



2014

ANNUAL SECURITY &
FIRE SAFETY REPORT



A MESSAGE FROM THE CHIEF OF POLICE



On behalf of the men and women of the California State University of 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/univ/police/. If you have any questions or would like to request a copy of the Annual Security and Fire Safety Report, please contact 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,
John Hernandez
Interim 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

| | |
|--|--------------|
| Campus Law Enforcement | 3 |
| • Enforcement and Arrest Authority | |
| • Working Relationships with other Law Enforcement Agencies | |
| Campus Security | 4-5 |
| • Access to University Facilities | |
| • Daily Crime Logs | |
| • Preparation and distribution of Annual Security and Fire Safety Report | |
| • Timely Warnings – Crime Alert Bulletins | |
| Reporting Crimes and Emergencies | 6-7 |
| • Reporting offenses to other CSULA offices/ Campus Security Authorities | |
| • Voluntary Confidential Reporting | |
| Campus Crime Statistics | 8-9 |
| Public Safety Programs and Services | 10-11 |
| University Programs and Services | 12-13 |
| • Health Center (alcohol and other drug services) | |
| Project Safe | 14-25 |
| Student Affairs | 26-31 |
| Housing Services | 32-33 |
| • Fire Safety Report and Missing Persons | |
| Office for Equity, Diversity and Inclusion | 34-46 |
| University Policies | 47-51 |
| Title IX, VAWA/Campus SaVE Act | 52-81 |
| • Executive Order 1095 | |
| • Executive Order 1096 | |
| • Executive Order 1097 | |
| Campus Map | 82 |

CAMPUS LAW ENFORCEMENT



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 re-accredited 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 within the State of California. Their authority is granted through the California Education and Penal Codes. Their primary jurisdiction is all property owned and operated by the University, including adjacent public streets and 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 maintain 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.



CAMPUS SECURITY INFORMATION



Campus Security

ACCESS TO UNIVERSITY FACILITIES

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.

BUILDING SECURITY CHECKS

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 of 2014.

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 2013, University Police dedicated over 367 hours of activity to the CWP, with public contact to 1,009 individuals.**

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 campus 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 the Environmental Health and Safety Office also conduct regular safety inspections.

CAMPUS SECURITY INFORMATION cont'd.

Daily Crime Logs

The Department of Public Safety maintains a daily crime log of all department activity. The log is available for viewing at the station upon request.

Preparation and Distribution of Annual Security and Fire Safety Report

CRIME STATISTICS

Cal State L.A. 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 L.A. 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.

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), Student Affairs, Health Center, Student Housing, and Human Resources Management

- Notice of report availability is provided via e-mail sent to all current students, faculty and staff, and is also included on faculty/staff pay stubs.
- Cal State L.A. employment applications include notice of report availability
- Electronic PDF report is posted on DPS web page at www.calstatela.edu/univ/police/clery.php

Timely Warnings-Crime Alert

When circumstances warrant, a campus-wide "timely warning" or Crime Alert bulletin (as referred to at Cal State L.A.) 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. Following is a sample of a Crime Alert bulletin:



CRIME ALERT

California State University, Los Angeles
University Police Department
Joseph Curran, Chief

ROBBERY / STRONG-ARM

The Cal State L.A. University Police Department seeks your assistance as it investigates the following incident.

Summary: On Tuesday, October 25, 2011, at approximately 8:30 pm, the victim (CSULA student) was walking through the north end of Parking Lot 5. The victim reported being approached by a suspect from behind, who began walking beside and holding onto the victim's arm. The suspect, using his left hand from inside his jacket pocket, pointed an unknown object (possibly a weapon) at the victim and said, "Don't scream or yell. Give me everything you have."

The victim complied and the suspect was last seen, with the victim's property, walking southbound through the parking lot from the same direction he had approached. The victim did not receive any physical injuries.

Suspect: Male/Adult: early 20's in age, approximately 5'7" tall, medium to chubby build. The suspect was wearing jeans and a large black varsity jacket, a black beanie, black and white Vans-brand tennis shoes and Wayfarer-type sunglasses.

Weapon used: Hands (No weapon seen)

Location: Parking Lot 5, CSULA campus

.....

If you have any information regarding this crime, please contact Detective Martin at (323) 343-3700 or call the Victim/Witness Assistance Line, available 24-hours a day at (323) 343-3756.

.....

Safety Tips:

- If possible, avoid walking alone at night.
- Request a free escort from Eagle Patrol when walking on campus and/or near Housing by calling the University Police Department at (323) 343-3700.
- Be alert to your surroundings and the people around you, especially if you are alone or it is dark.
- Walk confidently, and at a steady pace.
- Be conscious of people just "hanging around" anywhere, especially near pay phones, public restrooms, building entrances and garages.
- Don't invite trouble: keep gold chains out of sight; don't flash your jewelry; and turn your rings around so the stones don't show.

REMINDER: Whenever you see suspicious activity on campus (or in the surrounding area), please call the University Police Department immediately to report it.

University Police — (323) 343-3700

IF YOU ENCOUNTER PERSONS INVOLVED IN CRIMINAL ACTIVITY
DO NOT ATTEMPT TO APPREHEND THEM. GO TO AN EMERGENCY PHONE AND DIAL 9-1-1.

REPORTING CRIMES AND EMERGENCIES

REPORTING CRIMES OR EMERGENCIES ON CAMPUS

The University encourages accurate and prompt reporting of all crimes to the University Police and 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.

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 Coordinator at designated Evacuation Assembly area
 - ◇ If assistance is needed, go to nearest stairwell; ask someone to notify emergency personnel of your location

REPORTING OFFENSES TO OTHER CAL STATE L.A. 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.

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.

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

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 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.

REPORTING CRIMES AND EMERGENCIES cont'd.

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.

CSULA CAMPUS STATISTICS 2011-2013

| | On Campus ¹ | | | Residential Facilities ¹ | | | Public Property ² | | | Non-Campus ² | | |
|--|------------------------|-------------|-------------|-------------------------------------|------------|------------|------------------------------|------------|------------|-------------------------|--------------|--------------|
| | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
| Murder | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 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 | 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 | 0/0/0 | 0/0/0 | 0/0/0 |
| Sex Offenses/Forcible³ | | | | | | | | | | | | |
| Rape | 0/0 | 0/0 | 1/0 | 0/0 | 0/0 | 1/0 | 0/0 | 0/0 | 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 | 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 | 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 | 0/0/0 | 0/0/0 | 0/0/0 |
| Sexual Battery | 1/0 | 1/0 | 0/0 | 0/0 | 0/0 | 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 | 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 | 0/0/0 | 0/0/0 | 0/0/0 |
| Robbery | 3/0 | 0/0 | 3/0 | 1/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Aggravated Assault | 2/2 | 1/0 | 1/1 | 1/1 | 0/0 | 1/1 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Burglary | 5/0 | 9/0 | 6/1 | 1/0 | 3/0 | 2/0 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Vehicle Theft | 24/0 | 10/0 | 14/0 | 1/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Arson | 0/0 | 2/1 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Total | 35/2 | 23/1 | 25/2 | 4/1 | 3/0 | 4/1 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| VAWA Specific | | | | | | | | | | | | |
| | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
| Domestic Violence | N/A | N/A | 1/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0/0 |
| Dating Violence | N/A | N/A | 0/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0/0 |
| Stalking | N/A | N/A | 0/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0/0 |
| Total | N/A | N/A | 1/0 | N/A | N/A | 0/0 | N/A | N/A | 0/0 | N/A | N/A | 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).

CSULA CAMPUS STATISTICS 2011-2013

Special Category Arrests (Liquor, Drug, and Weapons)

| | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
|--------------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|------------|--------------|--------------|--------------|
| Liquor Laws | 7/3 | 9/2 | 0/0 | 2/0 | 7/1 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Drug Violations | 6/3 | 10/1 | 20/6 | 1/1 | 4/0 | 9/1 | 0/0 | 1/0 | 0/0 | 0/0/0 | 0/0/0 | 1/0/0 |
| Weapons Possession | 1/1 | 1/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0 | 0/0/0 | 0/0/0 | 0/0/0 |
| Total | 14/7 | 20/3 | 20/6 | 3/1 | 11/1 | 9/1 | 0/0 | 1/0 | 0/0 | 0/0/0 | 0/0/0 | 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 | | |
|--------------------|------------------------|------|------|-------------------------------------|------|------|------------------------------|------|------|-------------------------|------|------|
| | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
| Liquor Laws | 189 | 460 | 328 | 189 | 460 | 328 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug Violations | 22 | 105 | 269 | 15 | 104 | 268 | 0 | 0 | 0 | 0 | 0 | 0 |
| Weapons Possession | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Hate Crimes

2011: One (1) hate crime was reported On-Campus for vandalism against race.

2012: There were no reported hate crimes.

2013: There were no reported hate crimes.

Fire Statistics

| Student Housing Bldg | Date of Fire | Cause of Fire | Injuries | Deaths | Property Damage |
|----------------------|--------------|--------------------------------|----------|--------|-----------------|
| Phase 1 | 1/29/11 | Space heater | 0 | 0 | \$45.00 |
| Phase 1 | 12/9/11 | Pizza box in oven | 0 | 0 | \$250.00 |
| Phase 2 | 5/30/11 | Hot coals in dumpster | 0 | 0 | \$0.00 |
| 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 |

| | 2011 | 2012 | 2013 |
|-------------------------------|------|------|------|
| Total # of Fires for Phase 1 | 2 | 1 | 1 |
| Total # of Fires for Phase 2 | 1 | 1 | 0 |
| *Total # of Fires for GE Apts | N/A | 1 | 0 |

*Golden Eagle Apartments did not exist in 2011.

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 |

PUBLIC SAFETY PROGRAMS AND SERVICES



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, parents, faculty, new employees, student organizations, and community organizations.

In 2013, approximately 1,390 hours of dedicated crime prevention activity were provided, which included public contact with almost 14,551 individuals. Contact the Crime Prevention Office at (323) 343-6290 for more information.

EAGLE PATROL – ESCORT SERVICE

This 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.

EMERGENCY PREPAREDNESS

Each school year Cal State L.A. conducts three campuswide 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 in the schedule of classes and on the Risk Management/Environmental Health and Safety webpage. Visit the Public Safety webpage for more information on emergency preparedness and view Cal State L.A.'s Multi-Hazard Plan (www.calstatela.edu/univ/police/emergency.php).

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.



PUBLIC SAFETY PROGRAMS AND SERVICES cont'd.

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.

EMERGENCY NOTIFICATION PROGRAMS

As part of the university's commitment to campus safety, Cal State L.A. is upgrading the emergency notification system, now called Eagle Alert. Eagle Alert will contact all students, faculty and staff during emergencies affecting the university using the following delivery methods

- Messages to Cal State L.A. email addresses
- Text messages to mobile phones

FIRST AID

University police officers are available seven 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.

FINGERPRINTING

Live Scan fingerprinting services are available Monday – Friday, from 9 a.m. – 3 p.m. on a 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.

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.

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 through Friday from 8:00 a.m. to 4:30 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, including weekends and 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 (P&T), located south of Parking Lot 3. Students are also able to purchase their Student or Motorcycle parking permits online at <https://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 – Thursday from 8 a.m. to 6 p.m., and Fridays, 8 a.m. to 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.

UNIVERSITY PROGRAMS AND SERVICES



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.

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.

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 L.A. 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, 8:30 a.m. - 5:45 p.m., and Fridays, 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 '911' for medical and psychological emergencies.

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.

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,

UNIVERSITY PROGRAMS AND SERVICES cont'd.



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

Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The Scope of the Problem

Research studies have produced varying results, but the information below is representative of what we know regarding these crimes:

- **Dating Violence and Domestic Violence**

- ◇ More than one-third of women and one-fourth of men living in the U.S. are raped, physically abused, or stalked by a current or former intimate partner at some point in their lives. ⁱ
- ◇ Twenty-five percent of women and fourteen percent of men are victims of severe physical abuse by a current or former intimate partner. ⁱⁱ
- ◇ Of adult intimate partner violence victims, 22% of women and 15% of men first experienced partner violence at ages of 11 to 17. ⁱⁱⁱ

- **Sexual Assault**

- ◇ Nearly 1 in 5 women and 1 in 71 men have been raped. ^{iv}
- ◇ College women are at higher risk for sexual assault than women who do not attend college. Approximately 1 of every 4 female college students is the victim of a completed or attempted rape. ^v
- ◇ 1 in 6 men are sexually abused before age 18. ^{vi}
- ◇ Men comprise about 10% of all sexual assault victims. Approximately 5% of men have been made to penetrate someone else. ^{vii}

- **Stalking**

- ◇ Approximately 1 in 6 women and 1 in 19 men have been the victim of stalking at some point in their lives. ^{viii}
- ◇ Victimization rates are highest for women and men ages 18-24. ^{ix,x}
- ◇ About 70% of stalking victims know their stalker in some way. ^{xi}

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).



**Project SAFE
CSULA Student Health Center**

PROJECT SAFE cont'd.

Reducing Risk of Domestic and Sexual Violence Perpetration

Reducing Dating Violence and Domestic Violence Perpetration Risk

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?
- 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?

If any of these behaviors sound familiar to how you act or how your partner 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.^{xii}

Ending abuse and violence requires a commitment to change. What do you need to know? If you are abusive, understand that changing abusive behavior is a long and hard process that you cannot do alone. Though you may not know it, you rely on your beliefs and attitudes to justify your abusive behavior. With help, you can change and learn how to treat your partner with true respect. It's extremely important that you get professional help through this process. Chat with a peer advocate at www.loveisrespect.org to find services in your local area; or call the National Domestic Violence Hotline at 800-799-SAFE (7233) or 800-787-3223 (TTY).^{xiii}

Reducing Sexual Assault Perpetration Risk

The key to preventing sexual assault is to ensure valid consent. It is the responsibility of the person initiating a particular sexual contact or sex act to ensure he or she has consent. Be aware that if you have not been given consent or if consent has been withdrawn, sexual activity must be immediately stopped, no matter when lack of consent occurs. California law allows consent to be withdrawn at any time—including after penetration.^{xiv}

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

- **Positive cooperation by each individual involved.**
 - ◇ Based on personal choice.
 - ◇ Equality – Power differentials can imply lack of ability to consent.
 - ◇ Active participation in decision-making – Partner is not passive or silent.
 - ◇ 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 must be free of coercion, force, violence, threat of violence or retribution.
- ◇ Pressuring someone until he or she changes their mind is not consent.
- ◇ Able to resist if desired.
- ◇ Not incapacitated by alcohol or other drugs and substances.
- ◇ Not unconscious or asleep.
- ◇ Don't have a mental or physical condition or disability which prevents or limits ability to consent.

- **Each person knowing the nature of the act or transaction involved.**

- ◇ Partners keep in mind that consent for one act (e.g., oral sex or intimate touching) doesn't give consent for others (e.g., sexual intercourse).
- ◇ Understand what the intimate act entails.
- ◇ Partners respect each other's limits.

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

- **Relationship status does not convey consent.**

- ◇ Relationship status (e.g., date, spouse), being "in love," spending money on someone, giving or receiving gifts does not:
 - ◆ Impart consent – whether it's hookup or marriage.
 - ◆ Obligate anyone to be sexually intimate with someone else if they don't want to.
 - ◆ Entitle anyone to sex.
 - ◆ Consent for all sexual contact is required.

- **Requests for an individual to use condoms or other birth control methods don't mean consent.**

- ◇ Does not convey consent on its own. Depending on the genders of the individuals involved, this request is simply a victim's means for protection against sexually transmitted infections or pregnancy.

PROJECT SAFE cont'd.

Reducing Domestic and Sexual Violence Victimization Risk

General Risk Reduction

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

Abusive relationships and even acquaintance rapes typically start off as any other relationship or social interaction; and there may initially be no obvious signs of the person's intent. An abuser or acquaintance rapist will 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 assault their victims.

Being able to recognize the warning signs of abusive behaviors is the first step in reducing risk. Clearly communicate boundaries. Trust your feelings. Stay sober. Plan for safety. Get help when needed.

Sexual Assault Victimization Risk Reduction

By being prepared, alert and assertive, you can reduce your risk of being sexually assaulted.

- **Be assertive:** Being assertive means that you state what you want. Remember, "No" means "No." If you do not want to be intimate with another person, tell him or her clearly. Use a confident voice and body posture; Match your body language to your words - don't laugh and smile while saying "No." Do not just "go along" for the wrong reasons. Watch out for warning signs or "red flags" from your partner in intimate situations.
- **Be prepared:** Travel with a friend; stay in groups, as there is safety in numbers. Plan your outings and avoid getting into a bad situation. Stay sober. Studies indicate that about half of all U.S. sexual assaults involve the use of alcohol by the offender, the victim, or both. Never leave a drink unattended. Educate yourself about date rape drugs. Walk only in lighted areas after dark. Keep the doors to homes and cars locked. Know where the phone is located. Don't go anywhere alone with someone unless you know the person very well and trust him or her.
- **Red flags to watch out for:** You should be especially alert if the person you are with... Ignores, interrupts, or makes fun of you. Sits or stands too close to you or stares at you. Has a reputation for being a "player." Drinks too much or uses drugs;

tries to get you to use drugs or alcohol. Tries to touch or kiss you or gets into your "personal space" when you barely know him or her. Wants to be alone with you before getting to know you, or pressures you to be alone together. Does what he or she wants without asking what you want. Gets angry or sulks if he or she doesn't get what he or she wants. Pressures you to have sex, or tries to make you feel guilty for saying "no."

- **Be alert: Trust your instincts;** if a place or person feels unsafe, it probably is. Watch for signs of trouble such as strangers in private areas or persons loitering in places where they shouldn't be. If you sense trouble, **get to a safe place** as soon as possible. If you feel you are in danger, **attract help any way you can.**^{xv}

An Important Note

If you do find yourself in an abusive relationship, sexually assaulted, or being stalked, you need to know it's not because you did something wrong. You are not to blame for the abusive and violent actions of another person, no matter what he or she may tell you. Help is available. Consider reporting criminal activity to the police, preserving evidence, and obtaining assistance and safety recommendations from 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), online hotline available
- Safe Helpline (for the DoD community): www.safehelpline.org | 877.995.5247

PROJECT SAFE cont'd.

Warning Signs and Assessment

Descriptions of domestic and sexual violence (per California law and CSU/CSULA policies and procedures) are presented elsewhere in this report, but the reality of what domestic and sexual violence looks like depends on the individuals involved and the nature of their relationships (e.g., acquaintance, family, committed relationship, date, colleagues, CSULA employee/student, stranger).

Warning Signs

• **Dating Violence 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).^{xvi}

In addition to criminal domestic violence, abusive relationships are often associated with other crimes, such as battery,^{xvii} child abuse and neglect, child witnessing domestic violence,^{xviii} sexual assault,^{xix} stalking,^{xx} terrorist threats,^{xxi} and other crimes.

Warning signs of dating violence and domestic violence include:

- ◇ Telling you that you can never do anything right.
- ◇ Embarrassing or shaming you with put-downs.
- ◇ Looking at you or acting in ways that scare you.
- ◇ Telling you that you are a bad parent or threatening to harm or take away your children.
- ◇ Intimidating you with guns, knives or other weapons.

- ◇ Showing jealousy of your friends and time spent away.
- ◇ Controlling every penny spent in the household.
- ◇ Controlling who you see, where you go, or what you do.
- ◇ Preventing you from working or attending school.
- ◇ Destroying your property or threatening to hurt or kill your pets.
- ◇ Pressuring you to have sex when you don't want to or do things sexually you're not comfortable with.
- ◇ Keeping you or discouraging you from seeing friends or family members.
- ◇ Taking your money or refusing to give you money for expenses.
- ◇ Preventing you from making your own decisions.
- ◇ Pressuring you to use drugs or alcohol.^{xxii}

• **Sexual Abuse and Sexual Assault**

There is a wide array of behaviors that make up nonconsensual sexual conduct; from coercion to violence. Reproductive coercion – actions aimed at controlling someone's reproductive health – is also a problem for many.^{xxiii}

Warning signs of sexual abuse and assault 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.

- ◇ 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."
- ◇ Reacting negatively with sadness, anger or resentment if you say no or don't immediately agree to something.
- ◇ 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.
- ◇ Lying about their methods of birth control (for example, lying about having a vasectomy, lying about being on the pill).
- ◇ 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.).
- ◇ Forcing pregnancy and not supporting your decision about when or if you want to have a child.
- ◇ Forcing you to get an abortion, or preventing you from getting one.
- ◇ Threatening you or acting violent if you don't comply with their wishes to either end or continue a pregnancy.^{xxiv}

PROJECT SAFE cont'd.

- **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. When violence is involved, stalking often results in lethal acts. ^{xxv}

Stalking cases can involve additional crimes and threatening behaviors, including: identity theft; terrorism or terrorist threats; vandalism; disclosing personal information about the victim to others; domestic violence; sexual assault; violation of protective/restraining orders; kidnapping; and murder. ^{xxvi}

Warning signs of stalking 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. ^{xxvii}

The Assessment

Domestic and sexual violence warning signs are red flags. When these signs are recognized it's time to take a moment and make a quick assessment and ask:

- **“Am I a perpetrator?”**

- ◇ If you answer yes to this question, the first and probably most difficult thing to do is admitting that your behavior is wrong. Domestic and sexual violence are intentional choices. It's important to take responsibility for your actions – no one else is responsible. Choose and commit to not abusing or violating another person. Get help from and get connected to local resources through the National Domestic Violence Hotline (www.thehotline.org; 800.799.7233 or 800.787.3224 - TTY). If you are already making changes, keep moving forward.

- **“Am I being abused? Have I been sexually assaulted? Am I being stalked?”**

- ◇ If you answer yes to this question, first and foremost, know and believe that you are not at fault. Everyone deserves to be treated with respect. You are not the cause of the violence; nor are you responsible for someone else's actions – no matter what a perpetrator may tell you.
- ◇ You know your situation best, but if you need help to reduce your risk of harm, consider reporting crimes to law enforcement or the CSULA Title IX Coordinator. Think about getting safety planning assistance through a national hotline or local domestic and sexual violence agency.

- ◇ Consider your options. You have the right to: report misconduct and the crimes committed against you; expect CSULA to take immediate and appropriate steps to investigate incidents and to promptly and equitably resolve matters; ^{xxviii} seek assistance from victim assistance resources; preserve evidence and, if applicable, obtain the sexual assault forensic exam at no cost without a requirement to participate in the judicial system; ^{xxix} obtain medical and mental health care; request protective/restraining orders; seek financial compensation for crime related losses; ^{xxx} pursue additional rights. You also have the right to do nothing.

- ◇ Help is available 24/7 from the National Domestic Violence Hotline (www.thehotline.org; 800.799.7233 or 800.787.3224 - TTY) and local domestic and sexual violence agencies (refer to the resources)

- **“Do I know someone whose behavior condones violence?” “Do I know someone who is a perpetrator?” “Do I see or hear inappropriate conduct or a domestic and sexual violence incident occurring?”**

- ◇ If you answer yes to any of these questions, consider this fact – because behavior occurs on a continuum, from respectful, consensual and legal conduct to inappropriate comments or gestures to harassment to violence, there are many ways you, as an active or engaged bystander, can intervene. ^{xxxii} Be alert to inappropriate conduct. Take responsibility to intervene, if safe to do so. Engage other bystanders for assistance when needed. If someone is in imminent danger or intervening in a situation will compromise your safety, call 911. ^{xxxii}

PROJECT SAFE cont'd.

- ◇ Based on circumstances, you might intervene by:
 - ◆ Respectfully calling attention to comments that condone or are examples of domestic and sexual violence.
 - ◆ Speaking out against inappropriate and criminal behavior in a manner that minimizes potential for escalation.
 - ◆ Helping extricate someone from a risk situation.
 - ◆ Causing a distraction that allows a potential victim escape a risky situation.
 - ◆ Reporting crimes, discrimination, harassment, retaliation, and other misconduct to appropriate officials.
 - On Campus, these officials may include University Police, Title IX Coordinator, Child Abuse Mandated Reporting Coordinator, Judicial Affairs Officer, or Campus Security Authorities.
 - Off campus, these officials may include local law enforcement, a child protection hotline, or elder abuse hotline.

- **“Do I know someone who is a victim?”**

- ◇ If you answer yes to this question, you can help by: showing you care and offering support; listening without passing judgment; believing what you are told; encouraging safety planning and obtaining assistance from a national hotline or local domestic and sexual violence agency; informing her or him about their rights and options; encouraging self-care; helping without taking control; and allowing the person to decide what is best for their situation.
- ◇ If you're not sure how to help your friend, family member, colleague or acquaintance, help is available 24/7 from the National Domestic

Violence Hotline (www.thehotline.org; 800.799.7233 or 800.787.3224 - TTY) and local domestic and sexual violence agencies.

If You Need to Preserve Evidence

Why Preserve Evidence?

All victims are encouraged to preserve evidence—even when not intending to report a crime (to law enforcement or campus officials). Evidence preservation is important in the event a victim decides to report the crime, seek a protective/restraining order, or file a civil lawsuit – whether immediately after a crime is committed or at a future date. Detailed evidence preservation tips, including information on the sexual assault forensic exam are available through 24-hour domestic and sexual violence hotlines and law enforcement agencies. Victims should keep in mind that evidence should be kept in a safe place where a perpetrator is not likely to discover it.

Please note: although evidence preservation is encouraged, every victim has the right to choose to preserve evidence or decline to preserve it.

- **Evidence Preservation Immediately After the Crime**

It may be difficult to do, but while a victim is waiting for law enforcement it is very important that she or he not: disturb the location where the crime occurred; change clothes; clean up; bathe or shower; go to the bathroom; brush teeth; douche; or anything else that may lead to loss of evidence, especially DNA evidence.

- **General Evidence Preservation Tips**

How evidence is preserved depends on the circumstances of the crime. In all cases, documentation is important—such as 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.

- **Evidence Preservation for Sexual Assault Survivors**

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 may perform the exam 96 hours or more after a sexual assault).

For victims who do not wish to report their sexual assaults to law enforcement, ***federal and state law make the forensic exam available to victims at no cost with no obligation to file a report with law enforcement,***^{xxxiii} 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 treatment center and another support person of their choice present at the forensic exam.^{xxxiv}

PROJECT SAFE cont'd.

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.

Victims' Rights

Dating and domestic violence, sexual violence and stalking victims have a variety of rights granted by federal and state laws. These include the right to: report crimes and not be prevented from reporting;^{xxxv} confidentiality protections;^{xxxvi} immigration relief;^{xxxvii} HIV testing of sexual violence perpetrators;^{xxxviii} pursue civil lawsuits;^{xxxix} restitution^{xl} and reimbursement;^{xli} and prior notice of the release of convicted perpetrators.^{xlii}

In addition, there are additional rights given to victims of campus-related crimes. One such right is assistance in, changing academic, living, transportation, and working situations, if the accommodation is requested and reasonably available, regardless of whether the victim chooses to report the crime to University Police or local law enforcement.^{xliii}

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

Protective/Restraining Orders

One of the important 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.^{xliv} Restraining orders can be an important component of a safety plan. Crime victims have the right to request a restraining order from a superior court (www.courts.ca.gov/find-my-court.htm). There are different types of restraining orders, each of which applies to a different set of circumstances. Because of this, a single victim may have multiple restraining orders. Available restraining orders include:

- **Emergency protection orders:** victims should call 911 when in imminent danger. Responding law enforcement can

then an issue emergency protective order.^{xlv} 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.^{xlvi}
- **Domestic violence restraining orders** are used for protection from current or former intimate partners or close family members.^{xlvii}
- **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.^{xlviii}
- **Workplace violence restraining orders** are orders that victims can request their employers to file for protection against workplace violence.^{xlix}

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 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.

CSULA 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.

About Project SAFE

Project SAFE is the Cal State L.A. Student Health Center, Health Promotion and Education Center's dating violence, domestic violence, sexual assault, and stalking education and advocacy program.

For additional information and resources, please visit www.calstatela.edu/studenthealthcenter/safe or call us at 323.343.3340.

PROJECT SAFE cont'd.

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 Domestic and Sexual Violence Treatment Centers

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

Services provided by local domestic and sexual violence treatment centers can vary, but generally include: 24-hour hotlines; services for women, men, and children; information and referral; 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. Contact an agency of interest for specific service details.

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 Hotline: <http://da.co.la.ca.us/domv.htm> | 800.978.3600 - *Southern California Only*
 - ◆ Assistance is available in Arabic, Armenian, Cantonese, English, Farsi, Japanese, Khmer, Korean, Mandarin, Spanish, Tagalog, Thai, and Vietnamese.
 - ◇ 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
 - ◇ Ocean Park Community Center: <https://www.opcc.net> | 310.264.6644
 - ◇ Valley Trauma Counseling Center: www.csun.edu/vtc/newlayout.html | 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 | 310.763-9995
- **Orange County:** Community Service Programs, Inc.: www.cspinc.org | 949.975.0244
 - **Riverside County:** Riverside Area Rape Crisis Center: www.rarcc.org | 951.686.7273
 - **San Bernardino County:** San Bernardino Sexual Assault Services: www.sbsas.org | 909.885.8884
 - **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

Dating Violence and Domestic Violence

- Break the Cycle: www.breakthecycle.org
- Helpguide: www.helpguide.org/topics/abuse.htm
- L.A. Gay & Lesbian Center STOP Domestic Violence Program: www.laglc.org/domesticviolence
- Stop Abuse for Everyone: www.stopabuseforeveryone.org
- That's Not Cool: www.thatshotcool.com

Sexual Assault

- 1in6 For Men: www.1in6.org
- California Coalition Against Sexual Assault: www.calcasa.org
- Megan's Law – Registered Sex Offender Information: www.meganslaw.ca.gov
- Men Can Stop Rape: www.mencanstoprape.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

- Stalking Resource Center: www.victimsofcrime.org

Victim Assistance

- California Courts Self-Help Center: www.courtinfo.ca.gov/selfhelp
- 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/showpage.cfm?pageid=3895#Victim_information
- L.A. County District Attorney's Office: <http://da.co.la.ca.us>
- Legal Aid Foundation of Los Angeles: www.lafla.org
- 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
- Victims of Crime Resource Center: www.1800victims.org

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STUDENT AFFAIRS



The Office of the Assistant Vice President for Student Affairs (AVPSA), in the Student Affairs building, Room 115A, is a valuable resource for students. Here, students can ask questions and obtain copies of important policy documents including the Student Conduct Code, Academic Honesty 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 (JAO), also located in SA 115A, is responsible for investigating alleged violations of the Student Conduct Code (5 Cal. Code Regs. § 41301, et seq) pursuant to the CSU Student Conduct Procedures, Executive Order 1098 (EO 1098). These procedures govern all student disciplinary matters systemwide.

Article IV of EO 1098, discussed in this section, outlines the proceedings for complaints of alleged violations of the Student Conduct Code including Discrimination, Harassment and Retaliation as defined in the Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students – Executive Order 1097. Article IV of EO 1098, also discussed in this section, lists the possible sanctions that may be imposed after a final, official disciplinary finding is made. For more information, please visit or call the Judicial Affairs Office at **(323) 343-3103**.

Article IV. Proceedings (CSU Student Conduct Procedures- Executive Order 1098)

A. Complaint Intake/Investigation

1. **Complaint.** 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. **Investigation.** Subject to section 4 below, 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 (Cal. Penal Code § 626.4), no contact orders concerning one or more members of the University community, or other Interim Remedies for the protection of any Complainant/victim or witnesses.
3. **Timelines.** Investigations shall be concluded within 40 Working Days after a complaint has been made. (In cases alleging DHR, investigations shall be concluded within 60 Working Days.)

STUDENT AFFAIRS cont'd.

4. Cases Involving Allegations of Discrimination, Harassment or Retaliation.

- a. Complaints by Students alleging Discrimination, Harassment or Retaliation including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking against other Students shall be filed and investigated according to the procedures set forth in Executive Order 1097. The DHR Administrator (or the Title IX Coordinator, where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence) shall notify the student conduct administrator of the status of any such complaint or appeal to the Chancellor's Office, as well as the investigation results (including findings and any Interim Remedies afforded to the Complainant/victim), so that the student conduct administrator may determine whether to initiate student conduct proceedings.
- b. Complaints by CSU employees or Third Parties, as defined in Executive Order 1096 (e.g., vendors, auxiliary employees or Campus visitors), alleging Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking) against Students shall be filed and investigated according to the procedures set forth in Executive Order 1096. The DHR Administrator (or the Title IX Coordinator, where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence) shall notify the student conduct administrator of the status of any such complaint or appeal to the Chancellor's Office, as well as the investigation results (including findings and any Interim Remedies afforded to the Complainant/victim), so that the student conduct administrator may determine whether to initiate student conduct proceedings.

B. Notice of Conference and Conference

1. Within 10 Working Days after the investigation is complete (or in cases involving Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), within 10 Working Days after the student conduct administrator receives the Investigator's findings pursuant to Article IV.A.4, above), 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.
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, including in cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), sanctions designed to provide protection/Remedies to the Complainant/victims;
 - 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 (Cal. Penal Code § 626.4);
 - f. Notification of the Student's right to be accompanied at the conference by a support person/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 hearing.
3. In cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), the student conduct administrator shall offer the Complainant/victim the opportunity to meet with the student conduct administrator separately, prior to the conference. The conference and any meetings with the Complainant/victim shall occur within 20 Working Days after the student conduct administrator receives the report and findings pursuant to Article IV.A.4 of this Executive Order.
4. The conference with the Student charged and any meeting with the Complainant/victim shall be conducted as follows:
 - a. The conference and/or meeting shall not be recorded.
 - b. The student conduct administrator controls the conference/meeting and may exclude any advisor who materially disrupts the conference or meeting.
 - c. The conference requirement is waived if the Student or Complainant/victim fails to attend the conference or otherwise declines to cooperate.

STUDENT AFFAIRS cont'd.

5. 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 settlement agreement), taking into consideration the results of the investigation and any additional information provided by the Student charged and the Complainant/victim 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 charged and the University after the Student charged has been given a reasonable opportunity to review the proposed settlement agreement with a support person/advisor of the Student's choice. Suspension of one academic year or more or expulsion shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with any settlement agreement.
 6. 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.
 7. In cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), the student conduct administrator shall promptly notify the DHR Administrator or the Title IX Coordinator of the outcome of the conference with the Student charged. If the case does not proceed to hearing, the DHR Administrator (or the Title IX Coordinator) shall at that time:
 - a. Notify the Complainant/victim of the outcome of the conference, including any sanction that relates directly to the Complainant. Victims of crimes of violence, including sex offenses, shall also receive notice pursuant to Article IV.F.3.
 - b. Take any appropriate further steps to address the effects of any hostile environment resulting from the Discrimination, Harassment or Retaliation.
 - c. Identify and address any remaining systemic or other patterns of Discrimination, Harassment or Retaliation at the Campus.
 8. Discipline cases involving allegations of Discrimination, Harassment or Retaliation may be resolved through the informal conference process. It is, however, not appropriate in such cases 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 charged be required. The Complainant must be notified of the right to end any such informal process at any time.
 9. 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 settlement agreement with an advisor/support person of his/her choice.
- C. Notice of Hearing**
1. The student conduct administrator shall issue a notice of hearing promptly after the conference. In cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), 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 five 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, including in cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), sanctions designed to provide protection/Remedies to the Complainant/victim;
 - d. The conference and/or meeting shall not be recorded.
 - e. The student conduct administrator controls the conference/meeting and may exclude any advisor who materially disrupts the conference or meeting.
 - f. The conference requirement is waived if the Student or Complainant/victim fails to attend the conference or otherwise declines to cooperate.

STUDENT AFFAIRS cont'd.

- g. Notification that the Student may be accompanied at the hearing by an advisor, and the Campus policy regarding use of attorneys. In cases of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), if the Student charged brings an attorney, the Complainant/victim shall also be notified of the right to bring an attorney. If attorneys are allowed, 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 five Working Days before 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 (Cal. Penal Code § 626.4); and
 - j. 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 (subject to Article III.J).
 5. A notice to appear at hearing shall be sent to any University-related witnesses at least 10 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; the Complainant/victim in cases of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking); their respective advisors; appropriate witnesses while they are testifying; a support person to accompany alleged victims of

Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking) while they are testifying; the hearing officer; and one person to assist the hearing officer in recording the hearing. The Student charged, any Complainant, and any witnesses 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 five Working Days before the hearing.

2. Hearings are intended to be educational rather than adversarial. The hearing officer controls the hearing. Except as provided in section 4 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 charged, the Complainant, or the student conduct administrator.
4. In cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking):
 - a. The Complainant/victim may be present while evidence is being presented concerning the charges that relate to him/her, unless the hearing officer grants a request of any Student or other witness that the Complainant/ victim be excused during that Student or witness's testimony to protect privacy rights and/or pursuant to FERPA.
 - b. The DHR Administrator (or the Title IX Coordinator, where the allegations involve Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, or Stalking) may attend the hearing in its entirety.
 - c. Questions may not be posed to an alleged victim, including any Complainant who is an alleged victim, about his or her past sexual behaviors involving any persons other than the Student charged.
 - d. The hearing officer shall ask any questions of the alleged victims (including the Complainant if he/she is an alleged victim) on behalf of the Student charged (who shall give the hearing officer a written list of questions), unless the alleged victims expressly waive this requirement and consent to questioning directly by the Student charged.

STUDENT AFFAIRS cont'd.

- e. The hearing officer shall ask any questions of the Student charged and other witnesses on behalf of the alleged victim (who shall give the hearing officer a written list of any such questions), unless the victim in question expressly waives this requirement.
 - f. The investigation report and any Chancellor's Office Response prepared pursuant to Article IV.A.4 of this Executive Order and Executive Order 1096 or 1097 shall be entered into evidence at the hearing. Any report or response shall be redacted to protect private (e.g. contact) information concerning the Complainant or other witnesses.
5. 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. 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, the witnesses or DHR Administrator (or the Title IX Coordinator), unless both the student conduct administrator and the Student charged are present.
 6. 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.
 7. 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 he or she 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.
 8. 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 advisors) whose behavior causes a material disruption.
 9. The hearing officer's decisions regarding procedural issues are final.
 10. 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.
 11. At any time during the hearing, the Student charged 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 charged 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 shall submit a written report of findings and conclusions to the president, along with any recommended sanctions, including, in cases involving allegations of Discrimination, Harassment or Retaliation (including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking), recommendations regarding restricting the Student's contact with, or physical proximity to, the Complainant or other persons. The report shall be submitted 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 charged at the University-assigned or other primary e-mail address linked to the Student's University account.

STUDENT AFFAIRS cont'd.

3. In cases involving crimes of violence, including Sexual Violence, Domestic Violence, Dating Violence, or Stalking, both the Complainant-victim and the Student charged shall be simultaneously informed in writing of:
 - a. The outcome of any disciplinary proceedings that arise from such allegations;
 - b. Any change to the results that occurs prior to the time that such results become final; and
 - c. When such results become final. (20 U.S.C. § 1092)

This information is given only to the Student charged and Complainant-victim, and includes the name of the Student charged, any violation found to have been committed, and any sanctions imposed on the Student charged. (20 U.S.C. § 1232g; 34 C.F.R. § 668.46(b)(11)(vi)(B); and VAWA/Campus SaVE Act) The University may also notify any other alleged victim of the final results regardless of whether or not the charges are sustained. (34 C.F.R. § 99.31 *et seq.*)

4. In cases involving other allegations of Discrimination, Harassment or Retaliation without crimes of violence, a similar notice will be issued, but the information given to the Complainant-victim concerning sanctions shall be limited to any violation found to have been committed and any sanctions that relate directly to the Complainant-victim.
5. In cases involving Discrimination, Harassment or Retaliation (including Sexual Violence, Domestic Violence, Dating Violence or Stalking), the president shall also send his or her final decision to the DHR Administrator or the Title IX Coordinator so that he/she may determine whether any additional Remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.
6. In cases involving crimes of violence and/or Discrimination, Harassment or Retaliation (including Sexual Violence, Domestic Violence, Dating Violence or Stalking), if the Complainant-victim requests a copy of the transcript of the hearing, the University shall provide the portions of the transcript that relate to the requestor and concern whether a violation of the Student Conduct Code occurred.

Article V. Sanctions (CSU Student Conduct Procedures- Executive Order 1098)

- 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. (Cal. Educ. Code § 69810 *et seq.*)

3. **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, or other remedies intended to discourage a repeat of the 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 (Cal. Penal Code § 626.2); 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 any University rule during the probationary period.
6. **Suspension.** Temporary separation of the Student from active Student status or Student status.
 - a. A Student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the University (subject to individual Campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
 - b. A Student who is suspended for one academic year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual Campus application policies) once the suspension has been served. Conditions for readmission may be specified.
 - c. Suspension of one academic year or more shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with a settlement agreement.
7. **Expulsion.** Permanent separation of the Student from Student status from the California State University system. Expulsion shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with a settlement agreement.

CAMPUS HOUSING SERVICES



Housing Services is committed to creating a safe, supportive, and inclusive environment that is conducive to Cal State L.A. 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, earthquake preparedness, fire safety, and other emergencies. Housing Services provides annual training on emergency response to the central office administrative staff, 3 Resident Directors, 17 Resident Assistants, and 3 Resident Life Coordinators.

A Resident Assistant (RA) is on duty Monday through Friday from 5 pm until 9am and from 9am Saturday through 9 am 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 a 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 student 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 L.A. has a total of 218 units and 1,064 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 2013, drills were conducted on January 30th, April 23rd and October 17th.

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 in 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 specially 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.

Training

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

Missing Persons Reporting

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.

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 steps to be taken to locate, based on the type of missing person, as defined in 14213(a) PC.
- Broadcast a "Be on the look-out" to all Public Safety units without delay, when a child is under the age of 12 or the person missing is considered at-risk.
- Provide the reporting party with 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 911 (from any campus phone).

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

Title IX Notice of Non-Discrimination

Cal State L.A. 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, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), and protect all people regardless of their gender or gender identity from sex discrimination, which includes sexual harassment and sexual violence. **Executive Order 1095** Cal State L.A. adopts this CSU policy and procedure.

Sex 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. 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 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.

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.

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 the 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. (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.)

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.

For more information visit the Office for Equity, Diversity and Inclusion website at www.calstatela.edu/univ/hrm/equity_diversity.php

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

- 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 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.

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.

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. 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.

Who to Contact If You Have Complaints, Questions or Concerns

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

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 nondiscrimination based on sex. The campus Title IX Coordinator is available to explain and discuss: Your right to file a criminal complaint (in cases of Sexual Violence); 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.

If you have experienced Sexual Violence you are encouraged to **seek immediate assistance from police and healthcare providers** for your physical safety, emotional support and medical care. The campus Title IX Coordinator is available to assist you in notifying University police, if you wish. 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 advocate. If you would prefer not to notify University or local 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.

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

Campus Title IX Coordinator

Marisel S. Mulet, Esq.

Director, Equity, Diversity and Inclusion
California State University, Los Angeles
5151 State University Drive
Administration Bldg, Room 606
Los Angeles, CA 90032
(323) 343-3040
(323) 343-3662/fax

Deputy Title IX Coordinators

Leticia Gomez, Judicial Affairs Officer: SA 115A •
323.343.3812 • ltgomez@calstatela.edu

Sheila Hudson, Associate Athletics Director: PE 105 •
323.343.5240 • shudson@calstatela.edu

Rebecca Palmer, Associate Director for Residence Life,
Housing Services: Housing, Phase II •
323.343.4812 • rpalmer@calstatela.edu

University Police

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

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

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](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 and 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

Monday - Thursday

8:30am - 5:45pm

Friday

8:30am - 12:15pm

Medical Appointments

(323) 343-3302

Counseling and Psychological Services

(323) 343-3314

Domestic and Sexual Violence

Campus Domestic and Sexual Violence Resources

Gender and Sexuality Resource Center

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

Off-Campus Services

Sex Assault Center

VIP Urgent Care Center (24 hour-care)
LAC+USC Medical Center
2010 Zonal Avenue
Los Angeles, CA
(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

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

Your Reporting Options

The University's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for Sexual Violence. Moreover, victims should not be deterred from reporting incidents of Sexual Violence out of a concern that they might be disciplined for related violations of drug, alcohol or other University policies. Except in extreme circumstances, victims of Sexual Violence shall not be subject to discipline for related violations of University policy.

Criminal: Reporting to University police and/or local police is an option at any time following a Sexual Violence incident. If you choose not to report to the police immediately, 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 any incident of Sex Discrimination, Sexual Harassment, or Sexual Violence (e.g., Rape, Acquaintance Rape, Dating Violence, Domestic Violence or Stalking). Contact information for the Title IX Coordinator is listed in the previous page. The Title IX Coordinator will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident.

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 University work assignments, course schedules or supervisory reporting relationship; requiring the accused to move from University-owned or affiliated housing; immediately prohibiting the accused from coming to the University; or prohibiting the accused from contacting you. These options may be available to you whether or not you choose to report the Sexual Violence 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.

If it is determined that University policy prohibiting Sexual Violence was violated, the perpetrator 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. 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 perpetrator, 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 Sexual Violence, including Domestic Violence, Dating Violence and Stalking. Your campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

Non-reporting: You are strongly encouraged to report any incident of Sexual Violence 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.

How to File a Complaint under University Complaint Procedures

Federal and state laws require that the CSU adopt and publish complaint procedures that provide for prompt and equitable resolution of Sex Discrimination complaints, including Sexual Harassment and Sexual Violence.

[CSU Executive Order 1096](#) sets forth the university's systemwide policy and complaint procedure for Discrimination, Harassment and Retaliation complaints **made by third parties and employees** not eligible to file a complaint or grievance under a collective bargaining agreement or whose collective bargaining agreement incorporates the CSU systemwide complaint procedure.

[CSU Executive Order 1097](#) is the systemwide policy and complaint procedure for all complaints of Discrimination, Harassment or Retaliation **made by students** against the CSU, a CSU employee, other CSU students or a third party.

The campus Title IX Coordinator is available to provide you with written and verbal information regarding the applicable University complaint procedure for investigating and addressing your reported incident. Contact information for the Title IX Coordinator is listed in the previous page.

Sexual Violence and Confidentiality—Know Your Options

We encourage victims of Sexual Violence, Dating Violence, Domestic Violence, and Stalking (collectively Sexual Violence) 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

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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.

Finally, 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 Clergy – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of Sexual Violence 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, if applicable. Following is the contact information for relevant professional counselors and physicians on campus:

Hai Ho, MD, Physician – (323) 343-3314
Paul Kim, MD, Physician - (323) 343-3314
Rolando Tringale, MD, Physician - (323) 343-3314
Hiawatha Harris, MD, Psychiatrist - (323) 343-3314
Joseph Ortego, MD, Psychiatrist - (323) 343-3314
Sandra Escamilla, LCSW, Counselor - (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 – 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 violence 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 some of the sexual assault and domestic violence counselors and advocates on campus:

Joanna Gaspar, MS, MPH, Senior Health Educator –
(323) 343-3341
Jeri Landon, RN, MPH, CHES, Health Educator –
(323) 343-3341

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 Violence, Domestic Violence, and Dating Violence). This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to you, if applicable.

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

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

Reporting to University or Local Police

If you report to local or University Police about Sexual Violence, the police are required to notify you that your name will become a matter of public record unless confidentiality is requested. 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.

Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report incidents of Sexual Violence when they are on notice of it. When you tell the Title IX Coordinator or another University employee about a Sexual Violence 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, the University strongly encourages victims to report Sexual Violence directly to the Title IX Coordinator.***

As detailed above in the Privileged and Confidential Communications section, all University employees *except* physicians, licensed counselors, and sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any Sexual Violence incidents of which they become aware. The University will need to determine what happened – and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a Sexual Violence incident except as otherwise required by law or University policy. A Sexual Violence 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 of Sexual Violence. 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.

The Title IX Coordinator can be reached at:

Marisel S. Mulet

5151 State University Drive
Administration Building, Room 606
Los Angeles, California 90032
(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 guarantee complete confidentiality. If you wish 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 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 Violence 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 perpetrator pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

- 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 of Sexual Violence unless you are under the age of 18 or you provide the University with written permission to do so.

Under California law, and pursuant to University policy, all 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 Sexual Violence incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the University is under a continuing legal obligation to address the issue of Sexual Violence campus-wide, reports of Sexual Violence (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 revision of 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.

Campus, Civil, and Criminal Consequences of Committing Acts of Sex Discrimination, Sexual Harassment, and Sexual Violence

Individuals alleged to have committed Sexual Violence may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline/sanctions at the University. Employees may face sanctions up to and including dismissal from employment, per established CSU policies and provisions of applicable collective bargaining agreements. Students and employees charged with Sex Discrimination, Sexual Harassment or Sexual Violence will also be subject to discipline, pursuant to University policies, and will be subject to appropriate sanctions.

In addition, during any investigation, the University may implement interim measures in order to maintain a safe and nondiscriminatory educational and working environment. Such measures may include immediate interim suspension of the accused from the University, a required move from University-owned or affiliated housing, an adjustment to work or course schedule, or prohibition from contact with parties involved in the alleged incident.

Myths and Facts about Sexual Violence

What You Can Do To Help Stop Sexual Violence

- Sexual contact requires mutual consent. An incapacitated person (for example, a person who is intoxicated by 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 dating/ domestic violence, sexual assault, stalking or any other form of violence.
- 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 Violence, Domestic Violence, Dating Violence, and Stalking with friends—speak out against violence and clear up misconceptions.
- Don't mistake submission or silence for 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.

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- 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 a Domestic Violence, Sexual Violence 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.

Common Myths and Facts about the Causes of Sexual Violence

- ◇ **Myth:** Victims provoke sexual assaults when they dress provocatively or act in a promiscuous manner.

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.

- ◇ **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. 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.

- ◇ **Myth:** It is not sexual assault 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.**

- ◇ **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 assault can occur in both heterosexual and same-gender relationships.

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

Fact: Rape and sexual assault can occur at any time, in many places, to anyone.

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

Fact: Victims of sexual violence 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 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.

- ◇ **Myth:** All sexual assault 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 sexual assault 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 sexual assault does not mean it did not happen.

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

Fact: The belief that only young, pretty women are sexually assaulted stems from the myth that sexual assault 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.

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- ◇ **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.

- ◇ **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.

Sexual Violence - Risk Reduction Tips

- **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. 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 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.

"What can I do in order to help reduce my risk of being a victim of Sexual Violence?"

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 Violence 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*

"What can I do in order to help reduce my risk of being an initiator of Sexual Violence?"

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.

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Rape, Acquaintance Rape, Sexual Assault, Sexual Battery and Consent

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. (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.

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.

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.

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 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.

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.**

What is Dating Violence or Domestic Violence?

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.

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. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.

Types of Dating/Domestic Violence That Includes Sexual Misconduct

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

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General Pattern of Behavior

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

Any actions used for the intent of gaining power and control over a person:

- **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)
- **Emotional Abuse:** non-physical behaviors such as threats, insults, constant monitoring, humiliation, intimidation, isolation, silent treatment or stalking
- **Sexual Abuse:** any action that impacts the partner's ability to control their sexual activity or the circumstance which sexual activity occurs, including rape, coercion or restricting access to birth control

Warnings or Signs of Potential Dating/Domestic Violence

Ask yourself if your partner engages in one or any of the following activities:

- 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 financial 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.

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:

- 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?

OFFICE FOR EQUITY, DIVERSITY AND INCLUSION

Other Things You Can Do

- **In an emergency, call 9-1-1** 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 to 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.
 - 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.
- [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](#)

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.

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



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 L.A. 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

Letycia 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, 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 problem, statistics and awareness, 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 freshmen, 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.



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 the 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 RISKS

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 attributable 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.

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 member 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.

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

UNIVERSITY POLICIES cont'd.

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).... |

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 L.A.) 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 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.

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)

UNIVERSITY POLICIES cont'd.

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).



When reporting a crime or emergency, please provide the following information, if possible:

WHAT: Describe the situation, starting with the events leading up to the incident.

WHEN: The date the incident occurred, including the time of day and day of week.

WHERE: The location the incident occurred.

WHO: A description of the other involved party (if applicable), i.e., student, faculty or staff member, or unknown. Include the name of the involved individual, if known. Where there any prior run-ins with the perpetrator or suspect?

WHY: What was the cause of the incident?

UNIVERSITY POLICIES cont'd.

POLICY ON THE PROHIBITION OF SEXUAL HARASSMENT

California State University, Los Angeles, will take action to prevent and eliminate sexual harassment, as mandated by the Chancellor's Executive Order No. 927, 1072 and 1074. Sexual harassment is conduct subject to disciplinary action, including termination. Sexual harassment⁷ includes but is not limited to:

- Unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- Any act which contributes to a workplace or learning environment that is hostile, intimidating, offensive, or adverse to persons because of the sexual nature of the conduct.
- Conditioning an act, decision, evaluation, or recommendation on the submission to or tolerance of any act of a sexual nature.

Although this policy focuses on the treatment of the 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 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. The prohibition against sexual harassment applies to all transactions of University business, whether on or off campus. Individuals with supervisory authority are responsible for reporting a formal complaint about sexual harassment to the Office of Diversity and Inclusion. Failure to do so may lead to appropriate administrative action. Specific rules and procedures for reporting complaints of sexual harassment and for pursuing available remedies are available in the following locations: Human Resource Management, Office for Diversity and Inclusion, Office of the Vice President for Student Affairs, University Student Health Center, and Center for Study of Gender Sexualities.

William A. Covina, President
October 2, 2013

**The parameters of "sexual harassment" are legally defined by state and federal statutes and court decisions. While the policy set forth above describes actions that fall generally within the scope of "sexual harassment", all CSU employees and students are required to conduct themselves in a manner that avoids sexual harassment as defined by state and federal law.*

Title IX, VAWA/Campus SaVE Act

Executive Order 1095

This Executive Order provides direction on implementing Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*) and related regulations (34 C.F.R. Part 106) (Title IX); 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.*); California Education Code §§ 67385.7 & 67390-91; and the Governor's *California Campus Blueprint to Address Sexual Assault*.

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 or gender identity from sex discrimination, including sexual harassment and sexual violence, which are forms of sex discrimination. Title IX requires institutions to take necessary steps to prevent sexual assault on their campuses, and to respond promptly and effectively when an assault 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 clarifies that "sexual violence" includes domestic violence, dating violence and stalking, which must be included in campus Clery reports, and also requires that institutional policies address and prevent sexual violence through training, education, and certain discipline procedures.¹ 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 violence 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 assault.²

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/violence 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 sexual harassment or sexual violence; (5) provide written rights and options information to victims of sexual violence; (6) provide training to the campus community on how to prevent, identify and report sex discrimination (including sexual harassment and sexual violence); (7) provide training on how to conduct investigations to those employees who investigate allegations of sex discrimination (including sexual harassment and sexual violence); (8) provide training to student conduct hearing officers.

The University is committed to creating and sustaining an educational and working environment free of sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. The safety and well-being of the campus community is a priority for the University.

Definitions

Sex 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:

- a. 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*
- b. 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*
- c. 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*
- d. 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.

Title IX, VAWA/Campus SaVE Act cont'd.

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.³ 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 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.⁴

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.⁵

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.⁶ (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.)

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 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.

Title IX, VAWA/Campus SaVE Act cont'd.

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.⁷

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.⁸ 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.⁹

Confidentiality and Sexual Violence, Dating Violence, Domestic Violence and Stalking

The University encourages victims of Sexual Violence, Dating Violence, Domestic Violence, or Stalking (collectively Sexual Violence) 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 victims aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn for help. The University strongly encourages victims to talk to someone identified in one or more of these groups.

Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a "privileged communication." University law enforcement employees may maintain the victim's identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of 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.

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 victims their rights and options with respect to confidentiality.

Privileged and Confidential Communications

*Physicians, Psychotherapists, Professional Counselors and Clergy*¹⁰ – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of Sexual Violence to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. *However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to victims, if applicable.*

*Sexual Assault and Domestic Violence Counselors and Advocates*¹¹ – 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 a victim without revealing any information about the victim and the incident of Sexual Violence to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from these counselors and advocates without triggering a University 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.*

Title IX, VAWA/Campus SaVE Act cont'd.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a 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 Title IX complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. 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 Violence, Domestic Violence, and Dating Violence).¹² 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** 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.¹³ 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;¹⁴ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Violence incident.¹⁵ If applicable, these professionals will explain this limited exception to victims.

Reporting to University or Local Police

If a victim reports to local or University Police about Sexual Violence, the police are required to notify victims that their names will become a matter of public record **unless confidentiality is requested.**¹⁶ 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 victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the **type** of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

Reporting to the Title IX Coordinator and Other University Employees

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

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, must report to the Title IX Coordinator all relevant details about any Sexual Violence incidents of which they become aware. The University will need to determine what happened – and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a Sexual Violence incident except as otherwise required by law or University policy. A Sexual Violence 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 of sexual violence. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

Title IX, VAWA/Campus SaVE Act cont'd.

If a victim requests of the Title IX Coordinator or another University employee that his/her identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

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

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

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

The University will not generally notify parents or legal guardians of a Sexual Violence report unless the victim is under 18 years old or the victim provides the University with written permission to do so.¹⁷

Under California law, and pursuant to University policy, all 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 Sexual Violence incident to the police.¹⁸ However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.¹⁹

Because the University is under a continuing legal obligation to address the issue of Sexual Violence campus-wide, Sexual Violence 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 Sexual Violence 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 Sexual Violence cases, California law mandates that the Ombuds as well as all other University employees (except for physicians, licensed counselors, sexual assault counselors and advocates as discussed in the Privileged and Confidential Communications section of this policy above) report Sexual Violence incidents to the Title IX Coordinator.

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.

Title IX, VAWA/Campus SaVE Act cont'd.

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 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.

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). The notice should make clear what kind of conduct constitutes Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking, that such conduct is prohibited Sex Discrimination, and what Consent means.

Attachment A is the form **Notice of Nondiscrimination on the Basis of Gender or Sex** 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.²⁰

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

VAWA/Campus SaVE Act mandate that a **written** explanation of rights and options be provided to a student, employee or third party **who complains to the University that he/she has been a victim** of Sexual Violence, Domestic Violence, Dating 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 form written explanation of **Rights and Options for Victims of Sexual Violence, Dating Violence, Domestic Violence, and Stalking** 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. The form shall contain the following:

- Information regarding possible sanctions or protective measures the University may impose following the final determination of a University disciplinary procedure regarding Sexual Violence, Rape, Acquaintance Rape, Domestic Violence, Dating Violence, Sexual Violence, or Stalking.²¹
- Information regarding procedures complainants should follow if Sexual Violence, Domestic Violence, Dating Violence, and Stalking has occurred, including **written** information about:
 - ◇ The importance of preserving evidence as may be necessary to prove Sexual Violence, Domestic Violence, Dating 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 victim's 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.
- Procedures for University disciplinary action for Sexual Violence, Domestic Violence, Dating Violence, and Stalking, including a clear statement that:
 - ◇ Such proceedings shall provide a prompt, fair, and impartial investigation and resolution;
 - ◇ Such proceedings shall be conducted by officials who receive annual training on issues related to these offenses, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - ◇ The accuser and the accused are entitled to 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;
 - ◇ Both the accuser and the accused shall be simultaneously informed in writing of:
 - ◆ The outcome of any disciplinary proceedings that arises from an allegation of Sexual Violence, Domestic Violence, Dating Violence, or Stalking;
 - ◆ The University's procedures to appeal the results of the disciplinary proceeding;
 - ◆ Any change to the disciplinary results that occurs prior to the time such results become final; and
 - ◆ When disciplinary results become final.

Title IX, VAWA/Campus SaVE Act cont'd.

- Information regarding how the University protects the confidentiality of victims in its annual Clery reports, including how publicly available recordkeeping is accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.
- Notification about counseling, medical/mental health, victim advocacy, legal assistance, and other services available for victims, both on campus and in the community.
- Notification about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the incident to campus police or local law enforcement.

A statement that 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: *"CSU policy prohibits retaliation against a person who reports Sexual Violence, assists someone with a report of Sexual Violence, or participates in any manner in an investigation or resolution of a Sexual Violence complaint. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education."*

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 Violence, Domestic Violence, Dating Violence, and Stalking.

Complaints made by employees, former employees, and applicants for employment. Executive Order 1096, entitled "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" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party. Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Violence, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement.

Complaints made by students.²² Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party.

Complaints made by student-employees. Executive Order 1096 is the appropriate systemwide procedure for all complaints of Sex Discrimination, including Sexual Harassment or Sexual Violence, made by student-employees where the alleged Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking 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 Violence, Domestic Violence, Dating 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 Violence, Domestic Violence, Dating Violence, and Stalking, it must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The campus must then take appropriate steps to eliminate the Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

The Campus Title IX Coordinator

Each campus is required to designate one Title IX Coordinator with primary responsibility to monitor and oversee overall campus-wide implementation of compliance with this Executive Order, [23] including coordination of training, education, communications, and administration of complaint procedures for faculty, staff, students and third parties in the areas of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating 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 oversee and ensure implementation of Title IX and 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).

Title IX, VAWA/Campus SaVE Act cont'd.

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, and the Title IX Coordinator shall oversee and supervise all such delegated tasks.

The Title IX Coordinator and any Deputy Title IX Coordinators must have adequate training on what constitutes Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating 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 (Attachment A)** and the **Myths and Facts About Sexual Violence (Attachment B)** are widely published and disseminated 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 Violence, Dating Violence, Domestic Violence, and Stalking (Attachment C)** is provided to all Sexual Violence complainants/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. 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 Violence, Domestic Violence, Dating Violence, and Stalking, the campus Title IX Coordinator's mandatory duties include:

- Ensuring Sexual Violence victims are notified of the right to file a criminal complaint;
- Providing the victim with reasonable interim remedies, if requested by the victim, regardless of whether the victim chooses to report the conduct to campus police or local law enforcement;
- Meeting with the victim on a regular basis to determine what steps (interim and ultimate) should be taken to protect him/her from any hostile or unsafe environment resulting from Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and/or Stalking, and ensuring that such steps are taken;
- Working with appropriate campus divisions (e.g., University Police, Human Resources, Academic Affairs, and Student Affairs) to provide employees and students education programs and information, as required by Title IX, VAWA/Campus SaVE Act, and other applicable laws;
- Overseeing **all** complaints of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and/or Stalking, including related investigations, interim and/or ultimate remedies, resolution, and coordination with disciplinary decision-makers regarding any resulting discipline against the accused;
- Reviewing the outcome of employee and student disciplinary proceedings involving cases of alleged Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and/or Stalking, to determine whether any additional remedies need to be provided to the victim;
- 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 Violence, Domestic Violence, Dating 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 Violence, Domestic Violence, Dating Violence, and Stalking, and using the results of such assessments to inform proactive remedial steps; and
- Identifying and addressing any systemic or other patterns of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking, and implementing corrective measures, as appropriate.

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 Violence, Domestic Violence, Dating Violence, and Stalking, and to make victim resources available, including comprehensive victim services. Information regarding these programs must be included in all (1) orientation programs for all **new** students²⁴ and employees; (2) training for students who serve as advisors in residence halls; and (3) training for student athletes and coaches. Ongoing prevention and awareness campaigns for **all** students and employees shall also be conducted. These programs shall include the following information:

Title IX, VAWA/Campus SaVE Act cont'd.

- A statement that the CSU prohibits Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking.
- What constitutes Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking.
- The definition of Consent.
- A statement that Sexual Violence, Domestic Violence, Dating Violence, and Stalking violate University policy and criminal law.
- Common facts and myths about the causes of Sexual Violence. (See **Attachment B, Myths and Facts about Sexual Violence**, 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.
- 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 Violence; that students or employees who are victims of Sexual Violence should not be deterred from reporting incidents of Sexual Violence out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies; and that except in extreme circumstances, students or employees who are victims of Sexual Violence shall not be subject to discipline.
- A statement that "CSU policy prohibits retaliation against a person who reports Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking, assists someone with a report of such conduct, or participates in any manner in an investigation or resolution of a Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and/or Stalking complaint. 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.
- What someone should do if s/he has been the victim of, or witness to, Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking.
- Individuals to whom incidents may be reported.
- The availability of, and contact information for, campus and community resources for victims of Sexual Violence.
- Campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies. Such proceedings shall:
 - ◇ Provide a prompt, fair, and impartial investigation and resolution;
 - ◇ Be conducted by officials who receive annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The accuser and the accused are entitled to 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.
- Both the accuser and the accused shall be simultaneously informed in writing of:
 - ◇ The outcome of any disciplinary proceedings that arises from an allegation of a Sexual Violence, Domestic Violence, Dating Violence, or Stalking;
 - ◇ The university's procedures for the accused 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 Violence, Domestic Violence, Dating 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 Violence, Domestic Violence, Dating 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.

Title IX, VAWA/Campus SaVE Act cont'd.

- ◇ Options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Procedures complainants should follow if Sexual Violence, Domestic Violence, Dating 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 Violence, Domestic Violence, Dating 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 victim's 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 on the campus website and include the notice in handbooks/policies applicable to employees, students, student athletes and members of student activity groups, along with **Attachment B, Myths and Facts About Sexual Violence**.

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinators, investigators, and hearing officers presiding over student conduct hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating 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 Violence, Domestic Violence, Dating Violence, and Stalking. The annual training shall also address applicable confidentiality issues, especially with respect to the campus's duty to weigh any victim's request for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community. For matters involving Sexual Violence, Domestic Violence, Dating Violence, and Stalking, the training shall include how to conduct an investigation and hearing process that protects the safety of the victim(s).

Remedies and Enforcement

Interim and Ultimate Remedies. The University is required to provide the victim with reasonably available interim remedies, if requested by the victim, regardless of whether the victim chooses to report the conduct to campus police or local law enforcement. The victim should be notified of options for avoiding contact with the alleged perpetrator, including changes to the accused's or 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 alleged victim and should not, as a matter of course, remove alleged victims from work assignments, job sites, classes or housing while allowing the accused 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 the alleged victim to see if there is a causal connection between the alleged Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, or Stalking, and the misconduct that may have resulted in the victim facing potential discipline. The Title IX Coordinator shall assist and provide the victim with reasonable remedies as requested by the victim 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 victims know how to report any subsequent problems, and the campus Title IX Coordinator or other appropriate campus representatives should follow-up with victims to determine whether any retaliation or new incidents of Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, or Stalking have occurred.

When addressing Sexual Violence, 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.

Both the victim and the accused shall be **simultaneously** informed in writing of the outcome of any University disciplinary proceedings that arise from an allegation of Sexual Violence, Domestic Violence, Dating Violence, or Stalking.

Title IX, VAWA/Campus SaVE Act cont'd.

Written Explanation of Victim Rights and Options. VAWA/the Campus SaVE Act mandate that a *written* explanation of rights and options must be provided to a student, employee or third party *who complains to the University that he/she has been a victim* of Sexual Violence, Domestic Violence, Dating 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). (See Attachment C.)

Coordination with Sexual Violence Criminal Investigations and Proceedings

A pending (campus or local) police investigation does not relieve a campus of its responsibility to resolve Sexual Violence complaints: a campus may not wait until the conclusion of a police investigation to commence its own investigation, and must take immediate steps to protect the complainant/victim(s). Although it may be necessary to temporarily delay the *fact-finding* portion of an 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. Subject to applicable law, the Title IX Coordinator should normally be given access to campus law enforcement investigation notes and findings as necessary for the investigation, so long as it does not compromise the criminal investigation.

All law enforcement agencies are required to notify victims that their name will become a matter of public record unless *there is a request for confidentiality*.²⁵ If a victim requests his/her identity be kept confidential, the victim's name will not become a matter of public record and will not be reported to anyone else at the University, including the Title IX Coordinator. University police will, however, report the incident itself to the Title IX Coordinator, being sure not to reveal to the Title IX Coordinator the victim's identity or compromise its investigation. 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 victim identity information before providing the Title IX Coordinator access to its investigation notes and findings.

Campus police should receive copies of, and training on, CSU Sexual Violence complaint procedures and any other procedures used for investigating reports of Sexual Violence. Campus police shall request the victim's consent to report incidents of Sexual Violence to the campus Title IX Coordinator; if the victim refuses to give consent, the campus police shall at a minimum encourage him/her to file a complaint with the Title IX Coordinator (in addition to filing a criminal complaint). Campus police shall also report the incident itself to the Title IX Coordinator while maintaining the confidentiality of the victim's identity.

If a campus has an MOU with local law enforcement, the MOU must allow the campus to meet its Title IX and VAWA/Campus SaVE Act obligations to resolve complaints promptly and equitably.

¹ Clery reporting and discipline procedures are addressed in other systemwide policy communications.

² Copies of the Blueprint may be obtained from <http://www.calcasa.org/wp-content/uploads/2012/06/OES-2004-CA-Campus-Blueprint.pdf>.

³ See definition of Consent below.

⁴ Cal. Penal Code § 240.

⁵ Cal. Penal Code § 242.

⁶ Cal. Penal Code §§ 261-263.

⁷ Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.

⁸ Cal. Penal Code § 13700(b).

⁹ Cal. Penal Code § 646.9.

¹⁰ Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*

¹¹ Cal. Evid. Code § 1035 *et seq.* and § 1037 *et seq.*

¹² 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. Cal. Penal Code §§ 11160-11163.2.

¹³ Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

¹⁴ Cal. Evid. Code § 1024.

¹⁵ Cal. Evid. Code § 1035.4.

¹⁶ Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).

¹⁷ 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).

¹⁸ Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

¹⁹ Cal. Penal Code § 11167(d).

²⁰ See also Attachment B discussed below, *Myths and Facts about Sexual Violence*, which should be published alongside Attachment A, *Notice of Nondiscrimination on the Basis of Gender or Sex*.

²¹ Provision of this information in no way limits already existing obligations to provide interim remedies as warranted.

²² For purposes of this Executive Order, the term "students" includes applicants for admission.

²³ Again, this includes compliance with VAWA/Campus SaVE Act and other related sexual harassment/violence legislation referenced above.

²⁴ This includes incoming transfer, graduate, online, and extended education students.

²⁵ Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).

Title IX, VAWA/Campus SaVE Act cont'd.

Executive Order 1096

Article I. Definitions

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

- A. **Accused** means the CSU, an Employee, a Student, or a Third Party against whom an allegation of Discrimination, Harassment or Retaliation has been made.
- B. **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 do not constitute an adverse action.
- C. **Advisor.** The Complainant and the Accused 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 the Accused's collective bargaining unit, 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 Accused. However, the Advisor may observe and consult with the Complainant or the Accused and take appropriate action to ensure that the investigation does not violate applicable laws, policies, or collective bargaining agreements.
- D. **Age**, as defined in Cal. Govt. Code §12926(b), refers to the chronological age of any Complainant who has reached his or her 40th birthday.
- E. **California State University (CSU)** means the 23 campus system of the California State University, including the Office of the Chancellor (CO).
- F. **Campus or University** means any of the 23 campuses of the CSU or the Office of the Chancellor.
- G. **Complaint** means a written communication that complies with Article VI.C alleging Discrimination, Harassment or Retaliation.
- H. **Complainant** means an individual who is eligible to use the procedure in this Executive Order (see Article IV.A) and does report being subjected to Discrimination, Harassment or Retaliation, as those terms are defined below. It also includes the alleged victim of Discrimination, Harassment or Retaliation in cases where some other person has made a report on his/her behalf.
- I. **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. **MPP Employee**, as defined in Cal. Code Regs. Title 5 §42720 *et seq.*, means an employee who has been designated as "management" or "supervisory" under the provisions of the Higher Education Employer-Employee Relations Act. The 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 III.
- J. **Disability**, as defined in Cal. Govt. Code §12926 (j), (m), and (n) 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 no presently disabling effects but may become a qualifying impairment in the future.
- K. **Discrimination** means Adverse Action taken by the CSU or an Employee because of a Protected Status.
- L. **Employee**, as defined in Cal. Code Regs. Title 5 §42700(h), 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.
- M. **Gender**, as defined in Cal. Govt. Code §12926(r), means sex, and includes a person's gender identity and gender expression.
- N. **Gender expression**, as defined in Cal. Govt. Code §12926(r), means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- O. **Genetic Information**, as defined in Cal. Govt. Code §12926(g), means, with respect to any person, information about any of the following:
 - 1. The person's genetic tests.
 - 2. The genetic tests of the person's family members.
 - 3. The manifestation of a disease or disorder in the person's family members.
 - 4. Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a person or any of the person's family members.

Genetic Information does not include information about the sex or age of any person.

Title IX, VAWA/Campus SaVE Act cont'd.

P. **Harassment** means unwelcome conduct engaged in because of a 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 decisions 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).

This policy covers 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 Violence, including Domestic Violence, Dating Violence, and/or Stalking, subject to this policy.

1. **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; or propositions; offering employment benefits or giving preferential treatment in exchange for sexual favors; indecent exposure, where:
 - a. 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 action; *or*
 - b. 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.

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.

2. **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 a Complainant who did not give consent or is incapable of giving consent due to that individual's status as a minor, Disability or use of drugs or alcohol.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 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.

- a. **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
- b. **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
- c. **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).
- d. **Acquaintance Rape**: 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.)
- e. **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.

Title IX, VAWA/Campus SaVE Act cont'd.

- 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 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.

- f. **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
- g. **Dating Violence** is a form of Sexual Violence, and is abuse committed by a person who is or has been in a social 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.
- h. **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 causes the victim to suffer substantial emotional distress.⁷

Q. **Investigator** means the person tasked with investigating a Complaint at Level I - Campus Level. All investigators shall receive annual training regarding such issues as the investigatory process and 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 and Sexual Violence, Domestic Violence, Dating Violence, and Stalking; employee, student and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment and Sexual Violence, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant.

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

- R. **Medical Condition**, as defined in Cal. Govt. Code §12926(i), means either:
 1. A health impairment associated with a diagnosis or history of cancer; or
 2. A gene or chromosome that is a known cause of a disease or disorder in a person or the person's offspring, or that is associated with an increased risk of developing a disease or disorder although there are no present symptoms of the disease or disorder.
- S. **Military and Veteran Status**, as defined in Cal. Govt. Code §12926(k) means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.
- T. **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 in an investigation conducted pursuant to this Executive Order.
- U. **Protected Status** means race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Title IX, VAWA/Campus SaVE Act cont'd.

- V. **Religion**, as defined in Cal. Govt. Code § 12926(q), 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.
- W. **Remedies** means action(s) taken to correct a violation of the prohibitions against Discrimination, Harassment and Retaliation set forth in this Executive Order. **Interim Remedies** are those that must be offered prior to conclusion of informal resolution and/or an investigation in order to stop the alleged wrongdoing and/or reduce or eliminate negative impact, when appropriate. Victims of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking must be provided with reasonably available accommodations and Interim Remedies, if requested by the victim, regardless of whether the victim chooses to report the conduct to campus police or local law enforcement. Examples may include offering the Complainant 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 Discrimination, Harassment or Retaliation until an investigation is concluded or an informal resolution is reached (except in cases of Sexual Violence where informal resolution is not appropriate). The Title IX Coordinator shall assist and provide the victim with reasonable remedies as requested by the victim throughout the reporting, investigative, and disciplinary processes, and thereafter.
- X. **Retaliation** means Adverse Action taken against a person because he/she has or is believed to have:
1. Exercised rights under this Executive Order;
 2. Reported or opposed conduct which he/she reasonably and in good faith believes is Discrimination, Harassment or Retaliation;
 3. Participated in a Discrimination, Harassment or Retaliation investigation/proceeding; or
 4. Assisted someone in reporting or opposing Discrimination, Harassment or Retaliation.
- Y. **Sex**, as defined in Cal. Govt. Code §12926(r), includes but is not limited to gender, pregnancy, childbirth, breastfeeding or medical condition(s) related to pregnancy, childbirth or breastfeeding.
- Z. **Sexual Orientation**, as defined in Cal. Govt. Code §12926(s), means heterosexuality, homosexuality, or bisexuality.
- AA. **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, and a CSU student who withdraws from school while a disciplinary matter (including investigation) is pending.
- BB. **Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations (as defined in 5 Cal. Code Regs. §42406), volunteers, independent contractors, vendors and their employees, and visitors.
- CC. **Title IX** means Title IX of the Education Amendments of 1972 (Title IX).
- DD. **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 and Sexual Violence, Domestic Violence, Dating Violence, and Stalking. See Executive Order 1095. Each campus may designate one or more Deputy Title IX Coordinators, also of MPP status. 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, and the Title IX Coordinator shall oversee and supervise all such delegated tasks. **MPP Employee**, as defined in 5 Cal. Code Regs. §42720 *et seq.*, means an employee who has been designated as "management" or "supervisory" under the provisions of the Higher Education Employer-Employee Relations Act. The 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 III.
- EE. **VAWA** means the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)) (which amends the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act, commonly called the Clery Act)(VAWA), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).
- FF. **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 Chancellor's Office where the Complaint Level II Appeal is reviewed.

Article II. Policy Statement

The CSU is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. It is CSU policy to provide equal opportunity for all persons regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and military and veteran status. Insofar as Employees are concerned, this policy extends to all employment practices, including recruitment, selection, hiring, promotion, training, compensation, benefits, transfer, separation, and other terms, conditions, or privileges of employment. It also includes full and equal accommodations, advantages, facilities, privileges and services for all members of the campus community, as well as Third Parties.

The CSU prohibits Harassment of any kind, including Sexual Harassment and Sexual Violence, Dating Violence, Domestic Violence, and Stalking. Such behavior violates both law and University policy. The University shall respond promptly and effectively to all reports of Discrimination, Harassment, and Retaliation, and will take appropriate action to prevent, correct, and when necessary, discipline behavior that violates this policy.

Title IX, VAWA/Campus SaVE Act cont'd.

The CSU provides reasonable accommodation to qualified persons with disabilities unless doing so would impose an undue hardship. Reasonable accommodation is to be determined by the Campus following an interactive process with the Complainant to identify the nature and extent of the Complainant's restrictions and the appropriate reasonable accommodation.

The CSU strives to be free from all forms of unlawful Discrimination, Harassment and Retaliation. This policy is established in compliance with Title VII of the Civil Rights Act of 1964, Section 503 of the Rehabilitation Act of 1973, Title I of the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Age Discrimination Act of 1975, Title II of the Genetic Information Nondiscrimination Act of 2008, the Vietnam-Era Veterans Readjustment Assistance Act of 1974, Title IX, VAWA/Campus SaVE Act, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 *et seq.*), and Unruh Civil Rights Act (Cal. Govt. Code § 51 *et seq.*), among other applicable laws and policies.

Except as noted below, any Campus community member 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 (where the allegations involve Sex Discrimination, Harassment or Sexual Violence). Except as noted below, Employees are required to disclose the name of a possible victim of Sexual Violence to the Title IX Coordinator **even where the victim has requested that his/her name remain confidential**; the Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident as set forth in Executive Order 1095.

- The following persons are **not** required to report **any** information about an incident of Sexual Violence: (1) physicians; psychotherapists; professional, licensed counselors; and clergy who work on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision); and (2) 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 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), without the victim's consent; and
- The following persons are **not** required to report any **personally-identifiable information** about a victim of Sexual Violence, **if the victim requests confidentiality**, but must report the facts of the incident, including the identity of the perpetrator (if known): University police.

Employees and Students who violate this policy shall be subject to discipline. If employee discipline is appropriate, it shall be administered in a manner consistent with applicable collective bargaining agreements and/or CSU policies and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. Â§ 41301 and Executive Order 1098, or any superseding executive order, if applicable.

Article III. Policy Implementation and Communication

The President shall designate a DHR Administrator who is responsible for the implementation of, and compliance with, this Executive Order at each Campus. 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, including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating 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 and Retaliation, 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 provided to all employees within 12 months of the effective date of this Executive Order, and on a two-year basis thereafter. New employees shall receive training within 6 months of their initial hiring. Such training shall explain, but not be limited to: what constitutes Discrimination, Harassment and Retaliation under applicable law; the rights and responsibilities of each Employee relating to workplace Discrimination, Harassment and Retaliation; the protection against Retaliation for Employees who report Discrimination, Harassment or Retaliation; the procedure provided in this Executive Order for filing, investigating and resolving a complaint; and the option and method for filing a harassment complaint 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, and Sexual Violence, including Domestic Violence, Dating Violence, and Stalking, are set forth in Executive Order 1095.

Each Campus shall distribute a copy of the following documents to all Employees:

1. The Department of Fair Employment and Housing (DFEH) information sheet on sexual harassment (Form DFEH-185, or any superseding document); and
2. This Executive Order.

Title IX, VAWA/Campus SaVE Act cont'd.

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 IV. Procedure for Handling Alleged Policy Violations

- A. **Who May Use This Procedure.** The individuals listed below may use the procedure in this Executive Order to address Discrimination, Harassment or Retaliation. Whenever a Campus determines that a Complaint is outside the scope of this Executive Order, the Campus shall promptly so notify the Complainant in writing.
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 or Retaliation by the CSU, another Employee, a Student, or a Third Party. As used in this subsection, the term "Employee" includes former Employees.
 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 and Retaliation 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 or Retaliation 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 or Retaliation arose out of the person's status as a Student and not their status as an Employee, the allegation shall be handled under Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation 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, or Retaliation 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.

Article V. Informal Resolution – Campus Level

A Complainant who may use the procedure outlined in this Executive Order (as specified in Article IV) and who believes he/she may have been subjected to Discrimination, Harassment or Retaliation may initiate the Informal Resolution process prior to or instead of filing a Complaint. However, it is not appropriate to require the Complainant to "work out the problem" directly with the Accused; and in no event should any meeting between the Complainant and the Accused be directed to occur without appropriate involvement by the Campus (i.e., the DHR Administrator or Title IX Coordinator, if the allegations involve Sex Discrimination, including Sexual Harassment).

Where the allegations involve Sex Discrimination (including Sexual Harassment or Sexual Violence), the Complainant shall promptly be referred to the Title IX Coordinator. The Title IX Coordinator shall meet with the Complainant to discuss the Complainant's concerns and reasonable Interim Remedies, as appropriate. In cases where Sexual Violence is alleged, the Complainant shall also be advised to immediately file a Complaint under Article VI. **Informal resolution is not appropriate when Sexual Violence is alleged.**

During pendency of the Informal Resolution process, the timeline to file a Complaint shall be extended for a period of no longer than **20** Working Days. Thus, under Article VI.B., a Complaint may be filed no later than **50** Working Days after the occurrence of the most recent alleged act of Discrimination, Harassment or Retaliation.

The Complainant shall be notified in writing of the following: his/her concerns are being handled pursuant to the Informal Resolution process; he/she may end the Informal Resolution at any time; he/she has an option to file a Complaint under Article VI (Level I – Campus Level) within **50** Working Days after the occurrence of the most recent alleged act of Discrimination, Harassment or Retaliation; and the date that option expires. When a complaint involves Sexual Violence, see Executive Order 1095 regarding **written** information that must be provided **to any person who complains** to the University that he/she has been a victim, pursuant to Title IX and VAWA/Campus SaVE Act.

Upon receipt of the Complainant's concern(s), the DHR Administrator shall promptly meet with the Complainant to discuss the concern(s). The DHR Administrator shall also discuss reasonable Interim Remedies with the Complainant, as appropriate.

The Campus shall attempt to promptly and effectively resolve the Complainant's concern(s), keeping in mind, should resolution fail, the Complainant has a maximum of **50** Working Days after the occurrence of the most recent alleged act of Discrimination, Harassment or Retaliation to file a Complaint. The Campus shall meet with the Complainant, the Accused, and any other person(s) or witness(es) determined by the Campus to be necessary for a resolution, to review the allegations and any responses. Informal resolution may take the form of a negotiated resolution facilitated by the Campus.

If informal resolution is reached, a written record of the resolution shall be signed by the Complainant and maintained in accordance with applicable recordkeeping policies. The matter shall be considered closed and the Complainant is precluded from filing a Complaint or appeal concerning the same incident, except where the terms of the informal resolution have been violated or have been ineffective in stopping the alleged Discrimination, Harassment, or Retaliation.

Title IX, VAWA/Campus SaVE Act cont'd.

If resolution is not reached, the Campus shall promptly notify the Complainant and the Accused in writing that the Informal Resolution process is terminated, and the termination effective date. At the Complainant's and/or Accused's request, such notification shall also be provided to the Complainant's and/or Accused's Advisor(s). The Complainant shall be provided written notification about how to file a Level I Complaint and the timeline for doing so.

Both the Complainant and the Accused shall keep the details of the Informal Resolution process confidential until the process is concluded. If the matter is not resolved informally and an investigation is conducted, the Complainant and the Accused shall maintain confidentiality until the conclusion of the Level I and Level II processes, if any.

Article VI. Level I - Campus Level

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 that event, any such investigation shall be subject to Article VI. D through I and Article VIII, A through I only. Such investigation shall not be subject to Article VII (*Level II Appeal Review - Office of the Chancellor*).

- A. **Filing a Complaint.** A written Complaint shall be submitted to the DHR Administrator. The date of receipt shall be deemed to be the Complaint filing date. The DHR Administrator shall offer reasonable accommodation to Complainants who are unable to submit a written complaint because of a Disability.
- B. **Timeline for filing a Complaint.** To be timely, a Complaint must be filed no later than **30 Working Days** after the occurrence of the most recent alleged act of Discrimination, Harassment or Retaliation, unless extended pursuant to Article V above.
- C. **Complaint Requirements.** The Complainant should complete the attached "Complaint Form for Discrimination/Harassment/Retaliation Complaints" or, in the alternative, submit a written signed statement containing the following information:
 - 1. The Complainant's full name, relationship to the University, and contact information, including mailing address, email address and telephone number(s);
 - 2. The name of the Accused and relationship to the University, if known;
 - 3. The Protected Status that is the basis for the alleged Discrimination or Harassment, or the Complainant's activity that is the basis for the alleged Retaliation;
 - 4. A clear, concise statement of the facts that constitute the alleged Discrimination, Harassment, or Retaliation, including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
 - 5. A statement verifying that the information provided is true and accurate to the best of the Complainant's knowledge;
 - 6. The full name and contact information of the Complainant's Advisor, if any;
 - 7. The specific harm resulting from the alleged Discrimination, Harassment or Retaliation;
 - 8. The specific remedy sought;
 - 9. The Complainant's signature; and
 - 10. The date on which the Complaint is submitted.
- D. **Intake interview.** The DHR Administrator or the Title IX Coordinator (in cases alleging Sex Discrimination, Sexual Harassment, Sexual Violence, Dating Violence, Domestic Violence and Stalking) shall promptly meet with the Complainant after receiving the Complaint. The Complainant shall make him/herself available for this meeting. When a complaint involves Sexual Violence, see Executive Order 1095 regarding **written** information that must be provided **an Employee or Third Party who reports** to the University that he/she has been a victim, pursuant to Title IX and VAWA/Campus SaVE Act.
 - 1. The meeting shall serve as the initial intake interview and will:
 - a. Acquaint the Complainant with the investigation procedure and timelines;
 - b. Inform the Complainant of his/her rights (including having an Advisor throughout the process);
 - c. Provide the opportunity for the Complainant to complete and sign a Complaint form, if not already done; and
 - d. Discuss reasonable Interim Remedies, as appropriate.
 - 2. In cases alleging Sexual Violence, the Title IX Coordinator shall:
 - a. Inform the Complainant of the right to file a criminal complaint, offer to assist the Complainant with filing a criminal complaint, and assure the Complainant that such filing will not significantly delay the Campus investigation;
 - b. Advise the Complainant of available resources such as the Campus police, the Campus health service center, the Employee Assistance Program, or psychological counseling center; and
 - c. Discuss with the Complainant reasonable and appropriate Interim Remedies to avoid contact with the Accused.
 - d. See Executive Order 1095 for other items that must be addressed with the Complainant, including the provision of **written** information that must be provided **an Employee or Third Party who reports** to the University that he/she has been a victim, pursuant to Title IX and VAWA/Campus SaVE Act.
- E. **Advisor.** The Complainant and Accused may elect to be accompanied by an Advisor to any meeting or interview regarding the allegations.

Title IX, VAWA/Campus SaVE Act cont'd.

- F. **Confidentiality.** Information regarding the Complaint shall be shared with other University employees and law enforcement exclusively on a "need to know" basis. University employees shall endeavor to honor any Complainant's request for confidentiality; however, the University shall 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.** Except as noted in Article II, in cases involving Sexual Violence, victim requests for complete confidentiality are to be referred to the Title IX Coordinator, who will then determine whether the request for complete confidentiality can be honored under the facts and circumstances of the particular case. (See Executive Order 1095).
- G. **Investigation Procedure.** The DHR Administrator or the Title IX Coordinator (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. The Investigator shall receive annual training regarding such issues as the investigatory process and the laws governing Discrimination, Harassment and Retaliation. (See also Executive Order 1095 regarding required training for Sexual Harassment and Sexual Violence investigations.) If delegated, the DHR Administrator or the Title IX Coordinator (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) shall oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth herein.

The Complainant and the Accused shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation.

The investigation shall be completed no later than **60 Working Days** after receiving the Level I Complaint, unless the timeline has been extended pursuant to Article VIII. E or F.

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 Executive Order. A pending (Campus or local) police investigation is a separate investigation and does not relieve a Campus of its responsibility to handle complaints under this Executive Order. Thus, a Campus may not wait until the conclusion of a police investigation to commence its own investigation under this Executive Order. Although it may be necessary to temporarily delay the fact-finding portion of an 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 Violence, see the "Coordination with Criminal Investigations and Proceedings" section of Executive Order 1095.

Upon inquiry, the Complainant and the Accused shall be advised of the status of the investigation.

- H. **Investigative Report.** Within the investigation period stated above, the Investigator shall prepare an investigative report. The report shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, and a determination as to whether this Executive Order was violated. The report shall be promptly provided to the DHR Administrator (or the Title IX Coordinator, if the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence).
- I. **Notice of Investigation Outcome.** If the DHR Administrator or the Title IX Coordinator (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) performed the investigation, he or she shall notify the Complainant in writing of the investigation outcome within **10 Working Days** of completing the report. Otherwise, within **10 Working Days** of receiving the report, the DHR Administrator (or the Title IX Coordinator, if applicable) shall review the report and notify the Complainant in writing of the outcome of the investigation.

Written notice of the investigation outcome 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. If the outcome is that this Executive Order was not violated, the notice shall inform the Complainant of his/her right to file an appeal under Article VII. At the Complainant's request, a copy of the notice shall also be provided to his/her Advisor.

A separate written notice shall be provided to the Accused indicating whether the allegations at Level I were substantiated. If the investigation outcome is that this Executive Order was not violated, the Accused shall also be informed of the Complainant's right to file an appeal. At the Accused's request, a copy of the notice shall also be provided to his/her Advisor.

Article VII. Level II Appeal Review - Office of the Chancellor

- A. **Timing for Appeal to CO.** Any Complainant who is not satisfied with a Level I determination that this Executive Order was not violated may file a Level II appeal with the Chancellor's Office (CO) no later than **10 Working Days** after receiving the written notice of the Level I outcome. If the deadline falls on a non-Working Day, the Level II appeal must be filed no later than the next Working Day. Level II appeals shall be addressed to:

Systemwide Human Resources
Equal Opportunity and Whistleblower Compliance Unit
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802

Title IX, VAWA/Campus SaVE Act cont'd.

The CO shall provide prompt written notice to the Accused and the DHR Administrator (or the Title IX Coordinator, where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence) of any such appeal.

- B. **Appeal Request.** The appeal shall be in writing and shall: (1) specify the reasons why the determination reached at Level I was erroneous; and (2) identify the specific evidence submitted at Level I that supports a finding of the alleged Discrimination, Harassment or Retaliation by a Preponderance of the Evidence. The issues and evidence raised on appeal shall be limited to those raised and identified at Level I. The CO will offer reasonable accommodations to Complainants who are unable to submit a written appeal because of a Disability.
- C. **CO Review.** The CO review shall be limited in scope to determining (1) whether the Level I findings of fact are supported by a Preponderance of the Evidence; and (2) whether the findings of fact support the conclusion that this Executive Order was not violated. The review will not involve a new investigation and will not consider evidence that the Complainant did not introduce at Level I. If the CO review determines that evidence introduced for the first time at Level II could have affected the Level I determination, the Complaint shall be returned to the Campus so that the Level I investigation may be completed and the findings revised, if necessary, within a specified timeframe. Under these circumstances, the Complainant and Accused shall be informed that the investigation has been reopened and the timeline established in Article VII. D shall be extended pursuant to Article VIII. E and F.
- D. **CO Response.** The CO designee shall respond to the Complainant no later than **90 Working Days** after receiving the Level II appeal, unless the timeline has been extended pursuant to Article VIII. E. or F. The CO Response shall include a written summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, a determination of the two issues listed in Section C above, and a final decision. A copy shall be forwarded to the DHR Administrator (or Title IX Coordinator, where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence). At the Complainant's request, a copy of the CO Response shall also be provided to his/her Advisor. The Campus shall determine whether any Remedies shall be afforded to the Complainant and provide prompt written notice to the Complainant of any Remedies to be provided to him/her. The CO designee shall provide a separate notice to the Accused and, if requested by the Accused, to his/her Advisor, indicating the appeal outcome; *i.e.*, whether he/she has been determined to have violated this Executive Order by a Preponderance of the Evidence.
- E. **Closure.** The CO Response and decision are final and conclude the CSU Complaint process.

Article VIII. General Provisions for Investigation/Review of Complaints

- A. All investigations and reviews shall be conducted impartially and in good faith.
- B. All persons (including the Complainant, the Accused, and the witnesses) 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 any person refuses to cooperate, the University may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. A Complainant shall proceed with a Complaint in good faith. An Employee who knowingly and intentionally files a false Complaint or knowingly gives false statements 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. Both the Complainant and Accused shall have the right to identify witnesses and other evidence for consideration; however, the University shall decide what evidence (if any) is relevant and significant to the issues raised.
- E. If the Complainant, the Accused, a witness, the Investigator, CO designee, or other necessary person involved in the Complaint process is unavailable due to any reason deemed to be legitimate by the Investigator/CO designee, the timelines stated herein will be automatically adjusted by the length of time the person is unavailable. The Complainant and Accused shall be provided written notification of any period of extension.
- F. Timelines set forth herein may also be extended by mutual agreement between the Investigator/CO Designee and the Complainant for a reasonable time period. If the University requests a time extension in order to conduct an effective investigation or review, and the Complainant does not agree or does not respond to the University's request, the University shall respond to the Complaint or appeal within the timelines set forth herein. Any such response shall be interim in nature as it will be based upon the information available at the time. The interim response will note that the investigation or review is continuing. The interim response shall include a summary of the allegations, a description of the investigative or review process, and shall also provide the Complainant with an anticipated date of completion. The investigation or review shall continue until the University is satisfied that its duty to respond to the Complaint has been appropriately discharged, provided the investigation or review is completed no later than an additional **60 Working Days**.
- G. When submitting a Complaint or issuing a Level I or II decision, personal delivery, overnight delivery service, or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained 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.
- H. The University is not obligated to investigate under the provisions of this Executive Order when no complaint is filed, or when a complaint is not timely filed. Nevertheless, if the University determines the circumstances warrant an investigation, the University shall investigate the underlying allegations of any Discrimination, Harassment or Retaliation complaint. In that event, any such investigation shall be subject to Article VI. D through I and Article VIII. A through I of this Executive Order, but shall not be subject to Article VII. The University may in its discretion waive the time limits for filing a Complaint and choose to process the Complaint under this Executive Order. If the University determines an investigation is not warranted, the reasons for that decision shall be reduced to writing and retained by the University according to appropriate record retention policies.

Title IX, VAWA/Campus SaVE Act cont'd.

- I. Nothing contained herein is intended or should be construed to interfere with an Employee's right to consult with a representative.
- J. 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. Where it is necessary for the Complainant or his/her Advisor to have access to specific information for the purpose of filing a complaint, the Complainant or his/her Advisor shall make a written request for such information to the Campus. The Complainant or his/her Advisor shall have access to information within the policies and procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the complaint. This provision does not authorize a Complainant access to the personal files/records of another without the written consent of that person.
- L. 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.

¹ See definition of Consent.

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.

Title IX, VAWA/Campus SaVE Act cont'd.

Executive Order 1097

Article I. Definitions

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

- A. **Accused** means the CSU, a CSU employee, another Student, or a Third Party against whom an allegation of Discrimination, Harassment or Retaliation has been made.
- B. **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.
- C. **Advisor**. The Complainant and the Accused may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. The Advisor may be anyone, 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 Accused.
- D. **Age**, as defined in California Government Code § 12926(b), refers to the chronological age of any individual who has reached his or her 40th birthday.
- E. **California State University (CSU)** means the 23 campus system of the California State University, including the Office of the Chancellor (CO).
- F. **Calendar Days** are defined as Monday through Sunday and includes official holidays.
- G. **Campus or University** means any of the 23 campuses of the CSU or the Office of the Chancellor.
- H. **Complaint** means a written communication that complies with Article VI. C alleging Discrimination, Harassment or Retaliation against the CSU, an employee, another Student, or a Third Party.
- I. **Complainant** means an individual who is eligible to, and does, file a Complaint to report Discrimination, Harassment or Retaliation. It also includes an alleged victim of Discrimination, Harassment or Retaliation in cases where some other person has made a report on that person's behalf.
- J. **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. **MPP Employee**, as defined in Cal. Code Regs. Title 5 § 42720 *et seq.*, means an employee who has been designated as "management" or "supervisory" under the provisions of the Higher Education Employer-Employee Relations Act. The president may assign the roles of the DHR Administrator and Title IX Coordinator (defined below) 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 III.
- K. **Disability** means mental or physical disability as defined in California Education Code § 66260.5.
- L. **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.
- M. **Gender**, as defined in Cal. Educ. Code § 66260.7, means sex, and includes a person's gender identity and gender expression. 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**, as defined in Cal. Gov. Code § 12926(p), includes but is not limited to pregnancy, childbirth or associated medical condition(s).
- N. **Genetic Information**, as defined in Cal. Civ. Code § 51(2)(e), means:
 - 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.
- O. **Harassment** means unwelcome conduct engaged in because of a 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 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.

Title IX, VAWA/Campus SaVE Act cont'd.

This policy covers 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 Violence, including Domestic Violence, Dating Violence and Stalking, subject to this policy.

1. **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:
 - a. 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**
 - b. 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**
 - c. 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 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.

2. **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 status as a minor, use of drugs or alcohol, or Disability¹. 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 assault. Unlawful sexual intercourse with a minor (statutory rape) occurs 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.

- a. **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
- b. **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
- c. **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 a 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.)
- d. **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.)
- e. **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 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.

Title IX, VAWA/Campus SaVE Act cont'd.

- 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.
- f. **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
- g. **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.
- h. **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 causes the victim to suffer substantial emotional distress.⁷

P. **Investigator** means the person tasked with investigating a Complaint at Level I. 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 Violence, Domestic Violence, Dating Violence and Stalking; Student and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment and Sexual Violence, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant.

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

- Q. **Nationality**, as defined in Cal. Educ. Code § 66261.5, includes citizenship, country of origin, and national origin.
- R. **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 in an investigation conducted pursuant to this Executive Order.
- S. **Protected Status** means Age, Disability, Gender, Genetic Information, Nationality, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.
- T. **Race or Ethnicity**, as defined in Cal. Educ. Code § 66261.7, includes ancestry, color, ethnic group identification, and ethnic background.
- U. **Religion**, as defined in Calif. Educ. Code § 66262, 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.
- V. **Remedies** mean actions taken to correct a violation of the prohibitions against Discrimination, Harassment and Retaliation set forth in this Executive Order. **Interim Remedies** shall be offered to a victim prior to the conclusion of an investigation in order to immediately stop the alleged wrong-doing and/or reduce or eliminate negative impact, when appropriate. Victims of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking must be provided reasonable Interim Remedies, if requested by the victim, regardless of whether the victim chooses to report the conduct to campus police or local law enforcement. Examples may include offering the victim 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 Discrimination, Harassment or Retaliation until an investigation is concluded or an informal resolution is reached (except in cases of Sexual Violence where informal resolution is not appropriate). The Title IX Coordinator shall assist and provide the victim with reasonable remedies as requested by the victim throughout the reporting, investigative, and disciplinary processes, and thereafter.
- W. **Retaliation** means Adverse Action taken against a Student because he/she has or is believed to have:
1. Exercised rights under this Executive Order;
 2. Reported or opposed conduct which he/she reasonably and in good faith believes is Discrimination, Harassment or Retaliation;
 3. Participated in a Discrimination, Harassment or Retaliation investigation/proceeding; or
 4. Assisted someone in reporting or opposing Discrimination, Harassment or Retaliation.

Title IX, VAWA/Campus SaVE Act cont'd.

- X. **Sexual Orientation**, as defined in Cal. Educ. Code § 66262.7, means heterosexuality, homosexuality, or bisexuality.
- Y. **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, and a CSU student who withdraws from the University while a disciplinary matter (including investigation) is pending.
- Z. **Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations (as defined in 5 Cal. Code Regs. § 42406), volunteers, independent contractors, vendors and their employees, and visitors.
- AA. **Title IX** means Title IX of the Education Amendments of 1972 (Title IX).
- BB. **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 Violence, Domestic Violence, Dating Violence, and Stalking. (See Executive Order 1095).
- Each campus may designate one or more Deputy Title IX Coordinators, also of MPP status. 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, and the Title IX Coordinator shall oversee and supervise all such delegated tasks. **MPP Employee**, as defined in 5 Cal. Code Regs. § 42720 *et seq.*, means an employee who has been designated as "management" or "supervisory" under the provisions of the Higher Education Employer-Employee Relations Act. The 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 III.
- CC. **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).
- DD. **Veteran or Military Status** means service in the uniformed services.
- EE. **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 Chancellor's Office where the Complaint Level II Appeal is reviewed.

Article II. Policy Statement

The CSU is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. All Students have the right to participate fully in CSU programs and activities free from unlawful Discrimination, Harassment and Retaliation. The CSU prohibits Harassment of any kind, including, Sexual Harassment and Sexual Violence, Domestic Violence, Dating Violence, and Stalking. Such behavior violates both law and University policy. The University shall respond promptly and effectively to all reports of Discrimination, Harassment and Retaliation, and shall take appropriate action to prevent, correct, and when necessary, discipline behavior that violates this policy.

The CSU strives to be free of all forms of unlawful Discrimination, Harassment and Retaliation. This policy is established in compliance with the California Equity in Higher Education Act (Education Code § 66250 *et seq.*), 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. It is CSU policy that no Student shall, on the basis of any Protected Status, be unlawfully excluded from participation in, or be denied the benefits of, any CSU program or activity. Nor shall a Student be otherwise subjected to unlawful Discrimination, Harassment, or Retaliation for exercising any rights under this Executive Order.

Except as noted below, any Campus community member 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 (where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence). Except as noted below, Employees are required to disclose the name of a possible victim of Sexual Violence to the Title IX Coordinator **even where the victim has requested that his/her name remain confidential**; the Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident as set forth in Executive Order 1095.

- The following persons are **not** required to report **any** information about an incident of Sexual Violence: (1) physicians; psychotherapists; professional, licensed counselors; and clergy who work on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision); and (2) 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 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), without the victim's consent; and
- The following persons are **not** required to report any **personally-identifiable information** about a victim of Sexual Violence, **if the victim requests confidentiality**, but must report the facts of the incident, including the identity of the perpetrator (if known): University police.

Title IX, VAWA/Campus SaVE Act cont'd.

Employees and Students who violate this policy shall be subject to discipline. If employee discipline is appropriate, 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.

Article III. Policy Implementation and Communication

Each Campus president shall designate a DHR Administrator who shall be responsible for the implementation of, and compliance with, this policy. 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, including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating 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 Violence, Domestic Violence, Dating Violence, and Stalking, are set forth in Executive Order 1095.

This Executive Order shall be made readily available to all Students, CSU employees, and Third Parties, utilizing multiple media of communication, including Student orientations and catalogs, new employee orientations, Campus websites and publications, and the offices of Equity and Diversity, Student Affairs, Student Judicial Affairs, Disabled Student Services, Auxiliary Service Organizations, Academic Affairs, Extended Education and Human Resources.

Article IV. Procedure for Handling Alleged Policy Violations

This Executive Order provides Students a procedure to address Discrimination, Harassment and Retaliation by the CSU, a CSU employee, another Student, or a Third Party. Whenever a Campus determines that a Complaint is outside the scope of this Executive Order, the Campus shall promptly so notify the Student in writing.

A. Who May Use This Procedure

Subject to the exceptions set forth below, any Student may file a complaint of Discrimination, Harassment or Retaliation under this Executive Order.

1. **Exception: Complaints of Student employees whose Discrimination, Harassment or Retaliation complaints arise out of their employment.** Such complaints shall be governed by Executive Order 1096, or any superseding executive order, if applicable.
2. **Exception: Complaints by a Student about his/her academic adjustments and/or accommodations to a University's educational program related to his/her Disability.** Such inquiries and complaints shall be directed to the Campus Director, Disabled Student Services (DSS), and shall be governed by coded memorandum AA 2014-08, or any superseding policy, if applicable.

B. Grade Appeals That Allege Discrimination, Harassment or Retaliation

Grade appeals that allege Discrimination, Harassment or Retaliation shall proceed concurrently: (i) under Campus procedures per Executive Order 1037 or any superseding Executive Order, as applicable; and (ii) under this Executive Order. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus and any appeal processes under Article VI and/or Article VII of this Executive Order have concluded. The final determination under this Executive Order regarding whether Discrimination, Harassment or Retaliation 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.

Grade appeals that do not allege Discrimination, Harassment or Retaliation shall be filed under Campus procedures, per Executive Order 1037, or any superseding executive order, if applicable.

Article V. Informal Resolution - Campus Level

Students who believe they are or may have been victims of Discrimination, Harassment or Retaliation may initiate the Informal Resolution process prior to, or instead of, filing a Complaint. However, it is not appropriate in such cases for a Student to be required to "work out the problem" directly with the Accused; and in no event should any meeting between the Student and the Accused occur without appropriate involvement by the University (*i.e.*, the DHR Administrator or Title IX Coordinator, if the allegations involve Sex Discrimination, including Sexual Harassment).

Where the allegations involve Sex Discrimination (including Sexual Harassment or Sexual Violence), the Complainant shall promptly be referred to the Title IX Coordinator. The Title IX Coordinator shall meet with the Complainant to discuss the Complainant's concerns and reasonable Interim Remedies, as appropriate. In cases where Sexual Violence is alleged, the Complainant shall also be advised to immediately file a Complaint under Article VI. **Informal resolution is not appropriate when Sexual Violence is alleged.**

Title IX, VAWA/Campus SaVE Act cont'd.

In all other cases, the Student shall be notified that the Student, the Accused or the University may at any time elect to terminate the Informal Resolution Process. In that event, the DHR Administrator/Title IX Coordinator shall promptly notify the Student and the Accused in writing that the Informal Resolution process has terminated, the effective date thereof, and inform the student of his/her right to file a complaint pursuant to Article VI.

Upon receipt of a Student's concern, the DHR Administrator or Title IX Coordinator (if the allegations involve Sex Discrimination, Sexual Harassment and Sexual Violence) shall promptly meet with the Student to discuss his or her concern and Interim Remedies, as appropriate.

During the pendency of the Informal Resolution process, the timeline to file a Complaint shall be extended for a period of no longer than **30 Calendar Days**. Thus, under Article VI.B, if an extension is granted, a Complaint may be filed within **90 Calendar Days** after the most recent alleged act of Discrimination, Harassment or Retaliation occurred, or **60 Calendar Days** after the end of the academic term (semester/quarter) in which the most recent alleged act of Discrimination, Harassment or Retaliation occurred (whichever comes later).

If the Student's concern alleges Sex Discrimination (including but not limited to Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence or Stalking), the Title IX Coordinator shall, during the initial meeting with the Student, undertake any and all applicable steps described in Article VI. D. In cases alleging Sexual Violence, Domestic Violence, Dating Violence or Stalking, the Student shall also be advised to immediately file a Complaint under Article VI. In accordance with Title IX and VAWA/Campus SaVE Act, Executive Order 1095 describes the **written** information that must be provided **to a Student who reports** to the University that he/she has been a victim of Sexual Violence (including Domestic Violence, Dating Violence or Stalking).

The Campus shall attempt to resolve the Student's concern quickly and effectively. The DHR Administrator (or Title IX Coordinator, where the allegations involve Sex Discrimination or Sexual Harassment) shall meet with the Student, the Accused, and any other persons or witnesses determined by the DHR Administrator or Title IX Coordinator to be necessary for a resolution of the matter, to review the allegations and any responses. Informal Resolution may take the form of a negotiated resolution facilitated by the DHR Administrator or Title IX Coordinator.

If informal resolution is reached, a record of the resolution shall be signed by the Student and maintained in accordance with applicable Campus recordkeeping policies. The matter shall be considered closed and the Student is precluded from filing a Complaint or appeal concerning the same incident, except where the terms of the informal resolution have been violated or have been ineffective in stopping the Discrimination, Harassment, or Retaliation.

Where the Accused is another Student, the DHR Administrator/Title IX Coordinator shall inform the student conduct administrator of the outcome of the Informal Resolution process, including any Interim Remedies and/or Remedies afforded to the Student-victim.

If resolution is not reached, the Campus shall promptly notify the Student and the Accused in writing that the Informal Resolution process is terminated, and the termination effective date. At the Student and/or Accused's request, such notification shall also be provided to the Student and/or Accused's respective Advisor. The Student shall be provided written notification about how to file a Level I Complaint and the timeline for doing so.

Both the Student and the Accused shall keep the details of the Informal Resolution process confidential until the process is concluded. If the matter is not resolved informally and an investigation is conducted, the Student and the Accused shall maintain confidentiality until the conclusion of the Level I and Level II processes, if any.

Article VI. Level I - Campus Level

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 Student. In that event, any such investigation shall be subject to Article VI. D through I and Article VIII. A through H only. Such investigation shall not be subject to Article VII (*Level II Appeal Review - Office of the Chancellor*).

- A. **Filing a Complaint.** The Student shall submit a written Complaint to the DHR Administrator/Title IX Coordinator. The date of receipt shall 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 written complaint because of Disability.
- B. **Timeline for filing a Complaint.** To be timely, a Complaint must be filed *within 60 Calendar Days* after the most recent alleged act of Discrimination, Harassment or Retaliation occurred, or **30 Calendar Days** after the end of the academic term (semester/quarter) in which the most recent alleged act of Discrimination, Harassment or Retaliation occurred (whichever comes later). This timeline may be extended pursuant to Article V, above.
- C. **Complaint Requirements.** The Student should complete the attached "CSU Student Discrimination/Harassment/Retaliation Complaint Form" or, in the alternative, submit a written signed statement containing the following information:
 1. The Student's full name, address (including email address) and telephone number(s);
 2. The name of the Accused and job title, position or Student status, if known;
 3. The Protected Status that is the basis for the alleged Discrimination, Harassment, or Retaliation, or the Complainant's activity that is the basis for the alleged Retaliation;

Title IX, VAWA/Campus SaVE Act cont'd.

4. A clear, concise statement of the facts that constitute the alleged Discrimination, Harassment, or Retaliation, including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
 5. A statement verifying that the information provided is true and accurate to the best of the Student's knowledge;
 6. The term and year of the Student's most recent active academic status or the term and year in which he/she sought admission to the University;
 7. The full name, address and telephone number of the Student's advisor, if any;
 8. The specific harm resulting from the alleged Discrimination, Harassment or Retaliation;
 9. The specific remedy sought;
 10. The Student's signature; and
 11. The date on which the Complaint is submitted.
- D. **Intake interview.** The DHR Administrator or Title IX Coordinator (in cases alleging Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking) shall meet with the Student as soon as possible, but no later than **10 Working Days** after the Complaint was received. The Student shall make him/herself available for this meeting. Executive Order 1095 describes *written* information that must be provided **to any Student who reports** to the University that he/she has been a victim of Sexual Violence, pursuant to Title IX and VAWA/ Campus SaVE Act:
1. The meeting shall serve as the initial intake interview and will: (a) acquaint the Student with the investigation procedure and timelines; (b) inform the Student of his/her rights (including having an advisor throughout the process); (c) provide the opportunity for the Student to complete and sign a Complaint form, if not already done; and (d) discuss Interim Remedies, as appropriate.
 2. In cases alleging Sexual Violence, the Title IX Coordinator shall inform the Student of the right to file a criminal complaint; offer to assist the Student with filing a criminal complaint; assure the Student that such filing will not significantly delay the Campus investigation; advise the Student of available resources such as the Campus police, student health service center or psychological counseling center; and discuss reasonable and appropriate Interim Remedies. Executive Order 1095 describes the other items that must be addressed with the Student, including the provision of *written* information **to any Student who reports** to the University that he/she has been a victim of Sexual Violence.
- E. **Advisor.** The Student and the Accused may elect to be accompanied by an advisor to any meeting or interview regarding the Complaint. The advisor may be an attorney. The advisor may not speak on behalf of the Student or Accused; his/her role is limited to observing and consulting.
- F. **Confidentiality.** Information regarding the Complaint shall be shared with other University employees and law enforcement exclusively on a "need to know" basis. University employees shall endeavor to honor any Complainant's or victim's request for confidentiality; however, the University shall 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. Except as noted in Article II**, in cases involving Sexual Violence, victim requests for complete confidentiality are to be referred to the Title IX Coordinator, who will then determine whether the request for complete confidentiality can be honored under the facts and circumstances of the particular case. (See Executive Order 1095).
- G. **Investigation Procedure.** The DHR Administrator or Title IX Coordinator (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. The Investigator shall receive annual training regarding such issues as the investigatory process; and the laws governing Discrimination, Harassment and Retaliation. (See also Executive Order 1095 regarding required training for Sexual Harassment and Sexual Violence investigations.) If delegated, the DHR Administrator or the Title IX Coordinator (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) shall oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth herein.

The Student and the Accused shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation.

The investigation shall be completed no later than **60 Working Days** after the intake interview, unless the timeline has been extended pursuant to Article VIII. E or F. 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 Executive Order. A pending (Campus or local) police investigation is a separate investigation and it does not relieve a Campus of its responsibility to handle complaints under this Executive Order. Thus, a Campus may not wait until the conclusion of a police investigation to commence its own investigation under this Executive Order. Although it may be necessary to temporarily delay the fact-finding portion of an 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 Violence, see the "Coordination with Criminal Investigations and Proceedings" section of Executive Order 1095.

Upon inquiry, the Complainant and Accused shall be advised of the status of the investigation.

Title IX, VAWA/Campus SaVE Act cont'd.

- H. **Investigative Report.** Within the investigation period stated above, the Investigator shall prepare an investigative report. The report shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered and appropriate findings. The report shall be promptly provided to the DHR Administrator or Title IX Coordinator (if applicable).
- I. **Notice of Investigation Outcome.** If the DHR Administrator or Title IX Coordinator (in cases alleging Sex Discrimination, including Sexual Harassment and Sexual Violence) performed the investigation, he or she shall notify the Student in writing of the investigation outcome within **10 Working Days** of completing the report. Otherwise, within **10 Working Days** of receiving the report, the DHR Administrator or Title IX Coordinator shall review the report and notify the Student in writing of the outcome of the investigation. Where a Complaint is made against another Student, the DHR Administrator or Title IX Coordinator shall also notify the Campus student conduct administrator of the investigation outcome.

Written notice of the investigation outcome 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). If the outcome is that this Executive Order was not violated, the notice shall inform the Complainant of his/her right to file an appeal under Article VII. At the Complainant's request, a copy of the notice shall also be provided to his or her Advisor, if any.

A separate written notice shall be provided to the Accused indicating whether or not the allegations at Level I were substantiated. If the outcome is that this Executive Order was not violated, the Accused shall also be informed of the Complainant's right to file an appeal. At the Accused's request, a copy of the notice shall also be provided to his or her Advisor.

Article VII. Level II Appeal Review - Office of the Chancellor

- A. **Timing for Appeal to CO.** Any Complainant who is not satisfied with a Level I determination that this Executive Order was not violated may file a Level II appeal with the Office of the Chancellor (CO) no later than **14 Calendar Days** after receipt of the written notice of the Level I outcome.

Level II 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

The CO shall provide prompt written notice to the Accused and the DHR Administrator or Title IX Coordinator (where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence) of any such appeal.

- B. **Appeal Request.** The appeal shall be in writing and shall: (1) specify the reasons why the determination reached at Level I was erroneous; and (2) identify the specific evidence submitted at Level I that supports a finding the alleged Discrimination, Harassment or Retaliation by a Preponderance of the Evidence. The issues and evidence raised on appeal shall be limited to those raised and identified at Level I. The CO will offer reasonable accommodations to Complainants who are unable to submit a written appeal because of Disability.
- C. **CO Review.** The CO review shall be limited in scope to determining (1) whether the Level I findings of fact are supported by a Preponderance of the Evidence; and (2) whether the findings of fact support the conclusion that this Executive Order was not violated. The review will not involve a new investigation and will not consider evidence that the Complainant did not introduce at Level I. If the CO review determines that evidence introduced for the first time at Level II could have affected the Level I determination, the Complaint shall be returned to the Campus so that the Level I investigation may be completed and the findings revised, if necessary, within a specified timeframe. Under these circumstances, the Complainant and Accused shall be informed that the investigation has been reopened and the timeline established in Article VII. D shall be extended pursuant to Article VIII. E and F.
- D. **CO Response.** The CO designee shall respond to the Student no later than **60 Working Days** after receipt of the Level II appeal, unless the timeline has been extended pursuant to Article VIII. E or F. The response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, a determination of the two issues listed in Section C above, and a final decision. A copy shall be forwarded to the DHR Administrator or Title IX Coordinator (where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Violence). At the Complainant's request, a copy of the CO Response shall also be provided to his or her Advisor. The Campus shall determine whether any remedies shall be afforded to the Complainant and provide prompt written notice to the Complainant of any remedies to be provided to him/her. The CO designee shall provide a separate notice to the Accused and, if requested by the Accused, to his or her Advisor, indicating the appeal outcome; *i.e.*, whether the Accused has been determined to have violated this Executive Order by a Preponderance of the Evidence.
- E. **Closure.** The CO Response and decision are final and conclude the CSU Complaint process.

Title IX, VAWA/Campus SaVE Act cont'd.

Article VIII. General Provisions for Investigation/Review of Complaints

- A. All investigations and reviews shall be conducted impartially and in good faith.
- B. Students and CSU 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 Accused 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. A Student shall proceed with a Complaint in good faith. A Student who knowingly and intentionally files a false Complaint or gives false statements shall be subject to discipline in accordance with 5 Cal. Code Regs. § 41301. Such disciplinary action shall not be deemed to be Retaliation.
- D. Both the Student and Accused shall have the right to identify witnesses and other evidence for consideration; however, the CSU shall decide what evidence (if any) is relevant and significant to the issues raised.
- E. If the Student, the Accused, a witness, the Investigator, CO designee, or other necessary person involved in the Complaint process is unavailable due to any reason deemed to be legitimate by the Investigator/CO designee, the timelines stated herein will be automatically adjusted for a reasonable time period that should not exceed an additional 30 Working Days. The Student and Accused shall receive written notification of any period of extension.
- F. Timelines set forth herein may also be extended by mutual agreement. If the Student does not agree or does not respond to the CSU's request for an extension, the CSU shall respond to the Complaint or appeal within the timelines set forth herein. Any such response shall be interim in nature as it will be based upon the information available at the time. The interim response shall note that the investigation or review is continuing until the CSU is satisfied that its duty to respond to the allegation(s) has been appropriately discharged. The interim response shall include a summary of the allegations, a description of the investigative and review process, and shall also provide the Student with an anticipated date of completion.
- G. When submitting a Complaint or issuing a Level I or II decision, personal delivery, overnight delivery service, or certified mail shall be used. If personal delivery is used, a signature acknowledging the calendar date of delivery shall be obtained 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.
- H. The University is not obligated to investigate under the provisions of this Executive Order when no Complaint is filed, or when a Complaint is not timely filed. Nevertheless, if the University determines the circumstances warrant an investigation, the University shall investigate the underlying allegations of any Discrimination, Harassment or Retaliation Complaint. In that event, any such investigation shall be subject to Article VI. D through I and Article VIII. A through H of this Executive Order, but shall not be subject to Article VII. The University may in its discretion waive the time limits for filing a Complaint and choose to process the Complaint under this Executive Order. In the event that the University determines an investigation is not warranted, the reasons for that decision shall be reduced to writing and retained by the University according to appropriate record retention policies.
- I. Where it is necessary for the Complainant or his/her Advisor to have access to specific information for the purpose of filing a complaint, the Complainant or his/her Advisor shall make a written request for such information to the Campus. The Complainant or his/her Advisor shall have access to information within the policies and procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the complaint. This provision does not authorize a Complainant access to the personal files of another without the written consent of that person.
- J. The CSU is committed to academic freedom assuring that all persons may exercise rights of free expression, speech and assembly; however, those rights do not allow any form of unlawful discrimination, harassment or retaliation.

¹ See definition of Consent.

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).

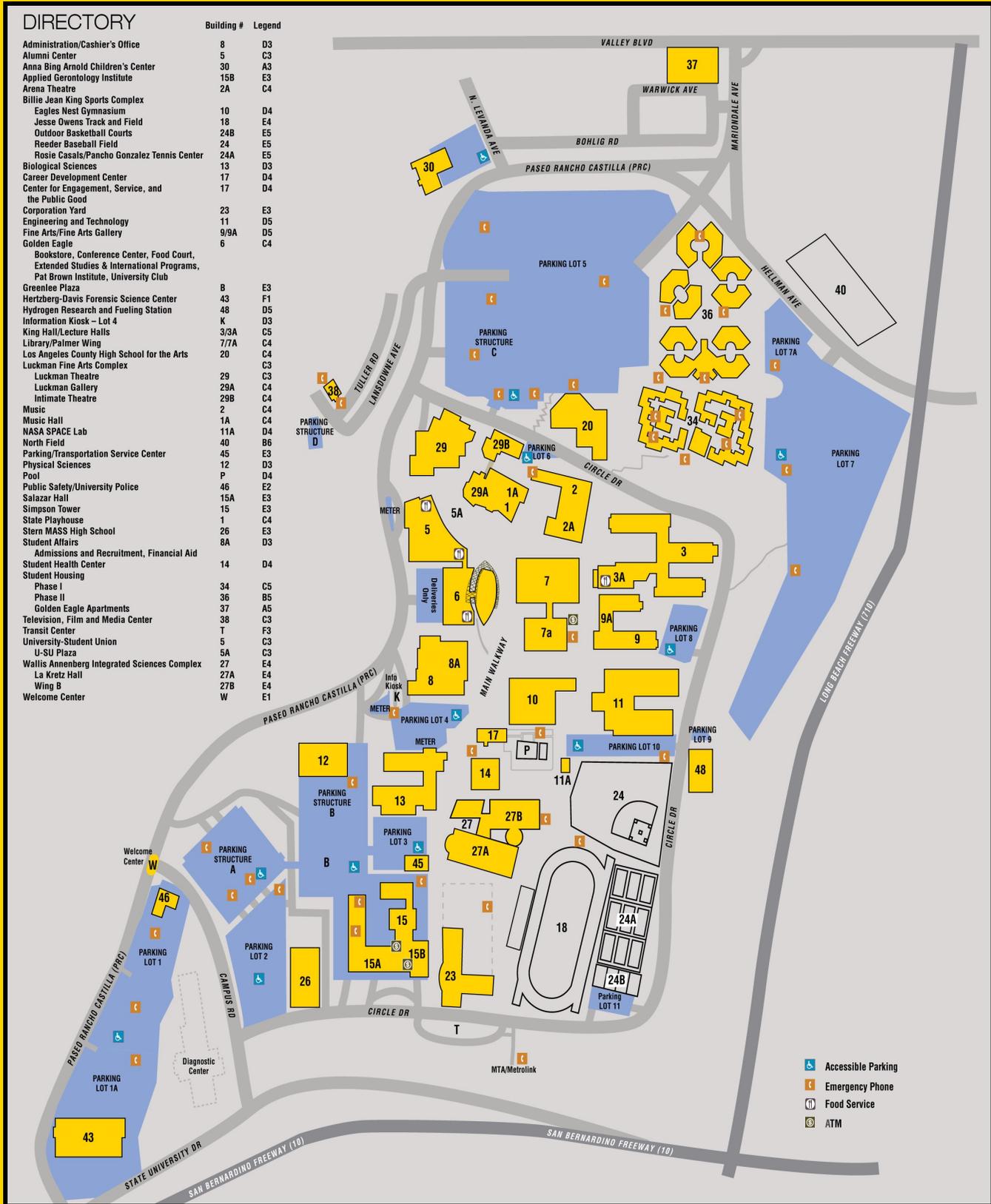
⁷ Cal. Penal Code § 646.9.

CAMPUS MAP

DIRECTORY

Building # Legend

| | | |
|---|------|----|
| Administration/Cashier's Office | 8 | D3 |
| Alumni Center | 5 | C3 |
| Anna Bing Arnold Children's Center | 30 | A3 |
| Applied Gerontology Institute | 15B | E3 |
| Arena Theatre | 2A | C4 |
| Billie Jean King Sports Complex | | |
| Eagles Nest Gymnasium | 10 | D4 |
| Jesse Owens Track and Field | 18 | E4 |
| Outdoor Basketball Courts | 24B | E5 |
| Reeder Baseball Field | 24 | E5 |
| Rosie Casals/Pancho Gonzalez Tennis Center | 24A | E5 |
| Biological Sciences | 13 | D3 |
| Career Development Center | 17 | D4 |
| Center for Engagement, Service, and the Public Good | 17 | D4 |
| Corporation Yard | 23 | E3 |
| Engineering and Technology | 11 | D5 |
| Fine Arts/Fine Arts Gallery | 9/9A | D5 |
| Golden Eagle | 6 | C4 |
| Bookstore, Conference Center, Food Court, Extended Studies & International Programs, Pat Brown Institute, University Club | | |
| Greenlee Plaza | B | E3 |
| Hertzberg-Davis Forensic Science Center | 43 | F1 |
| Hydrogen Research and Fueling Station | 48 | D5 |
| Information Kiosk - Lot 4 | K | D3 |
| King Hall/Lecture Halls | 3/3A | C5 |
| Library/Palmer Wing | 7/7A | C4 |
| Los Angeles County High School for the Arts | 20 | C4 |
| Luckman Fine Arts Complex | | |
| Luckman Theatre | 29 | C3 |
| Luckman Gallery | 29A | C4 |
| Intimate Theatre | 29B | C4 |
| Music | 2 | C4 |
| Music Hall | 1A | C4 |
| NASA SPACE Lab | 11A | D4 |
| North Field | 40 | B6 |
| Parking/Transportation Service Center | 45 | E3 |
| Physical Sciences | 12 | D3 |
| Pool | P | D4 |
| Public Safety/University Police | 46 | E2 |
| Salazar Hall | 15A | E3 |
| Simpson Tower | 15 | E3 |
| State Playhouse | 1 | C4 |
| Stern MASS High School | 26 | E3 |
| Student Affairs | 8A | D3 |
| Admissions and Recruitment, Financial Aid | | |
| Student Health Center | 14 | D4 |
| Student Housing | | |
| Phase I | 34 | C5 |
| Phase II | 36 | B5 |
| Golden Eagle Apartments | 37 | A5 |
| Television, Film and Media Center | 38 | C3 |
| Transit Center | T | F3 |
| University-Student Union | 5 | C3 |
| U-SU Plaza | 5A | C3 |
| Wallis Annenberg Integrated Sciences Complex | 27 | E4 |
| La Kretz Hall | 27A | E4 |
| Wing B | 27B | E4 |
| Welcome Center | W | E1 |



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 Service* | (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.*