funds from children's savings accounts without your permission
- ◇ Living in your home but refusing to work or contribute to the household
- ◇ Making you give them your tax returns or confiscating joint tax returns
- ◇ Refusing to give you money to pay for necessities/shared expenses like food, clothing, transportation, or medical care and medicine

Digital abuse

- ◇ Tells you who you can or can't be friends with on Facebook and other sites.
- ◇ Sends you negative, insulting or even threatening emails, Facebook messages, tweets, DMs or other messages online.
- ◇ Uses sites like Facebook, Twitter, foursquare and others to keep constant tabs on you.
- ◇ Puts you down in their status updates.
- ◇ Sends you unwanted, explicit pictures and demands you send some in return.
- ◇ Pressures you to send explicit video.
- ◇ Steals or insists to be given your passwords.
- ◇ Constantly texts you and makes you feel like you can't be separated from your phone for fear that you will be punished.
- ◇ Looks through your phone frequently, checks up on your pictures, texts and outgoing calls.
- ◇ Tags you unkindly in pictures on Instagram, Tumblr, etc. ^{xx}

• **Sexual violence**

There is a wide array of behaviors that make up nonconsensual sexual conduct; from coercion to violence. Reproductive coercion – taking control of someone's reproductive health – is also a problem for many. Sexual violence is perpetrated by intimate partners, family members, acquaintances, and strangers.

Warning signs of sexual abuse and violence include:

- ◇ Forcing you to dress in a sexual way.
- ◇ Insulting you in sexual ways or calls you sexual names.
- ◇ Forcing or manipulating you into having sex or performing sexual acts.
- ◇ Holding you down during sex.
- ◇ Involving other people in sexual activities with you against your will.
- ◇ Purposefully trying to pass on a sexually transmitted disease to you.
- ◇ Making you feel like you owe them - For example, because you're in a relationship, because you've had sex before, because they spent money on you or bought you a gift.



PROJECT SAFE CONT'D

- ◇ Giving you drugs and alcohol to "loosen up" your inhibitions.
- ◇ Playing on the fact that you're in a relationship, saying things such as: "Sex is the way to prove your love for me," "If I don't get sex from you I'll get it somewhere else."
- ◇ Continuing to pressure you after you say no.
- ◇ Making you feel threatened or afraid of what might happen if you say no.
- ◇ Trying to normalize their sexual expectations, for example "I need it, I'm a man."
- ◇ Refusing to use a condom or other type of birth control.
- ◇ Breaking or removing a condom during intercourse.
- ◇ Refusing to "pull out" if that is the agreed upon method of birth control.
- ◇ Forcing you to not use any birth control (for example, the pill, condom, shot, ring, etc.).
- ◇ Threatening you or acting violent if you don't comply with their wishes to either end or continue a pregnancy.^{xxi}

Stalking

The majority of stalking victims know their stalker. Stalking is more than a nuisance. It is a crime that is a serious threat to personal safety. Episodes may last for years, escalate without intervention, and result in significant emotional, physical, and financial hardship.

Warning signs of stalking can include:

- ◇ Threatening to harm or kill the victim or the victim's family, friends or pets.
- ◇ Repeatedly following the victim to his/her home, job, gym, school or other places.
- ◇ Repeatedly calling the victim at home or at work.
- ◇ Repeatedly sending the victim unwanted letters, faxes, emails, text messages or voice mails.
- ◇ Sending the victim unwanted gifts or items, including menacing things such as dead flowers, torn-up photos, disfigured dolls or dead animals.
- ◇ Repeatedly waiting outside the victim's home or workplace for no legitimate reason.
- ◇ Showing up uninvited at places or events where the victim is present.
- ◇ Vandalizing or breaking into the victim's car, home or other property.
- ◇ Stealing the victim's mail or monitoring the victim's voice mail or email messages.
- ◇ Utilizing online information sources or electronic devices such as GPS (Global Positioning System) equipment to track or monitor the victim's activities.
- ◇ Posting harassing information about the victim on the Internet, in chat rooms or other public places.^{xxii}

What else can you do?

- **Clearly communicate your boundaries.** Be wary of someone who doesn't respect your limits.
- **Trust your feelings.** If a something doesn't feel right, it probably isn't. Do what you can, including enlisting the help of others if needed, to get into a safer situation.
- **Stay sober** and watch out for those who pressure you to drink or get high.
- **Plan for safety.** Think ahead - do you have money for a taxi if you need to get home on your own? Have you asked friends to check in with you? If you're being abused and can't avoid the person abusing you, get help to develop a safety plan.



PROJECT SAFE CONT'D

- **Get help when needed.** If you think or know you are being abused, have been sexually violated, or are being stalked, help is available — on campus and in the community. Call 911 in an emergency.

What if I Need Help?

For your consideration – it's your choice:

- First things first! There are many options available to you (some of which are identified below), however, it is also your right to choose against any and all options identified here or elsewhere.
 - ◇ **Know and believe that you are not at fault!** Everyone deserves to be treated with respect. You did not do anything to cause or deserve the abuse, sexual violence, stalking, or other crimes and misconduct you have been subjected to; and you are not responsible for someone else's actions, *no matter what a perpetrator (or others) may say.*
 - ◇ *Call 911 in an emergency or if you are in imminent danger*—Report incidents to local law enforcement, University Police or the campus Title IX Coordinator.
 - ◆ If applicable, responding officers can issue an emergency protection order.
 - ◆ [University Police](#): North end of Lot 1 • 323.343.3700 (Call 911 for emergencies).
 - ◆ For important information on Cal State L.A. reporting options, read Cal State L.A.'s [Rights and Options for Victims of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking](#).
 - ◇ Go to a safe place as soon as possible.
- **Help is available 24/7.** 24-hour hotlines operated by local and national agencies provide round the clock assistance to adults and children who are victims of dating and domestic violence, sexual violence and stalking. Crisis intervention counseling; safety planning; evidence preservation recommendations; accompaniment and support for forensic exams and law enforcement and criminal justice interviews; short-term and long-term counseling; support groups; emergency shelter or shelter referrals; legal assistance; and other advocacy services are available through local agencies.

National 24-hour hotlines provide assistance and connect dating and domestic violence, sexual violence and stalking victims and concerned friends, family, classmates, and coworkers with local agencies. For phone and online chat assistance, contact the:

- ◇ National Domestic Violence Hotline: www.thehotline.org | 800.799.SAFE (7233), 800.787.3224 (TTY)
- ◇ National Teen Dating Abuse Hotline: www.loveisrespect.org | 866.331.9474, 866.331.8453 (TTY)
- ◇ National Sexual Assault Hotline: www.rainn.org | 800.656.HOPE (4673)
- ◇ Safe Helpline (for the DoD community): www.safehelpline.org | 877.995.5247



PROJECT SAFE CONT'D

- **Healthcare.** Obtaining appropriate medical and emotional care as soon as possible after a physical or sexual assault is very important for the health and wellbeing of victims—even when there are no apparent injuries. As certain forms of care are time-sensitive, it is extremely important to seek medical attention as soon as possible after an assault. Assistance with locating an appropriate care facility is available through 24-hour hotlines, local law enforcement and University Police, Title IX Coordinator, and Student Health Center.
 - ◇ **Emergency contraception:** Emergency contraception consists of pills (sometimes called “morning after pills”) or intrauterine contraceptives which can prevent pregnancy after a sexual assault. Emergency contraception *must be administered within 5 days* (120 hours) of a sexual assault. For additional information on emergency contraception visit Womenshealth.gov.
 - ◇ **Emotional care and support:** The aftermath of living with dating and domestic, sexual violence and stalking can be emotionally traumatizing. Counseling and psychological services can help victims cope while living with ongoing abuse, sexual violence and stalking or the aftermath of incidents. Local agencies offer crisis counseling 24/7 through their 24-hour hotlines. Agencies also offer short-term and long-term counseling and support groups. National hotlines can connect victims with local victim assistance agencies. Counseling and psychological services are also available through the [Student Health Center](#).
 - ◇ **Evidence collection:** Medical providers can assist victims with evidence preservation and documentation. Evidence preservation is very important — even when someone is not intending to report a crime or policy violation (to law enforcement or campus officials).
 - ◇ **HIV post-exposure prophylaxis (HIV PEP):** HIV PEP consists of taking HIV medications to reduce the chances of becoming infected with HIV *after a potential exposure* to HIV. *HIV PEP must be started within 72 hours* after a potential exposure to HIV. For additional information on HIV PEP visit AIDS.gov.
 - ◇ **Injury care and treatment:** Victims should seek medical care as soon as they are able after an assault, even when there are no apparent injuries. In addition, medical providers will document injuries identified during examinations. Call 911 in an emergency. 24-hour hotlines, University Police, Title IX Coordinator, and Student Health Center are available to connect victims with appropriate medical care facilities.
 - ◇ **Sexually transmitted infection (STI) testing and treatment:** STI care may include testing for common STI and prophylactic treatment (a medication or vaccination) to reduce risk of STI infection after a potential exposure. *Care should be sought as soon as possible after a sexual assault.*
- **Evidence preservation.** Preserving evidence is important in the event you decide to report the crime, seek a protective/restraining order, or file a civil lawsuit – whether it’s immediately after a crime is committed against you or at a future date. Detailed evidence preservation tips, including information on the sexual assault forensic exam are available through 24-hour hotlines and law enforcement agencies. How evidence is preserved depends on circumstances. In all cases, documentation is important—documenting dates, times, witnesses, and descriptions of incidents in a journal or log. Also of importance is saving: clothing that was worn at the time of an assault in separate paper bags; threatening texts and emails; screenshots of online posts; and other evidence, such as unwanted gifts. Have injuries documented by a medical provider. Taking and saving pictures of injuries or vandalized property is also helpful. Keep in mind that evidence should be kept in a safe place where a perpetrator is not likely to discover it.



PROJECT SAFE CONT'D

Victims of sexual assault are encouraged to preserve evidence by avoiding showering, douching, changing clothes, brushing teeth, going to the bathroom, throwing out sheets, eating or drinking; and anything else that may alter or destroy evidence; and then completing a sexual assault forensic exam *as soon as possible after the assault*. For the greatest chances of collecting DNA evidence, **the sexual assault forensic exam is ideally performed within 72 hours of an assault** (depending on circumstances, some hospitals perform the exam beyond the 72-hour time frame).

For victims who initially do not wish to report their sexual assaults to law enforcement, **federal and state laws make the forensic exam available to victims at no cost with no obligation to file a report with law enforcement**,^{xxiii} enabling immediate evidence collection and preservation while at the same time giving victims time to consider how they want to proceed.

When sexual assaults are reported to law enforcement, the responding agency will assist victims in obtaining the forensic exam, if desired. Victims can also contact the National Sexual Assault Hotline (www.rainn.org) at 800.656.4673 to obtain the location of the nearest hospital which conducts the exam. If desired, victims have the right to have an advocate from a local domestic and sexual violence assistance agency and another support person of their choice present at the forensic exam.^{xxiv}

Local hospitals offering 24-hour sexual assault forensic exams and other care include:

- ◇ **Rape Treatment Center at Santa Monica • UCLA Medical Center:** www.911rape.org | 1250 Sixteenth Street, Santa Monica, CA 90404. Phone: 310.319.4000.
 - ◇ **San Gabriel Valley Medical Center, AHMC:** www.sgvmc.com/Clinical-Services/Sexual-Assault-Response-Team.aspx | 438 West Las Tunas Drive, San Gabriel, CA 91776. Phone 877.209.3049.
 - ◇ **VIP Sexual Assault Center/ VIP Forensic Urgent Care Center at LAC+USC Medical Center:** www.violenceinterventionprogram.org | Outpatient Department; 2010 Zonal Avenue, Los Angeles, CA 90033. Phone: 323.226.3961.
- **Rights and options.** Federal and state laws grant dating and domestic violence, sexual violence and stalking victims with a number of rights. These include the right to: report crimes and not be prevented from reporting;^{xxv} confidentiality protections;^{xxvi} immigration status protection;^{xxvii} HIV testing of sexual violence perpetrators;^{xxviii} pursue civil lawsuits;^{xxix} restitution^{xxx} and reimbursement,^{xxxi} and prior notice of the release of convicted perpetrators.^{xxxii} For additional information on these and other rights visit [Project SAFE](#).

There are additional campus-based rights given to victims by the Clery Act/Campus SaVE Act, including: safety measures; assistance in, changing academic, living, transportation, and working situations (when requested and reasonably available); confidential reporting options; and other rights.^{xxxiii} For more information, read Cal State L.A.'s [Rights and Options for Victims of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking](#).

Specific details on rights applicable to an individual's personal situation may be obtained through: local domestic and sexual violence assistance agencies; local law enforcement; the Cal State L.A. Title IX Coordinator; and local district attorney office sponsored victim-witness assistance programs.



PROJECT SAFE CONT'D

- **Safety planning.** Safety planning, although not a safety guarantee, is important to help reduce risk of harm. Please be aware that *the highest risk of lethal danger is when perpetrators threaten to kill themselves or others, and when a victim tries to end the relationship or has recently left the abuser.*

Safety plans may include having money and copies of important documents stored safely away from a perpetrator; having a signal to alert children, neighbors or coworkers to danger; using different routes home; carrying a cell phone at all times and ensuring it is charged; identifying safe places to escape to at home, work and school; making sure protective/restraining orders are on file with University Police; and other strategies. Consulting with a 24-hour hotline, local law enforcement or University Police, and Title IX Coordinator can be helpful, as safety needs vary depending on circumstances.

- **Protective/restraining orders.** One of the rights afforded to victims is the right to request a protective/restraining order. Protective/restraining orders are court orders that can help protect victims from abuse, stalking, serious harassment, threats of violence, and other crimes.^{xxxiv} Restraining orders can be an important component of a safety plan. To find out if a protective/restraining order is right for your situation, consider contacting local law enforcement, University Police or a 24-hour hotline. Available restraining orders include:

- ◇ **Emergency protection orders:** victims should call 911 when in imminent danger. Responding law enforcement may then issue an emergency protective order, if applicable.^{xxxv} Note: these orders are valid only for a few days. A different type of restraining order is needed for longer term protection.
- ◇ **Civil harassment restraining orders** are used for protection from neighbors, roommates, coworkers, or family members like cousins, and others.^{xxxvi}
- ◇ **Domestic violence restraining orders** are used for protection from current or former intimate partners or close family members.^{xxxvii}
- ◇ **Elder or dependent abuse restraining orders** are the appropriate orders for use if a victim is 65 or older; or 18—64 and a dependent adult.^{xxxviii}
- ◇ **Workplace violence restraining orders** are orders that victims can request their employers to file for protection against workplace violence.^{xxxix}

Information on protective/restraining and other orders can be found through the California Courts Self-Help Center (www.courtinfo.ca.gov/selfhelp/protection). Free local legal assistance (\$20 processing donation is requested) for obtaining restraining orders is available through the Los Angeles County Bar Association's Domestic Violence Project (www.lacba.org) at the Los Angeles and Pasadena Superior Courts. Scheduling information is available at (213) 624-3665. Local domestic and sexual violence assistance agencies which provide legal services to victims can also assist with the protective/restraining order application process. The California Courts also has an Attorney Locator Resource (www.courts.ca.gov/1001.htm) available.

Cal State L.A. community members who are crime victims with restraining orders should file copies of the orders with University Police. When doing so, an officer will also generate a police report. The student or employee will be provided with information on University Police's escort service as well as their contact numbers in case the person covered by the restraining order is seen. If the person is seen, the protected person should call 911 if it is a life threatening situation or a serious crime in progress. At other times, the protected person can call (323) 343-3700.



PROJECT SAFE CONT'D

Preventing violence

Taking action to prevent violence

Everyone can play an active role in stopping domestic violence and sexual assault before it occurs by becoming an engaged bystander and helping to establish an environment where healthy and positive relationships are based on respect, safety, and equality.

Moreover, taking steps to stop harassment or violence can make a significant difference in someone's life, and send a powerful message to the perpetrator and society as a whole about which social norms are acceptable and which are unacceptable.

So, what does an engaged bystander look like?

An engaged bystander is someone who intervenes when they see or hear [behaviors that promote, condone or encourage domestic or sexual violence](#) (links to NO MORE). **Intervening does NOT mean putting yourself in danger or increasing the risk to others.** Safety is key in deciding when and how to respond to any type of violence.

Intervening *can* mean disrupting the social norms that perpetuate domestic & sexual violence in our culture such as:

- glorifying abusive power over other men or women
- objectifying women
- demeaning men
- tolerating violence and aggression
- promoting male dominance and adults' misuse of power over children
- sexually abusive or physically violent hazing
- blaming victims for what happened to them

By disrupting or challenging these norms, you are acting as an engaged bystander and helping create a safer environment for everyone.

If you see or hear something that does not feel right, speak up. If you do not feel safe, call the police or go to the authorities.

Above all, trust your gut. A gut feeling can be your best guide if a situation just doesn't seem right.

If you see, hear or suspect that someone is in immediate danger call 911.



PROJECT SAFE CONT'D

Bystander intervention scenarios

When a situation in your family comes up that makes you think someone is being abused. What do you do?

- Learn the [warning signs and red flags of abusive relationships](#) (links to National Domestic Violence Hotline).
- Talk privately with the victim, ask them if they would like help. Listen and do not judge.
- Offer to help them look for local [resources](#) (links to NO MORE) to keep them (and any children that may be present in the home) safe.
- Try not to outwardly judge or confront the abuser as it may make the situation worse and put you in danger too.
- Offer to let them use your phone or computer to look up local resources or [contact someone that can help them](#) (links to Love is Respect) and any children involved.
- Call the National Domestic Violence Hotline (1 800 799 7233) to talk to a counselor about how you can help without putting you or the victim at greater risk.

You're at a party or out drinking and someone has had a lot to drink and is being harassed or manipulated by someone you think may do something harmful to them. What do you do?

- Talk to the individuals and their friends and ask where they are going? Do they need help? Ask where their friends are.
- Offer to help the impaired individual get home safely.
- Speak to someone in charge like a bar manager, bouncer or the host of the party to help intervene.
- Call the authorities if you hear of or see someone drugging someone's drink(s) or giving someone something that they don't know may severely impair them.

You are in the lunch room with your friends and a group of students nearby start making sexual gestures and comments to one of your friends that is sitting with you. Though trying to ignore the comments, you see that your friend is upset. What do you do?

- You can tell the group making the comments to stop their sexually harassing behavior, or ask them to imagine how they'd feel if someone made that comment about one of their family members or someone else they cared about.
- You could ask your friend if they want to leave and talk to a teacher or counselor.

Whatever you choose in the moment, you should tell an authority figure about the harassment and ask them to intervene. While it's not physical violence, these types of harassing behaviors help foster an environment that condones domestic & sexual violence in our society.



PROJECT SAFE CONT'D

A co-worker starts talking about a recent high-profile rape or domestic violence case and blames the victim for what happened. What do you do?

- Tell them that regardless of what they think happened that it's never the victim's fault.
- Give them [resources](#) (links to NO MORE) that explain the realities of domestic and sexual violence.
- Contact your human resources representative or immediate supervisor and ask that the staff receive training on these issues.

A neighborhood teen tells your their boy/girlfriend is hurting them, harassing them and/or forcing them into sexual situations. What do you do?

- Tell the victim that what is happening to them is not right and it's not their fault.
- Offer to help them look for local [resources](#) (links to NO MORE) to keep them safe.
- Ask them if there is an adult at their school, like a teacher, counselor or principal or a parent [they can talk with to help them stay safe](#) (links to Love is Respect).
- Check in with them to see if they are safe and offer to help them involve resources to help make the abuse stop.

The guys on your team are constantly making lewd, rude or degrading comments about women and girls or calling each other names that imply they are "weak like girls." What do you do?

- Speak up that their comments are degrading to their teammates and to women in general and it's not cool with you.
- Talk to teammates individually about the situation and ask that they not join in those behaviors.
- Ask the coach to talk to the team, or individual, about how harassment and the degradation of women and girls is not okay.

You wake up in the middle of the night hearing screaming, crying, yelling and banging from a neighbor's house, apartment or from a dorm room?" What do you do?

- Call 911 and report what you hear.
- If you know the neighbor and when it is safe to talk to the victim, let them know that resources are available locally to help them.
- Offer to let them use your phone or computer to look up local resources or to contact someone that can help them.^{xl}



PROJECT SAFE CONT'D

Helping a Victim

Do you know someone who is a victim?

If you answered yes to this question, you can help by:

- Showing you care and offering support.
- Listening without passing judgment and blaming the victim.
- Believing what you are told.
- Encouraging safety planning and obtaining assistance from a 24-hour hotline, University Police, Title IX Coordinator, or Student Health Center.
- Informing the person about their rights and options.
- Encouraging self-care.
- Helping without taking control.
- Allowing the person to decide what is best for their situation.

If you're not sure how to help your friend, family member, classmate, colleague or acquaintance, or you feel offering help will put your safety at risk, contact local law enforcement (call 911 in an emergency) or a 24-hour hotline. Also see the bystander intervention resources at the end of this section.

24-Hour Hotlines

National 24-Hour Hotlines

Note: Call 911 in an emergency or when you or someone else is in imminent danger.

- National Domestic Violence Hotline: www.thehotline.org | 800.799.SAFE (7233), 800.787.3224 (TTY)
- National Sexual Assault (Online) Hotline: www.rainn.org | 800.656.HOPE (4673)
- National Suicide Prevention Lifeline: www.suicidepreventionlifeline.org | 800.273.TALK (8255), 800.799.4TTY (4889)
- National Teen Dating Abuse Helpline: www.loveisrespect.org | 866.331.9474
- Safe Helpline – Sexual Assault Support for the DoD Community | www.safehelpline.org; 877.995.5247
- The Trevor Project Helpline – Crisis Intervention & Suicide Prevention for LGBTQ Youth (ages 13-24): www.thetrevorproject.org | 866.488.7386

Local 24-Hour Hotlines and Assistance Agencies

Note: Call 911 in an emergency or when you or someone else is in imminent danger.

Services provided by local dating and domestic violence, sexual violence and stalking assistance agencies can vary, but generally include: 24-hour hotlines; services for adults and children (including women, men, LGBTQ, gender non-conforming); information and referral; accompaniment and support for forensic exams and law enforcement and criminal justice interviews; safety planning; short-term and long-term counseling; support groups; emergency shelter or shelter referrals; legal aid; and other advocacy services. Contact an agency of interest for specific service details.



PROJECT SAFE CONT'D

Additional hotlines and centers can be found through the national hotlines listed above.

- **Los Angeles County**

- ◇ Center for the Pacific Asian Family: www.nurturingchange.org | 800.339.3940
- ◇ East Los Angeles Women's Center: www.elawc.org | 800.585.6231
- ◇ Los Angeles County Domestic Violence Safety Plan Hotline: 800. 978.3600
- ◇ Peace Over Violence: www.peaceoverviolence.org | 213.626.3393, 626.793.3385
- ◇ Rape Treatment Center at Santa Monica-UCLA Medical Center: www.911rape.org | 310.319-.000, extension '0' - request rape hotline from hospital operator
- ◇ Sojourn Domestic Violence Program: <https://www.opcc.net> | 310.264.6644
- ◇ Strength United: <http://www.csun.edu/eisner-education/strength-united> | 818.886.0453, 661.253.0258
- ◇ YWCA of Glendale: www.glendaleywca.org | 888.999.7511
- ◇ YWCA of Greater Los Angeles Sexual Assault Crisis Services: www.ywcagla.org/sexual-assault | 877.943.5778

- **Orange County:** Community Service Programs, Inc.: www.cspinc.org | 714.957.2737, 949.831.9110

- **Riverside County:** Riverside Area Rape Crisis Center: www.rarcc.org | 951.686.7273, 866.686.7273

- **San Bernardino County:** San Bernardino Sexual Assault Services: www.sbsas.org | 909.885.8884, 800.656.4673

- **Ventura County:** Coalition for Family Harmony: www.thecoalition.org | 800.300.2181

Directories for Helpful State of California 24-Hour Hotlines

Note: Call 911 in an emergency or when you or someone else is in imminent danger.

- Child Abuse Reporting: www.childsworld.ca.gov/res/pdf/CPSEmergNumbers.pdf | State county listing of Child Protective Services hotlines for reporting child abuse and neglect.
- Adult Protective Services: www.cdss.ca.gov/agedblinddisabled/PG2300.htm | State county listing for reporting issues related to elder adults (65 years and older) and dependent adults (18-64 who are disabled) when they are unable to meet their own needs, or are victims of abuse, neglect or exploitation.
- Mental Health Crisis Intervention: www.dhcs.ca.gov/Pages/ObtainingMentalHealthAssistance.aspx | State county listing of mental health department 24/7 hotlines for local residents seeking assistance in a crisis and to access local mental health programs.
- Safely Surrendered Baby: www.babysafela.org | Contact numbers for designated county safe surrender sites.



PROJECT SAFE CONT'D

Resources

Apps for Prevention

- Circle of 6: www.circleof6app.com
- OnWatchOnCampus: www.onwatchoncampus.com
- Social Sentinel: www.socialsentinel.com/higher-education
- VINEmobile: <https://www.vinelink.com/vinelink/initMap.do>

Bystander Intervention

- 1 is 2 Many: <https://www.whitehouse.gov/1is2many>
- IT'S ON US: <http://itsonus.org>
- Love is Respect: www.loveisrespect.org
- National Domestic Violence Hotline: www.thehotline.org/help/help-for-friends-and-family
- National Sexual Violence Resource Center: www.nsvrc.org
- NO MORE: <http://nomore.org>
- Not Alone: www.notalone.gov
- Partners in Social Change: www.ncdsv.org/images/WCSAP_PISCBystandersAgentsPrimaryPrevention_2010.pdf
- See the Signs. Speak Out.: www.seethesigns.org/training-programs

Dating Violence and Domestic Violence

- Break the Cycle: www.breakthecycle.org
- California Department of Public Health: www.cdph.ca.gov//HealthInfo/injviosaf/Pages/ViolencePreventionResourceDirectory.aspx
- Center for Changing our Campus Culture: www.changingourcampus.org
- FORGE: <http://forge-forward.org>
- Futures Without Violence: www.futureswithoutviolence.org
- Helpguide: www.helpguide.org/topics/abuse.htm
- Los Angeles LGBT Center: www.lalgbtcenter.org/domestic_violence_services
- Love is Respect: www.loveisrespect.org
- National Coalition Against Domestic Violence: www.ncadv.org
- Stop Abuse for Everyone: www.stopabuseforeveryone.org
- That's Not Cool: www.thatstnotcool.com

Men

- 1in6 For Men: www.1in6.org
- The Campus Men of Strength Club: www.mencanstoprape.org/The-Campus-Men-of-Strength-Club



PROJECT SAFE CONT'D

Sexual Violence

- 1in6 For Men: www.1in6.org
- California Coalition Against Sexual Assault: www.calcasa.org
- California Department of Public Health: www.cdph.ca.gov/HealthInfo/injviosaf/Pages/ViolencePreventionResourceDirectory.aspx
- Center for Changing our Campus Culture: www.changingourcampus.org
- Clery Center for Security on Campus: www.securityoncampus.org
- FORGE: <http://forge-forward.org>
- Futures Without Violence: www.futureswithoutviolence.org
- Know Your IX: <http://knowyourix.org>
- Megan's Law – Registered Sex Offender Information: www.meganslaw.ca.gov
- Men Can Stop Rape: www.mencanstoprape.org
- NO MORE: <http://nomore.org>
- Not Alone: www.notalone.gov
- Office for Civil Rights, U.S. Department of Education: www.ed.gov
- Rape, Abuse & Incest National Network: www.rainn.org
- Safe Helpline (for the DoD community): www.safehelpline.org
- U.S. Equal Employment Opportunity Commission: www.eeoc.gov

Stalking

- California Department of Public Health: www.cdph.ca.gov/HealthInfo/injviosaf/Pages/ViolencePreventionResourceDirectory.aspx
- Center for Changing our Campus Culture: www.changingourcampus.org
- National Center for Victims of Crime: www.victimsofcrime.org/our-programs/stalking-resource-center
- Office on Violence Against Women: www.justice.gov/ovw/stalking
- Victims of Crime Resource Center: www.1800victims.org/crime-type/stalking

Taking Action on Campus

- Know Your IX: <http://knowyourix.org>
- Know Your Power: <https://cola.unh.edu/prevention-innovations/bystander-store>
- Green Dot Campaign: www.livethegreendot.com/gd_overview.html
- Loyola University in Chicago Program: www.luc.edu/ccrt/resources/bystander
- Where do You Stand?: www.mencanstoprape.org/Public-Awareness

Teens and Youth

- Love is Respect: www.loveisrespect.org
- That's Not Cool: www.thatstnotcool.com



PROJECT SAFE CONT'D

Victim Assistance

- California Courts Self-Help Center: www.courtinfo.ca.gov/selfhelp
- California Victim Compensation and Government Claims Board: www.vcgcb.ca.gov
- California Victim-Witness Assistance Centers: <http://vcgcb.ca.gov/victims/localhelp.aspx>
- Clery Center for Security on Campus: www.clerycenter.org/help-victims
- L.A. County Bar Association Domestic Violence Project: www.lacba.org
- L.A. County District Attorney's Office: <http://da.co.la.ca.us>
- Legal Aid Foundation of Los Angeles: www.lafla.org
- Office for Victims of Crime: www.crimevictims.gov
- Safe at Home Confidential Address Program: www.sos.ca.gov/safeathome
- The National Center for Victims of Crime: www.victimsofcrime.org
- The National Crime Victim Bar Association: www.victimbar.org
- U.S. Department of Education: www.ed.gov/about/offices/list/ocr/know.html
- Victims of Crime Resource Center: www.1800victims.org
- VINE-Victim Information & Notification Everyday: <https://www.vinelink.com/vinelink/initMap.do>



PROJECT SAFE REFERENCES

- i. Truman, J. and Morgan, R. (2014). *Non-fatal domestic violence, 2003-2012*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Retrieved August 18, 2015, from <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>
- ii. Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J., and Merrick, M. (2014). *Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization—national intimate partner and sexual violence survey, United States, 2011*. MMWR 2014;63(SS-8). Retrieved August 19, 2015, from <http://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf>
- iii. Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J., and Merrick, M. (2014). *Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization—national intimate partner and sexual violence survey, United States, 2011*. MMWR 2014;63(SS-8). Retrieved August 19, 2015, from <http://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf>
- iv. Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J., and Merrick, M. (2014). *Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization—national intimate partner and sexual violence survey, United States, 2011*. MMWR 2014;63(SS-8). Retrieved August 19, 2015, from <http://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf>
- v. Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J., and Merrick, M. (2014). *Prevalence and characteristics of sexual violence, stalking, and intimate partner violence victimization—national intimate partner and sexual violence survey, United States, 2011*. MMWR 2014;63(SS-8). Retrieved August 19, 2015, from <http://www.cdc.gov/mmwr/pdf/ss/ss6308.pdf>
- vi. Logan, T.K. (2010). *Research on partner stalking: putting the pieces together*. University of Kentucky, Department of Behavioral Science & Center on Drug and Alcohol Research. Retrieved August 19, 2015, from <http://www.nij.gov/topics/crime/intimate-partner-violence/stalking/documents/research-on-partner-stalking.pdf>
- vii. Domestic Abuse Intervention Programs (no date). *Wheel gallery*. Domestic Abuse Intervention Programs. Retrieved August 21, 2015, from <http://www.theduluthmodel.org/training/wheels.html>
- viii. The Los Angeles Police Department (no date). *Domestic violence: laws related to domestic violence*. The Los Angeles Police Department. Retrieved August 21, 2015, from http://www.lapdonline.org/get_informed/content_basic_view/8887
- ix. Sampson, R. (2007). *Domestic violence*. Office of Community Oriented Policing Services, U.S. Department of Justice. Retrieved August 21, 2015, from http://www.popcenter.org/problems/pdfs/domestic_violence.pdf
- x. Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., and Stevens, M.R. (2011). *The national intimate partner and sexual violence survey (NISVS): 2010 summary report*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved August 21, 2015, from http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf
- xi. National Center for Victims of Crime (2012). *Stalking*. National Center for Victims of Crime. Retrieved August 21, 2015, from <http://ric-zai-inc.com/Publications/cops-p053-pub.pdf>
- xii. Los Angeles County District Attorney's Office (2012). *Stalking*. Retrieved August 21, 2015, from <http://da.lacounty.gov/pdf/stalking.pdf>
- xiii. Los Angeles County District Attorney's Office (2012). *Stalking*. Retrieved August 21, 2015, from <http://da.lacounty.gov/pdf/stalking.pdf>
- xiv. *People v. John Z.*, 128 Cal. Rptr. 2d 783 (2003). Retrieved from <http://www.lexisnexis.com/clients/CACourts/>
- xv. National Domestic Violence Hotline (no date). *Help for abusive partners*. National Domestic Violence Hotline. Retrieved August 20, 2015, from <http://www.thehotline.org/help-for-abusive-partners/#ab-id-1> (Used by permission).
- xvi. Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., and Stevens, M.R. (2011). *The national intimate partner and sexual violence survey (NISVS): 2010 summary report*. National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf
- xvii. Los Angeles County District Attorney's Office (2012). *Stalking*. Retrieved August 20, 2015, from <http://da.lacounty.gov/pdf/stalking.pdf>.
- xviii. National Domestic Violence Hotline (no date). *Help for abusive partners*. National Domestic Violence Hotline. Retrieved from <http://www.thehotline.org/help-for-abusive-partners/#tab-id-1> (Used by permission)



PROJECT SAFE REFERENCES cont'd

- xix. National Domestic Violence Hotline (no date). *Help for abusive partners*. Retrieved August 28, 2015, from <http://www.thehotline.org/help-for-abusive-partners/> (Used by permission)
- xx. National Domestic Violence Hotline (no date). *Abuse defined*. National Domestic Violence Hotline. Retrieved August 21, 2015, from <http://www.thehotline.org/is-this-abuse/abuse-defined/> (Used by permission)
- xxi. National Domestic Violence Hotline (no date). *Abuse defined*. National Domestic Violence Hotline. Retrieved August 21, 2015, from <http://www.thehotline.org/is-this-abuse/abuse-defined/> (Used by permission)
- xxii. Los Angeles County District Attorney's Office (2012). *Stalking*. Retrieved August 21, 2015, from <http://da.lacounty.gov/pdf/stalking.pdf>
- xxiii. *Criminal justice planning*, California Penal Code §13823.95 (2014). California Legislative Information. Retrieved September 2, 2014, from http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=13823.95
- xxiv. *Rape, abduction, carnal abuse of children, and seduction*, California Penal Code §264.2 (2007). California Legislative Information. Retrieved July 9, 2013, from http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=264.2
- xxv. *Falsifying Evidence, and Bribing, Influencing, Intimidating or Threatening Witnesses*, California Penal Code §136.1 (1998). California Legislative Information. Retrieved from http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=136.1
- xxvi. Office of the Attorney General (no date). *Victims' bill of rights*. California Department of Justice. Retrieved September 6, 2014, from http://oag.ca.gov/victimservices/content/bill_of_rights
- xxvii. U.S. Citizenship and Immigration Services (2014). *Victims of criminal activity: u nonimmigrant status*. U.S. Department of Homeland Security. Retrieved September 15, 2014, from <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>
- xxviii. *Acquired Immune Deficiency Syndrome (AIDS) Public Safety and Testing Disclosure*, California Health and Safety Code §121055 (1996). California Legislative Information. Retrieved September, 17, 2014, from http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=121055
- xxix. National Crime Victim Bar Association (2012). *Civil justice for victims of crime in California*. The National Center for Victims of Crime. Retrieved September, 14, 2014, from <http://www.victimsofcrime.org/docs/NCVBA/ca-cj-2012.pdf?sfvrsn=2>
- xxx. California Victim Compensation Program (2014). *Restitution defined: fines, orders and penalty assessments*. California Victim Compensation and Government Claims Board. Retrieved September 14, 2014, from <http://www.vcpcb.ca.gov/restitution/restitutiondefined.aspx>
- xxxi. California Victim Compensation Program (2014). *The California victim compensation program*. Retrieved September 14, 2014, from <http://vcpcb.ca.gov/victims/>
- xxxii. Office of the Attorney General (no date). *Victims' bill of rights*. California Department of Justice. Retrieved September 6, 2014, from http://oag.ca.gov/victimservices/content/bill_of_rights
- xxxiii. Violence against women act; Notice of proposed rulemaking, 79 FR 35417 (20 June 2014), pp 35417 -35460. Retrieved August 1, 2014, from <https://federalregister.gov/a/2014-14384>
- xxxiv. Online Self-Help Center (2014). *Restraining orders*. California Courts. Retrieved September 12, 2014, from <http://www.courts.ca.gov/1260.htm>
- xxxv. Los Angeles Police Department (no date). *Domestic violence: obtaining a restraining order*. Los Angeles Police Department. Retrieved September 15, 2014, from http://www.lapdonline.org/get_informed/content_basic_view/8856
- xxxvi. Online Self-Help Center (no date). *Civil harassment*. California Courts. Retrieved September 12, 2014, from <http://www.courts.ca.gov/1044.htm>
- xxxvii. Online Self-Help Center (no date). *Domestic violence*. California Courts. Retrieved September 12, 2014, from <http://www.courts.ca.gov/selfhelp-domesticviolence.htm>
- xxxviii. Online Self-Help Center (no date). *Elder and dependent adult abuse*. California Courts. Retrieved September 12, 2014, from <http://www.courts.ca.gov/selfhelp-elder.htm>
- xxxix. Online Self-Help Center (no date). *Workplace violence*. California Courts. Retrieved September 12, 2014, from <http://www.courts.ca.gov/1045.htm>
- xl. NO MORE (2015). *Preventing Violence*. Retrieved February 10, 2015, from http://nomore.org/take-action/preventviolence/?utm_source=sp7486831&utm_medium=email&sc=sp7486831. Used by permission.



STUDENT AFFAIRS



The Office of the Senior Associate Vice President for Enrollment Management, located in the Student Affairs building, room 115A (SA 115A), is a valuable resource for students. Here, students can ask questions and obtain copies of important policy documents including the Student Conduct Code, Student Conduct Procedures, Academic Honesty Policy, Grade Appeal/Academic Grievance Policy, Student Grievance Procedures and the Statement of Student Rights and Responsibilities. These policies can also be accessed in the online version of the University Catalog or on the Judicial Affairs Office web page at www.calstatela.edu/univ/stuaffrs/jao/.

The Judicial Affairs Office, also located in SA 115A, is responsible for investigating alleged violations of the Student Conduct Code (5 California Code of Regulations Section 41301). The CSU Student Conduct Procedures (Executive Order 1098, revised June 23, 2015) are established pursuant to 5 California Code of Regulations Section 41301 and govern all Student disciplinary matters systemwide. Procedures specifically for allegations involving sexual assault, domestic violence, dating violence, and stalking are set forth in Article IV, outlined below. Furthermore, Article V, also outlined below, lists the possible sanctions that may be imposed for violation of the Student Conduct Code.

For more information, please visit the Judicial Affairs Office in SA 115A or call **323-343-3103**.



DISCIPLINARY PROCEDURES

Student Discipline Procedures for reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking

(Per the CSU Student Conduct Procedures, Executive Order 1098, Revised June 23, 2015)

Article IV. Proceedings in Cases involving Allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking

This Article sets forth the procedures that govern all student disciplinary matters systemwide involving allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.

A. DHR Administrator

In accordance with Executive Orders 1096 and 1097, the DHR Administrator investigates complaints of Discrimination, Harassment, and Retaliation based on all Protected Statuses except Gender, determines whether a Student violated the Student Conduct Code, and prepares a report that includes findings and conclusions about whether the Student violated the Student Conduct Code. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

B. Title IX Coordinator

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.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those Complaints, determines whether a Student violated the Student Conduct Code, and prepares a report that includes findings of facts and conclusions about whether the Student violated the Student Conduct Code. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

C. Confidentiality

Information provided to University employees in connection with any Complaint shall be considered private and may be shared with other University employees and law enforcement exclusively on a "need to know" basis. The University shall endeavor to honor any Complainant's or alleged victim's request for confidentiality; however, it must also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the Campus community. Confidentiality, therefore, cannot be ensured. The Title IX Coordinator or DHR Administrator will determine whether confidentiality is appropriate given the circumstances of each incident. Executive Order 1095 identifies those categories of University employees who are required by law to maintain near or complete confidentiality (for example, in connection with allegations of Sexual Misconduct). Questions about rights and options with respect to confidentiality should be directed to the Campus Title IX Coordinator or DHR Administrator.

D. Complaint/Investigation/Findings

1. Complaints by Students against Students shall be investigated according to the procedures set forth in Executive Order 1097. The DHR Administrator or the Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such Complaint, including any appeal to the Chancellor's Office (CO), as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator or Title IX Coordinator will consult with respect to appropriate sanctions and Remedies.



DISCIPLINARY PROCEDURES

2. Complaints by California State University (CSU) employees or Third Parties, as defined in Executive Order 1096 (e.g., vendors, auxiliary employees or Campus visitors) against Students shall be investigated according to the procedures set forth in Executive Order 1096. The DHR Administrator or the Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such Complaint, including any appeal to the CO, as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator or Title IX Coordinator will consult with respect to appropriate sanctions and Remedies.
3. Unless the CO 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.

E. Conference with Complainant

The Student Conduct Administrator shall offer the Complainant(s) the opportunity to confer with the Student Conduct Administrator. Any conference with the Complainant(s) shall occur within **10 Working Days** after the Student Conduct Administrator receives the final investigation report – or, if an appeal was filed, the final appeal outcome. The purpose of the conference is to provide an opportunity for the Complainant to provide input concerning appropriate sanctions and Remedies in light of the investigative findings. Therefore, it should take place before the Notice of Conference, described in section F, is served on the Student charged. The Complainant may be accompanied by an Advisor.

F. Notice of Conference and Conference with the Student Charged

1. Within **10 Working Days** after the Student Conduct Administrator receives the final investigation report – or, if an appeal was filed, the final appeal outcome, and after the Complainant has been given 10 Working Days to have a Conference with the Student Conduct Administrator, the Student Conduct Administrator shall notify the Student charged in writing that a conference has been scheduled or that the Student is directed to promptly schedule a conference with the Student Conduct Administrator.
2. The Notice of Conference shall include:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed discipline;
 - b. The proposed sanction or range of sanctions, including sanctions designed to provide Remedies to the Complainant(s);
 - c. The location on the Campus where the Student can view his or her discipline file, including the location (or copies) of the Campus policies that were violated;
 - d. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁵;
 - e. Notification of the Student's right to be accompanied at the conference by an Advisor; and
 - f. A copy of this Executive Order or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Conference is sent, a copy of this Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Conference.



DISCIPLINARY PROCEDURES

3. Conference with Student charged and/or Complainant

The conference with the Student and any conference with the Complainant(s) shall be conducted as follows:

- a. The conference shall not be recorded.
 - b. The Student Conduct Administrator controls the conference and may exclude any Advisor who materially disrupts the conference.
 - c. The conference requirement is waived if the Student or Complainant(s) fails to attend the conference or otherwise declines to cooperate.
4. The Student Conduct Administrator shall, in consultation with and agreement from the DHR Administrator or Title IX Coordinator, determine which cases are appropriate for resolution (via written resolution agreement), taking into consideration the investigation report and any additional information provided by the Student charged and the Complainant(s) during any conferences. If a proposed resolution agreement can be reached with the Student charged as to an appropriate disposition, the terms of the proposed disposition shall be put in writing and signed by the Student and the University after the Student has been given a reasonable opportunity to review the proposed resolution agreement with an Advisor of the Student's choice. The Student charged must be informed that any proposed resolution may be appealed by the Complainant and is not final until any such appeal is exhausted. Suspension of one academic year or more or expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceedings shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with any resolution agreement.
5. The Student Conduct Administrator shall promptly notify the DHR Administrator or the Title IX Coordinator of the outcome of the conferences with the Student and the Complainant(s). If the case does not proceed to hearing, the DHR Administrator (or the Title IX Coordinator) shall at that time:
- a. Notify the Complainant(s) of the outcome of the conference, including any proposed resolution agreement as well as the Complainant's right to appeal any proposed resolution agreement to the CO pursuant to Article IV. J.
 - b. Take any appropriate further steps to address the effects of any Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
 - c. Identify and address any remaining systemic or other patterns of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking at the Campus.
6. Discipline cases may be resolved through the conference process. It is, however, not appropriate for a Complainant to be required to "work out the problem" directly with the Student charged, and in no event should any meeting between Complainant and the Student be required.

G. Notice of Hearing on Sanctions

1. If not resolved, the Student Conduct Administrator shall issue a Notice of Hearing promptly after the conference. Simultaneous notice shall also be provided to the Complainant and the DHR Administrator or the Title IX Coordinator. The Notice of Hearing shall be issued within **5 Working Days** after the conference has concluded.
2. The Notice of Hearing shall be issued under the following circumstances:
 - a. If the Student charged fails to attend the conference or otherwise declines to cooperate;
 - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference; or
 - c. No agreement can be reached with respect to the sanction.



DISCIPLINARY PROCEDURES

3. The Notice of Hearing shall include the following information:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed sanctions;
 - b. The proposed sanctions, including sanctions designed to provide protection/Remedies to the Complainant(s);
 - c. Notification that neither the Hearing Officer nor the president is bound by the proposed sanction, and that the Hearing Officer may recommend, and/or the president may set, a more severe sanction;
 - d. The date, time and place of the hearing;
 - e. The location on the Campus where the Student may view his or her discipline file, including the location (or copies) of the Campus policies that were violated, and any related investigation report;
 - f. Notification that the Student charged and the Complainant each may be accompanied at the hearing by an Advisor. Notification shall be given that any person who intends to bring an attorney must inform the Student Conduct Administrator of the attorney's name, address and phone number at least **5 Working Days** before the hearing. Failure to provide this notice in a timely manner will result in exclusion of the attorney from the hearing;
 - g. Notification that the Student can waive the right to a hearing by accepting the proposed sanction, subject to the Complainant's right to appeal (subject to the approval of the DHR Administrator or Title IX Coordinator);
 - h. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁶; and
 - i. A copy of this Executive Order or notice of where the Student and/or Complainant may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Hearing is sent, a copy of this Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Hearing.
4. The Student Conduct Administrator 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.
5. A notice to appear at hearing shall be sent to any University-related witnesses and to the Complainant(s) at least **5 Working Days** before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.
6. The Notice of Hearing may be amended at any time, and the Student Conduct Administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the Hearing Officer may (but is not required to) postpone the hearing for a reasonable period of time.
7. The DHR Administrator or Title IX Coordinator retain ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the Hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.

H. Hearing on Sanctions

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.



DISCIPLINARY PROCEDURES

1. The hearing is closed to all persons except the Student Conduct Administrator; the Student charged; the Complainant(s); their respective Advisors; appropriate witnesses while they are testifying; any other alleged victims while they are testifying, together with their Advisors; the Hearing Officer; and one person to assist the Hearing Officer in recording the hearing. All parties and witnesses who will testify must attend the hearing in person unless the Student Conduct Administrator permits an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or Hearing Officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least **5 Working Days** before the hearing.
2. The Hearing Officer controls the hearing. Except as provided in Article IV. H, sections 6-8 below, 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.
3. The Hearing Officer may ask questions of any witness, the Student, the Complainant, Student Conduct Administrator, the Title IX Coordinator or the DHR Administrator.
4. The Complainant(s) may be present while evidence is being presented concerning the charges that relate to him/her, unless the Hearing Officer grants a request that the Complainant(s) be excused during certain testimony to protect privacy rights and/or pursuant to FERPA.
5. The DHR Administrator or the Title IX Coordinator may attend the hearing in its entirety.
6. Questions may not be posed to Complainants about their past sexual behaviors involving any persons other than the Student charged.
7. 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), unless the Complainant(s) or witness expressly waives this requirement and consents to questioning directly by the Student.
8. The Hearing Officer shall ask any questions of the Student and other witnesses on behalf of the Complainant (who shall give the Hearing Officer a written list of any such questions), unless the Complainant in question expressly waives this requirement.
9. The investigation report and any CO 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.
10. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded.
11. The Hearing Officer shall make an official audio recording of the hearing (with assistance, at the Hearing Officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the Student Conduct Administrator in accordance with the Campus records/information retention and disposition schedule.
12. If the Student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed.



DISCIPLINARY PROCEDURES

13. The Hearing Officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The Hearing Officer may eject or exclude anyone (including the Student, the Complainant, and Advisors) whose behavior causes a material disruption.
14. Where there is more than one Student facing sanctions in connection with a single occurrence or related multiple occurrences, the Student Conduct Administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others, or the Student Conduct Administrator may initiate the consolidation (subject to FERPA and other applicable privacy laws). The Student Conduct Administrator makes consolidation decisions, which are subject to review by the Hearing Officer and thereafter are final.
15. At any time during the hearing, and subject to the approval of the DHR Administrator or Title IX Coordinator, the Student charged may waive the right to a hearing and accept the proposed sanction, subject to the Complainant's right to appeal. Such a waiver must be in writing. The DHR Administrator or Title IX Coordinator retain ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the Hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.
16. The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any recommendations regarding additional Remedies, including but not limited to restricting the Student's contact with, or physical proximity to, the Complainant or other persons. 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.

The Hearing Officer's report shall be based only on the investigative report and the information received at the hearing. The Hearing Officer shall not, prior to preparing the report, have substantive communications about the facts of the case with the Student Conduct Administrator, the Complainant, the Student, the witnesses, or DHR Administrator or the Title IX Coordinator, unless both the Student Conduct Administrator and the Student are present.

I. President's Sanction Decision/Notification

The president shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction.

1. The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a different sanction than what is recommended by the Hearing Officer, the president must set forth the reasons in the decision letter. The president's decision letter shall be issued within **10 Working Days** after receipt of the Hearing Officer's report.
2. The president shall simultaneously send the decision electronically to the Student charged and Complainant(s) at the University-assigned or other primary e-mail address linked to their University accounts. The decision shall also be sent to the Student Conduct Administrator and the Hearing Officer.
3. The decision letter shall include:
 - a. The outcome of the hearing on sanctions, including any sanction imposed and the name of the Student charged; and
 - b. A copy of the Hearing Officer's report, redacted as appropriate or as otherwise required by law.
 - c. Notice of the Complainant's and Student's right to appeal to the CO.



DISCIPLINARY PROCEDURES

4. The president shall also send the decision to the DHR Administrator or the Title IX Coordinator so that they may determine whether any additional Remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.
5. Unless the CO notifies the campus that an appeal has been filed, the president's sanction decision become final **11 Working Days** after the date of the decision letter.

J. Appeal of Sanction to the Chancellor's Office

The Complainant and Student charged each may file an appeal of the president's decision of appropriate sanctions to the CO 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 either in the conference procedure described above or at any time thereafter. Such an appeal must be filed within **10 Working Days** after the date of notice to the Complainant of the proposed resolution agreement.

1. The appeal request shall be in writing and shall indicate the basis of the appeal. 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 CO may conduct an interview with the appealing party to clarify the written appeal, at the CO's discretion.
2. A sanction decision appeal shall be addressed to:

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore, 4th Floor
Long Beach, California 90802
eo-wbappeals@calstate.edu

3. Acknowledgement of Appeal. The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party, the campus DHR Administrator or Title IX Coordinator, and the Campus president (or designee).
4. Reasonable Accommodations. The CO will provide reasonable accommodations to any party or witness with a qualified Disability during the appeal process upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time to file or respond to an appeal. The timeframe for CO response to an appeal will automatically be adjusted for the time needed, if any, to provide reasonable accommodations
5. Scope of Review. The CO appeal review shall be limited in scope to determining 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 CO 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.
6. CO Appeal Response. The CO shall issue a final appeal response to the parties, the DHR Administrator or Title IX Coordinator, and the campus president (or designee) no later than **10 Working Days** after receipt of the written appeal unless the timeline has been extended under Article V. E of Executive Orders 1096 or 1097.



DISCIPLINARY PROCEDURES

7. The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the determination(s) reached regarding the issues identified within the written appeal, a decision about whether the president's sanction decision is reasonable, and, where applicable, a decision regarding the final sanction.
8. Notification of CO Appeal Response. A copy of the CO final appeal response shall be forwarded to the Complainant and Student charged, the DHR Administrator or Title IX Coordinator, and the president (or designee).

K. **Other Student Conduct Code Violations Related to Incidents of Sexual Misconduct, Dating or Domestic Violence, or Stalking**

Alleged victims and witnesses should not be deterred from reporting any incidents of Sexual Misconduct, Dating or Domestic Violence, or Stalking out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. The University's primary concern is the safety of the Campus community; therefore, a person who participates as a Complainant or witness in investigations or proceedings involving Sexual Misconduct, Dating or Domestic Violence, or Stalking shall not be subject to discipline for related violations of the Student Conduct Code at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty, or conduct that places the health and safety of another person at risk.

Article V. Sanctions

A. 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.⁷
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 and sororities), and/or University events, or other remedies intended to discourage similar 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;⁸ 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.



DISCIPLINARY PROCEDURES

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.

Employee Discipline Procedures for reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking

EO 1096, Systemwide *Policy* Prohibiting Discrimination, Harassment, 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, Revised June 23, 2015, covers procedures the university will follow for disciplinary action in cases of reported sexual assault, dating violence, domestic violence, or stalking to include: a description of how to file a disciplinary complaint and a description of how the university determines which type of disciplinary proceeding(s) will be used in relation to the circumstances and what crime is reported.

The description of each type of disciplinary proceeding used by the university for faculty and staff depend on the union the faculty or staff belongs to and the collective bargaining agreement signed by that union and the California State University. In the case the respondent is a manager, the disciplinary proceedings followed are those established in the Management Personnel Plan.

Subject to the plans and collective bargaining agreements mentioned above, in general, the disciplines applicable may include probation, warning, training, suspensions up to termination of employment. Article VI, N of EO 1096 states:

Discipline means any disciplinary action taken to correct a violation of the prohibitions against Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking set forth in this Executive Order. Discipline for Employees includes, but is not limited to, suspension, demotion and termination of employment. Discipline for Students includes, but is not limited to, probation, suspension and expulsion. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently without exception; this requirement cannot be waived in connection with any settlement agreement. See the definition of Remedies below.

Remedies mean actions taken to correct allegations and/or reported violations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking as set forth in this Executive Order. Remedies can include Discipline or other corrective action.



DISCIPLINARY PROCEDURES

Interim Remedies shall be offered prior to the conclusion of an investigation in order to immediately stop any wrong-doing and/or reduce or eliminate any negative impact, when appropriate. Persons reporting that they have been the victim of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking must be provided reasonable and available Interim Remedies, if requested, regardless of whether the person chooses to report the conduct to Campus police or local law enforcement, and regardless of whether an investigation is conducted under this Executive Order. Examples may include offering the option of psychological counseling services, changes to work area, work assignments, or supervisory reporting relationship, or any measure as appropriate to stop further alleged harm until an investigation is concluded or a resolution is reached. The Title IX Coordinator shall assist and provide the Complainant with reasonable Remedies as requested throughout the reporting, investigation, appeal, and disciplinary processes, and thereafter.

A description of the protective measures the university may offer to the victim is covered by EO 1096 and the different collective bargaining agreements signed by the different unions and the California State University. See also definition of “Remedies” above.



EXECUTIVE ORDER 1095

CSU Executive Order [1095](#) Revised June 23, 2015

The California State University (CSU) is committed to creating and sustaining an educational and working environment free of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.¹ The safety and well-being of our Campus communities is a priority for the University.

This Executive Order, and Executive Orders 1096, 1097 and 1098, provide direction on implementing Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*); the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)) (VAWA) under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act); Title IV of the 1964 Civil Rights Act (42 U.S.C. § 2000c *et seq.*); the California Equity in Higher Education Act (Cal. Educ. Code § 66250 *et seq.*); the California Donahoe Higher Education Act (Cal. Educ. §§ 66000 *et seq.*); and the Governor's *California Campus Blueprint to Address Sexual Assault*, among other applicable state and federal laws and related regulations.

Legislative Requirements

Title IX is a federal law that applies to educational institutions receiving federal financial assistance and prohibits discrimination on the basis of sex in an educational institution's programs or activities, including employment, academic, educational, extracurricular and athletic activities (both on and off Campus). Title IX protects all people regardless of their Gender, Sexual Orientation, or Gender Identity or Expression, from Sex Discrimination, including Sexual Harassment and Sexual Misconduct, which are forms of Sex Discrimination. Title IX requires institutions to take necessary steps to prevent Sex Discrimination on their Campuses, and to respond promptly and effectively when Sex Discrimination is reported. The Clery Act requires colleges and universities to report annual statistics on crime, including Sexual Assault and Rape, on or near their Campuses, and to develop and disseminate prevention policies. VAWA/Campus SaVE Act provides that Dating and Domestic Violence, and Stalking must be included in Campus Clery reports, and also requires that institutional policies address and prevent Sexual Misconduct, Dating and Domestic Violence, and Stalking through training, education, and certain discipline procedures.² California Education Code § 67386 requires other institutional policies, including the adoption of an Affirmative Consent standard in assessing Sexual Misconduct. The California Equity in Higher Education Act prohibits discrimination based on any Protected Status, including Gender or Sex, in all postsecondary institutions in the state. California Education Code § 67385.7 *et seq.* requires the CSU to provide educational and preventive information about Sexual Misconduct to Students. The *California Campus Blueprint to Address Sexual Assault* provides guidance on steps that can be taken to improve individual Campus responses to sexual violence.³

Together, these laws require CSU Campuses to (1) publish and widely disseminate a Notice of Nondiscrimination on the Basis of Gender or Sex; (2) designate one Employee to coordinate Title IX compliance (including compliance with VAWA/Campus SaVE Act, and all other relevant Sexual Discrimination/Harassment/Misconduct legislation); (3) adopt appropriate complaint and investigation procedures; (4) implement education and prevention programs for Students and Employees, as well as victim resource programs for victims of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; (5) provide written rights and options information to victims of Sexual Misconduct; (6) provide training to the Campus community on how to prevent, identify and report Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; (7) provide training on how to conduct investigations to those Employees who investigate such allegations of Sexual Misconduct; and (8) provide training to student conduct Hearing Officers.

Confidentiality and Duty to Report

The University encourages victims of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or 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 persons



EXECUTIVE ORDER 1095

aware of the various reporting and confidential disclosure options available so that everyone can make informed choices. The University strongly encourages victims to talk to someone identified in one or more of these groups. Certain University Employees, described below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a “privileged communication.”

University Police, the Title IX Coordinator, University-employed physicians, professional counselors, sexual assault and domestic violence counselors and advocates, and certain other University Employees are required to explain to persons reporting Sexual Misconduct, Dating or Domestic Violence, or Stalking their rights and options with respect to confidentiality.

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Counselors, Licensed Clinical Social Workers, and Clergy⁴ – Physicians, psychotherapists, professional licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off Campus, who provide medical or mental health treatment or counseling and are acting in that role as part of their employment (*and those who act under their supervision, including all individuals who work or volunteer in these centers and offices*) may not report any information about an incident of Sexual Misconduct, Dating or Domestic Violence or Stalking to anyone else at the University, including the Title IX Coordinator, without the victim’s consent. A person can seek assistance and support from physicians, psychotherapists, professional licensed counselors, licensed clinical social workers, and clergy without triggering a University investigation that could reveal the person’s identity or the fact of the person’s disclosure. *However, see limited exceptions below regarding when these practitioners must report to local law enforcement agencies. These practitioners should explain these limited exceptions, if applicable.*

Sexual Assault and Domestic Violence Counselors and Advocates⁵ – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women’s centers, gender equity centers, and health centers and who are acting in that role (*including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision*) may talk to a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking without revealing any information about the victim and the incident to anyone else at the University, including the Title IX Coordinator and law enforcement (police), without the victim’s consent. A victim can seek assistance and support from these counselors and advocates without triggering a University investigation or a law enforcement (police) investigation that could reveal his/her identity or that a victim disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to victims, if applicable.*

Union Representatives -- A CSU employee/union representative is not required to report a possible violation of Executive Orders 1095, 1096 or 1097 if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU employee/union representatives are **strongly encouraged** to report the information to the DHR Administrator or Title IX Coordinator.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action if a victim chooses to: (1) speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate; 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 complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors, and advocates may not be able to assist 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



EXECUTIVE ORDER 1095

incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested as well as explain that University policy and the law include protections against retaliation. They should also explain 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 retaliation occurs.

EXCEPTIONS: 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 he or she provides medical services for a **physical condition** to a person who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Rape, Sexual Assault, and Dating and Domestic Violence).⁶ This exception does **not** apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception, if applicable.

Additionally, under California law, **all** professionals described above (physicians, psychotherapists, professional counselors, 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.⁷ These professionals will explain this limited exception, 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;⁸ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking.⁹ If applicable, these professionals will explain this limited exception.

Reporting to University or Local Police

If a victim makes a report of a sex offense as enumerated in California Government Code § 6254(f)(2) to local or University Police, the police are required to notify the victim that his/her name will become a matter of public record **unless confidentiality is requested**.¹⁰ If a victim requests that his/her identity be kept confidential, his/her 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 to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator the victim's name/identity, or compromise their own criminal/police 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 disclosed. Likewise, the University is required by state law to report certain types of crimes to local law enforcement (including certain sex offenses). However, the victim's identity may not be disclosed to local law enforcement unless the victim consents after being informed of his/her right to have identifying information withheld. If a victim does not consent, the alleged assailant's identity may also not be disclosed to local law enforcement.¹¹

Reporting to the Title IX Coordinator and Other University Employees

Most University Employees have a duty to report Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking incidents when they are on notice of them. When a victim tells the Title IX Coordinator or another University Employee about a Sexual Misconduct, Dating or 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 Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking incidents directly to the Campus Title IX Coordinator.**



EXECUTIVE ORDER 1095

As detailed above in the Privileged and Confidential Communications section of this policy, all University Employees **except** physicians, licensed counselors, sexual assault counselors and advocates, and their staffs must report to the Title IX Coordinator all known details about any Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or 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 person(s) involved, 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 shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in the incident except as otherwise required by law or University policy. A Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or 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 or the facts of the incident 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 his/her identity remain completely confidential, the Title IX Coordinator or University Employee 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 requesting confidentiality. Under those circumstances, only 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 a 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, as warranted and appropriate, to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against persons reporting misconduct, 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 the incident 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 Respondent 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 assistance if desired.



EXECUTIVE ORDER 1095

The University will not require a victim who reports Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking 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 Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking report unless the victim is under 18 years old or the person provides the University with written permission to do so.¹²

Under California law, and pursuant to University policy, certain 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 may be required to report the Sexual Misconduct, Dating or Domestic Violence, or Stalking incident to the police.¹³ However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.¹⁴

Because the University may be required to address the issue of Sex Discrimination, Sexual Harassment, Sexual Misconduct Dating or 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 occurred; increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

The Office of the Ombuds, if available on a specific Campus, provides confidential, neutral, and informal dispute resolution services, provides information about University policies and procedures, and makes referrals. However, in Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking cases, the Ombuds must report incidents to the Title IX Coordinator.

NOTE: If the University determines that the Respondent poses a serious and immediate threat to the Campus community, a designated Campus Security Authority under the Clery Act may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

Notice of Nondiscrimination on the Basis of Gender or Sex

Each CSU Campus is required to post a ***Notice of Nondiscrimination on the Basis of Gender or Sex*** prominently on its website. The Notice must also be: (1) posted at Campus locations where other notices regarding Campus policies are posted, as well as published in electronic and printed publications of general distribution that provide information to Students and Employees about the University's services and policies; and, (2) distributed to all Employees and all Students at the beginning of the fall term every academic year (no earlier than two weeks before and no later than two weeks after the first day of classes.) Distribution may be electronic.

The Notice must contain specific information, including contact information for the U.S. Department of Education, Office for Civil Rights, and the Campus Title IX Coordinator, as well as any Deputy Title IX Coordinator(s).

Attachment A is the ***Notice of Nondiscrimination on the Basis of Gender or Sex*** form Campuses shall make available in the manner described above. Aside from inserting information regarding Campus administrators and on and off Campus/local resources where indicated on the form, Campuses ***shall not*** make any other changes to the Notice. The Notice must identify the Campus Title IX Coordinator and any Deputy Title IX Coordinator(s), and their respective roles and responsibilities on Campus.¹⁵



EXECUTIVE ORDER 1095

Notice of Rights and Options for Victims of Sexual Misconduct, Dating or Domestic Violence or Stalking

A **written** explanation of rights and options must be provided to a Student, Employee or Third Party **who reports to the University that s/he has been a victim** of Sexual Misconduct, Dating or Domestic Violence, or Stalking, whether the offense occurred on or off Campus. It is the Title IX Coordinator's responsibility to ensure this written Notice is provided to the complainant/victim(s).

Attachment C is the written explanation of ***Rights and Options for Victims of Sexual Misconduct, Dating or Domestic Violence, or Stalking*** form Campuses shall provide to Complainants/victims. Aside from inserting information regarding Campus administrators or local resources where indicated on the form, Campuses **shall not** make any other changes to the form.

Complaint Procedures

The CSU is required to adopt and publish complaint procedures that provide for prompt and equitable resolution of Sex Discrimination complaints, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.

Complaints made by Employees, former Employees, and applicants for employment. Executive Order 1096, entitled "Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and *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, Dating and Domestic Violence, and Stalking made by Employees and Third Parties 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, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall use the grievance procedure specified in their collective bargaining agreement.

Complaints made by Students.¹⁶ Executive Order 1097, entitled "Systemwide *Policy* Prohibiting Discrimination, Harassment, 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, Dating and Domestic Violence, and Stalking made by CSU Students against the CSU, a CSU Employee, another CSU Student, or a Third Party

Complaints made by Student-Employees. Executive Order 1096 is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking made by Student-Employees where the alleged violation arose out of the person's status as an Employee and not his/her status as a Student.

Complaints made by Third Parties. Executive Order 1096 is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking filed by Third Parties against the CSU, a CSU Employee or a CSU Student.

Regardless of whether an Employee, a Student or a Third Party ultimately files a complaint under the applicable complaint procedure, if a Campus knows or has reason to know about possible Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking, it must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial, and shall comply with the procedure outlined in the relevant Executive Order. The Campus must then take appropriate steps to eliminate the misconduct, prevent its recurrence, and remedy its effects.



EXECUTIVE ORDER 1095

Confidential Sexual Assault Victim's Advocates

Designation and Appointment

Each Campus is required to designate at least one confidential Sexual Assault Victim's Advocate (Advocate). The Advocate should be a full-time Employee of the University or a recognized University auxiliary, whose primary responsibility is rendering advice and assistance to victims of Sexual Misconduct. The Advocate may also be appointed by way of a written agreement with a local community-based sexual violence service provider, such as a rape crisis center, to provide the services described herein. The Advocate shall be confidential, independent, and certified, as described below, and shall be appointed based on experience and a demonstrated ability to effectively provide sexual violence victim services and response.

Confidentiality

It is essential that the Advocate be an individual who has protection under state law to engage in privileged communications, as described below in the section on Certification.

While it would be appropriate for the Advocate to report to and be supervised by Campus Student counseling services or health services, Campus placement of the Advocate in a different division, department or office would be acceptable as long as the provisions of this section are followed.

Because of their confidential nature, Advocates are not required to report Sexual Misconduct incidents to the University (e.g., to the Title IX Coordinator) or to police without the written consent of the victim, unless an exception applies as described above.

Roles and Responsibilities

The Advocate will provide the emergency and ongoing support services and assistance outlined below in order to ensure the well-being and safety of victims. These services shall be available 24 hours a day.

- Advocate services need to be flexible, varied, and provided by well-trained, certified sexual assault counselors to address the variability of victim needs.
- The Advocate may accompany victims, at their request and with their permission, and be with them as a support person:
 - ◇ Throughout all stages of the University's investigation and discipline proceedings, including acting as an Advisor at any related meeting or hearing.
 - ◇ When giving reports to or meeting with University Police, local law enforcement, the Title IX Coordinator, and any other University administrator related to a Sexual Misconduct complaint.
 - ◇ When going to medical/counseling appointments and treatments (including medical-forensic evidentiary examinations by a Sexual Assault Forensic Examiner).
 - ◇ When going to legal appointments and hearings in court or with legal representatives, including assistance with obtaining a restraining or other protective order.
 - ◇ When going to meetings and appointments with University personnel, including the Title IX Coordinator, regarding Interim Remedies (e.g., academic, employment, and housing).



EXECUTIVE ORDER 1095

- The Advocate may assist victims, with their permission:
 - ◇ In seeking reasonable and available Interim Remedies from the University, even where the victim has elected not to file a Complaint. Such reasonable and available Interim Remedies may include but not be limited to: academic support, adjustments/changes to course schedules, changes to University-based housing and work schedules, and stay away orders issued to the Respondent.
 - ◇ With other related reasonable and available on and off Campus services that ensure their well-being and safety.
- Regardless of whether victims wish to remain confidential, the Advocate shall carry out the following:
 - ◇ Ensure victims, with their consent, receive information about 24 hour-a-day sexual violence assistance services:
 - ◆ Information on how to report to law enforcement and to the University's Title IX Coordinator;
 - ◆ Emergency medical care, including follow-up medical care, as requested; and,
 - ◆ Medical forensic or evidentiary examinations.
 - ◇ Ensure victims, with their consent, receive the following sexual assault assistance services:
 - ◆ Crisis intervention counseling and ongoing counseling;
 - ◆ Information on victim rights and options, including referrals to additional support services; and,
 - ◆ Information on legal services, and the availability of restraining and/or no-contact orders.
 - ◇ Guide those who request assistance through the reporting, counseling, administrative, medical and health, academic accommodation, or legal processes of the University, University Police, and/or local law enforcement.
 - ◇ Attend as an Advisor, at their request, any University adjudication proceeding related to the Sexual Misconduct. Assist with arranging transportation services, as appropriate. Maintain privacy and confidentiality.
- Regardless of whether victims wish to remain confidential, the Advocate shall not notify the University or any other authority, including law enforcement, of the identity of the victim or any witness or of the alleged circumstances surrounding the reported Sexual Misconduct unless otherwise required by applicable state or federal laws.
- Advocates may also serve on Campus-based Sexual Misconduct task force committees/teams to provide general advice and consulting, and to participate in prevention and awareness activities and programs. However, it would not be appropriate for the Advocate to discuss or communicate about confidential or private information related to specific victims.
- The Advocate may play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing Campus-wide awareness and outreach activities, possibly including prevention activities.



EXECUTIVE ORDER 1095

- ◇ The Title IX Coordinator remains primarily responsible for all Campus-based prevention and awareness activities.
- ◇ All awareness outreach activities will comply and be consistent with University policies.
- ◇ Before initiating any awareness and outreach activities, the Advocate will partner and collaborate with the Title IX Coordinator to ensure the activities comply with CSU policy, and are consistent with Campus-based practices.

Supervision

To assure the independence and support needed for the Advocate to represent the interests of the victim independent of the University, the Advocate must report to and be supervised by an individual outside the office(s) handling the investigation and adjudication of Sexual Misconduct complaints. Thus, the Advocate may not be under the direct control or supervision of the University's Title IX office, Student Conduct office, or Police Department.

If the Advocate is appointed by way of written agreement with a local community-based sexual violence service provider, such as a rape crisis center, supervision shall be provided by the outside service provider in accordance with the terms and conditions set forth in the written agreement.

Certification

If employed by the University, the Advocate shall be a person whose primary responsibilities are rendering advice and assistance to Sexual Misconduct victims. The Advocate must have received a certificate evidencing completion of a training program in the counseling of Sexual Assault victims issued by a counseling center that meets the criteria for the award of a grant established pursuant to California Penal Code §13837 and who meets one of the following requirements:

- 1) Is a psychotherapist as defined in California Evidence Code § 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape crisis counseling; or
- 2) Has 40 hours of training as described below and is supervised by an individual who qualifies as a
- 3) psychotherapist or counselor under paragraph (1). The training, supervised by a person qualified under
- 4) paragraph (1), shall include but not be limited to the following areas:
 - Law
 - Medicine
 - Societal attitudes
 - Crisis intervention and counseling techniques
 - Role playing
 - Referral services
 - Sexuality

Alternatively, the Advocate may be a person who is employed by any organization providing the programs specified in California Penal Code § 13835.2 for the purpose of counseling and assisting Sexual Assault victims, and who meets one of the following requirements:

- 1) Is a psychotherapist as defined in California Evidence Code § 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape crisis counseling; or



EXECUTIVE ORDER 1095

2) Has the minimum training for sexual assault counseling required by the guidelines established by the employing agency pursuant to California Penal Code § 13835.10(c), and is supervised by an individual who qualifies as a psychotherapist or counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include but not be limited to the following areas:

- Law
- Medicine
- Societal attitudes
- Crisis intervention and counseling techniques
- Role playing
- Referral services
- Sexuality

Location and Availability of Services

The Advocate shall provide effective and accessible victim-advocacy services, in a safe, private, and confidential environment.

The Advocate should be physically housed on Campus in a gender-neutral location which allows for privacy and confidentiality when meeting with victims. The Advocate should not be housed in a women's center, as some victims are men or gender-nonconforming and might not be comfortable seeking assistance in a women's center. A gender equity or similar inclusive center would be appropriate, but is not mandatory if a Campus has no such office.

Advocates will provide services to all Student and Employee victims. If a Student or Employee victim leaves the University, the Advocate may assist with referrals to off-Campus resources and services to ensure sustained support.

Advocacy services should be available 24 hours a day, and should be provided via a 24/7 telephone and web-based hotline. However, one employee Advocate cannot provide 24/7 coverage. Therefore, where Campus staffing, resources or funding are insufficient, a memorandum of understanding (MOU) with a local rape crisis or treatment center should be considered for after-business hours advocacy services. The MOU should provide that the local rape crisis or treatment center will coordinate and communicate with the Campus-based Advocate, in accordance with these guidelines.

Online advocacy services should also be available 24 hours a day. A prominently displayed, clear and plainly written website should be created and utilized so victims can anonymously and privately obtain all relevant information, any time of day or night.

Annual Report

The Advocate shall submit to the Campus President and Title IX Coordinator an annual report summarizing how the resources supplied to the Advocate were used, including the number of Sexual Misconduct victims assisted. No personally identifying information will be included in the report. These annual Campus reports will also be submitted to the Systemwide Title IX Compliance Officer.



EXECUTIVE ORDER 1095

Campus Title IX Coordinators

Each Campus is required to designate one Title IX Coordinator with primary responsibility to monitor, supervise, and oversee overall Campus-wide implementation of and compliance with Title IX and this Executive Order,¹⁷ including coordination of training, education, communications, and administration of complaint procedures for Employees, Students and Third Parties in the areas of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The Title IX Coordinator shall have authority across **all** Campus-based divisions and programs (e.g., Human Resources, Academic Affairs, Student Affairs, Athletics, Housing, University Police, etc.) to monitor, supervise, oversee, and ensure implementation of this Executive Order in all areas, including the duties listed below. The Title IX Coordinator and any Deputy Title IX Coordinator (s) shall be Management Personnel Plan (MPP) employees. The designated coordinator should be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as University counsel or as a disciplinary decision maker) and should report directly to a vice-president or higher. The Title IX Coordinator must have the qualifications, authority and time to address all complaints throughout the Campus involving Title IX issues.

Each Campus may designate one or more Deputy Title IX Coordinators. The Title IX Coordinator may delegate training, education, communications, complaint procedure administration, investigations, and related Title IX duties to one or more Deputy Title IX Coordinators. However, all Deputy Title IX Coordinators must report to the Title IX Coordinator in their capacity as Deputy Title IX Coordinators. The Title IX Coordinator shall monitor, supervise, and oversee all such delegated tasks, including reviewing all investigative reports before they are final to ensure that the investigation was sufficient, appropriate, impartial, and in compliance with all relevant Executive Orders.

The Title IX Coordinator and any Deputy Title IX Coordinator(s) must have adequate training on what constitutes Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, as well as how to investigate such complaints. The Title IX Coordinator and any Deputy Title IX Coordinator(s) must also understand how Campus and systemwide complaint procedures operate.

The Title IX Coordinator is responsible for ensuring the **Notice of Non-Discrimination on the Basis of Gender or Sex (Notice)(Attachment A)** and the **Myths and Facts About Sexual Misconduct (Attachment B)** are widely published and distributed as set forth above. Also, the Notice must identify the Campus Title IX Coordinator and any Deputy Title IX Coordinator(s), and their respective roles and responsibilities on Campus. The Title IX Coordinator is also responsible for ensuring the written explanation of **Rights and Options for Victims of Sexual Misconduct, Dating or Domestic Violence, or Stalking (Attachment C)** is provided to all Sexual Misconduct, Dating or Domestic Violence, or Stalking victims.

Title IX prohibits sex-based discrimination in **all** University programs and activities, including athletics. Title IX measures gender equity in athletics in three distinct areas: (1) participation; (2) scholarships; and, (3) other benefits, including the provision of equipment and supplies, scheduling, travel, tutoring, coaching, locker rooms, facilities, medical and training facilities, and services, publicity, recruiting, and support services. The Title IX Coordinator is responsible for comparing the Campus's enrollment data to the number of athletic participation opportunities for Students of the underrepresented sex; and evaluating whether there is unmet interest in a particular sport, whether there is sufficient ability to sustain a team in the sport, and whether there is a reasonable expectation of competition for the team. The Title IX Coordinator should also coordinate the Campus's efforts to ensure that athletic financial assistance awards and the distribution of athletic benefits, including financial expenditures, comply with Title IX regulations. Because the Title IX requirements governing gender equity in athletics are complex and require coordination with NCAA and other rules, Campuses may wish to consider designating a Deputy Title IX Coordinator to handle only gender equity in athletics issues under the supervision of the Title IX Coordinator, who remains ultimately responsible for Campus-wide compliance.

In addition to coordinating training, education and preventive measures in the areas of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, the Campus Title IX Coordinator's mandatory duties include:



EXECUTIVE ORDER 1095

- Ensuring that victims reporting Sexual Misconduct, Dating or Domestic Violence, or Stalking are notified of the right to file a criminal complaint;
- Providing reasonable Interim Remedies, if requested and available, regardless of whether the victim chooses to report the conduct to Campus police or local law enforcement;
- Meeting on a regular basis, as appropriate, with victims reporting Sexual Misconduct, Dating or Domestic Violence, or Stalking to determine what steps (interim and ultimate) should be taken to protect him/her from any resulting hostile or unsafe environment, and ensuring that such steps are taken;
- Working with all Campus divisions (e.g., University Police, Human Resources, Academic Affairs, Student Affairs, and Athletics) to provide Employees and Students all required education programs and information;
- Monitoring, supervising, and overseeing *all* complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking, including related investigations, reports, interim and/or ultimate remedies, resolution, and coordination with disciplinary decision-makers regarding any resulting discipline against the Respondent;
- Creating a case management team responsible for coordinating and monitoring reports and investigations to assure that responses are timely, appropriate, impartial, and in compliance with this and all relevant Executive Orders;
- Reviewing all investigative reports before they are final to ensure that they are sufficient, appropriate, impartial, and in compliance with this and all relevant Executive Orders;
- Ensuring that appropriate disciplinary sanctions are imposed against Employees or Students who have violated Executive Orders 1096 or 1097;
- Reviewing the outcome of Employee and Student disciplinary proceedings involving cases of alleged Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking to determine whether they resolve all complaints, and whether any additional remedies need to be provided;
- Creating a committee of Employees, Students and Campus officials to identify strategies for ensuring that Employees and Students know how to identify and report Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and know what Remedies are available to victims;
- Regularly assessing Employee and Student activities to ensure that no practices or behaviors violate policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking, and using the results of such assessments to inform proactive remedial steps;
- Assisting the campus in developing a method to survey the school climate and coordinate the collection and analysis of information from that survey;
- Creating a website, with a link prominently displayed on the Campus's homepage, that includes the name and contact information of the Title IX Coordinator and any deputies, relevant policies and grievance procedures, and other resources related to Title IX compliance and gender equity;
- Identifying and addressing any systemic or other patterns of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking, and implementing corrective measures, as appropriate;



EXECUTIVE ORDER 1095

- Reviewing recruitment materials, admission forms, and policies and practices to ensure that the Campus does not discriminate on the basis of sex or Gender in recruitment and admissions;
- Reviewing materials used in counseling or guiding students or applicants for admission to ensure that the Campus does not use different materials for students based on sex or Gender or use materials that permit or require different treatment of students based on sex or Gender;
- Monitoring sex-based disparities in enrollment, including in nontraditional fields, by reviewing enrollment data, counseling practices, and appraisal materials, to ensure that disparities are not the result of discrimination on the basis of sex or Gender;
- Monitoring procedures and practices for awarding financial assistance to ensure compliance with Title IX regulatory requirements;
- Providing training to Students, administrators, faculty and other staff so that they know that Title IX prohibits discrimination against pregnant and parenting Students, and assisting the Campus in helping to meet the unique educational, child care, and health care needs of pregnant and parenting Students;
- Monitoring the Campus's administration of discipline to ensure that similarly situated students are not disciplined differently based on sex or Gender for the same offense and that the disciplinary policies do not have an unlawful disparate impact on Students based on sex, Gender Identity, or for failing to conform to stereotypical notions of masculinity or femininity in their behavior or appearance; and,
- Regularly evaluating the timeliness of investigations in a systematic manner to ensure that investigations are conducted as promptly as possible.

Training, Education and Preventive Measures

Each Campus must implement preventive education programs to promote the awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and to make victim resources available, including comprehensive victim services. Programs must include primary prevention and awareness programs: (1) for all **new** Students¹⁸ and **new** Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as Advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and, (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for **all** Students and Employees shall also be conducted.

Each Campus must assess which Student organizations participate in activities that may place Students at risk and ensure that they receive annual supplemental trainings focused on situations the group's members may encounter.

Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop Sexual Misconduct, Dating or Domestic Violence, or Stalking before they occur through the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of Sexual Misconduct, Dating or Domestic Violence, or Stalking. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.



EXECUTIVE ORDER 1095

Awareness programs include community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

To ensure that all Students receive the necessary information and training enumerated above on Sexual Misconduct, Dating and Domestic Violence, and Stalking, Campuses should impose consequences, such as registration holds, on those Students who do not participate in and complete such mandatory training.

These education and training programs shall include the following information:

- A statement that the CSU prohibits Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- What constitutes Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- The definition of Affirmative Consent.
- A statement that Sexual Misconduct, Dating and Domestic Violence, and Stalking violate University policy and may also violate criminal law.
- Common facts and myths about the causes of Sexual Misconduct. (See **Attachment B, *Myths and Facts about Sexual Misconduct***, to be posted and published alongside **Attachment A, *Notice of Nondiscrimination on the Basis of Gender or Sex***.)
- Safe and positive options for bystander intervention that may be taken by an individual to prevent harm or intervene in risky situations involving these offenses.
- Methods of encouraging peer support for victims.
- Information regarding Campus, criminal, and civil consequences of committing acts of Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- A statement explaining that the University's primary concern is the safety of members of the Campus community; that the use of alcohol or drugs never makes the victim at fault for Sexual Misconduct; that Students or Employees who experience or witness Sexual Misconduct should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies; and that Students or Employees who experience or witness Sexual Misconduct shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)
- A statement that "CSU policy prohibits retaliation against a person who: reports Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking; assists someone with a report of such conduct; or participates in any manner in an related investigation or resolution. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education."
- How to recognize warning signs of abusive behavior and how to avoid potential attacks.



EXECUTIVE ORDER 1095

- Information on risk reduction, including options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- What someone should do if s/he has experienced or witnessed Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, Campus and community resources for victims of Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- A description of Campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
 - ◇ Provide a prompt, fair, and impartial investigation and resolution; and,
 - ◇ Be conducted by officials who receive annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The fact that the victim and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the victim and the Respondent shall be simultaneously informed in writing of:
 - ◇ The outcome of any disciplinary proceedings that arises from an allegation of a Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking;
 - ◇ The University's procedures for the victim or Respondent 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.
- Possible sanctions or protective measures the University may impose following the final determination of a University disciplinary procedure regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- How the University will protect the confidentiality of victims, including how publicly-available recordkeeping (e.g., Campus Clery reports) will be accomplished without the inclusion of identifying information about the victim to the extent permissible by law.
- That persons who report being a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking **must receive written** notification of:



EXECUTIVE ORDER 1095

- ◇ Existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on Campus and in the community.
- ◇ Options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the incident to Campus police or local law enforcement.
- Procedures victims should follow if Sexual Misconduct, Dating or Domestic Violence, or Stalking has occurred, as well as the fact that the following *written* information must be provided to victims:
 - ◇ The importance of preserving evidence as may be necessary to prove Sexual Misconduct, Dating or Domestic Violence, or Stalking, or to obtain a temporary restraining or other protective order;
 - ◇ The name and contact information of the University Employee(s) to whom the alleged offense should be reported;
 - ◇ Reporting to law enforcement and Campus authorities, including the option to: (a) notify law enforcement authorities, including on-Campus and local police; (b) be assisted by Campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities;
 - ◇ Where applicable, the rights of victims and the University's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

The above information is also contained in the ***Notice of Nondiscrimination on the Basis of Gender or Sex (Attachment A)***. As previously stated, Campuses shall post the Notice prominently on the Campus website and include the Notice in handbooks/policies applicable to Employees, Students, Student athletes and members of Student activity groups and organizations, along with ***Myths and Facts About Sexual Misconduct (Attachment B)***.

All persons involved in implementing these procedures (e.g., the Campus Title IX Coordinator and any Deputy Title IX Coordinator(s), investigators, Human Resource Directors and Hearing Officers presiding over student conduct hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such annual training shall include the CSU complaint processes, as well as the handling, investigation and analysis of complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The annual training shall also address applicable confidentiality issues, especially with respect to the Title IX Coordinator's duty to weigh any victim's request for confidentiality against the duty to provide a safe and nondiscriminatory environment for all members of the Campus community. For matters involving Sexual Misconduct, Dating and Domestic Violence, and Stalking, the training shall also include how to conduct an investigation and hearing process that protects the safety of the person(s) involved and promotes accountability.

Remedies and Enforcement

Interim and Ultimate Remedies. The University is required to provide victims who experience Sexual Misconduct, Dating or Domestic Violence, or Stalking with reasonably available Interim Remedies, if requested, regardless of whether the victim chooses to report the misconduct to Campus police or local law enforcement. Victims should be notified of options for avoiding contact with the Respondent, including changes to the Respondent's or purported victim's employment, academic or living situations, as appropriate. For example, the Campus may prohibit the parties from having any contact with each other pending the outcome of the Campus investigation and any ensuing discipline proceeding. Campuses should minimize the burden on the victim and should not, as a matter of course, remove victims from work assignments, job sites, classes or housing while allowing the Respondent to maintain the status quo. Other possible interim (and ultimate) steps may include providing an escort between



EXECUTIVE ORDER 1095

Campus locations in extraordinary cases where safety may be endangered; changes to Employee work areas, work assignments or reporting relationships; providing Students with academic support services such as tutoring or allowing Students to re-take a course or withdraw from a course without penalty and without adverse effect on their academic records; and reviewing any disciplinary actions proposed to be taken against an alleged victim to see if there is a causal connection between the misconduct forming the basis for the proposed discipline and the alleged Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking. The Title IX Coordinator shall assist and provide the purported victim with reasonable Remedies as requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

Victim Rights and Resources. Victims also should be made aware of their rights under Title IX, VAWA/ Campus SaVE Act and related legislation, and any available resources, such as counseling, health, and mental health services, as well as the right to file a complaint with University and/or local law enforcement. Campuses must also ensure that persons know how to report any subsequent problems, and the Campus Title IX Coordinator or other appropriate Campus representatives should follow-up to determine whether any retaliation or new incidents of misconduct have occurred.

When addressing Sexual Misconduct, Dating or Domestic Violence or Stalking, Campuses should consider both on and off Campus resources, including local rape crisis centers, municipal law enforcement agencies, district attorneys' offices, and forensic medical examination sites. This allows Campuses to draw upon the expertise and resources of a broader group of professionals, thereby marshalling and maximizing time-sensitive services and resources.

Coordination with Criminal Investigations and Proceedings

A pending (Campus or local) police criminal investigation does not relieve a Campus of its responsibility to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking complaints: a Campus may not wait until the conclusion of a police investigation to commence its own administrative investigation, and must take immediate steps to protect the victim(s). Although it may be necessary to temporarily delay the administrative investigation while the police are gathering evidence conducting their criminal investigation, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation. Subject to applicable law, the Title IX Coordinator should normally be given access to Campus law enforcement investigation notes, reports and findings as necessary for the administrative investigation, so long as it does not compromise the police/criminal investigation.

Campus police shall encourage the victim to file a complaint with the Title IX Coordinator (in addition to filing a criminal complaint). Unless the victim has already notified and/or consented to the disclosure of his/her identity to the Title IX Coordinator, Campus law enforcement shall redact all identity information before providing the Title IX Coordinator access to its investigation notes, reports and findings. Campus police shall also report the incident itself to the Title IX Coordinator while maintaining the confidentiality of the victim's identity (if anonymity is requested).

Campus police should receive copies of, and training on, this and all relevant Executive Orders, including the University's Sexual Misconduct, Dating and Domestic Violence, and Stalking investigation and complaint procedures.

Campus agreements with local law enforcement must allow the Campus to meet its obligations under this and all related Executive Orders to resolve complaints promptly and equitably.



EXECUTIVE ORDER 1095

Annual Report

Each Campus will report the following annually on October 1, for the prior fiscal year (July 1 to June 30), without disclosing any information that would reveal the identities of the parties involved:

1. The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which a Student is the Respondent;
2. The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports received in which an Employee is the Respondent;
3. The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports investigated;
4. The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports resolved without investigation, including a description of the resolution and/or reason for no investigation;
5. The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations in which the Respondent was held responsible, including a description of the final sanction; and,
6. The number of Sexual Misconduct, Dating and Domestic Violence, and Stalking investigations in which the evidence was found insufficient to hold the Respondent responsible.

The information shall be reported in a manner that protects the privacy of the persons involved, including victims, Respondents, and witnesses, and shall be posted on the Campus web site.

The Title IX Coordinator is responsible for preparing and publishing the annual report.



EXECUTIVE ORDER 1095

Attachments:

[Attachment A – Notice of Non-Discrimination on the Basis of Gender or Sex](#)

[Attachment B – Myths and Facts about Sexual Misconduct](#)

[Attachment C – Rights and Options for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking](#)

Revision History:

As a result of the issuance of this Executive Order, the following documents are superseded as of the effective date of this Executive Order and are no longer applicable:

- Executive Order 1095 (Implementation of Title IX, VAWA/Campus SaVE Act, and Related Sex Discrimination, Sexual Harassment and Sexual Violence Legislation), dated June 3, 2014
 - Executive Order 1072 (Implementation of Title IX of the Education Amendments of 1972 and Related Sexual Harassment/Violence Legislation for CSU Students), dated April 6, 2012
 - Executive Order 993 (Implementation of the "California Campus Blueprint to Address Sexual Assault" and other Sexual Assault Legislation), dated October 23, 2006
1. These and other key capitalized terms are defined in Executive Orders 1096 and 1097. Terms contained within this Executive Order are intended to be gender neutral.
 2. Clery reporting and discipline procedures are addressed in other systemwide policy communications.
 3. Copies of the Blueprint may be obtained from <http://www.calcasa.org/wp-content/uploads/2012/06/OES-2004-CA-Campus-Blueprint.pdf>.
 4. See Cal. Evid. Code § 990 et seq., § 1010 et seq., and § 1030 et seq.
 5. See Cal. Evid. Code § 1035 et seq. and § 1037 et seq.
 6. Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including Sexual Battery, incest, Rape, spousal Rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.
 7. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
 8. See Cal. Evid. Code § 1024.
 9. See Cal. Evid. Code § 1035.4.
 10. See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f)(2) ("The name of a victim of any crime defined by § 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.")
 11. See Cal. Educ. Code § 67380(a)(6)(A).



EXECUTIVE ORDER 1095

12. If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).
13. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
14. See Cal. Penal Code § 11167(d).
15. See also Attachment B, Myths and Facts about Sexual Misconduct, which should be published and distributed alongside Attachment A, Notice of Nondiscrimination on the Basis of Gender or Sex.
16. Â For purposes of this Executive Order, the term "Students" includes applicants for admission.
17. Again, this includes compliance with VAWA/Campus SaVE Act and all other related sexual harassment/violence legislation.
18. This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the first semester.



EXECUTIVE ORDER 1096

CSU Executive Order [1096](#) Revised June 23, 2015

Article I. Policy Statement

The California State University (CSU) is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Age, Disability, Race or Ethnicity, Gender, Gender Identity or Expression, Nationality, Religion, Sexual Orientation, Genetic Information, Veteran or Military Status, and other characteristics that make our community unique.¹ All individuals have the right to participate fully in CSU programs and activities free from Discrimination, Harassment, and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

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 sexual activity is Sexual Misconduct and constitutes a violation of this policy, whether or not the sexual activity violates any civil or criminal law.

This policy is established in compliance with the California Equity in Higher Education Act, Title IX, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws.

A. **Prohibited Conduct.** The CSU prohibits:

1. Discrimination, including Harassment, because of any Protected Status: i.e., Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status;
2. Retaliation for exercising rights under this policy, opposing Discrimination or Harassment because of a Protected Status, or for participating in any manner in any related investigation or proceeding;
3. Dating and Domestic Violence, and Stalking;
4. Sexual Misconduct of any kind, which includes sexual activity engaged in without Affirmative Consent; and,
5. Employees from entering into a consensual relationship with any Student or Employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. See Article I, F.

The University shall respond promptly and effectively to all complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and shall take appropriate action to prevent, correct, and discipline conduct that violates this policy. This Executive Order is intended to protect the rights and privacy of both the Complainant and the Respondent, as well as other involved individuals.

Employees and Students who are found to have violated this policy shall be subject to discipline commensurate with the violation. If Employee discipline is warranted, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. § 41301 and Executive Order 1098, or any superseding executive order, if applicable.



EXECUTIVE ORDER 1096

- B. **Discrimination.** The CSU strives to be free of all forms of Discrimination, including Harassment, because of a Protected Status. It is CSU policy that no person shall be excluded from participation in, or be denied the benefits of, any CSU program or activity because of any Protected Status.
- C. **Retaliation.** Retaliation against a person for exercising any rights under this policy or for opposing Discrimination or Harassment because of a Protected Status, Sexual Misconduct, Dating or Domestic Violence, or Stalking, or for participating in any manner in any policy-related investigation or proceeding is prohibited.

No victim or witness in related investigations or proceedings will be subject to disciplinary sanctions by the University for related violations of conduct policies occurring at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty or conduct that places the health and safety of any other person at risk.

- D. **Dating and Domestic Violence, and Stalking.** The CSU prohibits Dating and Domestic Violence, and Stalking. Dating and Domestic Violence, and Stalking are often based on Gender. CSU prohibits all such misconduct whether or not it is based on Gender.
- E. **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 constitutes Sexual Misconduct and is a violation of this policy, whether or not the conduct violates any civil or criminal law.

Sexual Misconduct is a form of Sexual Harassment and may create a sexually hostile environment that affects access to or participation in CSU programs and activities. CSU prohibits all such conduct whether or not it also amounts to Sexual Harassment.

Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative 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 s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.



EXECUTIVE ORDER 1096

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.

- F. **Consensual Relationships.** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises or influences direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each Campus shall develop a procedure to reassign such authority to avoid violations of this policy.

This prohibition does not limit the right of an Employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

- G. **Reasonable Accommodations.** The CSU will provide reasonable accommodations to qualified individuals with a Disability. Reasonable accommodations will be determined by the Campus following an interactive process with those involved to identify the nature and extent of the restrictions and the appropriate accommodation.



EXECUTIVE ORDER 1096

- H. **Duty to Report.** Except as provided below, **any** Employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the DHR Administrator or Title IX Coordinator. These Employees are required to disclose all information, including the names of the Parties, **even where the person has requested that his/her name remain confidential.** The DHR Administrator or Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident.

Employees Who Do Not Have A Duty to Report:

1. The following Employees are **not** required to report **any** information about an incident of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking to the DHR Administrator or Title IX Coordinator:
 - a. Physicians; psychotherapists; professional licensed counselors; licensed clinical social workers, and clergy who work on or off Campus, acting solely in those roles or capacities as part of their employment, in the provision of medical or mental health treatment or counseling (*and those who act under their supervision, including all individuals who work or volunteer in these centers and offices*); and
 - b. Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, and health centers and who are acting solely in that role (*including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers or health centers*).
 - c. A CSU employee/union representative is not required to report a possible violation of this Executive Order if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU employee/union representatives are **strongly encouraged** to report the information to the DHR Administrator or Title IX Coordinator.
2. University police are **not** required to report any **personally-identifiable information** about a victim of certain sex offenses,² **if the victim requests confidentiality**, but must report all known facts of the incident, including the identity of the perpetrator (if known), to the Title IX Coordinator.

EXCEPTIONS: 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 s/he provides medical services for a ***physical condition*** to a patient/victim who s/he knows 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.³ 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, **all** physicians, psychotherapists, professional counselors, 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.⁴ These professionals will explain this limited exception to victims, if applicable.



EXECUTIVE ORDER 1096

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;⁵ or, (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Misconduct, Dating or Domestic Violence, or Stalking incident.⁶ If applicable, these professionals will explain this limited exception to victims.

Article II. Policy Implementation, Training and Communication

Each Campus president shall designate a DHR Administrator and Title IX Coordinator who shall be responsible for the implementation of and compliance with this policy. The DHR Administrator is responsible for the implementation of and compliance with this policy with respect to all Discrimination, Harassment and Retaliation matters except those involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The DHR Administrator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Discrimination, Harassment, and Retaliation. The Title IX Coordinator is responsible for the implementation of, and compliance with this policy with respect to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The Title IX Coordinator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. Each Campus shall make the contact information for the DHR Administrator and Title IX Coordinator available to all members of the Campus community as well as Third Parties. The contact information shall be updated as necessary.

To prevent Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and to encourage reporting of such conduct, training shall be provided by each Campus to all Employees, including Faculty unit employees and student assistants. Such training shall be mandatory for all employees within twelve months of the effective date of this Executive Order, and on an annual basis thereafter. New employees shall receive training within six months of their initial hiring. Such training shall explain, but not be limited to: what constitutes Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking under applicable law; the rights and responsibilities of each Employee relating to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking including the duty to report and exceptions; the protection against Retaliation for Employees who report Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking; the procedure provided in this Executive Order for filing, investigating and resolving a Complaint; and the option and method for filing Complaints with external government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

Under Cal. Govt. Code § 12950.1, each Campus shall provide supervisory Employees at least two hours of interactive Sexual Harassment training within six months of the Employee's assignment to a supervisory position and every two years thereafter. Each Campus shall maintain documentation of the delivery and completion of these trainings. For detailed guidance regarding the definition of "supervisor" and the implementation of this training, Campuses shall consult Coded Memoranda HR 2005-35 and other applicable policies.

The requirements for training to promote awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking are set forth in Executive Order 1095.

This Executive Order shall be made readily available and distributed on an annual basis to all Students and Employees, utilizing multiple media for communication, including email, Student orientations and catalogs, new Employee orientations, Campus websites and publications, and the webpages for the offices of Equity and Diversity, Student Affairs, Student Judicial Affairs, Disabled Student Services, Auxiliary Service Organizations,



EXECUTIVE ORDER 1096

Academic Affairs, Extended Education, Athletics, Residential Life, and Human Resources.

Each Campus shall also distribute a copy of the Department of Fair Employment and Housing information sheet on sexual harassment (Form DFEH-185, or any superseding document) to all Employees utilizing multiple media for communication, including email and webpages.

In addition, each Campus shall post the DFEH poster on employment discrimination (Form DFEH-162, or any superseding document) in prominent and accessible locations on Campus where other employment notices regarding rules, regulations and procedures are posted.

Article III. Campus Procedure for Responding to Complaints

This procedure provides individuals a process to address alleged violations of this policy by the CSU, a CSU Employee, a Student, or a Third Party. Whenever a Campus determines that the allegation(s) are outside the scope of this policy, the Campus shall promptly notify the individual in writing. All Complaints and related investigations against Respondents who are sworn University public safety officers shall be governed by this policy, the applicable collective bargaining agreement, and by the Public Safety Officers Procedural Bill of Rights Act (POBR).⁷ The campus DHR Administrator or Title IX Coordinator shall work with the campus Chief of Police, or designee, to investigate Complaints against sworn public safety officers. Consultation with the Office of General Counsel is recommended.

- A. **Who May Use This Procedure:** The individuals listed below may use the procedure in this Executive Order to address Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
1. **Employees.** Non-represented Employees and Employees in bargaining units whose collective bargaining agreements have incorporated this Executive Order may use the procedure described in this Executive Order to address Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking by the CSU, another Employee, a Student, or a Third Party.
 2. **Employees who are covered by a grievance procedure in a collective bargaining agreement.** Employees who are covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall use the grievance procedure specified in their collective bargaining agreement.
 3. **Applicants for employment.** Applicants for employment may use the procedure outlined in this Executive Order to address Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking that occurred during their application process.
 4. **Student employees.** At times, a person may be employed by the CSU and also be a Student. If an allegation of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking arose out of the person's status as a Student and not their status as an Employee, the allegations shall be handled under Executive Order 1097 (Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide *Procedure* for Addressing Such Complaints by Students) or a superseding executive order. An allegation arising out of the person's work environment (while they are acting as an Employee) shall be handled under this Executive Order.
 5. **Third Parties.** Allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking by Third Parties against the CSU, an Employee, or a Student shall be investigated and resolved in accordance with the procedure outlined in this Executive Order.



EXECUTIVE ORDER 1096

The University will respond to all Complaints and will take appropriate action to prevent, correct, and discipline conduct that violates this policy. To report alleged violations, an individual may submit a formal written Complaint to the DHR Administrator (Discrimination, Harassment, and Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking). The date of receipt shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to individuals who are unable to submit a Complaint because of a qualified Disability.

Complaints should be brought forward as soon as possible after the conduct occurs. While there is no stated timeframe for making a Complaint, prompt reporting will better enable the Campus to respond to the Complaint, determine the relevant issues, and provide an appropriate Remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report or Complaint may impede the University's ability to conduct an investigation or take appropriate remedial actions.

The Campus will respond to all reports of alleged violations of this policy, whether or not the report is submitted as a written Complaint. However, the response may be limited if information contained in the report is insufficient to verify violation(s) of this Executive Order.

- B. **Campus Early Resolution Process.** Complainants who believe they have experienced Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy may initiate the Early Resolution process prior to, or instead of, filing a Complaint. The purpose of the Early Resolution process is to explore whether the Complainant's concern(s) can be resolved by the Campus without an investigation.

This Executive Order neither prevents nor requires the use of the Early Resolution process. Under no circumstance shall a Complainant be required to use the Early Resolution process to address prohibited behaviors. It is not appropriate for a Complainant to be required to "work out the problem" directly or mediate with the Respondent. Mediation cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking Complaints. In other matters, where voluntary mediation is requested, no meeting between the Complainant and the Respondent should occur without involvement by appropriate Campus administrators, including the DHR Administrator or Title IX Coordinator.

Where the allegations involve Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Complainant shall be advised to immediately file a Complaint under Article III, C.

1. **To initiate the Early Resolution Process.** The Complainant should contact his/her Campus DHR Administrator (Discrimination, Harassment, or Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking) who shall promptly meet with the Complainant to discuss his or her concern(s) and possible resolutions as appropriate.

Complainants shall be informed about the range of possible outcomes, including Interim Remedies or disciplinary actions that might be taken against the Respondent, and information about the procedures leading to such outcomes.

2. **Participation in the Early Resolution Process.** Participation is voluntary. It may include an inquiry into the facts, but does not include an investigation. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the Parties, a resolution facilitated by the DHR Administrator or Title IX Coordinator, separating the Parties, referring one or both of the Parties to counseling programs, an agreement between Campus and the Respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing Remedies to persons harmed by violations of this policy.



EXECUTIVE ORDER 1096

The Campus shall attempt to resolve the Complainant's concern(s) quickly and effectively. The DHR Administrator or Title IX Coordinator shall meet with the Complainant, the Respondent, and any other persons or witnesses they may determine to be necessary.

3. **Final Early Resolution.** If resolution is reached, a written record of the resolution shall be documented and maintained in accordance with applicable Campus recordkeeping policies. The matter shall be considered closed.

Where the Respondent is a Student, the DHR Administrator/Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Early Resolution process, including any Interim Remedies afforded to the Complainant. Where the Respondent is an Employee, Human Resources or Academic Affairs shall be informed as appropriate.

If resolution is not reached, the Campus shall promptly notify the Complainant and, where applicable, the Respondent in writing that the Early Resolution process is terminated, and the termination effective date. The Complainant shall be provided written notification of his/her right to file a Complaint pursuant to Article III, C.

4. **Confidentiality.** Other than consulting with their respective Advisors, both the Complainant and the Respondent shall keep the details of the Early Resolution process confidential until the process is concluded. If the matter is not resolved and an investigation is conducted, the Complainant and the Respondent shall maintain confidentiality until the conclusion of the Campus investigation and CO Appeal Review process, if any.
 5. **Termination of Early Resolution Process.** The Complainant shall be notified that the Complainant or the Campus may at any time elect to terminate the Early Resolution process. In that event, the DHR Administrator/Title IX Coordinator shall promptly notify the Complainant and the Respondent in writing that the Early Resolution process has terminated, the effective date thereof, and inform the Complainant of his/her right to file a Complaint pursuant to Article III, C.
- C. **Campus Investigation Process.** Campuses will investigate Complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking unless an Early Resolution is reached, whether or not a written Complaint is submitted. The DHR Administrator/Title IX Coordinator will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information is insufficient.

In cases where the Complainant does not want to pursue an investigation, the DHR Administrator/Title IX Coordinator should inform the Complainant that the ability to take corrective action may be limited. The Campus may determine that circumstances warrant initiating an investigation even if a Complaint has not been filed and independent of the intent or wishes of the Complainant. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, when determining whether to go forward with an investigation, the Title IX Coordinator should consider the seriousness of the allegation(s), the age of the Complainant, whether there have been other Complaints against the Respondent, and the risk to the Campus community if the Respondent's alleged conduct remains unaddressed.

1. **Filing a Complaint.** Any Employee or Third Party may file a Complaint reporting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy subject to the following exceptions:
 - a. Complaints of Student employees that arise out of their status as a Student. Such Complaints shall be governed by Executive Order 1097 or any superseding executive order.



EXECUTIVE ORDER 1096

- b. Complaints against a president shall be filed with the Chancellor's Office (CO). However, Complaints against a president shall be processed by the Campus if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the president had no other substantial involvement in the matter.
 - c. For Complaints against CO employees, the responsibilities identified in this Executive Order as those of the president are the responsibilities of the chancellor. Complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board and the CO Title IX Coordinator for processing and investigation.
2. **Complaint Requirements.** The Complainant may submit a written Complaint to the DHR Administrator or Title IX Coordinator. The date the Complaint is received in the appropriate office shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Complainants who are unable to submit a written Complaint because of a qualified Disability.

The Complainant may complete the attached "CSU Complaint Form" or, in the alternative, submit a written signed statement containing the following information:

- a. The Complainant's full name, address (including email address) and telephone number(s);
 - b. The name of the Respondent and job title, position or Student status, if known;
 - c. The Protected Status that is the basis for any alleged Discrimination, Harassment, or Retaliation, the Respondent's activity that is the basis for the alleged Retaliation, or whether Dating or Domestic Violence, or Stalking is alleged;
 - d. A clear, concise statement of the facts that constitute the allegations including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
 - e. A statement verifying that the information provided is true and accurate to the best of the Complainant's knowledge;
 - f. The day, month and year of the Complainant's most recent employment or the day, month and year in which s/he applied for employment with the University;
 - g. The full name, address and telephone number of the Complainant's Advisor, if any;
 - h. The specific harm resulting from the allegations;
 - i. The specific remedy sought;
 - j. The Complainant's signature; and,
 - k. The date on which the Complaint is submitted.
3. **Intake interview.** The DHR Administrator or Title IX Coordinator shall meet with the Complainant as soon as possible, but no later than **10 Working Days** after the Complaint was received. The Complainant shall make him/herself available for this meeting.
- a. The meeting shall serve as the initial intake interview with the Complainant and will:



EXECUTIVE ORDER 1096

- i) Explain the investigation procedure and timelines and answer any questions about them;
 - ii) Inform the Complainant of his/her rights, including the right to have an Advisor throughout the process;
 - iii) Provide the opportunity for the Complainant to complete and sign a Complaint form, if not already done; and,
 - iv) Discuss reasonable Interim Remedies, as appropriate.
- b. In cases alleging Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Title IX Coordinator shall also:
- i) Inform the Complainant of the right to file a criminal complaint;
 - ii) Offer to assist the Complainant with filing a criminal complaint;
 - iii) Assure the Complainant that such filing will not significantly delay the Campus investigation;

Advise the Complainant of available resources such as the Campus police, Campus Sexual Assault Victim's Advocate, student health service center or psychological counseling center; and
 - iv) Provide **written** information, as directed under Executive Order 1095, to any Complainant who reports to the Campus that s/he has been a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- c. Prior to or during the initial interview with the Respondent, the DHR Administrator or Title IX Coordinator shall:
- i) Explain the investigation procedure and timelines and answer any questions about them;
 - ii) Inform the Respondent of his/her rights, including the right to have an Advisor throughout the process;
 - iii) Provide the Respondent with a copy of this Executive Order;
 - iv) Provide the Respondent with a description of the Complainant's allegations against the Respondent;
 - v) Provide the Respondent a full opportunity to respond to the allegations, including scheduling other meeting(s), accepting documentary evidence, and accepting Respondent's list of potential witnesses; and,
 - vi) Discuss any Interim Remedies, as appropriate.
4. **Advisor.** The Complainant and the Respondent may elect to be accompanied by an Advisor to any meeting or interview regarding the Complaint. (See definition in Article VI.)



EXECUTIVE ORDER 1096

5. **Confidentiality.** Information regarding the Complaint may be shared on a “need to know” basis with other Campus Employees, and with law enforcement (with the Complainant’s written consent), except for some limited exceptions. (See Executive Order 1095.) The DHR Administrator and/or Title IX Coordinator shall endeavor to honor any request for confidentiality; however, the DHR Administrator and/or Title IX Coordinator shall also weigh requests for confidentiality against the University’s duty to provide a safe and nondiscriminatory environment for all members of the Campus community. **Confidentiality, therefore, cannot be ensured.**

The Title IX Coordinator receives all Complainant requests for confidentiality involving cases of Sexual Misconduct, Dating or Domestic Violence, or Stalking, and determines if the request can be honored under the facts and circumstances of the particular case. (See Executive Order 1095.)

6. **Complaint Accepted for Investigation.** The DHR Administrator or Title IX Coordinator will review all written Complaints and the information received during the intake interview. If the DHR Administrator or Title IX Coordinator determines that the Complaint falls within the scope of this Executive Order, s/he will notify the Complainant within **10 Working Days** that the Complaint has been accepted for investigation and the timeline for completion of the investigation.

If the DHR Administrator or Title IX Coordinator determines the Complainant has failed to state a Complaint within the scope of this Executive Order, s/he will provide the Complainant with written notice of this determination with **10 Working Days**. The DHR Administrator or Title IX Coordinator will also inform the Complainant that if additional information is provided, the Complaint will be reviewed again. The DHR Administrator or Title IX Coordinator will maintain a record of the Complaint and the reasons the Complaint was deemed not within the scope of this Executive Order.

The DHR Administrator or Title IX Coordinator shall determine whether the Complaint should be processed through another Campus office or University procedure available to the Complainant. If appropriate, the DHR Administrator or Title IX Coordinator shall direct the Complainant to that procedure as soon as possible.

7. **Investigation Procedure.** The DHR Administrator or Title IX Coordinator shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. If assigned to another Investigator, the DHR Administrator or Title IX Coordinator shall monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation reports before they are final to ensure that the investigation was sufficient, appropriate, impartial, and in compliance with this Executive Order.

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. Upon inquiry, the Complainant and Respondent shall be advised of the status of the investigation.

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 giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

The investigation shall be completed no later than **60 Working Days** after the intake interview, unless the timeline has been extended pursuant to Article V. E. The timeline should not be extended for a period longer than an additional **30 Working Days** from the original due date.



EXECUTIVE ORDER 1096

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Complaint filed under this policy. A pending (Campus or local) police investigation is a separate investigation and it does not relieve a Campus of its responsibility to timely investigate Complaints under this policy. Thus, a Campus may not wait until the conclusion of a police investigation to commence its own investigation. Although it may be necessary to temporarily delay the investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, see the “Coordination with Criminal Investigations and Proceedings” section of Executive Order 1095.

8. **Investigation Report.** Within the investigation period stated above, the Investigator shall prepare an 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. Relevant exhibits and documents, if any, shall be attached to the written report. The report shall be promptly provided to the DHR Administrator or Title IX Coordinator, if applicable. The DHR Administrator or Title IX Coordinator shall review the investigation report to assure compliance with this Executive Order before proceeding further.
9. **Notice of Investigation Outcome.** Within **10 Working Days** of issuance of the final investigation report, the DHR Administrator or Title IX Coordinator shall notify the Complainant and Respondent in writing of the outcome of the investigation. The Notice shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, a determination as to whether this Executive Order was violated, and if so, any Remedies to be afforded to the Complainant. The notice shall advise the Complainant and Respondent of their right to file an appeal under this Executive Order and to request a copy of the final investigation report with exhibits/ attachments, if any, redacted as appropriate. The Notice shall be delivered to the Parties in a manner which guarantees delivery within **2 Working Days** (email delivery is acceptable). Where a Complaint is made against a Student and this Executive Order is found to have been violated, the DHR Administrator or Title IX Coordinator shall also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report. Where the Respondent is an Employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation report.

Article IV. Appeal Review - Office of the Chancellor

- A. **Filing an Appeal to the CO.** Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the CO no later than **10 Working Days** after the date of the Notice of Investigation Outcome.
- B. **Written Appeal.** The appeal shall be in writing and shall be based on one or more of the appeal issues listed below:
 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 this Executive Order; or
 3. New evidence not available at the time of the investigation.



EXECUTIVE ORDER 1096

- C. **Issues and Evidence on Appeal.** The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after the Campus investigation process and is made part of the appeal by the appealing party. The CO may conduct an interview, at the CO's discretion, with the appealing party to clarify the written appeal. Appeals shall be addressed to:

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore, 4th Floor
Long Beach, California 90802
eo-wbappeals@calstate.edu

- D. **Acknowledgement of Appeal.** The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party and the Campus DHR Administrator or Title IX Coordinator.
- E. **Reasonable Accommodation.** The CO will provide reasonable accommodation(s) to any party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension under these procedures. The timeframe for the CO Appeal Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodation(s).
- F. **Scope of CO Review.** The CO review will not involve a new investigation by the CO and will not consider evidence that was not introduced during the Campus investigation, unless the new evidence was not available at the time of the Campus investigation process. The CO may make reasonable inquiries to determine if the new evidence could have affected the investigation determination. If the CO review determines the investigation should be reopened to cure any defects in the investigation and/or consider new evidence introduced for the first time on appeal (that could have affected the investigation determination), the investigation will be remanded back to the Campus and the investigation reopened at the Campus level.
- G. **Reopening a Campus Investigation.** The CO will return the matter to the Campus and will specify in writing the timeline by which a reopened investigation must be completed. The CO will notify the Parties of the reopening of the investigation and the timeline for completion of the reopened investigation. The Campus will complete the reopened investigation and provide the CO with an amended investigation report. The Campus will also provide the Parties with amended Notices of Investigation Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with this Executive Order. Upon receipt of the amended investigation report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.
- H. **Timeline.** The CO shall respond to the appealing party no later than **30 Working Days** after receipt of the written appeal unless the timeline has been extended as specified in Article V. E below.
- I. **CO Appeal Response.** The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, and the determination(s) reached regarding the issue(s) identified within the written appeal. A copy of the final CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus DHR Administrator or Title IX Coordinator.

The CO Appeal Response is final and concludes the Complaint and CO review process under this Executive Order.



EXECUTIVE ORDER 1096

Article V. General Provisions for Campus Investigation/CO Appeal Review

- A. **Impartial Investigations.** All investigations and reviews shall be conducted impartially and in good faith.
- B. **Cooperation in an Investigation.** Students and Employees are required to cooperate with the investigation and other processes set forth in this Executive Order, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a Complainant and/or Respondent refuse to cooperate, the CSU may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. **False Allegations Prohibited.** A Complainant shall proceed with a Complaint in good faith. A Complainant who knowingly and intentionally files a false Complaint or any individual who is determined to have provided false statements or information during the investigation/appeal review shall be subject to discipline in accordance with applicable collective bargaining agreements, CSU policies, and legal requirements (e.g., Education Code Section 89530 et seq.). Such disciplinary action shall not be deemed to be Retaliation.
- D. **Input into the Investigation.** Both the Complainant and Respondent shall have the right to identify witnesses and other evidence for consideration; however, the CSU shall decide what evidence is relevant and significant to the issues raised.
- E. **Timelines and Extensions.** The timeline for the procedures contained within this Executive Order may be extended for any reason deemed to be legitimate by the Campus Investigator/CO Appeal reviewer or by mutual agreement of the Parties. The timelines stated within this Executive Order will be automatically adjusted for a reasonable time period that should not exceed an additional **30 Working Days** for a Campus investigation or an additional **30 Working Days** for a reopened Campus investigation under Article IV. The Complainant and Respondent shall receive written notification of any period of extension.
- F. **Delivery.** When submitting a Complaint or issuing any notices required by this Executive Order, personal delivery, overnight delivery services, electronic mail, or certified mail may be used. If personal delivery is used, a proof of service shall be prepared attesting to the calendar date of delivery, which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of filing or response. Electronic communications must be sent to the designated CSU or Campus e-mail address unless the intended recipient has specified a different address. Electronic communications will be deemed received on the date sent.
- G. **Investigation Not Warranted.** In the event that a Campus determines an investigation is not warranted, the reasons for that decision shall be reduced to writing and retained by the Campus according to appropriate record retention policies.
- H. **Information Requests.** Where it is necessary for the Complainant or Respondent to have access to specific information for the purpose of filing a Complaint or CO Appeal, the Complainant or Respondent shall make a written request for such information to the Campus. The Complainant or Respondent shall have access to information within the policies, procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the Complaint. This provision does not authorize a Complainant or Respondent access to the personnel files of another without the written consent of that person.
- I. **Employee Rights.** Nothing contained herein is intended or should be construed to interfere with an Employee's right to consult with a representative.



EXECUTIVE ORDER 1096

- J. **Release Time.** Taking into account campus operational needs, CSU shall provide the Complainant and Advisor, if any, reasonable release time for preparing and presenting the Complaint upon their request.
- K. **External Remedies.** A Complainant may choose to pursue remedies with outside government agencies at any time without waiting for the conclusion of the CSU Complaint process under this Executive Order.

Article VI. Definitions

For purposes of this Executive Order, the following definitions apply:

- A. **Adverse Action** means an action that has a substantial and material adverse effect on the Complainant's employment or ability to participate in a University program or activity free from Discrimination, Harassment or Retaliation. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
- B. **Advisor:** The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate, provided the Advisor is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent and take appropriate action to ensure that the investigation does not violate applicable laws, policies, or collective bargaining agreements.
- C. **Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated.

A person with a medical or mental Disability may also lack the capacity to give consent.

Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

See Article I. E. for more information.

- D. **Age**, with respect to employment discrimination, refers to the chronological age of any individual who has reached his or her 40th birthday and is a Protected Status.⁸ With respect to discrimination in non-employment programs and activities, Age means how old a person is, or the number of years from the date of a person's birth and is a Protected Status.⁹
- E. **Calendar Days** are defined as Monday through Sunday and include official holidays.
- F. **California State University (CSU)** means the 23 Campus system of the California State University, including the CO.
- G. **Campus or University** means any of the 23 Campuses of the CSU or the CO.



EXECUTIVE ORDER 1096

- H. **CO Appeal Response** refers to the decision provided to the Complainant and the Respondent upon completion of the appeal process provided under Article IV.
- I. **Complainant** means an individual who is eligible to file a Complaint to report a violation of this policy. See Article III. A for a description of those eligible to file a Complaint. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person's behalf. A Complainant may also be referred to as a party to the Complaint.
- J. **Complaint** means a report of a violation of this policy or a written communication that complies with Article III. C. 2 alleging Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking, against the CSU, an Employee, a Student, or a Third Party.
- K. **Dating Violence** is 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.¹⁰ 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.
- L. **DHR (Discrimination, Harassment, and Retaliation) Administrator** means the Management Personnel Plan (MPP) Employee at each Campus who is designated to administer this Executive Order and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation. The DHR Administrator may delegate tasks to one or more designees, provided that any designee shall be a MPP Employee or an external consultant. **MPP Employee** means an employee who has been designated as a "management" or "supervisory" employee under the provisions of the Higher Education Employer-Employee Relations Act.¹¹ The Campus president may assign the roles of the DHR Administrator and Title IX Coordinator to the same person. The names of, and contact information for the DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community and Third Parties as described in Article II.
- M. **Disability**, as defined in California Government Code § 12926 and the federal Americans with Disabilities Act (ADA), 2008 Amendments, means:
1. Having a physical or mental condition that limits a major life activity. "Limits" means making the achievement of a major life activity difficult. "Limits" is determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A "major life activity" is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing) and working; or
 2. Having a known history of a qualifying impairment; or
 3. Being regarded or treated as having or having had a qualifying impairment; or
 4. Being regarded or treated as having or having had such an impairment that has not presently disabling effects but may become a qualifying impairment in the future.

Disability is a Protected Status.

- N. **Discipline** means any disciplinary action taken to correct a violation of the prohibitions against Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking set forth in this Executive Order. Discipline for Employees includes, but is not limited to, suspension, demotion and termination of employment. Discipline for Students includes, but is not limited to, probation, suspension and expulsion. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or



EXECUTIVE ORDER 1096

expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently without exception; this requirement cannot be waived in connection with any settlement agreement. See the definition of Remedies below.

- O. **Discrimination** means Adverse Action taken against an Employee or Third Party by the CSU, a CSU employee or a Student, because of a Protected Status.
- P. **Domestic Violence** is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual 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 spouses; (5) the continuity of the relationship; and, (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 of imminent serious bodily injury to himself or herself, or another.¹² Abuse does not include non-physical, emotional distress or injury.
- Q. **Employee** means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties.¹³
- R. **Gender** means sex, and includes a person's gender identity and gender expression.¹⁴ Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Sex includes but is not limited to pregnancy, childbirth, breastfeeding or associated medical condition(s).¹⁵ They are Protected Statuses.
- S. **Genetic Information** is a Protected Status and means¹⁶:
- The person's genetic tests.
 - The genetic tests of the person's family members.
 - The manifestation of a disease or disorder in the person's family members.
 - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a person or any person's family member.
 - Genetic Information does not include information about the sex or age of any person.
- T. **Harassment** means unwelcome conduct engaged in because of a Complainant's Protected Status and:
- Submission to, or rejection of, the conduct is made a term or condition of the Complainant's employment; **or**
 - Submission to or rejection of such conduct by the Complainant is used as the basis or threatened to be used as the basis for employment actions or decision affecting the Complainant; **or**
 - The conduct is sufficiently severe 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 intimidating, hostile or offensive.

Harassment includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, or slurs), physical harassment (e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement), and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures.)



EXECUTIVE ORDER 1096

- U. **Investigator** means the person tasked by a Campus with investigating a Complaint. All Investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and VAWA/Campus SaVE Act; as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; Complainant, Respondent, Employee, and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant(s) and the University community. (See also Executive Order 1095 regarding required training for Sexual Harassment and Sexual Misconduct investigations.)

If delegated, the DHR Administrator or the Title IX Coordinator (for Complaints alleging Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking) shall monitor, supervise, and oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth in this policy.

The Investigator shall not be within the administrative control or authority of any Respondent CSU Employee. The Investigator may be the DHR Administrator, the Title IX Coordinator, or their designee, provided that any designee shall be a MPP Employee or an external consultant.

- V. **Marital Status** means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.¹⁷
- W. **Nationality** includes citizenship, country of origin, and national origin and is a Protected Status.¹⁸
- X. **Parties** to a Complaint are the Complainant(s) and the Respondent(s).
- Y. **Preponderance of the Evidence** means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order.
- Z. **Protected Status** includes Age, Disability, Gender, Genetic Information, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.
- AA. **Race or Ethnicity** includes ancestry, color, ethnic group identification, and ethnic background and is a Protected Status.¹⁹
- BB. **Religion** is a Protected Status and includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant's religious observance or belief.²⁰
- CC. **Remedies** mean actions taken to correct allegations and/or reported violations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking as set forth in this Executive Order. Remedies can include Discipline or other corrective action.

Interim Remedies shall be offered prior to the conclusion of an investigation in order to immediately stop any wrong-doing and/or reduce or eliminate any negative impact, when appropriate. Persons reporting that they have been the victim of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking must be provided reasonable and available Interim Remedies, if requested, regardless of whether the person chooses to report the conduct to Campus police or local law enforcement,



EXECUTIVE ORDER 1096

and regardless of whether an investigation is conducted under this Executive Order. Examples may include offering the option of psychological counseling services, changes to work area, work assignments, or supervisory reporting relationship, or any measure as appropriate to stop further alleged harm until an investigation is concluded or a resolution is reached. The Title IX Coordinator shall assist and provide the Complainant with reasonable Remedies as requested throughout the reporting, investigation, appeal, and disciplinary processes, and thereafter.

DD. Respondent means the CSU, a CSU Employee, a Student, or a Third Party who is alleged to have violated this Executive Order.

EE. Retaliation means Adverse Action taken against a person because s/he has or is believed to have:

1. Exercised rights under this Executive Order;
2. Reported or opposed conduct which s/he reasonably and in good faith believes is in violation of this Executive Order;
3. Assisted or participated in a policy-related investigation/proceeding regardless of whether the Complaint was substantiated; or,
4. Assisted someone in reporting or opposing a violation of this Executive Order, or assisted someone in reporting or opposing Retaliation under this Executive Order.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

FF. Sexual Assault Victim's Advocate refers to Employees or third party professionals appointed to support Complainants reporting Sexual Misconduct. They must be certified and have received specialized training to provide advice and assistance, including, but not limited to, the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision making support. Sexual Assault Victim Advocates may serve as the Complainant's Advisor and assist in seeking services. They are committed to maintain the highest possible level of confidentiality permissible under state and federal law in their communications with the persons they assist.²¹ Sexual Assault Victim's Advocates are appointed based on experience and demonstrated ability to effectively provide services to victims/survivors/Complainants. (See Executive Order 1095 for more detailed information.)

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

1. Submission to, or rejection of, the conduct by the Complainant is explicitly or implicitly used as the basis for any decision affecting a term or condition of the Complainant's employment, or an employment decision; **or**
2. 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.

Sexual Harassment could include being forced to engage in unwanted sexual contact in exchange for a raise or promotion; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in the work environment.



EXECUTIVE ORDER 1096

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.

This 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 this policy.

HH. **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. Men as well as women 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.

1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.²²
 2. **Sexual Battery** is a form of Sexual Misconduct and is 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.²³
 3. **Rape** is a form of Sexual Misconduct and is 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 s/he is incapacitated from alcohol and/or drugs, is 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 Affirmative Consent above.)²⁴
 4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)
- II. **Sexual Orientation** means one's preference in sexual partners and includes heterosexuality, homosexuality or bisexuality and is a Protected Status.²⁵
- JJ. **Stalking** means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others' safety or to suffer Substantial Emotional Distress.²⁶ For purposes of this definition:



EXECUTIVE ORDER 1096

1. **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;
 2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
 3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- KK. **Student** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.
- LL. **Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations²⁷, volunteers, independent contractors, vendors, and their employees, and visitors.
- MM. **Title IX** means Title IX of the Education Amendments of 1972.
- NN. **Title IX Coordinator** means the Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX; VAWA/Campus SaVE Act; and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking. (See Executive Order 1095.)
- OO. **VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).
- PP. **Veteran or Military Status** may be Protected Statuses and means service in the uniformed services.
- QQ. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated or at the CO where an Appeal is reviewed.

[Attachment A: CSU Complaint Form](#)

[Attachment B: CSU Executive Order 1096 Procedure Timeline](#)



EXECUTIVE ORDER 1096

Revision History:

As a result of the issuance of this Executive Order, the following documents are superseded as of the effective date of this Executive Order and are no longer applicable:

- Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties and Procedure for Handling Discrimination, Harassment and Retaliation Allegations by Employees and Third Parties), dated June 3, 2014
 - Executive Order 1089 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties and Procedures for Handling Discrimination, Harassment and Retaliation Allegations by Employees and Third Parties), dated October 23, 2013
 - HR/EEO 2011-01 (Handling Employee Allegations of Discrimination, Harassment and Retaliation), dated January 27, 2011
 - Executive Order 928 (Systemwide Complaint Procedure for Discrimination, Harassment and Retaliation Complaints for Employees Not Eligible to File a Complaint or Grievance Under a Collective Bargaining Agreement or Whose Collective Bargaining Agreement Incorporates CSU Systemwide Complaint Procedure), dated January 6, 2005
 - Executive Order 927 (Systemwide Policy Prohibiting Harassment in Employment and Retaliation for Reporting Harassment or Participation in a Harassment Investigation), dated January 6, 2005
 - Executive Order 883 (Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment), dated October 31, 2003
 - Executive Order 774 (Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment), dated May 17, 2001
 - Executive Order 675 (Systemwide Complaint Procedure for Discrimination Complaints for Employees Not Eligible to File a Discrimination Complaint or Grievance Under a Collective Bargaining Agreement), dated January 19, 1998
 - Executive Order 419 (Systemwide Grievance Procedure - Discrimination Complaints for Employees Not Covered by Existing Regulation), dated July 1, 1983
 - Executive Order 345 (Prohibition of Sexual Harassment), dated June 1, 1981
 - Executive Order 340 (Systemwide Guidelines for Nondiscrimination and Affirmative Action Program in Employment), dated February 27, 1981
1. Key capitalized terms are defined at Article VI of this Executive Order. Terms contained within this policy and procedure are intended to be gender neutral.
 2. See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f)(2). "The name of a victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor."



EXECUTIVE ORDER 1096

3. Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including Sexual Battery, incest, Rape, spousal Rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code § 11160.
4. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
5. See Cal. Evid. Code § 1024.
6. See Cal. Evid. Code § 1035.4.
7. See Cal. Govt. Code §§ 3300-13.
8. See Cal. Gov. Code § 12926(b).
9. See 34 C.F.R. 110.3
10. See Cal. Penal Code § 13700 (b).
11. See Cal. Code Regs. Title 5 § 42720 et seq.
12. See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.
13. See Cal. Code Regs. Title 5 § 42700(h).
14. See Cal. Govt. Code § 12926(r).
15. See Cal. Gov. Code § 12926(r); 34 C.F. R. 106.40
16. See Cal. Govt. Code § 12926(g).
17. See 2 Cal. Code Regs. § 11053,
18. See Cal. Govt. Code § 12926(o).
19. See Cal. Govt. Code § 12926(o).
20. See Cal. Govt. Code § 12926(q).
21. See Cal. Evid. Code §§ 1035.2 and 1035.4.
22. See Cal. Penal Code § 240.
23. See Cal. Penal Code § 242.
24. See Cal. Penal Code §§ 261-263.
25. See Cal. Govt. Code § 12926(s).
26. See Cal. Penal Code § 646.9
27. See 5 Cal. Code Regs. § 42406.



EXECUTIVE ORDER 1097

CSU Executive Order [1097](#) Revised June 23, 2015

Article I. Policy Statement

The California State University (CSU) is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Age, Disability, Race or Ethnicity, Gender, Gender Identity or Expression, Nationality, Religion, Sexual Orientation, Genetic Information, Veteran or Military Status, and other characteristics that make our community unique.¹ All Students have the right to participate fully in CSU programs and activities free from Discrimination, Harassment, and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

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 sexual activity is Sexual Misconduct and constitutes a violation of this policy, whether or not the sexual activity violates any civil or criminal law.

This policy is established in compliance with the California Equity in Higher Education Act, Title IX, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws.

A. **Prohibited Conduct.** The CSU prohibits:

1. Discrimination, including Harassment, because of any Protected Status: i.e., Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status;
2. Retaliation for exercising rights under this policy, opposing Discrimination or Harassment because of a Protected Status, or for participating in any manner in any related investigation or proceeding;
3. Dating and Domestic Violence, and Stalking;
4. Sexual Misconduct of any kind, which includes sexual activity engaged in without Affirmative Consent; and,
5. Employees from entering into a consensual relationship with any Student over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. See Article I. F.

The University shall respond promptly and effectively to all complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and shall take appropriate action to prevent, correct, and discipline conduct that violates this policy. This Executive Order is intended to protect the rights and privacy of both the Complainant and the Respondent, as well as other involved individuals.

Employees and Students who are found to have violated this policy shall be subject to discipline commensurate to the violation. If Employee discipline is warranted, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. § 41301 and Executive Order 1098, or any superseding executive order.



EXECUTIVE ORDER 1097

- B. **Discrimination.** The CSU strives to be free of all forms of Discrimination, including Harassment, because of a Protected Status. It is CSU policy that no Student shall be excluded from participation in, or be denied the benefits of, any CSU program or activity because of any Protected Status.
- C. **Retaliation.** Retaliation against a Student for exercising any rights under this policy or for opposing Discrimination or Harassment because of a Protected Status, Sexual Misconduct, Dating and Domestic Violence, and Stalking, or for participating in any manner in any policy-related investigation or proceeding is prohibited.

No victim or witness in related investigations or proceedings will be subject to disciplinary sanctions by the University for related violations of conduct policies occurring at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty or conduct that places the health and safety of any other person at risk.

- D. **Dating and Domestic Violence, and Stalking.** The CSU prohibits Dating and Domestic Violence, and Stalking. Dating and Domestic Violence, and Stalking are often based on Gender. CSU prohibits all such misconduct whether or not it is based on Gender.
- E. **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 constitutes Sexual Misconduct and is a violation of this policy, whether or not the conduct violates any civil or criminal law.

Sexual Misconduct is a form of Sexual Harassment and may create a sexually hostile environment that affects access to or participation in CSU programs and activities. CSU prohibits all such conduct whether or not it also amounts to Sexual Harassment.

Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative 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 s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.



EXECUTIVE ORDER 1097

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.

- F. **Consensual Relationships.** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each Campus shall develop a procedure to reassign such authority to avoid violations of this policy.

This prohibition does not limit the right of an Employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

- G. **Reasonable Accommodations.** The CSU will provide reasonable accommodations to qualified individuals with a Disability. Reasonable accommodations will be determined by the Campus following an interactive process with those involved to identify the nature and extent of the restrictions and the appropriate accommodation.
- H. **Duty to Report.** Except as provided below, any Employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the DHR Administrator or Title IX Coordinator. These Employees are required to disclose all information including the names of the Parties, even where the



EXECUTIVE ORDER 1097

person has requested that his/her name remain confidential. The DHR Administrator or Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident.

Employees Who Do Not Have A Duty to Report:

1. The following Employees are **not** required to report **any** information about an incident of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking to the DHR Administrator or Title IX Coordinator:
 - a. Physicians; psychotherapists; professional licensed counselors; licensed clinical social workers, and clergy who work on or off Campus, acting solely in those roles or capacities as part of their employment, in the provision of medical or mental health treatment or counseling (*and those who act under their supervision, including all individuals who work or volunteer in these centers and offices*); and
 - b. Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women's centers, and health centers and who are acting solely in that role (*including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers*) in the provision of counseling or advocacy services.
 - c. A CSU employee/union representative is not required to report a possible violation of this Executive Order if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU employee/union representatives are **strongly encouraged** to report the information to the DHR Administrator or Title IX Coordinator.
2. University police are **not** required to report any **personally-identifiable information** about a victim of certain sex offenses,² **if the victim requests confidentiality**, but must report all known facts of the incident, including the identity of the perpetrator (if known), to the Title IX Coordinator.

EXCEPTIONS: 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 s/he provides medical services for a **physical condition** to a patient/victim who s/he knows 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.³ 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, **all** physicians, psychotherapists, professional counselors, 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.⁴ 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;⁵ or, (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Misconduct, Dating or Domestic Violence, or Stalking incident.⁶ If applicable, these professionals will explain this limited exception to victims.



EXECUTIVE ORDER 1097

- I. **Grade Appeals.** Grade appeals that allege Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall proceed concurrently: (i) under Campus procedures per Executive Order 1037 or any superseding executive order; and (ii) under this Executive Order. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus investigation and any appeal process under Article IV of this Executive Order have concluded. The final determination under this Executive Order regarding whether a violation occurred shall be provided to the Campus grade appeal committee. The committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037.

Article II. Policy Implementation and Communication

Each Campus president shall designate a DHR Administrator and Title IX Coordinator who shall be responsible for the implementation of and compliance with this policy. The DHR Administrator is responsible for the implementation of and compliance with this policy with respect to all Discrimination, Harassment and Retaliation matters except those involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The DHR Administrator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Discrimination, Harassment, and Retaliation. The Title IX Coordinator is responsible for the implementation of, and compliance with this policy with respect to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The Title IX Coordinator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. Each Campus shall make the contact information for the DHR Administrator and Title IX Coordinator available to all members of the Campus community as well as Third Parties. The contact information shall be updated as necessary.

The requirements for training to promote awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking are set forth in Executive Order 1095.

This Executive Order shall be made readily available and distributed on an annual basis to all Students and Employees utilizing multiple media for communication, including email, Student orientations and catalogs, new Employee orientations, Campus websites and publications, and the webpages for the offices of Equity and Diversity, Student Affairs, Student Judicial Affairs, Disabled Student Services, Auxiliary Service Organizations, Academic Affairs, Extended Education, Athletics, Residential Life, and Human Resources.

Article III. Campus Procedure for Responding to Complaints

This procedure provides Students a process to address alleged violations of this policy by the CSU, a CSU Employee, another Student, or a Third Party. Whenever a Campus determines that the allegation(s) are outside the scope of this policy, the Campus shall promptly notify the Student in writing. All Complaints and related investigations against Respondents who are sworn University public safety officers shall be governed by this policy, the applicable collective bargaining agreement, and by the Public Safety Officers Procedural Bill of Rights Act (POBR).² The campus DHR Administrator/Title IX Coordinator shall work with the campus Chief of Police, or designee, to investigate Complaints against sworn public safety officers. Consultation with the Office of General Counsel is recommended.

The University will respond to all Complaints and will take appropriate action to prevent, correct, and discipline conduct that violates this policy. To report alleged violations, a Student may submit a formal written Complaint to the DHR Administrator (Discrimination, Harassment, and Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking). The date of receipt shall



EXECUTIVE ORDER 1097

be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Students who are unable to submit a Complaint because of a qualified Disability.

Complaints should be brought forward as soon as possible after the conduct occurs. While there is no stated timeframe for making a Complaint, prompt reporting will better enable the Campus to respond to the Complaint, determine the relevant issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report or Complaint may impede the ability to conduct an investigation or take appropriate remedial actions.

The Campus will respond to all reports of alleged violations of this policy, whether or not the report is submitted as a formal written Complaint. However, the response may be limited if information contained in the report is insufficient to verify violation(s) of this Executive Order.

- A. **Campus Early Resolution Process.** Complainants who believe they have experienced Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy may initiate the Early Resolution process prior to, or instead of, filing a Complaint. The purpose of the Early Resolution process is to explore whether the Complainant's concern can be resolved by the Campus without an investigation.

This Executive Order neither prevents nor requires the use of the Early Resolution process. Under no circumstance shall a Complainant be required to use the Early Resolution process to address prohibited behaviors. It is not appropriate for a Complainant to be required to "work out the problem" directly or mediate with the Respondent. Mediation cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking Complaints. In other matters, where voluntary mediation is requested, no meeting between the Complainant and the Respondent should occur without involvement by appropriate Campus administrators, including the DHR Administrator or Title IX Coordinator.

Where the allegations involve Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Complainant shall be advised to immediately file a Complaint under Article III, B.

1. **To initiate the Early Resolution Process.** The Complainant should contact his/her Campus DHR Administrator (Discrimination, Harassment, or Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking) who shall promptly meet with the Complainant to discuss his or her concern and possible resolutions as appropriate.

Complainants shall be informed about the range of possible outcomes, including Interim Remedies or disciplinary actions that might be taken against the Respondent, and information about the procedures leading to such outcomes.

2. **Participation in the Early Resolution Process.** Participation is voluntary. It may include an inquiry into the facts, but does not include an investigation. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the Parties, a resolution facilitated by the DHR Administrator or Title IX Coordinator, separating the Parties, referring one or both of the Parties to counseling programs, an agreement between Campus and the Respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing Remedies to persons harmed by violations of this policy.

The Campus shall attempt to resolve the Complainant's concern(s) quickly and effectively. The DHR Administrator or Title IX Coordinator shall meet with the Complainant, the Respondent, and any other persons or witnesses they may determine to be necessary.



EXECUTIVE ORDER 1097

3. **Final Early Resolution.** If resolution is reached, a written record of the resolution shall be documented and maintained in accordance with applicable Campus recordkeeping policies. The matter shall be considered closed.

Where the Respondent is another Student, the DHR Administrator/Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Early Resolution process, including any Interim Remedies afforded to the Complainant. Where the Respondent is an Employee, Human Resources or Academic Affairs shall be informed as appropriate.

If resolution is not reached, the Campus shall promptly notify the Complainant and, where applicable, the Respondent in writing that the Early Resolution process is terminated, and the termination effective date. The Complainant shall be provided written notification of his/her right to file a Complaint pursuant to Article III, B. 1.

4. **Confidentiality.** Other than consulting with their respective Advisors, both the Complainant and the Respondent shall keep the details of the Early Resolution process confidential until the process is concluded. If the matter is not resolved and an investigation is conducted, the Complainant and the Respondent shall maintain confidentiality until the conclusion of the Campus investigation and CO Appeal Review process, if any.
5. **Termination of Early Resolution Process.** The Complainant shall be notified that the Complainant or the Campus may at any time elect to terminate the Early Resolution process. In that event, the DHR Administrator/Title IX Coordinator shall promptly notify the Complainant and the Respondent in writing that the Early Resolution process has terminated, the effective date thereof, and inform the Complainant of his/her right to file a Complaint pursuant to Article III, B. 1.

- B. **Campus Investigation Process.** Campuses will investigate Complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking unless an Early Resolution is reached, whether or not a formal written Complaint is submitted. The DHR Administrator/Title IX Coordinator will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information is insufficient.

In cases where the Complainant does not want to pursue an investigation, the DHR Administrator/Title IX Coordinator should inform the Complainant that the ability to take corrective action may be limited. The Campus may determine that circumstances warrant initiating an investigation even if a Complaint has not been filed and independent of the intent or wishes of the Complainant. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, when determining whether to go forward with an investigation, the Title IX Coordinator should consider the seriousness of the allegation(s), the age of the Complainant, whether there have been other Complaints against the Respondent, and the risk to the Campus community if the Respondent's alleged conduct remains unaddressed.

1. **Filing a Complaint.** Any Student may file a Complaint reporting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy subject to the following exceptions:
 - a. Complaints of Student employees that arise out of their employment. Such Complaints shall be governed by Executive Order 1096, or any superseding executive order.
 - b. Complaints by a Student about his/her academic adjustments and/or accommodations to a Campus's educational program related to his/her qualified Disability. Such inquiries and Complaints shall be directed to the Campus Director, Disabled Student Services (DSS), and shall be governed by CSU Coded Memorandum AA 2014-08, or any superseding policy.



EXECUTIVE ORDER 1097

- c. Complaints against a president shall be filed with the Chancellor's Office (CO). However, Complaints against a president shall be processed by the Campus if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the president had no other substantial involvement in the matter.
 - d. For Complaints against CO employees, the responsibilities identified in this Executive Order as those of the president are the responsibilities of the chancellor. Complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board and the CO Title IX Coordinator for processing and investigation.
2. **Complaint Requirements.** The Complainant may submit a written Complaint to the DHR Administrator or Title IX Coordinator. The date the Complaint is received in the appropriate office shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Complainants who are unable to submit a written Complaint because of a qualified Disability.

The Complainant may complete the attached "CSU Student Complaint Form" or, in the alternative, submit a written signed statement containing the following information:

- a. The Complainant's full name, address (including email address) and telephone number(s);
 - b. The name of the Respondent and job title, position or Student status, if known;
 - c. The Protected Status that is the basis for any alleged Discrimination, Harassment, or Retaliation, the Respondent's activity that is the basis for the alleged Retaliation, or whether Dating or Domestic Violence, or Stalking is alleged;
 - d. A clear, concise statement of the facts that constitute the allegations including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
 - e. A statement verifying that the information provided is true and accurate to the best of the Complainant's knowledge;
 - f. The term and year of the Complainant's most recent active academic status or the term and year in which s/he sought admission to the University;
 - g. The full name, address and telephone number of the Complainant's Advisor, if any;
 - h. The specific harm resulting from the allegations;
 - i. The specific remedy sought;
 - j. The Complainant's signature; and,
 - k. The date on which the Complaint is submitted.
3. **Intake interview.** The DHR Administrator or Title IX Coordinator shall meet with the Complainant as soon as possible, but no later than **10 Working Days** after the Complaint was received. The Complainant shall make him/herself available for this meeting.



EXECUTIVE ORDER 1097

- a. The meeting shall serve as the initial intake interview with the Complainant and will:
 - i. Explain the investigation procedure and timelines and answer any questions about them;
 - ii. Inform the Complainant of his/her rights, including the right to have an Advisor throughout the process;
 - iii. Provide the opportunity for the Complainant to complete and sign a Complaint form, if not already done; and,
 - iv. Discuss Interim Remedies, as appropriate.
- b. In cases alleging Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Title IX Coordinator shall also:
 - i. Inform the Complainant of the right to file a criminal complaint;
 - ii. Offer to assist the Complainant with filing a criminal complaint;
 - iii. Assure the Complainant that such filing will not significantly delay the Campus investigation;
 - iv. Advise the Complainant of available resources such as the Campus police, Campus Sexual Assault Victim's Advocate, student health service center or psychological counseling center; and
 - v. Provide **written** information, as directed under Executive Order 1095, to any Student who reports to the Campus that s/he has been a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- c. Prior to or during the initial interview with the Respondent, the DHR Administrator or Title IX Coordinator shall:
 - i. Explain the investigation procedure and timelines and answer any questions about them;
 - ii. Inform the Respondent of his/her rights, including the right to have an Advisor throughout the process;
 - iii. Provide the Respondent with a copy of this Executive Order;
 - iv. Provide the Respondent with a description of the Complainant's allegations against the Respondent;
 - v. Provide the Respondent a full opportunity to respond to the allegations, including scheduling other meeting(s), accepting documentary evidence, and accepting Respondent's list of potential witnesses; and,
 - vi. Discuss any Interim Remedies, as appropriate.



EXECUTIVE ORDER 1097

4. **Advisor.** The Complainant and the Respondent may elect to be accompanied by an Advisor to any meeting or interview regarding the Complaint. (See definition in Article VI.)
5. **Confidentiality.** Information regarding the Complaint may be shared on a “need to know” basis with other Campus Employees, and with law enforcement (with the Complainant’s written consent), except for some limited exceptions. (See Executive Order 1095.) The DHR Administrator and/or Title IX Coordinator shall endeavor to honor any request for confidentiality; however, the DHR Administrator and/or Title IX Coordinator shall also weigh requests for confidentiality against the University’s duty to provide a safe and nondiscriminatory environment for all members of the Campus community. **Confidentiality, therefore, cannot be ensured.**

The Title IX Coordinator receives all Complainant requests for confidentiality involving cases of Sexual Misconduct, Dating or Domestic Violence, or Stalking, and determines if the request can be honored under the facts and circumstances of the particular case. (See Executive Order 1095.)

6. **Complaint Accepted for Investigation.** The DHR Administrator or Title IX Coordinator will review all written Complaints and the information received during the intake interview. If the DHR Administrator or Title IX Coordinator determines that the Complaint falls within the scope of this Executive Order, s/he will notify the Complainant within **10 Working Days** that the Complaint has been accepted for investigation and the timeline for completion of the investigation.

If the DHR Administrator or Title IX Coordinator determines the Complainant has failed to state a Complaint within the scope of this Executive Order, s/he will provide the Complainant with written notice of this determination within **10 Working Days**. The DHR Administrator or Title IX Coordinator will also inform the Complainant that if additional information is provided, the Complaint will be reviewed again. The DHR Administrator or Title IX Coordinator will maintain a record of the Complaint and the reasons the Complaint was deemed not within the scope of this Executive Order.

The DHR Administrator or Title IX Coordinator shall determine whether the Complaint should be processed through another Campus office or University procedure available to the Complainant. If appropriate, the DHR Administrator or Title IX Coordinator shall direct the Complainant to that procedure as soon as possible.

7. **Investigation Procedure.** The DHR Administrator or Title IX Coordinator shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. If assigned to another Investigator, the DHR Administrator or Title IX Coordinator shall monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation reports before they are final to ensure that the investigation was sufficient, appropriate, impartial, and in compliance with this Executive Order.

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. Upon inquiry, the Complainant and Respondent shall be advised of the status of the investigation.

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 giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.



EXECUTIVE ORDER 1097

The investigation shall be completed no later than **60 Working Days** after the intake interview, unless the timeline has been extended pursuant to Article V. E. The timeline should not be extended for a period longer than an additional **30 Working Days** from the original due date.

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Complaint filed under this policy. A pending (Campus or local) police investigation is a separate investigation and it does not relieve a Campus of its responsibility to timely investigate Complaints under this policy. Thus, a Campus may not wait until the conclusion of a police investigation to commence its own investigation. Although it may be necessary to temporarily delay the investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, see the "Coordination with Criminal Investigations and Proceedings" section of Executive Order 1095.

8. **Investigation Report.** Within the investigation period stated above, the Investigator shall prepare an 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. Relevant exhibits and documents, if any, shall be attached to the written report. The report shall be promptly provided to the DHR Administrator or Title IX Coordinator, if applicable. The DHR Administrator or Title IX Coordinator shall review the investigation report to assure compliance with this Executive Order before proceeding further.
9. **Notice of Investigation Outcome.** Within **10 Working Days** of issuance of the final investigation report, the DHR Administrator or Title IX Coordinator shall notify the Complainant and Respondent in writing of the outcome of the investigation. The notice shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, a determination as to whether this Executive Order was violated, and if so, any Remedies to be afforded to the Complainant (such as an order that the Accused not contact the Complainant). The notice shall advise the Complainant and Respondent of their right to file an appeal under this Executive order and to request a copy of the final investigation report with exhibits/attachments, if any, redacted as appropriate. The Notice shall be delivered to the Parties in a manner which guarantees delivery within **2 Working Days** (email delivery is acceptable). Where a Complaint is made against another Student and this Executive Order is found to have been violated, the DHR Administrator or Title IX Coordinator shall also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report. Where the Respondent is an Employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation report.

Article IV. Appeal Review - Office of the Chancellor

- A. Filing an Appeal to the CO. Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the CO no later than **10 Working Days** after the date of the Notice of Investigation Outcome.
- B. **Written Appeal.** The appeal shall be in writing and shall be based on one or more of the appeal issues listed below:
 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 this Executive Order; or
 3. New evidence not available at the time of the investigation.



EXECUTIVE ORDER 1097

- C. **Issues and Evidence on Appeal.** The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after the Campus investigation process and is made part of the appeal by the appealing party. The CO may conduct an interview, at the CO's discretion, with the appealing party to clarify the written appeal. Appeals shall be addressed to:

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore, 4th Floor
Long Beach, California 90802
eo-wbappeals@calstate.edu

- D. **Acknowledgement of Appeal.** The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party and the Campus DHR Administrator or Title IX Coordinator.
- E. **Reasonable Accommodation.** The CO will provide reasonable accommodation(s) to any party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension under these procedures. The timeframe for the CO Appeal Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodation(s).
- F. **Scope of CO Review.** The CO review will not involve a new investigation by the CO and will not consider evidence that was not introduced during the Campus investigation, unless the new evidence was not available at the time of the Campus investigation process. The CO may make reasonable inquiries to determine if the new evidence could have affected the investigation determination. If the CO review determines the investigation should be reopened to cure any defects in the investigation and/or consider new evidence introduced for the first time on appeal (that could have affected the investigation determination), the investigation will be remanded back to the Campus and the investigation reopened at the Campus level.
- G. **Reopening a Campus Investigation.** The CO will return the matter to the Campus and will specify in writing the timeline by which a reopened investigation must be completed. The CO will notify the Parties of the reopening of the investigation and the timeline for completion of the reopened investigation. The Campus will complete the reopened investigation and provide the CO with an amended investigation report. The Campus will also provide the Parties with amended Notices of Investigation Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with this Executive Order. Upon receipt of the amended investigation report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.
- H. **Timeline.** The CO shall respond to the appealing party no later than **30 Working Days** after receipt of the written appeal unless the timeline has been extended as specified in Article V, E. below.
- I. **CO Appeal Response.** The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, and the determination(s) reached regarding the issue(s) identified within the written appeal. A copy of the final CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus DHR Administrator or Title IX Coordinator.

The CO Appeal Response is final and concludes the Complaint and CO review process under this Executive Order.



EXECUTIVE ORDER 1097

Article V. General Provisions for Campus Investigation/CO Appeal Review

- A. **Impartial Investigations.** All investigations and reviews shall be conducted impartially and in good faith.
- B. **Cooperation in an Investigation.** Students and Employees are required to cooperate with the investigation and other processes set forth in this Executive Order, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a Complainant and/or Respondent refuse to cooperate, the CSU may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. **False Allegations Prohibited.** A Complainant shall proceed with a Complaint in good faith. A Complainant who knowingly and intentionally files a false Complaint or any individual who is determined to have provided false statements or information during the investigation/appeal review shall be subject to discipline. Such disciplinary action shall not be deemed to be Retaliation.
- D. **Input into the Investigation.** Both the Complainant and Respondent shall have the right to identify witnesses and other evidence for consideration; however, the CSU shall decide what evidence is relevant and significant to the issues raised.
- E. **Timelines and Extensions.** The timeline for the procedures contained within this Executive Order may be extended for any reason deemed to be legitimate by the Campus Investigator/CO Appeal reviewer or by mutual agreement of the Parties. The timelines stated within this Executive Order will be automatically adjusted for a reasonable time period that should not exceed an additional **30 Working Days** for a Campus investigation or an additional **30 Working Days** for a reopened Campus investigation under Article IV. The Complainant and Respondent shall receive written notification of any period of extension.
- F. **Delivery.** When submitting a Complaint or issuing any notices required by this Executive Order, personal delivery, overnight delivery services, electronic mail, or certified mail may be used. If personal delivery is used, a proof of service shall be prepared attesting to the calendar date of delivery, which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of filing or response. Electronic communications must be sent to the designated CSU or Campus e-mail address unless the intended recipient has specified a different address. Electronic communications will be deemed received on the date sent.
- G. **Investigation Not Warranted.** In the event that a Campus determines an investigation is not warranted, the reasons for that decision shall be reduced to writing and retained by the Campus according to appropriate record retention policies.
- H. **Information Requests.** Where it is necessary for the Complainant or Respondent to have access to specific information for the purpose of filing a Complaint or CO Appeal, the Complainant or Respondent shall make a written request for such information to the Campus. The Complainant or Respondent shall have access to information within the policies, procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the Complaint. This provision does not authorize a Complainant or Respondent access to the personnel files of another without the written consent of that person.

Article VI. Definitions

For purposes of this Executive Order, the following definitions apply:



EXECUTIVE ORDER 1097

- A. **Adverse Action** means an action that has a substantial and material adverse effect on the Complainant's ability to participate in a University program or activity free from Discrimination, Harassment or Retaliation. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
- B. **Advisor:** The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate, provided the Advisor is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent and take appropriate action to ensure that the investigation does not violate applicable laws, policies, or collective bargaining agreements.
- C. **Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated.

A person with a medical or mental Disability may also lack the capacity to give consent.

Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

See Article I, E. for more information.

- D. **Age** means how old a person is, or the number of years from the date of a person's birth and is a Protected Status.⁸
- E. **Calendar Days** are defined as Monday through Sunday and include official holidays.
- F. **California State University (CSU)** means the 23 Campus system of the California State University, including the CO.
- G. **Campus or University** means any of the 23 Campuses of the CSU or the CO.
- H. **CO Appeal Response** refers to the decision provided to the Complainant and the Respondent upon completion of the appeal process provided under Article IV.
- I. **Complainant** means an individual who is eligible to file a Complaint to report a violation of this policy. See Article III. B. 1 for a description of those eligible to file a Complaint. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person's behalf. A Complainant may also be referred to as a party to the Complaint.
- J. **Complaint** means a report of a violation of this policy or a written communication that complies with Article III. B. 2 alleging Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking, against the CSU, an Employee, another Student, or a Third Party.



EXECUTIVE ORDER 1097

- K. **Dating Violence** is 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.⁹ 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.
- L. **DHR (Discrimination, Harassment, and Retaliation) Administrator** means the Management Personnel Plan (MPP) Employee at each Campus who is designated to administer this Executive Order and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation. The DHR Administrator may delegate tasks to one or more designees, provided that any designee shall be a MPP Employee or an external consultant. **MPP Employee** means an employee who has been designated as a “management” or “supervisory” employee under the provisions of the Higher Education Employer-Employee Relations Act.¹⁰ The Campus president may assign the roles of the DHR Administrator and Title IX Coordinator to the same person. The names of, and contact information for the DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community and Third Parties as described in Article II.
- M. **Disability** means mental or physical disability as defined in California Education Code § 66260.5 and California Government Code § 12926, and is a Protected Status.
- N. **Discipline** means any disciplinary action taken to correct a violation of the prohibitions against Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking set forth in this Executive Order. Discipline for Employees includes but is not limited to suspension, demotion, and termination of employment. Discipline for Students includes but is not limited to probation, suspension, and expulsion. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently without exception; this requirement cannot be waived in connection with any settlement agreement. See the definition of Remedies below.
- O. **Discrimination** means Adverse Action taken against a Student by the CSU, a CSU employee, or another Student because of a Protected Status.
- P. **Domestic Violence** is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual 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 spouses; (5) the continuity of the relationship; and, (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 of imminent serious bodily injury to himself or herself, or another.¹¹ Abuse does not include non-physical, emotional distress or injury.
- Q. **Employee** means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties.¹²



EXECUTIVE ORDER 1097

- R. **Gender** means sex, and includes a person's gender identity and gender expression.¹³ Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Sex includes but is not limited to pregnancy, childbirth, breastfeeding or associated medical condition(s).¹⁴ They are Protected Statuses.
- S. **Genetic Information** is a Protected Status and means¹⁵:
- The Student's genetic tests.
 - The genetic tests of the Student's family members.
 - The manifestation of a disease or disorder in the Student's family members.
 - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student's family member.
 - Genetic Information does not include information about any Student's sex or age.
- T. **Harassment** means unwelcome conduct, based on the Complainant's Protected Status, that 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 her/his ability to participate in or benefit from the services, activities or opportunities offered by the University.
- U. **Investigator** means the person tasked by a Campus with investigating a Complaint. All Investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and VAWA/Campus SaVE Act; as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; Complainant, Respondent, Employee, and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant(s) and the University community. (See also Executive Order 1095 regarding required training for Sexual Harassment and Sexual Misconduct investigations.)
- If delegated, the DHR Administrator or the Title IX Coordinator (for Complaints alleging Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking) shall monitor, supervise, and oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth in this policy.
- The Investigator shall not be within the administrative control or authority of any Respondent CSU Employee. The Investigator may be the DHR Administrator, the Title IX Coordinator, or their designee, provided that any designee shall be an MPP Employee or an external consultant.
- V. **Marital Status** means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.¹⁶
- W. **Nationality** includes citizenship, country of origin, and national origin and is a Protected Status.¹⁷
- X. **Parties** to a Complaint are the Complainant(s) and the Respondent(s).



EXECUTIVE ORDER 1097

- Y. **Preponderance of the Evidence** means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order.
- Z. **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.
- AA. **Race or Ethnicity** includes ancestry, color, ethnic group identification, and ethnic background and is a Protected Status.¹⁸
- BB. **Religion** is a Protected Status and includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant's religious observance or belief.¹⁹
- CC. **Remedies** mean actions taken to correct allegations and/or reported violations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence or Stalking as set forth in this Executive Order. Remedies can include Discipline or other corrective action.

Interim Remedies shall be offered prior to the conclusion of an investigation in order to immediately stop any wrong-doing and/or reduce or eliminate any negative impact, when appropriate. Persons reporting that they have been the victim of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking must be provided reasonable and available Interim Remedies, if requested, regardless of whether the person chooses to report the conduct to Campus police or local law enforcement, and regardless of whether an investigation is conducted under this Executive Order. Examples may include offering the option of psychological counseling services, changes to academic or living situations, completing a course and/or courses on-line (if otherwise appropriate), academic tutoring, arranging for the re-taking of a class or withdrawal from a class without penalty, and/or any measure as appropriate to stop further alleged harm until an investigation is concluded or a resolution is reached. The Title IX Coordinator shall assist and provide the Complainant with reasonable Remedies as requested throughout the reporting, investigation, appeal, and disciplinary processes, and thereafter.

- DD. **Respondent** means the CSU, a CSU Employee, another Student, or a Third Party who is alleged to have violated this Executive Order.
- EE. **Retaliation** means Adverse Action taken against a Student because s/he has or is believed to have:
1. Exercised rights under this Executive Order;
 2. Reported or opposed conduct which s/he reasonably and in good faith believes is in violation of this Executive Order;
 3. Assisted or participated in a policy-related investigation/proceeding regardless of whether the Complaint was substantiated; or,
 4. Assisted someone in reporting or opposing a violation of this Executive Order, or assisted someone in reporting or opposing Retaliation under this Executive Order.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.



EXECUTIVE ORDER 1097

- FF. **Sexual Assault Victim's Advocate** refers to Employees or third party professionals appointed to support Complainants reporting Sexual Misconduct. They must be certified and have received specialized training to provide advice and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision making support. Sexual Assault Victim's Advocates may serve as the Complainant's Advisor and assist in seeking services. They are committed to maintain the highest possible level of confidentiality permissible under state and federal law in their communications with the persons they assist.²⁰ Sexual Assault Victim's Advocates are appointed based on experience and demonstrated ability to effectively provide services to victims/survivors/Complainants. See Executive Order 1095 for more detailed information.
- GG. **Sexual Harassment**, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:
1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; **or**
 2. 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 his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; **or**
 3. 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.

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 that are unrelated to the coursework.

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.

This 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 this policy.

- HH. **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. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual



EXECUTIVE ORDER 1097

when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.²¹
 2. **Sexual Battery** is a form of Sexual Misconduct and is 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.²²
 3. **Rape** is a form of Sexual Misconduct and is 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 s/he is incapacitated from alcohol and/or drugs, is 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 Affirmative Consent above.)²³
 4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)
- II. **Sexual Orientation** means one's preference in sexual partners and includes heterosexuality, homosexuality or bisexuality and is a Protected Status.²⁴
- JJ. **Stalking** means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others' safety or to suffer Substantial Emotional Distress.²⁵ For purposes of this definition:
1. **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;
 2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
 3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- KK. **Student** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.
- LL. **Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations²⁶, volunteers, independent contractors, vendors, and their employees, and visitors.
- MM. **Title IX** means Title IX of the Education Amendments of 1972.



EXECUTIVE ORDER 1097

NN. **Title IX Coordinator** means the Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX; VAWA/Campus SaVE Act; and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking. (See Executive Order 1095.)

OO. **VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).

PP. **Veteran or Military Status** may be Protected Statuses and means service in the uniformed services.

QQ. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated or at the CO where an Appeal is reviewed.

[Attachment A: CSU Student Complaint Form](#)

[Attachment B: CSU Student Complaint Procedure Timeline](#)



EXECUTIVE ORDER 1097

Revision History:

As a result of the issuance of this Executive Order, the following documents are superseded as of the effective date of this Executive Order and are no longer applicable:

- *Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students), dated June 3, 2014*
- *Executive Order 1074 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students), dated April 6, 2012*
- *Executive Order 1045 (Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Applicants for Admission AND Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees), dated March 1, 2010*

Footnotes

1. Key capitalized terms are defined at Article VI of this Executive Order. Terms contained within this policy and procedure are intended to be gender neutral.
2. See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f)(2) (“The name of a victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.”)
3. Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including Sexual Battery, incest, Rape, spousal Rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.
4. See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
5. See Cal. Evid. Code § 1024.
6. See Cal. Evid. Code § 1035.4.
7. See Cal. Govt. Code §§3300-13.
8. See 34 C.F.R. § 110.3
9. See Cal. Penal Code § 13700 (b).
10. See Cal. Code Regs. Title 5 § 42720 et seq.
11. See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.
12. See Cal. Code Regs. Title 5 § 42700(h).



EXECUTIVE ORDER 1097

13. See Cal. Educ. Code § 66260.7.
14. See Cal. Gov. Code § 12926(r); 34 C.F.R 106.40
15. See Cal. Civ. Code § 51(2)(a) – (c).
16. See 2 Cal. Code Regs §11053.
17. See Cal. Educ. Code § 66261.5.
18. See Cal. Educ. Code § 66261.7.
19. See Cal. Educ. Code § 66262.
20. See Cal. Evid. Code §§ 1035.2 and 1035.4.
21. See Cal. Penal Code § 240.
22. See Cal. Penal Code § 242.
23. See Cal. Penal Code §§ 261-263.
24. See Cal. Educ. Code § 66262.7.
25. See Cal. Penal Code § 646.9
26. See 5 Cal. Code Regs. § 42406.



EXECUTIVE ORDER 1098

CSU Executive Order [1098](#) Revised June 23, 2015

Article I. Authority and Purpose

These procedures are established pursuant to 5 California Code of Regulations Section 41301, and govern all Student disciplinary matters systemwide.

Procedures specifically for allegations involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Domestic and Dating Violence, and Stalking are set forth in Article IV.¹

Article II. General Provisions

A. Student Conduct Administrator

Each Campus president shall assign an MPP employee to be the Student Conduct Administrator, whose responsibilities are to perform duties as prescribed in these procedures.

1. All Student Conduct Administrators shall receive appropriate training regarding: (a) the student discipline process (including investigation skills and procedures); (b) the law governing Discrimination, Harassment and Retaliation; (c) Student and witness privacy rights; and, (d) the Family Educational Rights and Privacy Act of 1974 (FERPA).
2. All Student Conduct Administrators shall also receive annual training on issues related to: (a) Title IX, VAWA/Campus SaVE Act, and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking; and, (b) how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

B. Hearing Officers

1. Each Campus president shall appoint one or more persons to serve as Hearing Officers. They may be University employees with MPP appointments (current or retired); managers or directors (current or retired) of a recognized campus auxiliary organization; attorneys licensed to practice in California; or administrative law judges from the Office of Administrative Hearings. Student Conduct Administrators and all persons working under or reporting to them, persons with a conflict of interest in the matter, and percipient witnesses to the events giving rise to the matter are ineligible to serve as Hearing Officers.
2. Except as provided in Article IV, the Hearing Officer conducts the hearing, determines whether a Student has violated the Student Conduct Code, and prepares a report that includes findings and conclusions about whether the Student violated the Student Conduct Code and any recommended sanctions.
3. All Hearing Officers shall receive appropriate training regarding: (a) the student discipline process; (b) the law governing Discrimination, Harassment and Retaliation; (c) student and witness privacy rights; and, (d) FERPA.
4. All Hearing Officers shall also receive annual training on issues related to: (a) Title IX, VAWA/Campus SaVE Act, and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking; and, (b) the duties of the Hearing Officer (including impartiality, confidentiality and the duty to conduct hearings in a manner that protects the safety of victims and promotes accountability).



EXECUTIVE ORDER 1098

C. **Advisors**

Both the Complainant and the Student charged may elect to be accompanied by an Advisor of their choice, subject to the limitations set forth in this section, to any meetings, conferences, interviews or hearings.

Any witnesses who are alleged to be victims of the Discrimination, Harassment, Retaliation, Sexual Misconduct, Domestic or Dating Violence, or Stalking at issue may likewise elect to be accompanied by an Advisor of their choice.

In cases involving Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, the Complainant may elect to have a Sexual Assault Victim's Advocate or an attorney as an Advisor. Likewise, in such matters, the Student charged may elect to have an attorney as an Advisor.

Student conduct proceedings are not meant to be formal court-like trials. Although University-related sanctions may be imposed, the process is intended to provide an opportunity for learning. Whoever is selected as an Advisor is limited to observing and consulting with, and providing support to, the Complainant, witness, or Student charged. An Advisor may not speak on a Student's or Complainant's behalf.

In proceedings that do not involve allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking, each Campus president determines by Campus directive whether attorneys are permitted to be present in all or some Student conduct proceedings. Except as otherwise provided in this section, in the absence of a president's directive, attorneys shall be excluded from acting as an Advisor in disciplinary conferences and hearings.

Notwithstanding any Campus directive, attorneys may attend hearings as Advisors: (a) where there are pending criminal (felony) charges arising out of the same facts that are the subject of the disciplinary proceeding; or (b) where the recommended sanction is expulsion.

The Advisor may not be a person with information relevant to the allegations who may be interviewed or called upon to testify during any related investigation or hearing.

Any person who wishes to have an attorney present at the hearing as an Advisor must notify the Student Conduct Administrator in writing of the attorney's name, address and phone number at least **5 Working Days** prior to the hearing.

D. **Correspondence**

The Student Conduct Administrator (who may act through designees) shall deliver all correspondence to Students (including the Student charged) at the University-assigned, or other primary email address linked to the Student's account in the Office of the Registrar.

E. **Interpretation of the Student Conduct Code and this Executive Order**

All issues regarding the hearing described in Article III. D or Article IV. H except those specifically noted are within the purview of the Hearing Officer for final determination. Questions of interpretation of the Student Conduct Code or this Executive Order are outside the purview of the Hearing Officer and are determined by the Campus vice president for Student Affairs or designee.

F. **Delegation of Duties**

The duties of the president in these proceedings may be delegated to an appropriate vice president.



EXECUTIVE ORDER 1098

G. Timelines

The Campus may (but is not required to) extend timelines set forth in this Executive Order. Extensions shall be determined by the Campus president, vice president for Student Affairs, or a designee. The Student Conduct Administrator shall notify the Student charged, Complainant, and involved Campus administrators of any revised timeline.

H. Parallel Judicial Proceedings

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Conduct Code. The Campus may proceed before, simultaneously with, or after any judicial or other administrative proceedings, except in cases involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking. In such cases, the Campus shall proceed without delay pursuant to Article IV below.

I. Cases Involving Academic Dishonesty

Academic dishonesty cases that occur in the classroom shall be handled by faculty members according to applicable Campus procedures. After action has been taken in any such case, the faculty member shall promptly notify the vice president for Student Affairs (or designee) and the Student Conduct Administrator of the matter so that the circumstances of the misconduct can be considered in their totality. A department's procedure for responding to cases of academic dishonesty is, by its nature, limited to the instance presented in a particular class. The Student Conduct Code process provides the Campus with an opportunity to consider the Student's entire circumstances, including whether the reported instance is part of a larger pattern of misconduct.

Article III. Proceedings In Cases Not Involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking

This Article sets forth the procedures that govern all student disciplinary matters systemwide not involving allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.

A. Complaint Intake/Investigation

1. Whenever it appears that the Student Conduct Code has been violated, an oral or written complaint should be directed to the Student Conduct Administrator as soon as possible after the event takes place.
2. The Student Conduct Administrator shall promptly: investigate each complaint submitted; determine whether it is appropriate to charge a Student with violation of the Student Conduct Code; and consider whether the University should implement an interim suspension (pursuant to Article VI), withdrawal of consent to remain on Campus,² or no contact orders concerning one or more members of the University community.
3. Investigations shall be concluded within **40 Working Days** after a complaint has been made.

B. Notice of Conference and Conference

1. Within **10 Working Days** after the investigation is complete, the Student Conduct Administrator shall notify the Student in writing that a conference has been scheduled or that the Student is directed to promptly schedule a conference with the Student Conduct Administrator.



EXECUTIVE ORDER 1098

2. The Notice of Conference shall include the following information:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the charges;
 - b. A factual description of the Student's alleged conduct that forms the basis for the charges;
 - c. The proposed sanction or range of sanctions;
 - d. The location on the Campus where the Student can view his or her discipline file, including the location (or copies) of the Campus policies that were violated;
 - e. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus;³
 - f. Notification of the Student's right to be accompanied at the conference by an Advisor and the Campus policy regarding use of attorneys; and
 - g. A copy of this Executive Order or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Conference is sent, a copy of this Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Conference.
3. The conference with the Student shall be conducted as follows:
 1. The conference shall not be recorded.
 2. The Student Conduct Administrator controls the conference and may exclude any Advisor who materially disrupts the conference.
 3. The conference requirement is waived if the Student fails to attend the conference or otherwise declines to cooperate.
4. The Student shall respond to the charges of misconduct at the conference. The Student Conduct Administrator shall determine which cases are appropriate for resolution (via written resolution agreement), taking into consideration the results of the investigation and any additional information provided by the Student during any conferences. If agreement can be reached with the Student as to an appropriate disposition, the matter shall be closed and the terms of the disposition shall be put in writing and signed by the Student and the University after the Student has been given a reasonable opportunity to review the proposed resolution agreement with an Advisor of the Student's choice. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or expulsion, 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 any resolution agreement.
5. If the Student admits violating the Student Conduct Code, but no agreement can be reached with respect to the sanction, the Student may request a hearing on the sanction only.
6. Nothing in this Executive Order shall prevent the Student and the University from entering into a voluntary resolution of an actual or anticipated student disciplinary case at any time, provided that the Student is first given a reasonable opportunity to review any proposed resolution agreement with an Advisor of their choice.



EXECUTIVE ORDER 1098

C. Notice of Hearing

1. The Student Conduct Administrator shall issue a Notice of Hearing within **10 Working Days** after the conference has concluded.
2. The Notice of Hearing shall be issued under the following circumstances:
 - a. If the Student fails to attend the conference or otherwise declines to cooperate;
 - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference; or
 - c. If the Student admits violating the Student Conduct Code, but no agreement can be reached with respect to the sanction.
3. The Notice of Hearing shall include the following information:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the charges;
 - b. A factual description of the Student's alleged conduct that forms the basis for the charges;
 - c. The proposed sanctions;
 - d. Notification that neither the Hearing Officer nor the president is bound by the proposed sanction, and that the Hearing Officer may recommend, and/or the president may set, a more severe sanction;
 - e. The date, time and place of the hearing;
 - f. The location on the Campus where the Student may view his or her discipline file, including the location (or copies) of the Campus policies that were violated and any related investigation report;
 - g. Notification that the Student may be accompanied at the hearing by an Advisor, and the Campus policy regarding use of attorneys. If attorneys are allowed, notification shall be given that any person who intends to bring an attorney as their Advisor must inform the Student Conduct Administrator of the attorney's name, address and phone number at least **5 Working Days** before the hearing. Failure to provide this notice in a timely manner will result in exclusion of the attorney from the hearing;
 - h. Notification that the Student can waive the right to a hearing by accepting the proposed sanction;
 - i. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus;⁴ and,
 - j. A copy of this Executive Order or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Hearing is sent, a copy of this Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Hearing.
4. The Student Conduct Administrator 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.



EXECUTIVE ORDER 1098

5. A notice to appear at hearing shall be sent to any University-related witnesses at least **5 Working Days** before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.
6. The Notice of Hearing may be amended at any time, and the Student Conduct Administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the Hearing Officer may (but is not required to) postpone the hearing for a reasonable period of time.

D. Hearing

1. The hearing is closed to all persons except the Student Conduct Administrator; the Student charged; an Advisor; the Hearing Officer; and one person to assist the Hearing Officer in recording the hearing. Any party or witnesses who will be testifying shall attend the hearing in person unless the Student Conduct Administrator permits an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or Hearing Officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least **5 Working Days** before the hearing.
2. Hearings are intended to be educational rather than adversarial. 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.
3. The Hearing Officer may ask questions of any witness, the Student charged, the Complainant, or the Student Conduct Administrator.
4. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded.
5. The Hearing Officer shall make an official audio recording of the hearing (with assistance, at the Hearing Officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the Student Conduct Administrator in accordance with the Campus records/information retention and disposition schedule.
6. If the Student charged or Complainant fails to appear at the hearing without good cause, the hearing shall nevertheless proceed. The Student charged may not be found to have violated the Student Conduct Code solely because the Student charged failed to appear at the hearing. Nor may the Student charged be found not to have violated the Student Conduct Code solely because a Complainant or witness failed to appear at the hearing.
7. The Hearing Officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The Hearing Officer may eject or exclude anyone (including the Student charged and/or the Student's Advisor) whose behavior causes a material disruption.
8. The Hearing Officer's decisions regarding procedural issues are final.



EXECUTIVE ORDER 1098

9. Where there is more than one Student charged with misconduct in connection with a single occurrence or related multiple occurrences, the Student Conduct Administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others, or the Student Conduct Administrator may initiate the consolidation (subject to FERPA and other applicable privacy laws). The Student Conduct Administrator makes consolidation decisions, which are subject to review by the Hearing Officer and thereafter are final.
10. At any time during the hearing, the Student may waive the right to a hearing and accept the proposed sanction. Such a waiver must be in writing.

E. Standard of Proof; Report and Recommendations of the Hearing Officer

1. After the hearing, the Hearing Officer shall make findings of fact and conclusions about whether the Student violated the Student Conduct Code. The standard of proof the Hearing Officer shall use is whether the University's charge is sustained by a Preponderance of the Evidence. It is the University's burden to show that it is "more likely than not" that the Student violated the Student Conduct Code.
2. The Hearing Officer's report shall be based only on the information received at the hearing. The Hearing Officer shall not, prior to preparing the report, have substantive communications about the facts of the case with the Student Conduct Administrator, the Complainant, the Student charged, or the witnesses, unless both the Student Conduct Administrator and the Student charged are present.
3. The Hearing Officer shall submit a written report of findings and conclusions to the president, along with any recommended sanctions. The report shall be submitted to the Campus president within **10 Working Days** after the hearing.

F. Final Decision/Notification

The president shall review the Hearing Officer's report and issue a final decision.

1. The president may impose the recommended sanctions, adopt a different sanction or sanctions, reject sanctions altogether, or refer the matter back for further findings on specified issues. If the president adopts a different sanction than what is recommended by the Hearing Officer, the president must set forth the reasons in the final decision letter. The president's final decision letter shall be issued within **10 Working Days** after receipt of the Hearing Officer's report.
2. The president shall send his or her decision electronically to the Student at the University-assigned or other primary e-mail address linked to the Student's University account.

Article IV. Proceedings in Cases Involving Allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking

This Article sets forth the procedures that govern all student disciplinary matters systemwide involving allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.

A. DHR Administrator

In accordance with Executive Orders 1096 and 1097, the DHR Administrator investigates complaints of Discrimination, Harassment, and Retaliation based on all Protected Statuses except Gender, determines whether a Student violated the Student Conduct Code, and prepares a report that includes findings and conclusions about whether the Student violated the Student Conduct Code. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.



EXECUTIVE ORDER 1098

B. Title IX Coordinator

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.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those Complaints, determines whether a Student violated the Student Conduct Code, and prepares a report that includes findings of facts and conclusions about whether the Student violated the Student Conduct Code. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

C. Confidentiality

Information provided to University employees in connection with any Complaint shall be considered private and may be shared with other University employees and law enforcement exclusively on a "need to know" basis. The University shall endeavor to honor any Complainant's or alleged victim's request for confidentiality; however, it must also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the Campus community. Confidentiality, therefore, cannot be ensured. The Title IX Coordinator or DHR Administrator will determine whether confidentiality is appropriate given the circumstances of each incident. Executive Order 1095 identifies those categories of University employees who are required by law to maintain near or complete confidentiality (for example, in connection with allegations of Sexual Misconduct). Questions about rights and options with respect to confidentiality should be directed to the Campus Title IX Coordinator or DHR Administrator.

D. Complaint/Investigation/Findings

1. Complaints by Students against Students shall be investigated according to the procedures set forth in Executive Order 1097. The DHR Administrator or the Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such Complaint, including any appeal to the Chancellor's Office (CO), as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator or Title IX Coordinator will consult with respect to appropriate sanctions and Remedies.
2. Complaints by California State University (CSU) employees or Third Parties, as defined in Executive
3. Order 1096 (e.g., vendors, auxiliary employees or Campus visitors) against Students shall be investigated according to the procedures set forth in Executive Order 1096. The DHR Administrator or the Title IX
4. Coordinator shall notify the Student Conduct Administrator of the status of any such Complaint, including any appeal to the CO, as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct
5. proceedings. The Student Conduct Administrator and the DHR Administrator or Title IX Coordinator will consult with respect to appropriate sanctions and Remedies.
3. Unless the CO notifies the Campus that an appeal has been filed, investigative findings pursuant to
4. 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.



EXECUTIVE ORDER 1098

E. Conference with Complainant

The Student Conduct Administrator shall offer the Complainant(s) the opportunity to confer with the Student Conduct Administrator. Any conference with the Complainant(s) shall occur within **10 Working Days** after the Student Conduct Administrator receives the final investigation report – or, if an appeal was filed, the final appeal outcome. The purpose of the conference is to provide an opportunity for the Complainant to provide input concerning appropriate sanctions and Remedies in light of the investigative findings. Therefore, it should take place before the Notice of Conference, described in section F, is served on the Student charged. The Complainant may be accompanied by an Advisor.

F. Notice of Conference and Conference with the Student Charged

1. Within **10 Working Days** after the Student Conduct Administrator receives the final investigation report – or, if an appeal was filed, the final appeal outcome, and after the Complainant has been given 10 Working Days to have a Conference with the Student Conduct Administrator, the Student Conduct Administrator shall notify the Student charged in writing that a conference has been scheduled or that the Student is directed to promptly schedule a conference with the Student Conduct Administrator.

2. The Notice of Conference shall include:

- a. The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed discipline;
- b. The proposed sanction or range of sanctions, including sanctions designed to provide Remedies to the Complainant(s);
- c. The location on the Campus where the Student can view his or her discipline file, including the location (or copies) of the Campus policies that were violated;
- d. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁵;
- e. Notification of the Student's right to be accompanied at the conference by an Advisor; and
- f. A copy of this Executive Order or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Conference is sent, a copy of this Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Conference.

3. Conference with Student charged and/or Complainant

The conference with the Student and any conference with the Complainant(s) shall be conducted as follows:

- a. The conference shall not be recorded.
- b. The Student Conduct Administrator controls the conference and may exclude any Advisor who materially disrupts the conference.
- c. The conference requirement is waived if the Student or Complainant(s) fails to attend the conference or otherwise declines to cooperate.



EXECUTIVE ORDER 1098

4. The Student Conduct Administrator shall, in consultation with and agreement from the DHR Administrator or Title IX Coordinator, determine which cases are appropriate for resolution (via written resolution agreement), taking into consideration the investigation report and any additional information provided by the Student charged and the Complainant(s) during any conferences. If a proposed resolution agreement can be reached with the Student charged as to an appropriate disposition, the terms of the proposed disposition shall be put in writing and signed by the Student and the University after the Student has been given a reasonable opportunity to review the proposed resolution agreement with an Advisor of the Student's choice. The Student charged must be informed that any proposed resolution may be appealed by the Complainant and is not final until any such appeal is exhausted. Suspension of one academic year or more or expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceedings shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with any resolution agreement.
5. The Student Conduct Administrator shall promptly notify the DHR Administrator or the Title IX Coordinator of the outcome of the conferences with the Student and the Complainant(s). If the case does not proceed to hearing, the DHR Administrator (or the Title IX Coordinator) shall at that time:
 - a. Notify the Complainant(s) of the outcome of the conference, including any proposed resolution agreement as well as the Complainant's right to appeal any proposed resolution agreement to the CO pursuant to Article IV. J.
 - b. Take any appropriate further steps to address the effects of any Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
 - c. Identify and address any remaining systemic or other patterns of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking at the Campus.
6. Discipline cases may be resolved through the conference process. It is, however, not appropriate for a Complainant to be required to "work out the problem" directly with the Student charged, and in no event should any meeting between Complainant and the Student be required.

G. Notice of Hearing on Sanctions

1. If not resolved, the Student Conduct Administrator shall issue a Notice of Hearing promptly after the conference. Simultaneous notice shall also be provided to the Complainant and the DHR Administrator or the Title IX Coordinator. The Notice of Hearing shall be issued within **5 Working Days** after the conference has concluded.
2. The Notice of Hearing shall be issued under the following circumstances:
 - a. If the Student charged fails to attend the conference or otherwise declines to cooperate;
 - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference; or
 - c. No agreement can be reached with respect to the sanction.
3. The Notice of Hearing shall include the following information:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed sanctions;



EXECUTIVE ORDER 1098

- b. The proposed sanctions, including sanctions designed to provide protection/Remedies to the Complainant(s);
 - c. Notification that neither the Hearing Officer nor the president is bound by the proposed sanction, and that the Hearing Officer may recommend, and/or the president may set, a more severe sanction;
 - d. The date, time and place of the hearing;
 - e. The location on the Campus where the Student may view his or her discipline file, including the location (or copies) of the Campus policies that were violated, and any related investigation report;
 - f. Notification that the Student charged and the Complainant each may be accompanied at the hearing by an Advisor. Notification shall be given that any person who intends to bring an attorney must inform the Student Conduct Administrator of the attorney's name, address and phone number at least **5 Working Days** before the hearing. Failure to provide this notice in a timely manner will result in exclusion of the attorney from the hearing;
 - g. Notification that the Student can waive the right to a hearing by accepting the proposed sanction, subject to the Complainant's right to appeal (subject to the approval of the DHR Administrator or Title IX Coordinator);
 - h. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁶; and
 - i. A copy of this Executive Order or notice of where the Student and/or Complainant may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Hearing is sent, a copy of this Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Hearing.
4. The Student Conduct Administrator 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.
 5. A notice to appear at hearing shall be sent to any University-related witnesses and to the Complainant(s) at least **5 Working Days** before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.
 6. The Notice of Hearing may be amended at any time, and the Student Conduct Administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the Hearing Officer may (but is not required to) postpone the hearing for a reasonable period of time.
 7. The DHR Administrator or Title IX Coordinator retain ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the Hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.

H. Hearing on Sanctions

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.



EXECUTIVE ORDER 1098

1. The hearing is closed to all persons except the Student Conduct Administrator; the Student charged; the Complainant(s); their respective Advisors; appropriate witnesses while they are testifying; any other alleged victims while they are testifying, together with their Advisors; the Hearing Officer; and one person to assist the Hearing Officer in recording the hearing. All parties and witnesses who will testify must attend the hearing in person unless the Student Conduct Administrator permits an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or Hearing Officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least **5 Working Days** before the hearing.
2. The Hearing Officer controls the hearing. Except as provided in Article IV. H, sections 6-8 below, 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.
3. The Hearing Officer may ask questions of any witness, the Student, the Complainant, Student Conduct Administrator, the Title IX Coordinator or the DHR Administrator.
4. The Complainant(s) may be present while evidence is being presented concerning the charges that relate to him/her, unless the Hearing Officer grants a request that the Complainant(s) be excused during certain testimony to protect privacy rights and/or pursuant to FERPA.
5. The DHR Administrator or the Title IX Coordinator may attend the hearing in its entirety.
6. Questions may not be posed to Complainants about their past sexual behaviors involving any persons other than the Student charged.
7. 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), unless the Complainant(s) or witness expressly waives this requirement and consents to questioning directly by the Student.
8. The Hearing Officer shall ask any questions of the Student and other witnesses on behalf of the Complainant (who shall give the Hearing Officer a written list of any such questions), unless the Complainant in question expressly waives this requirement.
9. The investigation report and any CO 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.
10. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded.
11. The Hearing Officer shall make an official audio recording of the hearing (with assistance, at the Hearing Officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the Student Conduct Administrator in accordance with the Campus records/information retention and disposition schedule.
12. If the Student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed.



EXECUTIVE ORDER 1098

13. The Hearing Officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The Hearing Officer may eject or exclude anyone (including the Student, the Complainant, and Advisors) whose behavior causes a material disruption.
14. Where there is more than one Student facing sanctions in connection with a single occurrence or related multiple occurrences, the Student Conduct Administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others, or the Student Conduct Administrator may initiate the consolidation (subject to FERPA and other applicable privacy laws). The Student Conduct Administrator makes consolidation decisions, which are subject to review by the Hearing Officer and thereafter are final.
15. At any time during the hearing, and subject to the approval of the DHR Administrator or Title IX Coordinator, the Student charged may waive the right to a hearing and accept the proposed sanction, subject to the Complainant's right to appeal. Such a waiver must be in writing. The DHR Administrator or Title IX Coordinator retain ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the Hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.
16. The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any recommendations regarding additional Remedies, including but not limited to restricting the Student's contact with, or physical proximity to, the Complainant or other persons. 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.

The Hearing Officer's report shall be based only on the investigative report and the information received at the hearing. The Hearing Officer shall not, prior to preparing the report, have substantive communications about the facts of the case with the Student Conduct Administrator, the Complainant, the Student, the witnesses, or DHR Administrator or the Title IX Coordinator, unless both the Student Conduct Administrator and the Student are present.

I. **President's Sanction Decision/Notification**

The president shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction.

1. The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a different sanction than what is recommended by the Hearing Officer, the president must set forth the reasons in the decision letter. The president's decision letter shall be issued within **10 Working Days** after receipt of the Hearing Officer's report.
2. The president shall simultaneously send the decision electronically to the Student charged and Complainant(s) at the University-assigned or other primary e-mail address linked to their University accounts. The decision shall also be sent to the Student Conduct Administrator and the Hearing Officer.
3. The decision letter shall include:
 - a. The outcome of the hearing on sanctions, including any sanction imposed and the name of the Student charged; and
 - b. A copy of the Hearing Officer's report, redacted as appropriate or as otherwise required by law.
 - c. Notice of the Complainant's and Student's right to appeal to the CO.



EXECUTIVE ORDER 1098

4. The president shall also send the decision to the DHR Administrator or the Title IX Coordinator so that they may determine whether any additional Remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.
5. Unless the CO notifies the campus that an appeal has been filed, the president's sanction decision become final **11 Working Days** after the date of the decision letter.

J. Appeal of Sanction to the Chancellor's Office

The Complainant and Student charged each may file an appeal of the president's decision of appropriate sanctions to the CO 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 either in the conference procedure described above or at any time thereafter. Such an appeal must be filed within **10 Working Days** after the date of notice to the Complainant of the proposed resolution agreement.

1. The appeal request shall be in writing and shall indicate the basis of the appeal. 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 CO may conduct an interview with the appealing party to clarify the written appeal, at the CO's discretion.
2. A sanction decision appeal shall be addressed to:

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore, 4th Floor
Long Beach, California 90802
eo-wbappeals@calstate.edu

3. Acknowledgement of Appeal. The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party, the campus DHR Administrator or Title IX Coordinator, and the Campus president (or designee).
4. Reasonable Accommodations. The CO will provide reasonable accommodations to any party or witness with a qualified Disability during the appeal process upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time to file or respond to an appeal. The timeframe for CO response to an appeal will automatically be adjusted for the time needed, if any, to provide reasonable accommodations
5. Scope of Review. The CO appeal review shall be limited in scope to determining 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 CO 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.
6. CO Appeal Response. The CO shall issue a final appeal response to the parties, the DHR Administrator or Title IX Coordinator, and the campus president (or designee) no later than **10 Working Days** after receipt of the written appeal unless the timeline has been extended under Article V. E of Executive Orders 1096 or 1097.



EXECUTIVE ORDER 1098

7. The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the determination(s) reached regarding the issues identified within the written appeal, a decision about whether the president's sanction decision is reasonable, and, where applicable, a decision regarding the final sanction.
8. Notification of CO Appeal Response. A copy of the CO final appeal response shall be forwarded to the Complainant and Student charged, the DHR Administrator or Title IX Coordinator, and the president (or designee).

K. **Other Student Conduct Code Violations Related to Incidents of Sexual Misconduct, Dating or Domestic Violence, or Stalking**

Alleged victims and witnesses should not be deterred from reporting any incidents of Sexual Misconduct, Dating or Domestic Violence, or Stalking out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. The University's primary concern is the safety of the Campus community; therefore, a person who participates as a Complainant or witness in investigations or proceedings involving Sexual Misconduct, Dating or Domestic Violence, or Stalking shall not be subject to discipline for related violations of the Student Conduct Code at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty, or conduct that places the health and safety of another person at risk.

Article V. Sanctions

A. 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.⁷
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 and sororities), and/or University events, or other remedies intended to discourage similar 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;⁸ 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.



EXECUTIVE ORDER 1098

- 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 polices) 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.

B. Multiple Sanctions

More than one sanction may be imposed for a single violation.

C. Good Standing

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 his or her admission or re-admission has been qualified.⁹

D. Administrative Hold and Withholding 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 set forth herein, including the completion of all sanctions imposed.

E. 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.

Article VI. Interim Suspension

A. Grounds

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.



EXECUTIVE ORDER 1098

B. Notice and Opportunity for Hearing

A Student placed on interim suspension shall be given prompt notice of the charges pending against him or her as enumerated in Title 5, California Code of Regulations section 41302 and a factual description of the conduct alleged to form the basis for the charges. The Student may request a hearing to determine whether continued interim suspension is appropriate by filing a request with the Student Conduct Administrator. The Student Conduct Administrator will notify the Hearing Officer.

In matters subject to Article IV, the Student Conduct Administrator will also notify the Complainant and the Title IX Coordinator or DHR Administrator. The Complainant may participate in any hearing conducted pursuant to this section.

Within **10 Working Days** of the request, the Hearing Officer shall conduct a hearing to determine whether there is reasonable cause to believe that the continued interim separation of the Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order. ¹⁰

The hearing is conducted pursuant to the provisions of Article III. D or Article IV. H of these procedures, as appropriate.

The president shall review the Hearing Officer's report and shall promptly issue a final decision regarding interim suspension. Notice to the Student charged and to the Complainant (in matters subject to Article IV) shall be sent to the University-assigned or other primary e-mail address linked to the party's University account. The final decision shall also be provided to the DHR Administrator or the Title IX Coordinator where appropriate.

If the University establishes that there is reasonable cause for the interim suspension to continue, it shall remain in effect until the University closes the disciplinary matter, whether by resolution agreement, final decision or dropped charges, but in no case longer than the president has determined is required to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

C. Denial of Presence on Campus

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 his or her 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.¹¹

Article VII. 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. Any such sanction shall be determined by a hearing held pursuant to Article III or Article IV, as appropriate. For Students who withdraw while a disciplinary matter is proceeding, the Campus has discretion whether to continue proceedings or hold proceedings in abeyance.



EXECUTIVE ORDER 1098

Article VIII. Definitions

For purposes of this Executive Order, the following definitions apply:

- A. **Adverse Action** means an action that has a substantial and material adverse effect on the Complainant's ability to participate in a University program or activity free from Discrimination, Harassment or Retaliation, as those terms are defined below. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
- B. **Advisor**: The Complainant and the Student charged may each elect to be accompanied by an Advisor of their choice to any meeting, interview or hearing regarding the allegations, subject to the limitations set forth above in Article II. C. The Advisor may be anyone, including, for Complainants, a Sexual Assault Victim's Advocate (defined below), provided the Advisor is not a person with information relevant to the allegations who may be interviewed or testify during any related investigation or hearing. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Student charged. Where attorneys are permitted, the Complainant and the Student charged may each elect an attorney as an Advisor. Any person who has a license (active or inactive) to practice law is considered an attorney for purposes of this Executive Order.
- C. **Affirmative Consent** means an informed, affirmative, conscious, voluntary and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.

Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated.

A person with a medical or mental Disability may also lack the capacity to give consent.

Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

See Executive Orders 1096 and 1097 for a more detailed description of Affirmative Consent.

- D. **Age** means how old a person is, or the number of years for the date of a person's birth and is a Protected Status.¹²
- E. **California State University (CSU)** means the 23 campus system of the California State University, including the Chancellor's Office (CO).
- F. **Campus or University** means any of the 23 campuses of the CSU or the CO.
- G. **CO Appeal Response** refers to the decision provided to the Complainant and the Student charged upon completion of the Appeal Process.
- H. **Complainant** means an individual who is eligible to file a Complaint to report a violation of Executive Orders 1096 or 1097. It also includes any person who is reported to have experienced a violation of Executive Orders 1096 or 1097 in cases where some other person has made a report on that person's behalf. A Complainant may also be referred to as a party to the Complaint.
- I. **Complaint** means a report of a violation of Executive Orders 1096 or 1097 alleging Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking or a report under 5 California Code of Regulations Section 41301.



EXECUTIVE ORDER 1098

- J. **Dating Violence** is 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.¹³ 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.
- K. **DHR (Discrimination, Harassment, and Retaliation) Administrator** means the MPP employee at each Campus who is designated to administer portions of this Executive Order and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation for all Protected Statuses except Gender. The DHR Administrator may delegate tasks to one or more designees. The Campus president may assign the roles of the DHR Administrator and Title IX Coordinator (defined below) to the same person.
- L. **Disability** means mental or physical disability as defined in California Education Code § 66260.5 and California Government Code § 12926, and is a Protected Status.
- M. **Discrimination** means Adverse Action taken against a Student by the CSU, a CSU employee, another Student, or a Third Party because of a Protected Status.
- N. **Domestic Violence** is 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 persons 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, (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 of imminent serious bodily injury to himself or herself, or another.¹⁴ Abuse does not include non-physical, emotional distress or injury.
- O. **Gender** means sex, and includes a person’s gender identity and gender expression.¹⁵ Gender expression means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. Sex includes but is not limited to pregnancy, childbirth or associated medical condition(s).¹⁶ They are Protected Statuses.
- P. **Genetic Information** is a Protected Status and means¹⁷:
- The Student’s genetic tests.
 - The genetic tests of the Student’s family members.
 - The manifestation of a disease or disorder in the Student’s family members.
 - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student’s family member.
 - Genetic Information does not include information about any Student’s sex or age.
- Q. **Harassment** means unwelcome conduct that 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, because of the Complainant’s Protected Status, as limiting the Complainant’s ability to participate in or benefit from the services, activities or opportunities offered by the University.



EXECUTIVE ORDER 1098

- R. **Investigator** means the person tasked by a Campus with investigating a Complaint. All investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and VAWA/Campus SaVE Act (as defined below); as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking; Complainant, Student, Employee, and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant(s)/victim(s) and the University community. (See also Executive Order 1095 Revised regarding required training for Sexual Harassment and Sexual Misconduct investigations.)

If delegated, the DHR Administrator or the Title IX Coordinator (for Complaints alleging Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking) shall monitor, supervise, and oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth in Executive Orders 1096 and 1097 Revised.

The Investigator may be the DHR Administrator, the Title IX Coordinator, or their designee, provided that the person shall be an MPP Employee or an external consultant.

- S. **MPP Employee** means a Management Personnel Plan employee who has been designated as a “management” or “supervisory” employee under the provisions of the Higher Education Employer-Employee Relations Act.¹⁸
- T. **Nationality** includes citizenship, country of origin, and national origin and is a Protected Status.¹⁹
- U. **Parties** to a Complaint are the Complainant(s) and the Student(s) charged.
- V. **Preponderance of the Evidence** means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order or Executive Orders 1096 and 1097.
- W. **Protected Status** includes Age, Disability, Gender, Genetic Information, Nationality, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.
- X. **Race or Ethnicity** includes ancestry, color, ethnic group identification, and ethnic background and is a Protected Status.²⁰
- Y. **Religion** is a Protected Status and includes all aspects of religious belief, observance, and practice, and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant’s religious observance or belief.²¹
- Z. **Remedies** mean actions taken to correct allegations and/or reported violations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking. Remedies can include discipline of the perpetrator.
- AA. **Interim Remedies** shall be offered prior to the conclusion of an investigation in order to immediately stop any wrongdoing and/or reduce or eliminate any negative impact, when appropriate. Persons reporting that they have been the victim of Discrimination, Harassment, Retaliation, Sexual Misconduct, Domestic Violence, Dating Violence, or Stalking must be provided reasonable and available Interim Remedies, if requested, regardless of whether the person chooses to report the conduct to Campus police or local law



EXECUTIVE ORDER 1098

enforcement, and regardless of whether an investigation is conducted under Executive Order 1096 or 1097. Examples may include offering the option of psychological counseling services, changes to academic or living situations, completing a course and/or courses on-line (if otherwise appropriate), academic tutoring, arranging for the re-taking of a class or withdrawal from a class without penalty, and/or any measure as appropriate to stop further alleged harm until an investigation is concluded or a resolution is reached. The DHR Administrator or Title IX Coordinator shall assist and provide the person with reasonable Remedies as requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

AA. **Retaliation** means Adverse Action taken against a Student because the Student has or is believed to have:

1. Exercised rights under Executive Orders 1096 or 1097, or Title V of the California Code of Regulations;
2. Reported or opposed conduct which the Student reasonably and in good faith believes is in violation of Executive Orders 1096 or 1097, or Title V of the California Code of Regulations;
3. Assisted or participated in a related investigation/proceeding regardless of whether the Complaint was substantiated; or
4. Assisted someone in reporting or opposing a violation of Executive Orders 1096 or 1097, or Title V of the California Code of Regulations, or assisted someone in reporting or opposing Retaliation under Executive Orders 1096 or 1097, or Title V of the California Code of Regulations.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

BB. **Sexual Assault Victim's Advocate** refers to employees or third party professionals appointed to support victims/survivors/Complainants of Sexual Misconduct. They must be certified and have received specialized training to provide advice and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes and with emotional and decision making support. Sexual Assault Victim's Advocates may accompany victims/survivors/Complainants as a support person and assist in seeking services. They are committed to maintain the highest possible level of confidentiality permissible under state and federal law in their communications with the persons they assist.²² Sexual Assault Victim's Advocates are appointed based on experience and demonstrated ability to effectively provide services to victims/survivors/Complaints. See Executive Order 1095 for more detailed information.

CC. **Sexual Harassment**, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; **or**
2. 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 his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; **or**
3. 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.



EXECUTIVE ORDER 1098

For example, it would include being forced to engage in unwanted sexual contact as a condition of membership in a student organization or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

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.

Sexual Harassment is unwelcome conduct of a sexual nature. While romantic and/or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of Sexual Harassment or Sexual Misconduct, including Domestic Violence, Dating Violence, or Stalking.

Conduct that does not amount to Sexual Harassment may still be unprofessional or violate other University policies.

DD. 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 it is based on Gender, Domestic Violence and Stalking also constitute Sexual Misconduct. Sexual Misconduct may include 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). Men as well as women 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.

1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.²³
2. **Sexual Battery** is a form of Sexual Misconduct and is 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.²⁴
3. **Rape** is a form of Sexual Misconduct and is 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 that person is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Complainant's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.)²⁵
4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

EE. Sexual Orientation means one's preference in sexual partners and includes heterosexuality, homosexuality, or bisexuality and is a Protected Status.²⁶



EXECUTIVE ORDER 1098

FF. **Stalking** means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others' safety or to suffer Substantial Emotional Distress. ²⁷ For purposes of this definition:

1. **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;
2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Statuses as the Complainant;
3. **Substantial Emotional Distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

GG. **Student** means an applicant for admission to the CSU, an admitted CSU student, an enrolled CSU student, a CSU extended education student, a CSU student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU student who withdraws from the University while a disciplinary matter (including investigation) is pending.

HH. **Student Conduct Code** means 5 California Code of Regulations Section 41301 et seq.

II. **Third Party** means a person other than an employee or a Student. Examples include employees of auxiliary organizations²⁸, volunteers, independent contractors, vendors and their employees, and visitors.

JJ. **Title IX** means Title IX of the Education Amendments of 1972.

KK. **Title IX Coordinator** means the Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX; VAWA/Campus SaVE Act; and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking. (See Executive Order 1095 Revised).

LL. **University Property** means:

1. Real or personal property in the possession or under the ownership or control of the University; and
2. All University facilities whether utilized by a Campus or a Campus auxiliary organization.

MM. **VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).

NN. **Veteran or Military Status** may be Protected Statuses and means service in the uniformed services.

OO. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated or at the CO where an Appeal is reviewed.



EXECUTIVE ORDER 1098

Revision History:

As a result of the issuance of this Executive Order, the following documents are superseded as of the effective date of this Executive Order and are no longer applicable:

- Executive Order 1098 (Student Conduct Procedures), dated June 3, 2014
- Executive Order 1073 (Student Conduct Procedures), dated April 6, 2012
- Executive Order 1043 (Student Conduct Procedures), dated August 3, 2009
- Executive Order 970 (Student Conduct Procedures), dated February 2, 2006

Footnotes

1. Key capitalized terms are defined in Article VIII. Terms contained within this Executive Order are intended to be gender neutral.
2. See Cal. Penal Code § 626.4.
3. See Cal. Penal Code § 626.4.
4. See Cal. Penal Code § 626.4.
5. See Cal. Penal Code § 626.4.
6. See Cal. Penal Code § 626.4.
7. See Cal. Educ. Code § 69810 et seq.
8. See Cal. Penal Code § 626.2.
9. See 5 Cal. Code Regs. § 40601(g).
10. See 5 Cal. Code Regs. § 41302.
11. See 5 Cal. Code Regs. § 41302.
12. See 34 C.F.R. § 110.3.
13. See Cal. Penal Code § 13700 (b).
14. See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.
15. See Cal. Educ. Code § 66260.7.
16. See 34 C.F.R. § 106.40.
17. See Cal. Civ. Code § 51(2)(e).
18. See 5 Cal. Code Regs. § 42720 et seq.



EXECUTIVE ORDER 1098

19. See Cal. Educ. Code § 66261.5.
20. See Cal. Educ. Code § 66261.7.
21. See Cal. Educ. Code § 66262.
22. See Cal. Evid. Code §§ 1035.2 and 1035.4.
23. See Cal. Penal Code § 240.
24. See Cal. Penal Code § 242.
25. See Cal. Penal Code §§ 261-263.
26. See Cal. Educ. Code § 66262.7.
27. See Cal. Penal Code § 646.9.
28. See 5 Cal. Code Regs. § 42406.



OTHER PUBLIC SAFETY SERVICES

COMMUTER SERVICES—RIDESHARE PROGRAM

Are high gas prices bringing you down? Why not carpool or take public transportation? The Commuter Service program is available to assist you in finding alternative, convenient and less expensive methods of commuting to campus. Ask about our extensive rideshare program which is available to the entire campus community. Our office hours are Monday - Friday, from 8 a.m. - 6 p.m. Contact Commuter Services at **323-343-5277** for detailed information.

Tip: Don't pollute! Change the way you commute! By carpooling, you help the environment, save money, and you don't have to travel the roadways alone.

PARKING & TRANSPORTATION SERVICE CENTER (P&T)

Parking regulations are enforced 24-hours a day, 7-days a week, including holidays. Valid parking permits are required at all times including the first day of each quarter. There is no grace period. Quarter and Annual parking permits may be purchased at the Parking & Transportation Service Center, located south of Parking Lot 3. Students are also able to purchase their student or motorcycle parking permits online at <http://commerce.cashnet.com/csulapay>. Permits purchased online will arrive in 7-10 business days.

Faculty and Staff parking permits and transit passes must be purchased in person at the P&T Center. All parking permits go on sale beginning the 10th week of each previous quarter. Daily parking permits are only available for purchase through parking dispensing machines located in all student lots.

When enrolling in the Rideshare program, participants may pick-up their monthly Metro, Foothill, and Metrolink passes at the P&T Center. The P&T Center is open Monday - Friday, from 8 a.m. - 5 p.m. For more information about Parking & Transportation, please call **323-343-6117**.

Vehicle Assists

The Parking Services office can assist students and employees with needs such as retrieving keys locked in vehicles, battery jump-starts and contacting emergency road services. Just call the Department of Public Safety at **323-343-3700**.

Tip: Always check to make sure you have turned off your vehicle's headlights when you arrive at your destination, especially after traveling in inclement weather.

FINGERPRINTING

Live Scan fingerprinting services are available Monday - Friday, from 9 a.m. - 3 p.m. on walk-in, first come, first-served basis. Please call the Department of Public Safety at **323-343-3700** for more details.

Tip: We provide a convenient location for campus community members pursuing a teaching credential, real estate license, or other certifications requiring Live Scan fingerprinting.



CALIFORNIA STATE UNIVERSITY, LOS ANGELES

Department of Public Safety
5151 State University Drive
Los Angeles, CA 90032
(323) 343-3700
csulapublicsafety@calstatela.edu
www.calstatela.edu/univ/police/clery.php

ON CAMPUS EMERGENCY TELEPHONE NUMBERS

24-hour campus emergency line	9-1-1
From pay phones	9-1-1
University Police*	(323) 343-3700*
On Campus extension	
Emergency/Urgent calls for service	
Escort services	
Victim/Witness Assistance line	(323) 343-3756

LOCAL RAPE TREATMENT CENTERS AND 24-HOUR HOTLINES

East Los Angeles Women’s Center and hotline	(800) 585-6231
<i>24-hour hotline information (bilingual) referrals, counseling, advocacy, accompaniment.</i>	
Center for Pacific Asian Females	(800) 339-3940
Compton YWCA rape hotline	(310) 764-1403
Los Angeles County Domestic Violence hotline	(800) 978-3600
Peace Over Violence (formerly LACAAW)	(213) 626-3393

ALCOHOL RESOURCES FOR STAFF AND STUDENTS

SAMHSA Substance abuse treatment facility locator	www.findtreatment.samhsa.gov
Alcoholics Anonymous	www.aa.org
Narcotics Anonymous	www.na.org

OTHER IMPORTANT TELEPHONE NUMBERS

Cal State L.A. Student Health Center	(323) 343-3300
Appointment desk*	(323) 343-3302
Same day appointments*	(323) 343-3303
Cal State L.A. Housing Services	(323) 343-4800
Cal State L.A. Office of the Vice President for Student Affairs*	(323) 343-3100
Commuter Services*	(323) 343-5277
Los Angeles City Victim-Witness Assistance Program	(213) 978-2097

** All on-campus telephone numbers can be reached on campus telephones by dialing “3” and the last four digits of the campus telephone number.*