



# Administrative Policy

Number: P-002  
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Supercedes:  
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## **SUBJECT: POLICY ON SEXUAL ASSAULT**

### POLICY STATEMENT

California State University, Los Angeles is committed to creating and maintaining a learning, working, and social environment for all members of the University community that is free from sexual assault. Any person who is believed to have committed sexual assault on campus, on off-campus grounds or facilities maintained by the University, at facilities maintained by affiliated student organizations, or at off-campus University-related activities is subject to University sanctions and criminal and civil prosecution. Any person who has committed sexual assault in violation of this policy is subject to arrest and prosecution. University-affiliated organizations and contractors who fail to take appropriate disciplinary action against their own employees who have committed sexual assault in violation of this policy may have their affiliation and/or contracts revoked.

Any student or employee who is believed to have committed sexual assault in violation of this and any other California State University, Los Angeles policy also shall be subject to disciplinary action, up to and including expulsion for students, and up to and including termination for employees. In any disciplinary proceeding taken against a student or employee based on alleged sexual assault, the accuser and accused shall enjoy the same opportunities to have others present during the proceedings (at their own expense), and shall be informed of the outcome of the proceeding, including any penalty to be imposed. Sexual assault and rape are described and defined in full by the California Penal Code.

The University is committed to providing victims of sexual assault and attempted sexual assault with survivor services and resources. Victims may make reports and/or receive information on services and resources at the following campus locations:

- University Police Department: (323) 343-3700
- Student Health Center: (323) 343-3301
- 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
- Rape, Abuse & Incest National Network: (800) 656-HOPE

This policy has been enacted in accordance with California Education Code §290, §67390-67391, and §67385; Campus Sex Crimes Prevention Act; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and the Higher Education Amendments of 1998.

**Approved:**

**Date:**

DEFINITIONS

1. Sexual Assault and Rape are described and defined in full by the California Penal Code. For the purposes of this policy, sexual assault includes, but is not limited to, rape, spousal rape, unlawful sexual intercourse, rape by a foreign object, forced oral copulation, forced sodomy, and sexual battery. Briefly, these acts include:
  - Rape: Rape is an act of unwanted sexual intercourse (penetration of the penis into the vagina, however slight) committed against a person who is not the spouse of the perpetrator.<sup>1</sup>
  - Spousal Rape: Rape of a person who is the spouse of the perpetrator.<sup>2</sup>
  - Unlawful Sexual Intercourse: Occurs when an adult has sexual intercourse with a minor who is not their spouse. A "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.<sup>3</sup>
  - Rape by a Foreign Object: Rape by a foreign object occurs when penetration, however slight, of the genital or anal openings of any person is accomplished against the victim's will through the use of force, violence, duress, menace, or fear of immediate injury to the victim or another person.<sup>4</sup>
  - Forced Oral Copulation: Occurs when the mouth of one person joins with the sexual organ or anus of another person against the victim's will; by means of force, violence, duress, menace, or fear of immediate injury to the victim or another person.<sup>5</sup>
  - Forced Sodomy: Occurs when contact however slight between the penis of one person and the anus of another person is accomplished against the victim's will.<sup>6</sup>
  - Sexual Battery: Touching an intimate part of another person against the will of the person touched while that person is unlawfully restrained.<sup>7</sup>
2. University Community Member - A student, faculty, or staff member, including staff of auxiliary organizations, or visitor.
3. Campus - As defined by the Higher Education Amendments of 1998:
  - (A) Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
  - (B) Property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
4. Non-campus Building or Property - As defined by the Higher Education Amendments of 1998:
  - (A) Any building or property owned or controlled by a student organization recognized by the institution; and
  - (B) Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the

<sup>1</sup> Pen. Code §261 - Full text is available at - <http://www.leginfo.ca.gov>.

<sup>2</sup> Pen. Code §262 - Full text is available at - <http://www.leginfo.ca.gov>.

<sup>3</sup> Pen. Code §261.5 - Full text is available at - <http://www.leginfo.ca.gov>.

<sup>4</sup> Pen. Code §289 - Full text is available at - <http://www.leginfo.ca.gov>.

<sup>5</sup> Pen. Code §288a - Full text is available at - <http://www.leginfo.ca.gov>.

<sup>6</sup> Pen. Code §286 - Full text is available at - <http://www.leginfo.ca.gov>.

<sup>7</sup> Pen. Code §243.4 - Full text is available at - <http://www.leginfo.ca.gov>.

institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

5. **Public Property** - As defined by the Higher Education Amendments of 1998:  
All public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.
6. **Health Practitioner** - As defined by California Penal Code §11165.8:<sup>8</sup>
  - (A) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, or clinical social worker;
  - (B) Any emergency medical technician I or II, or paramedic;
  - (C) Psychological assistants;
  - (D) Marriage, family and child counselor trainees;
  - (E) Unlicensed marriage, family and child counselor interns; or
  - (F) State and county public health employees who treat minors for venereal disease or any other condition.

#### **PERPETRATOR ACCOUNTABILITY**

Any student or employee who is believed to have committed sexual assault in violation of this and any other California State University, Los Angeles policy is subject to disciplinary action, up to and including expulsion for students, and up to and including termination for employees.

Perpetrators of campus-related sexual assault also are subject to arrest by law enforcement and criminal and/or civil prosecution.

University-affiliated organizations and contractors who fail to take appropriate disciplinary action against their own employees who have committed sexual assault in violation of this policy may have their affiliation and/or contracts revoked.

#### **CONFIDENTIALITY**

California State University, Los Angeles will make every effort possible to preserve an individual's right to privacy and confidentiality. The degree to which confidentiality can be protected, however, depends upon federal and state reporting laws (see Legal Reporting and Monitoring Requirements).

#### **CRIME REPORTING**

All victims of sexual assault are strongly encouraged to preserve evidence of the assault and to immediately (or as soon as possible) report the assault to University Police or local law enforcement, the Office for Equity and Diversity, Judicial Affairs, and/or the Student Health Center.

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<sup>8</sup> Full text is available at - <http://www.leginfo.ca.gov>.

Reporting crimes to law enforcement within 72 hours of their occurrence assists with evidence collection and is an important eligibility criterion for Victim-Witness Assistance Programs. Reporting to law enforcement also helps to protect the safety of the victim and campus community. Reporting sexual assaults helps ensure that victims receive information about their legal rights and the on-campus and community resources and services available to them.

### **Legal Reporting and Monitoring Requirements**

California State University, Los Angeles fulfills the following legal reporting and monitoring requirements:

1. The University annually publishes, in accordance with the Clery Act, the California State University, Los Angeles Security Report that includes statistical data (the identities of the alleged perpetrator and victim are not included) regarding forcible sex offenses (forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling) and non-forcible sex offenses (incest, statutory rape) and other crimes that occur on campus, in or on a non-campus building or property, on public property, and in residential facilities for students on campus. Data is collected from the following sources:
  - 1.1. Campus security authorities (e.g. University Police) and University officials with significant responsibility for student and campus activities who receive reports of sexual assault. These officials include: the Vice President for Student Affairs, Judicial Affairs Officer, Equity and Diversity Specialist, faculty advisors for student organizations, athletic directors and team coaches, housing director and resident assistants/resident directors, Associated Students, Inc., officers and representatives, Center for Student Development and Programs directors and coordinators, director and coordinators of the Cross Cultural Centers; and
  - 1.2. Local police agencies.<sup>9</sup>
2. California State University, Los Angeles Student Health Center health practitioners report details of violent crime incidents involving patients they treat to local law enforcement agencies, as required by California Penal Code §11160-11163.5.<sup>10</sup>
3. The University Police Department maintains a daily log of all crimes, including sexual assault reported to the department. Crimes are recorded within two business days of the crime report and are open to public inspection. Information prohibited by law, which would jeopardize the confidentiality of a victim or jeopardize an ongoing investigation, is not included.<sup>11</sup>
4. The University is not prohibited from disclosing the final results of disciplinary proceedings against a student who is an alleged perpetrator of sexual assault or other crimes of violence, if the University determines that the student violated the University policies and rules with respect to that crime.<sup>12</sup>

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<sup>9</sup> Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

<sup>10</sup> Full text is available at - <http://www.leginfo.ca.gov>.

<sup>11</sup> Higher Education Amendments of 1998 and Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

<sup>12</sup> Higher Education Amendments of 1998.

## REGISTERED SEX OFFENDERS

All persons who are required to register with the State of California as a sex offender must provide notice to the state of each institution of higher education at which the person is employed, carries on a vocation, or is a student; and also provide notification of each change in enrollment or employment status, according to state law.<sup>13</sup>

Additionally, sex offenders are required to register with the California State University, Los Angeles Police Department within five working days of coming onto the campus.<sup>14</sup>

Information concerning registered sex offenders is available to the California State University, Los Angeles campus community through the University Police Department and the local law enforcement agency with jurisdiction for the campus.

## FILING COMPLAINTS

Student misconduct complaints may be filed against any California State University, Los Angeles student who commits campus-related sexual assault in violation of this policy and the Student Code of Conduct Policy. For more information, or to file a student misconduct complaint contact the Judicial Affairs Office, Student Affairs 108, telephone: (323) 343-3100. Information also is available at [www.calstatela.edu/univ/stuaffrs/jao](http://www.calstatela.edu/univ/stuaffrs/jao).

Campus-related sexual assaults and rapes are criminal acts that also may meet the legal definition of sex discrimination (sexual harassment), a violation of federal Title IX legislation. California State University, Los Angeles community members who believe they are a victim of sex discrimination, may file complaints with the Office for Equity and Diversity, Administration 606, telephone: (323) 343-3040. Information about the complaint process and complaint forms may be found on the Office for Equity and Diversity web page at [www.calstatela.edu/univ/hrm/equity\\_diversity.htm](http://www.calstatela.edu/univ/hrm/equity_diversity.htm).

In addition, discrimination complaints may be filed with the Office for Civil Rights (OCR), U.S. Department of Education. Complaints should be filed within 180 days of the occurrence of the discriminatory act. Information about the complaint process and complaint forms may be accessed through the OCR web page at [www.ed.gov/about/offices/list/ocr/](http://www.ed.gov/about/offices/list/ocr/). Information is also available from the OCR Regional Office at U.S. Department of Education, 50 United Nations Plaza, Room 205, San Francisco, CA 94102, telephone: (415) 556-4120, fax: (415) 437-7540.

Complaints also may be filed for Clery Act violations. These complaints can be directed to the U.S. Department of Education (refer to above contact information). Free assistance with filing a Clery Act complaint may be obtained through Security on Campus, Inc. at (888) 251-7959 or by email at [cleryact@securityoncampus.org](mailto:cleryact@securityoncampus.org).

## SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

California State University, Los Angeles accords sexual assault victims the following rights:

1. The right to have any and all sexual assault against them treated with seriousness; the right, as victims, to be treated with dignity; and the right for campus organizations which assist such victims to be accorded recognition.
2. The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and/or civil authorities of the governmental entity in which the crimes

<sup>13</sup> Campus Sex Crimes Prevention Act.

<sup>14</sup> California Penal Code §290 - Full text is available at - <http://www.leginfo.ca.gov>.

occurred; and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The foregoing shall be in addition to any campus disciplinary proceedings.

3. The right to be free from any kind of pressure from campus personnel that victims (i) not report crimes committed against them to civil and criminal authorities or to campus law enforcement and disciplinary officials; or (ii) report crimes as lesser offenses than the victims perceive them to be.
  4. The right to be free from any kind of suggestion that campus sexual assault victims not report, or under-report, crimes because—
    - a. Victims are somehow ‘responsible’ for the commission of crimes against them;
    - b. Victims were contributorily negligent or assumed the risk of being assaulted; or
    - c. By reporting crimes they would incur unwanted personal publicity.
  5. The same right to legal assistance, or ability to have others present, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of such proceeding.
  6. The right to full and prompt cooperation from campus personnel in obtaining, securing, and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.
  7. The right to be made aware of, and assisted in exercising any options, as provided by State and Federal laws or regulations, with regard to testing of sexual assault suspects for communicable diseases and with regard to notification to victims of the results of such testing.
  8. The right to counseling from any mental health services previously established by California State University, Los Angeles, or by other victim-service entities, or by victims themselves.
  9. After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that campus personnel take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate relocation of the victim to safe and secure alternative housing, and transfer of classes if requested by the victims.
  10. In addition to the above rights, students, whether sexual assault victims or not, have a right to habitability in campus housing and in campus accommodations for which the college receives any compensation, direct or indirect.\*
- \* ‘Habitability’ means an environment free from sexual or physical intimidation, or any other continuing disruptive behavior by persons sharing rooms or their guests, that is of such a serious nature as would prevent a reasonable person from attaining their educational goals. Substantiated violations of the above-listed habitability provisions shall be corrected by campus personnel by relocation of the complainant to acceptable, safe and secure alternative housing as soon as practicable, unless the conditions of nonhabitability demonstrate the necessity of immediate action by campus personnel.<sup>15</sup>

#### SERVICES AND RESOURCES FOR VICTIMS OF ALLEGED SEXUAL ASSAULT

California State University, Los Angeles is committed to providing victims of alleged sexual assault, which occur on campus, or upon a non-campus building or property, or public property with legally

<sup>15</sup> Campus Sexual Assault Victims’ Bill of Rights.

entitled information, resources, and/or services when students report the crimes against them to University Police, the Office for Equity and Diversity, Judicial Affairs, the Student Health Center, Office of the Vice President for Student Affairs, Housing Services, the Division of Intercollegiate Athletics, the Cross Cultural Centers, and/or faculty members.

Upon request, sexual assault victims will receive:

Services:

1. Assistance notifying law-enforcement authorities (University Police or local police agencies) and/or other university personnel, upon request and with the consent of the victim; and
2. Alteration of the victim's academic and living situations, upon request and where available.

Resources:

1. University sexual assault policy;
2. Facts about legal reporting requirements and university procedures for fulfilling them;
3. Information regarding the victim's option to notify proper law enforcement authorities and/or appropriate university personnel;
4. Details about the victim's right to pursue campus disciplinary action as well as criminal and/or civil prosecution; and
5. Information regarding existing on- and off-campus counseling, health, and other services for victims of sexual assault.

Procedures related to:

1. Guaranteeing confidentiality;
2. Pursuing university disciplinary action;
3. Ongoing case management; and
4. Requests for information from the press, concerned students, and parents.<sup>16</sup>

#### SEXUAL ASSAULT EDUCATION AND RISK REDUCTION PROGRAM

California State University, Los Angeles is committed to providing members of the University community with information and resources designed to disseminate factual information about sexual assault, assist in risk reduction, emphasize the seriousness of the offense of sexual assault, promote open discussion, and to encourage reporting.

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<sup>16</sup> California Education Code §67385 and Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## RESOURCES

### General Resources:

1. Security on Campus, Inc. - [www.campusafety.org/](http://www.campusafety.org/)
2. State of California Legislative Counsel, Official California Legislative Information – [www.leginfo.ca.gov/](http://www.leginfo.ca.gov/)
3. The U.S. Department of Education’s Higher Education Center for Alcohol and Other Drug Prevention – [www.edc.org/hec/](http://www.edc.org/hec/)
4. U.S. Department of Education – [www.ed.gov/](http://www.ed.gov/)
5. U.S. Department of Justice - [www.ojp.usdoj.gov/Survivor Resources:](http://www.ojp.usdoj.gov/SurvivorResources/)

### 24-Hour Hotlines:

1. Los Angeles County District Attorney’s Anti-Stalking Program - [www.lovenot.org/](http://www.lovenot.org/) or (877) 633-0044
2. National Domestic Violence Hotline - [www.ndvh.org/](http://www.ndvh.org/) or (800) 799-SAFE, (800) 787-3224 (TTY)
3. Rape, Abuse & Incest National Network - [www.rainn.org](http://www.rainn.org) or (800) 656-HOPE

### Other:

4. California Coalition Against Sexual Assault - [www.calcasa.org](http://www.calcasa.org)
5. California Courts Self-Help Center - [www.courtinfo.ca.gov/selfhelp/](http://www.courtinfo.ca.gov/selfhelp/)
6. The National Center for Victims of Crime - [www.ncvc.org/ncvc/](http://www.ncvc.org/ncvc/)
7. Victim-Witness Assistance Program.

#### Los Angeles County District Attorney’s Office

This program provides support services to crime victims and witnesses. Services include; crisis intervention counseling and emergency assistance, emergency financial assistance, support services, court escort, and information and referrals. Crimes must be reported within 72 hours in order to qualify for the program. For more information, call (800) 773-7574 or visit the program’s web site at <http://da.co.la.ca.us/vwap/>.

8. Office for Civil Rights,

#### U.S. Department of Education

Campus-related sexual assaults and rapes are criminal acts that also may meet the legal definition of sex discrimination, a violation of federal Title IX legislation. Students also have the right to file discrimination complaints with the Office for Civil Rights (OCR). Complaints must be filed within 180 days after the discrimination. For more information contact the OCR at (800) 421-3481 or visit the OCR’s web site at [www.ed.gov/about/offices/list/ocr/](http://www.ed.gov/about/offices/list/ocr/).